

**PENNSYLVANIA UTILITY LAW PROJECT
118 LOCUST STREET
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December 14, 2010

VIA ELECTRONIC FILING (E-FILING)

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: PPL Electric Utilities Corporation Universal Service and Energy Conservation Plan
for 2011 through 2013
Docket No. M-2010-2179796**

Dear Secretary Chiavetta:

Enclosed for filing please find a Petition to Intervene on behalf of Lorrie Koons in the above captioned matter. A Certificate of Service is attached.

Please contact me with any questions.

Very truly yours,


Harry S. Geller, Esq.

Enclosures

cc: ALJ Susan D. Colwell
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PPL Electric Utilities Corporation Universal
Service and Energy Conservation Plan for 2011
through 2013

Docket No. M-2010-2179796

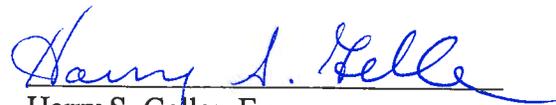
CERTIFICATE OF SERVICE

I hereby certify that I have today served a true copy of the foregoing documents upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA E-MAIL AND FIRST CLASS MAIL

ALJ Susan D. Colwell PA Public Utility Commission Commonwealth Keystone Building 400 North Street, Fl. 2 West POB 3265 Harrisburg, PA, 17105	Aron J. Beatty, Esq. Office of Consumer Advocate 5th Floor, Forum Place 555 Walnut Street Harrisburg, PA 17101-1923
Craig R. Burgraff, Esq. Hawke, McKeon, & Sniscak LLP 100 N. 10th Street P.O. Box 1778 Harrisburg, PA 17101	Paul E. Russell, Esq. Associate General Counsel PPL Services Corp. 2 North 9th Street Allentown, PA 18101
William R. Lloyd, Jr. Esq. Steven C. Gray Office of Small Business Advocate Commerce Building, Suite 1102 300 North Second Street Harrisburg, PA 17101	Richard A. Kanaskie, Esq. PA PUC Office of Trial Staff PO Box 3265 Harrisburg, PA 17101
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Pamela C. Polacek, Esq. Shelby A. Linton-Keddie, Esq. McNees Wallace & Nurick LLC 100 Pine Street P.O. Box 1166 Harrisburg, PA 17108	Eric J. Epstein 4100 Hillsdale Road Harrisburg, PA 17112

Craig Robbins D. William Browning ACTION United 846 N. Broad St., 2nd Fl Philadelphia, PA 19130	
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Dated: December 14, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PPL Electric Utilities Corporation :
Universal Service and Energy : **Docket No. M-2010-2179796**
Conservation Plan for 2011 through 2013 :

**PETITION TO INTERVENE AND TO SUBMIT TESTIMONY
OF
LORRIE KOONS**

TO THE HONORABLE SUSAN D. COLWELL, ADMINISTRATIVE LAW JUDGE:

Lorrie Koons, through counsel, the Pennsylvania Utility Law Project, hereby Petitions for Leave to intervene and to submit testimony in the above-captioned proceeding pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code Sections 5.71-5.74, and states as follows:

1. On June 1, 2010, pursuant to 52 Pa. Code §62.4(1), PPL Electric Utilities Corporation (“PPL” or “the company”) filed for approval of its Universal Service and Energy Conservation Plan 2011-2013 (“Plan”) at Docket Number M-2010-2179796. The Plan outlines how the company will administer its Universal Service and Energy Conservation programs during the three year period of 2011-2013, including its OnTrack Payment Program, Winter Relief Assistance Program (“WRAP”), Customer Assistance, Referral and Evaluation Service (“CARES”) and hardship fund, Operation

HELP. The Plan also discusses the company's administration of the federal Low Income Home Energy Assistance Program ("LIHEAP").

2. The Petitioner, Lorrie Koons ("Petitioner"), is a residential customer of PPL.
3. Petitioner resides at 1168 Mulberry St., Harrisburg, PA 17104-1043.
4. Petitioner is a low income customer not presently participating in PPL's CAP.
5. Petitioner is afflicted with Hodgkin's Lymphoma and is disabled.
6. The Petitioner is a member of Pennsylvania Communities Organizing for Change, Inc.; d/b/a ACTION United ("PCOC" or "ACTION United".)
7. On October 24, 2010, PCOC filed a Petition to Intervene in this proceeding on behalf of its members.
8. On Friday, October 29, 2010 a Pre-Hearing Conference was held in this matter.
9. On November 5, 2010, PCOC filed an Amended Petition to Intervene.
10. On November 12, 2010, PPL Electric filed its Answer in Opposition.
11. On December 2, 2010, PCOC filed a document entitled Additional Amendment and Supplemental Matter in Response to the Answer of PPL Electric Utilities to the Amended Petition to Intervene of Pennsylvania Communities Organizing for Change d/b/a Action United (PCOC).
12. On December 2, 2010, the Office of Consumer Advocate ("OCA") filed a Response to PPL Electric's Answer in Opposition to the Amended Petition to Intervene of the Pennsylvania Communities Organizing for Change.
13. The Honorable Susan D. Colwell, Administrative Law Judge, issued an Initial Decision dated December 6, 2010 denying the standing of PCOC based on its corporate status at the date of the filing of the original petition.

14. A Secretarial letter, dated December 10, 2010, enclosing the Initial Decision, was issued stating that exceptions to the Initial Decision denying PCOC standing may be filed within 20 days and reply exceptions 10 days thereafter.
15. The Petitioner seeks to intervene in this matter in her own individual capacity as a customer of PPL.
16. As a member of PCOC, the Petitioner has, in good faith, relied upon PCOC participation in this proceeding to represent her interests.
17. The Initial Decision dated December 6, 2010 and attached to the Secretarial letter of 2010, denies the request of PCOC to participate as a party in this proceeding.
18. As a result of the Initial Decision, denying PCOC's request to intervene and participate as a party in this proceeding, there is no party in this proceeding which adequately represents Petitioner's distinct interests in this proceeding.
19. The lack of a party, as a result of the Initial Decision, to represent Petitioner's interest provides "good cause" within 52 Pa Code § 5.74(b) (1) sufficient to warrant granting the Petitioner leave to intervene in this proceeding.
20. The Petitioner requests intervention in order to protect her interests and participate fully in this matter.
21. Petitioner relies on the company for her electricity and will be affected by the issues presented in this proceeding.
22. Petitioner is low income, disabled and potentially eligible to participate in and receive the benefits of PPL's Universal Service and Energy Conservation programs. Her interests will be affected directly by the issues addressed in this proceeding. She therefore has a direct, immediate, substantial, and distinct interest in this proceeding.

23. Petitioner seeks to intervene in this proceeding to ensure that her interests are heard and safeguarded. No active party in this proceeding represents Petitioner's unique and particular interests despite the fact that Petitioner will be bound by the Commission's decision. Intervention in this proceeding will remedy this situation and ensure that the unique and particular interests of the Petitioner are represented.
24. It is in the public interest that Petitioner, as a customer of PPL with a unique perspective be permitted to participate as a party in this matter.
25. It is in the public interest that Petitioner as a low income PPL customer not participating in PPL's CAP program be permitted to participate in this matter.
26. Petitioner does not seek to delay the proceeding or modify the case schedule as set forth in the Second Order dated October 29, 2010.
27. No Formal or Public Input hearings have been held in this matter.
28. In order not to delay this matter, Petitioner adopts as her witness D. William Browning, the witness previously designated to testify on behalf of PCOC.
29. The Direct Testimony of Mr. Browning, is being filed and served on all parties concurrently with this Petition to Intervene.
30. The proceeding will not be delayed as a result of Petitioner being granted status as a party to this proceeding.
31. Commission procedures permit PCOC's participation in this proceeding. Section 5.72(a) of the Pennsylvania Code provides:
 - (a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:
 - (1) A right conferred by statute of the United States or of the

Commonwealth.

- (2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.
- (3) Another interest of such nature that participation of the Petitioner may be in the public interest.¹

32. The Commission's Rules of Administrative Practice and Procedure are broad and are to be liberally construed.

- (a) This subpart shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable. The Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties.²

33. Authorization of participation by a party within a specific proceeding is within the appropriate discretionary authority of the Commission.

34. The Commission has indicated that participation by ratepayers, both low income and those who are not, should be accommodated within the proceedings regarding individual Universal Service Plan Filings. The Commission has stated:

Almost all of the commenting parties agree that the interests of paying customers who are not beneficiaries of CAP programs should be considered when the Commission makes decisions on funding levels. We believe the Commission must ensure that ratepayer interests are considered by listing this as an additional factor in the CAP policy statement. Further steps to ensure that the interests of paying customers are considered in decisions regarding CAP programs are described below.

Because we will continue to determine appropriate funding and enrollment levels on a case-by-case basis, we will give due consideration to the effects of CAP program costs on both non-CAP residential customers – particularly low-income

¹ 52 Pa. Code §5.72(a).

² 52 Pa. Code § 1.2.

customers who are not eligible for CAP - and nonresidential customers as part of our deliberation.³

35. The Commission cited its Final Investigatory Order in its Proposed Revision to Policy Statement on Customer Assistance Programs, 52 Pa. Code §§ 69.261-69.267:

(1) CAP funding decisions should include the consideration of the interests of all customers, including those not enrolled in CAP programs, and previous CAP funding decisions regarding other similar utilities⁴;

36. The Commission has a statutory obligation to ensure the continuance of reliable service; to, at a minimum, continue the level and nature of the consumer protections, policies, and services; and to ensure universal service and energy conservation policies, activities and services are appropriately funded and available in each electric distribution territory.

37. The Electricity Generation Customer Choice and Competition Act states, inter alia:

a. “The commission shall ensure continuation of safe and reliable electric service to all consumers in the Commonwealth.” 66 Pa.C.S. § 2804(1);

b. “Customer services shall, at a minimum, be maintained at the same level of quality under retail competition.” 66 Pa.C.S. § 2807(d); and

c. “The commission shall ensure that universal service and energy conservation policies, activities and services are appropriately funded and available in each electric distribution territory. The commission shall encourage the use of community-based organizations that have the necessary technical and administrative experience to be the direct providers of services or programs which reduce energy consumption or otherwise assist low-income customers to afford electric service. Programs under this

³ Final Investigatory Order, Customer Assistance Programs and Cost Recovery Levels, Docket No. M-00051923, (Order entered December 18, 2006.)

⁴ Docket No. M-00072036, Order entered, September 5, 2007

paragraph shall be subject to the administrative oversight of the commission, which shall ensure that the programs are operated in a cost-effective manner.” Id. at § 2804(9).

38. Petitioner submits these obligations provide the grounds upon which she may Petition to Intervene in this proceeding, a proceeding in which the availability and funding of universal service and energy conservation policies, activities, and services will be scrutinized and a proceeding in which the continuance and reliability of service to low and lower income households will be a central feature.
39. The Petitioner is represented by the Pennsylvania Utility Law Project. Attorneys for receiving service of all documents in this proceeding are:

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Julie George, Esq.
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WHEREFORE, Lorrie Koons respectfully requests that the Pennsylvania Public Utility Commission find good cause to grant this Petition to Intervene, accept the testimony offered on her behalf, permit full participation in this matter and make such other orders as are just and appropriate.

Respectfully submitted,



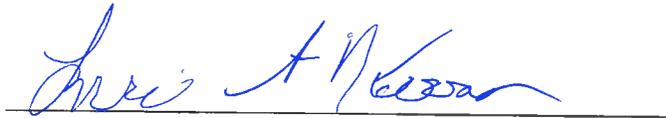
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December 14, 2010

VERIFICATION

I, Lorrie Koons, 1168 Mulberry Street, Harrisburg, PA 17104-1043 hereby state that the facts above set forth in the Petition to Intervene and to Submit Testimony are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



Lorrie Koons

December, 14, 2010