

THE PENNSYLVANIA UTILITY LAW PROJECT
118 LOCUST STREET
HARRISBURG, PA 17101-1414

PATRICK M. CICERO, ESQUIRE
PCICEROPULP@PALEGALAID.NET

PHONE: (717) 236-9486, EXT. 202
FAX: (717) 233-4088

February 13, 2012

Via E-Filing

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

Re:

**Petition of PECO Energy Company for Approval of its Default
Service Program**

Docket Nos. P-2012-2283641

Dear Secretary Chiavetta:

Enclosed please find the Petition to Intervene of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA") in the captioned proceedings.

Kindly notify the undersigned if you have any questions or concerns about this filing.

Respectfully submitted,



Patrick M. Cicero, Esquire
Harry S. Geller, Esquire
Counsel for CAUSE-PA

CC: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for Approval of its Default
Service Program**

Docket Nos. P-2012-2283641

**Petition to Intervene of the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby files this Petition to Intervene in the 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 §§ 5.71-5.76, and in support, states as follows:

1. On January 13, 2012, PECO Energy Company (“PECO” or the “Company”) filed a Petition for Approval of its Default Service Program.
2. By Notice filed in the Pennsylvania Bulletin on January 28, 2012, the Commission directed that formal protests, petitions to intervene, and answers to PECO’s petition must be filed the Secretary of the Commission on or before February 17, 2012. 42 Pa.B. 642.
3. CAUSE-PA is filing this Petition to Intervene consistent with the Commission’s notice.
4. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72. This section provides, in relevant part, that “[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.” 52 Pa. Code § 5.72(a).

5. Section 5.72 further provides that the right or interest may be one “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.” 52 Pa. Code. § 5.72(a)(2).

6. Even though Section 5.72 speaks of the rights of a “person” to intervene, the Commonwealth Court has consistently stated that “an association may have standing as a representative of its members . . . as long as an organization has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action, [i.e., is aggrieved, the organization] has standing.” *Energy Cons. Council of Pa. v. Pa. P.U. C.*, 995 A.2d 465, 476 (Pa. Cmwlth. 2010) (alteration in original) (citing *Tripps Park v. Pa. P.U. C.*, 415 A.2d 967 (Pa. Cmwlth. 1980) and *Parents United for Better Schools v. School District of Philadelphia*, 614 A.2d 689 (Pa. Cmmw. 1994)).

7. CAUSE-PA is an unincorporated association of low-income individuals that advocates on behalf of its members to enable consumers of limited economic means to connect to and maintain affordable water, electric, heating and telecommunication services.

8. CAUSE-PA membership is open to moderate- and low-income individuals residing in the Commonwealth of Pennsylvania who are committed to the goal of helping low-income families maintain affordable access to utility services and achieve economic independence and family well-being.

9. CAUSE-PA is located, c/o the Pennsylvania Legal Aid Network, at 118 Locust Street, Harrisburg, PA 17101.

10. CAUSE-PA has interests in the impact that the proposed Default Service Plan has on low-income residential customers.

11. Specifically, CAUSE-PA has interest in ensuring the low-income customers are protected from price increases and the potential price volatility that may result from PECO's proposed retail market enhancements.

12. The interests of CAUSE-PA are not adequately represented by other participants.

13. At least three members of CAUSE-PA are customers of PECO and will be directly affected by the outcome of this proceeding.¹

14. Because at least one member of CAUSE-PA has or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding, CAUSE-PA has standing to intervene. *See Energy Cons. Council of Pa.*, 995 A.2d at 476.

15. CAUSE-PA is represented in this proceeding by:

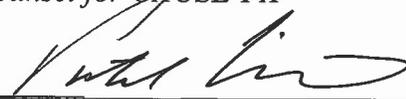
Patrick M. Cicero, Esquire
Harry S. Geller, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
Telephone: 717-236-9486
Facsimile: 717-233-4088
E-mail: pulp@palegalaid.net

¹ Mr. Carl Bailey, Ms. Robin Evans, and Ms. Marjorie Jackson are members of CAUSE-PA and customers of PECO.

WHEREFORE, CAUSE-PA respectfully requests that the Presiding Officer enter an order granting CAUSE-PA full status as an intervenor in this proceeding.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



Patrick M. Cicero, Esq., PA ID: 89039

Harry S. Geller, Esq., PA ID: 22415

118 Locust Street

Harrisburg, PA 17101

Tel.: 717-236-9486

Fax: 717-233-4088

pulp@palegalaid.net

February 13, 2012

VERIFICATION

I, **Carl Bailey**, a member of the Executive Committee of the Coalition for Affordable Utility Services and Energy Efficiency (“CAUSE-PA”), on behalf of CAUSE-PA, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, 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 10 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: February 8, 2012


Carl Bailey, on behalf of the
Executive Committee of the Coalition for
Affordable Utility Services and Energy
Efficiency in Pennsylvania (CAUSE-PA)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for Approval of its Default
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Docket Nos. P-2012-2283641

Certificate of Service

I hereby certify that I have this day served copies of the foregoing document, upon the following persons as set forth below and as directed by the notice published in the Pennsylvania Bulletin on January 28, 2012 at 42 Pa.B. 642. As a courtesy, I have also served the statutory advocates and the Bureau of Investigation and Enforcement.

VIA E-MAIL & FIRST-CLASS MAIL

Hon. Dennis J. Buckley
Administrative Law Judge
P.O. Box 3265
Harrisburg PA 17105-3265
debuckley@pa.gov

Thomas P. Gadsden, Esquire
Kenneth M. Kulak, Esquire
Brooke E. Leach, Esquire
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
tgadsden@morganlewis.com
kkulak@morganlewis.com
bleach@morganlewis.com

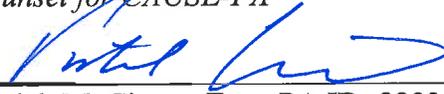
Anthony E. Gay, Esquire
Jeanne J. Dworetzky, Esquire
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
Jeanne.Dworetzky@Exeloncorp.com
Anthony.Gay@exeloncorp.com

Irwin Popowsky, Esquire
Tanya McCloskey, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
tmccloskey@paoca.org
spopowski@paoca.org

Stephen C. Gray, Esquire
Office of Small Business Advocate
Commerce Building, Suite 1102
300 N. Second Street
Harrisburg, PA 17101
sgray@pa.gov

Johnnie E. Simms, Esquire
Charles D. Shields, Esquire
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
josimms@pa.gov
chshields@pa.gov

Respectfully submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



Patrick M. Cicero, Esq., PA ID: 89039

Harry S. Geller, Esq., PA ID: 22415

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Harrisburg, PA 17101

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