

**PENNSYLVANIA UTILITY LAW PROJECT**

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May 7, 2012

Via E-Filing

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

**Re:**

Pennsylvania Public Utility Commission  
v.  
Peoples Natural Gas Company

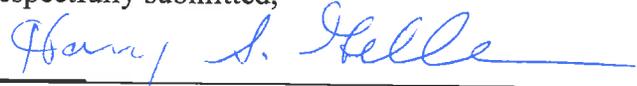
Docket No.  
R-2012-2285985  
C-2012-2302843

Dear Secretary Chiavetta:

Enclosed please find the Petition to Intervene and the Certificate of Service 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,



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

CC: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission  
v.  
Peoples Natural Gas Company

Docket No.  
R-2012-2285985  
C-2012-2302843

**Certificate of Service**

I hereby certify that I have this day served copies of the Complaint, Petition to Intervene, and Pre-Hearing Memorandum upon the counsel of record for the parties who have filed a Petition to Intervene in the captioned matter as set forth below in accordance with the requirements of 52 Pa. Code § 1.54:

**VIA E-MAIL & FIRST-CLASS MAIL**

<p>Hon. Mary D Long Administrative Law Judge Pennsylvania Public Utility Commission Piatt Place, Suite 220 301 5<sup>th</sup> Avenue Pittsburgh, PA 15222 <a href="mailto:malong@pa.gov">malong@pa.gov</a></p>	<p>Daniel P. Delaney, Esquire K&amp;L Gates LLP 17 North Second Street, 18<sup>th</sup> Floor Harrisburg, PA 17101-1507 <a href="mailto:dan.delaney@klgates.com">dan.delaney@klgates.com</a></p>
<p>David P. Zambito, Esquire Andrew S. Tubbs, Esquire Post &amp; Schell PC 17 North Second Street, 12<sup>th</sup> Floor Harrisburg, PA 17101 <a href="mailto:dzambito@postschell.com">dzambito@postschell.com</a> <a href="mailto:atubbs@postschell.com">atubbs@postschell.com</a></p>	<p>Todd S. Stewart, Esquire Hawke, McKeon &amp; Sniscak LLP 100 N. 10th Street P.O. Box 1778 Harrisburg, PA 17105-1778 <a href="mailto:tsstewart@hmslegal.com">tsstewart@hmslegal.com</a></p>
<p>James A. Mullins, Esquire Christy M. Appleby, Esquire Tanya J. McCloskey, Esquire Office of Consumer Advocate 555 Walnut Street, 5<sup>th</sup> Floor Harrisburg, PA 17101-1923 <a href="mailto:jmullins@paoca.org">jmullins@paoca.org</a> <a href="mailto:cappleby@paoca.org">cappleby@paoca.org</a> <a href="mailto:tmccloskey@paoca.org">tmccloskey@paoca.org</a></p>	<p>Thomas J. Sniscak, Esquire William E. Lehman, Esquire Hawke, McKeon &amp; Sniscak LLP 100 N. 10th Street P.O. Box 1778 Harrisburg, PA 17105-1778 <a href="mailto:tjsniscak@hmslegal.com">tjsniscak@hmslegal.com</a> <a href="mailto:welehman@hmslegal.com">welehman@hmslegal.com</a></p>

<p>Allison C. Kaster, Esquire  Pennsylvania Public Utility Commission  Bureau of Investigation &amp; Enforcement  Commonwealth Keystone Building  400 North Street, 2 West  P.O. Box 3265  Harrisburg, PA 17105  <a href="mailto:akaster@pa.gov">akaster@pa.gov</a></p>	<p>Craig R. Burgraff  Hawke, McKeon &amp; Sniscak LLP  100 N. 10th Street  P.O. Box 1778  Harrisburg, PA 17105-1778  <a href="mailto:crburgraff@hmslegal.com">crburgraff@hmslegal.com</a></p>
<p>Elizabeth Rose Triscari, Esquire  Office of Small Business Advocate  Commerce Building  300 N. Second Street, Suite 1102  Harrisburg, Pa 17101  <a href="mailto:etriscari@pa.gov">etriscari@pa.gov</a></p>	<p>Kevin J. Moody, Esquire  Vice President &amp; General Counsel  Pennsylvania Independent Oil &amp; Gas  Association  212 Locust Street, Suite 300  Harrisburg, PA 17101  <a href="mailto:kevin@pioga.org">kevin@pioga.org</a></p>

Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**  
Counsel for CAUSE-PA



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May 7, 2012

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission  
v.  
Peoples Natural Gas Company

Docket No.  
R-2012-2285985  
C-2012-2302843

**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 February 28, 2012, Peoples Natural Gas Company LLC, (“Peoples” or “the Company”) filed Tariff Gas – PA. PUC No. 45, containing proposed changes in rates, rules, and regulations calculated to produce approximately \$28.4 million in additional annual revenues; as well as, Supplement No. 6 to Tariff Gas – PA PUC No. S-2, containing proposed changes to its supplier tariff. This rate change represents an increase of 7.5% in total annual operating revenues. Tariff Gas – PA PUC No. 45 and Supplement No. 6 to Tariff Gas – PA PUC No. S-2 propose effective dates of April 28, 2012.

2. Peoples’ proposed general rate increase is based on a future test year ending October 31, 2012, and is designed to allow the Company an opportunity to earn an overall rate of return of 8.24%, including an 11.25% return on common equity.

3. Under Peoples’ proposed revenue increase, the total annual bill for a typical

residential customer who purchases 92.0 Mcf of gas from Peoples each year would increase from \$955.20 to \$1,040.88, an increase of \$85.68 or 9.0 percent. The total annual bill for a commercial customer purchasing 289 Mcf of gas from Peoples each year would increase from \$2,345.64 to \$2,555.64, an increase of \$210.00 or 9.0 percent. The total bill for an industrial customer purchasing 3,948 Mcf of gas from Peoples each year would increase from \$27,696.48 to \$28,075.92, an increase of \$379.44 or 1.4 percent.

4. On April 26, 2012, the Commission Ordered that:

- a. The proposed Tariff Gas – PA PUC No. 45 be suspended by operation of law until November 28, 2012, unless otherwise directed by Order of the Commission..
- b. The proposed Supplement No. 6 to Tariff Gas – PA PUC No. S-2 be suspended until November 28, 2012, unless otherwise directed by Order of the Commission.
- c. An investigation on Commission motion be, and hereby is, instituted to determine the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the proposed Tariff Gas – PA PUC No. 45 and Supplement No. 6 to Tariff Gas – PA PUC No. S-2.
- d. That pursuant to 52 Pa. Code §53.71 a tariff supplement shall be filed with the Commission and posted at the office of the company to announce that the aforementioned supplement is suspended until the date stated in the Commission Order. Attached is a sample copy of a suspension supplement which shall be filed in triplicate or, if applicable, e-filed with the Commission within ten days following the Order entry date.

- e. That this investigation shall include consideration of the lawfulness, justness, and reasonableness of the Company's existing rates, rules, and regulations; and,
- f. That the case be assigned to the Office of Administrative Law Judge for the prompt scheduling of such hearings as may be necessary, culminating in the issuance of a Recommended Decision.

5. On April 30, 2012, a Notice was issued scheduling an initial prehearing conference on the above-captioned case for Tuesday, May 8, 2012 at 10:00 a.m.. Administrative Law Judge Mary D Long, Presiding.

6. CAUSE-PA has filed a Formal Complaint against Peoples Natural Gas. That case has been docketed at Docket No. C-2012-2302843.

7. CAUSE-PA is filing this Petition to Intervene.

8. 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).

9. 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).

10. 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)).

11. 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.

12. 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.

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

14. CAUSE-PA has interests in the impact that the proposed changes in rates, rules, and regulations; as well as, Supplement No. 6 to Tariff Gas – PA PUC No. S-2, containing proposed changes to its supplier tariff has on moderate- and low-income residential customers. These interests are not adequately represented by other participants.

15. At least two current members of CAUSE-PA are customers of Peoples and will be directly affected by the outcome of this proceeding.<sup>1</sup>

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<sup>1</sup> The two members of CAUSE-PA who are customers of Peoples are Ms. Genora Gosha and Ms. Linda Morris.

16. 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.

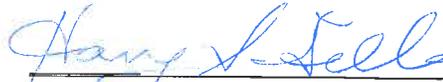
17. CAUSE-PA is represented in this proceeding by:

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Patrick M. Cicero, Esquire  
**Pennsylvania Utility Law Project**  
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Harrisburg, PA 17101  
Telephone: 717-236-9486  
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E-mail: [pulp@palegalaid.net](mailto:pulp@palegalaid.net)

**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*



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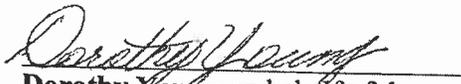
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May 7, 2012

**VERIFICATION**

I, **Dorothy Young**, 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: May 4, 2012



**Dorothy Young** on behalf of the  
Executive Committee of the Coalition for Affordable  
Utility Services and Energy Efficiency in Pennsylvania  
(CAUSE-PA)