

**THE PENNSYLVANIA UTILITY LAW PROJECT
118 LOCUST STREET
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December 3, 2012

Via E-Filing

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

Re:

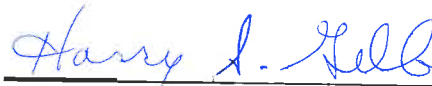
**Petition of PECO Energy Company for Approval of its Act 129 : Docket No. M-2012-2333992
Phase II Energy Efficiency and Conservation Plan :**

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 proceeding.

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: Administrative Law Judge Dennis J. Buckley
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :
for Approval of its Act 129 Phase II : Docket No. M-2012-2333992
Energy Efficiency and Conservation Plan :

**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 November 1, 2012, PECO Energy Company (“PECO” or the “Company”) filed a Petition for Approval of its Act 129 Phase II Energy Efficiency and Conservation Plan (“Phase II EE&C Plan” or “Plan”) with the Pennsylvania Public Utility Commission (Commission) in compliance with 66 Pa.C.S. § 2806.1(b) (relating to energy efficiency and conservation programs.)

2. In accordance with the Energy Efficiency and Conservation Program Implementation Order, entered on August 3, 2012, at Docket Nos. M-2008-2069887 and M-2012-2289411, the Commission directed that responsive pleadings along with comments and recommendations are to be filed with the Commission within 20 days of the publication of notice in the *Pennsylvania Bulletin*.

3. Notice of PECO's filing of its proposed Phase II EE&C Plan was published in the *Pennsylvania Bulletin* on December 1, 2012, [42 Pa.B. 7371].

4. CAUSE-PA is filing this Petition to Intervene consistent with the Commission's August 3, 2012 Order and publication of notice on December 1, 2012 in the *Pennsylvania Bulletin*.

5. 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).

6. 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).

7. 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)).

8. 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.

9. 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.

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

11. CAUSE-PA has interests in the impact that the proposed Act 129 Phase II Energy Efficiency and Conservation Plan has on low-income residential customers.

12. Specifically, CAUSE-PA intends to address, among other issues, whether the proposed Phase II EE&C Plan ensures that the low income population, as defined in the Act, is correctly targeted; whether those low income customers obtain a share of the total energy savings that is in accord with the Commission's August 3, 2012 Order; and whether the measures employed, and methods of coordination and education are appropriate and comport with and satisfy the requirements of Act 129 and Commission Orders.

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

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

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

15. 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.

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

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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

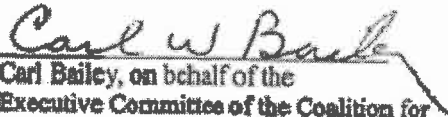


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December 3, 2012

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).


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

Date: December 3, 2012

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :
for Approval of its Act 129 Phase II : **Docket No. M-2012-2333992**
Energy Efficiency and Conservation Plan :

Certificate of Service

I hereby certify that I have this day served copies of the attached Petition to Intervene upon the statutory parties and counsel of record for the parties who have indicated an 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 and UNITED STATES FIRST CLASS MAIL

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