

**THE PENNSYLVANIA UTILITY LAW PROJECT
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January 14, 2013

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 : P-2012-2283641

PECO Energy Company Universal Service and :
Energy Conservation Plan for 2013-2015 : M-2012-2290911

Dear Secretary Chiavetta:

Enclosed please find the Petition to Intervene of the Coalition for Affordable Utility Services and Energy Efficiency ("CAUSE-PA") in Pennsylvania in the above referenced proceeding established by Secretarial Letter of January 3, 2013. Electronic and hard copies have been sent to the parties consistent with the attached certificate of service.

Should you have any question or concerns about this filing please do not hesitate to contact the undersigned.

Respectfully submitted,



Harry S. Geller, Esquire
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Counsel for CAUSE-PA

CC: Hon. Cynthia Williams Fordham
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for Approval :
of its Default Service Program : P-2012-2283641

PECO Energy Company Universal Service and :
Energy Conservation Plan for 2013-2015 : M-2012-2290911

Certificate of Service

I hereby certify that I have this day served copies of Petition to Intervene and Pre-Hearing Memorandum of CAUSE-PA ST via Email and US Postal Service First Class Mail upon the statutory parties and counsel of record in the captioned matters as set forth below in accordance with the requirements of 52 Pa. Code § 1.54:

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Date: January 14, 2013

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for Approval of its Default Service Program : : P-2012-2283641

PECO Energy Company Universal Service and Energy Conservation Plan for 2013-2015 : : M-2012-2290911

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. In its Opinion and Order entered on October 12, 2012, in *Petition of PECO Energy Company for Approval of its Default Service Plan* at Docket No. P-2012-2283641, the Commission directed PECO to develop a Shopping Plan that will allow its Customer Assistance Program (“CAP”) customers to purchase generation supply from electric generation suppliers (“EGSs”) by January 1, 2014.
2. On November 8, 2012, the Commission issued a Tentative Order seeking comments on specific aspects of *PECO Energy Company Universal Service and Energy Conservation Plan for 2013-2015* (“Universal Services Plan” or “USEC Plan”) at Docket M-2012-2290911.
3. Upon review of the comments and reply comments filed pursuant to the November 8, 2012 Tentative Order, the Commission noted that some interested parties share the Commission’s concerns and some have requested the opportunity to participate in an evidentiary

proceeding before an Administrative Law Judge (“ALJ”) to more fully review and analyze relevant data.

4. On January 3, 2013, a Secretarial Letter was issued to address procedural issues in the above captioned PECO Energy Company, Inc. (“PECO”) proceedings. In an effort to issue a Final Order on PECO’s Universal Service and Energy Conservation Plan for 2013-2015 before PECO files its plan that allows CAP customers to shop for generation supply (Shopping Plan) the matter was immediately assigned to the Office of Administrative Law Judge to conduct any necessary evidentiary hearings and briefing, and certify the record (if any) to the Commission by March 1, 2013.

5. On January 9, 2013, a Pre- Hearing Order was issued indicating that this matter was assigned to Administrative Law Judge Cynthia Williams Fordham and that a telephonic prehearing conference will be held on Tuesday, January 15, 2013 at 1:30 p.m.

6. CAUSE-PA is presently a party in the *Petition of PECO Energy Company for Approval of its Default Service Plan* at Docket No. P-2012-2283641, captioned above; having been granted status as an intervenor on March 19, 2012 in ALJ Buckley’s scheduling order.

7. CAUSE-PA is filing this Petition to Intervene in the evidentiary hearings established by the January 3, 2013 Secretarial Letter referring these matters to the Office of Administrative Law Judge to conduct any necessary evidentiary hearings and briefing, and certify the record (if any) to the Commission by March 1, 2013.

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 Default Service Plan and that the Universal Service and Energy Conservation Plan for 2013-2015 will have on low-income residential customers.

15. Specifically, CAUSE-PA has interest in ensuring the low-income customers are protected by the PECO CAP shopping plan and the final PECO Universal Service and Energy Conservation Plan for 2013-2015.

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

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

18. 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.

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

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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

A handwritten signature in blue ink, appearing to read "Harry S. Geller", is written over a horizontal line.

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January 14, 2013

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: January 14, 2013

Carl Bailey

of the

Carl Bailey, on behalf

Executive Committee
of the Coalition for
Affordable Utility
Services and Energy
Efficiency in
Pennsylvania
(CAUSE-PA)