

PULP

**PENNSYLVANIA
UTILITY LAW PROJECT**

July 18, 2013

Via E-Filing

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

Re:

**Duquesne Light Company Petition for Approval
and Modification of its 2014-2016 Universal Service
and Energy Conservation Plan**

Docket No. M-2013-2350946

**Petition of Duquesne Light Company for Approval
of its Default Service Program**

Docket No. P-2012-2301664

Dear Secretary Chiavetta,

Enclosed please find the Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) in the captioned proceeding. Copies have been served according to the attached Certificate of Service.

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

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Enc: Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Duquesne Light Company Petition for Approval
and Modification of its 2014-2016 Universal Service
and Energy Conservation Plan**

Docket No. M-2013-2350946

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**ANSWER OF THE
COALITION FOR AFFORDABLE UTILITY SERVICES
AND ENERGY EFFICIENCY IN PENNSYLVANIA TO THE PETITION OF
DUQUESNE LIGHT COMPANY FILED JUNE 28, 2013**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, pursuant to 52 Pa. Code § 5.61(e) hereby files this Answer to the Petition of Duquesne Light Company (Duquesne or the Company) Approval and Modification of its 2014-2016 Universal Service and Energy Conservation Plan. For the reasons stated herein, CAUSE-PA requests that the Pennsylvania Public Utility Commission (“PUC” or “Commission”) find that CAUSE-PA has standing to participate in this proceeding and that the proceeding be referred to the Office of Administrative Law Judge for hearings. In support, CAUSE-PA states as follows:

I. INTRODUCTION AND BACKGROUND

On April 27, 2012 Duquesne filed a Petition for Approval of its Default Service Program at Docket No. P-2012-2301664. In addition to specifying its procurement strategy for the default

service period in question, Duquesne proposed a retail opt-in aggregation program, a standard offer customer referral program, and a new and moving customer program in response to the Commission's March 2, 2012 Order in *Investigation of Pennsylvania's Retail Electricity Markets*, Docket No. I-2011-2237952.

On June 1, 2012, CAUSE-PA, through its attorneys at the Pennsylvania Utility Law Project, filed a Petition to Intervene in that proceeding, which intervention was subsequently granted.

On January 25, 2013, the Pennsylvania Public Utility Commission (Commission) entered its Opinion and Order in that Proceeding. In its January 25, 2013 Order, the Commission directed Duquesne to work with the Office of Competitive Market Oversight (OCMO) to develop a plan that would allow its customers enrolled in its Customer Assistance Plan to purchase generation supply from electric generation suppliers (EGSs), to ensure that Duquesne's retail market enhancement programs approved in its default service proceeding would be available to CAP customers, and to allow LIHEAP benefits to be used by low-income customers who receive generation service from EGSs. All of these changes were to be effective January 1, 2014.

On February 28, 2013, Duquesne filed its 2014-2016 Universal Service and Energy Conservation Plan (2014-2016 USP or Plan) with the Commission. This filing was docketed at M-2013-2350946. In that filing, the Company noted a number of proposed CAP enhancements and noted that it would file a Petition to modify the Plan once it finalized the details. As of the date of this filing, no Commission action has been taken on Duquesne's 2014-2016 USP.

On June 28, 2013, Duquesne filed a Petition to Amend its 2014-2016 USP in which it detailed its CAP portability proposal, implementation costs and proposed litigation schedule. CAUSE-PA files this answer in response to that Petition.

II. CAUSE-PA's Standing in the Proceeding

Pursuant to requirements contained in 52 Pa. Code § 5.61(e)(2), CAUSE-PA asserts that it has standing to file this answer and intervene in this proceeding.

CAUSE-PA is located at 118 Locust Street, Harrisburg, PA 17101, and 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. 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.

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). 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).

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. Cmwlth. 1994)).

CAUSE-PA has conducted an initial review of the Petition and has identified a number of issues as outlined below. CAUSE-PA has interests in the outcome of this proceeding and the interests of CAUSE-PA and its members are not adequately represented by other participants. At least three members of CAUSE-PA are customers of one or more of Participating Utilities and will be directly affected by the outcome of this proceeding.¹ 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.

III. ANSWER

CAUSE-PA intends to fully participate in this proceeding, has reviewed the Petition, and has preliminarily identified a number of issues presented by the filing regarding the structure and components of the Duquesne CAP Shopping Plan. CAUSE-PA anticipates that additional issues may arise as a more comprehensive review of Duquesne’s filing is undertaken, including a more comprehensive review of Duquesne’s testimony, when filed, as well as any discovery that is conducted.

¹ Ms. Carol Collington, Ms. Dorothy Young, and Ms. Nettie Pelton are members of CAUSE-PA.

The preliminary issues identified by CAUSE-PA relate to how Duquesne will ensure that:

- a. CAP shopping customers' monthly asked to pay amounts are affordable;
- b. CAP shopping customers maintain their full universal service program protections;
- c. CAP shopping customers experience no reduction or loss of benefits as a result of shopping;
- d. CAP shopping customers are assured that the competitive price charged to them is always at or below Duquesne's Price to Compare;
- e. CAP customers who leave CAP are able to switch to an alternate supplier or back to the Default Service Provider at any time without any fee or penalty;
- f. CAP customers are exempt from security or other deposit requirements that an EGS might otherwise impose;
- g. Written information regarding the rights and responsibilities of CAP customers who shop are provided;
- h. The written materials provided, as well as any other communications to CAP and potentially CAP eligible consumers, are clear, in plain language, prominently displayed and comprehensive; and
- i. Non-English speaking customers will be provided the same materials and information.

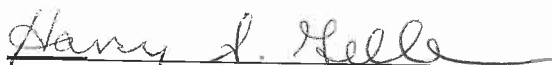
CAUSE-PA intends to fully explore these issues through discovery and testimony of its witness.

WHEREFORE, CAUSE-PA respectfully requests that the Public Utility Commission: (1) enter an order granting CAUSE-PA full status as an intervenor in this proceeding; and, (2) that the Duquesne 2014-2016 USP and CAP Shopping Plan presented in this matter be referred to the Office of Administrative Law Judge for hearings to ensure that it adequately protects and

addresses the needs of CAP and CAP eligible low-income customers and is consistent with Pennsylvania law.

Respectfully submitted,

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July 18, 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).


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

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Docket No. P-2012-2301664

Certificate of Service

I hereby certify that I have this day served copies of the foregoing documents upon the following parties as set forth below in accordance with the requirements of 52 Pa. Code § 1.54:

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