

**THE PENNSYLVANIA UTILITY LAW PROJECT
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September 25, 2013

Via E-Filing

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

**Re: Pennsylvania Public Utility Commission v. Duquesne Light Company,
Docket No. R-2013-2372129**

Dear Secretary Chiavetta:

Enclosed please find The Petition to Intervene of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA") and the attached Certificate of Service in the above 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: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission

v.

Duquesne Light Company

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Docket No. R-2013-2372129

**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 August 2, 2013, Duquesne Light Company (“Duquesne” or the “Company”) filed with the PUC Supplement No. 81 to the Company’s Tariff- Electric- Pa. P.U.C. No. 24 representing a request for an increase in the Company’s electric distribution rates of approximately \$76.3 million, to be effective October 1, 2013. If approved, the Company’s request would represent a system average increase of approximately 10.6% of the average bill above current distribution rates, would permit the company to earn an overall rate of return of 8.36% including an 11.25% return on common equity upon the distribution rate base of \$1.54 billion.

2. The Company is proposing to increase the fixed monthly customer charge from \$7.00 to \$15.00 for all residential rate classes.

3. If the company's rate increase request is approved the distribution rates for an average RS customer using 600 KWH per month would increase by 24.6%.
4. Among the Company's reasons for the proposed rate increase are the Commission's requirements related to smart meter programs, cyber security, storm restoration, and the development and enhancement of its FOCUS (For Our CUStomers) Project.
5. Among the changes the Company is making under the FOCUS project is the replacement of its Customer Information System (CIS), Customer Automated Account Collection System (CACCS), the implementation of a new Interactive Voice Response System (IVR), a Web Self-Service Portal (WSS) and a a Systems Oriented Architecture (SOA).
6. According to the Company, among the benefits of the FOCUS Project is that it will allow the company to provide Time of Use and RTP rates, allow remote disconnect and reconnect functions, provide customers with the direct access to price and consumption information, and will support the automatic control of customers' electricity consumption.
7. FOCUS will also more specifically affect low and lower income customers in that it will allow the company to more easily implement CAP portability, show on customers' bills how receipt of LIHEAP and or Hardship Funds have been applied to their accounts,
8. With FOCUS, CAP customers will receive a bill that includes an energy usage graph as well as an integrated bill in cases where the customer has chosen to take service from an electric generation supplier.
9. The Company justifies its proposed increase in rates based upon its customer service metrics, service reliability, and its support and promotion of the Commission's energy policies.

10. In addition to complying with sound rate making principles, Duquesne must also ensure that its rates and tariff comply with The Electric Choice Act and with universal service requirements. The Commission must ensure that universal service programs assist low-income customers to afford electric service and are appropriately funded and available in each electric distribution service territory. 66 Pa. C.S. § 2804(9). The electric distribution company shall continue to provide customer service functions consistent with the regulations of the Commission, including meter reading, complaint resolution and collections. 66 Pa. C.S. § 2807(d). Customer services shall, at a minimum, be maintained at the same level of quality under retail competition. 66 Pa. C.S. § 2807(d).

11. CAUSE-PA has conducted an initial review of Duquesne's proposed tariff changes, and they oppose Duquesne's request on the grounds that the proposed rate increase and tariff would result in unjust and unreasonable rates that would impose severe hardship on low and moderate income residential customers and consumers

CAUSE-PA's Standing to Intervene

12. 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.

13. 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, achieve economic independence and family well-being.

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

15. CAUSE-PA has interests in the impact that the proposed tariff changes and rate increase has on low-income residential customers.

16. CAUSE-PA has interests in the impact that the proposed system changes and modifications have upon the level of customer service functions which are provided;

17. CAUSE-PA has interests in the impact the proposed changes have upon the level and quality of universal services

18. The interests of CAUSE-PA and its members are not adequately represented by other participants.

19. At least four members of CAUSE-PA are customers of Duquesne and will be directly affected by the outcome of this proceeding.¹

20. 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.

21. 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).

22. 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

¹ Ms. Anastasia Stratigos, Ms. Dorothy Young, Ms. Nettie Pelton., and Ms. Rochelle Jackson are members of CAUSE-PA and are customers of Duquesne.

which the petitioner may be bound by the action of the Commission in the proceeding.” 52 Pa. Code. § 5.72(a)(2).

23. 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)).

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

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25. Counsel for CAUSE-PA consents to the service of documents by electronic mail to pulp@palegalaid.net, as provided in 52 Pa. Code § 1.54(b)(3).

WHEREFORE, CAUSE-PA respectfully request that the Public Utility Commission:

- (1) enter an order granting CAUSE-PA full status as an intervenor in this proceeding with active party status;
- (2) hold evidentiary hearings on the proposed rate increase and tariff; and,

(3) grant such other relief as is just and appropriate.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



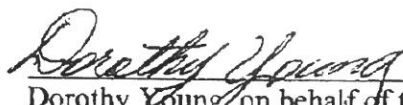
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September 25, 2013

VERIFICATION

I, Dorothy Young, as a member of the Executive Committee of CAUSE-PA, hereby state that the facts contained in the foregoing petition 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: 9/25/13


Dorothy Young, on behalf of the
Executive Committee of the Coalition for
Affordable Utility Services and Energy
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