

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Duquesne Light Company :
for Approval of its Default Service :
Program for the Period : **Docket No. P-2014-2418242**
June 1, 2015 through May 31, 2017 :

**Petition to Intervene and Answer
of the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania**

Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§ 5.61-5.76, 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 and Answer to the Petition filed by Duquesne Light Company (“Duquesne” or “the Company”) for Approval of its Default Service Program for the period commencing June 1, 2015 through May 31, 2017, and in support, states as follows:

1. On April 24, 2014, Duquesne filed the aforementioned Petition.
2. Subsequent to this filing, the Public Utility Commission’s Secretary’s Bureau issued a Notice which directed that formal protests, petitions to intervene, and answers to Duquesne’s Petition be filed on or before May 27, 2014.
3. CAUSE-PA is filing this Petition to Intervene and Answer consistent with the Commission’s notice.

Petition to Intervene

4. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72, which 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).

5. 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).

6. 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. Commw. 2010) (alteration in original) (citing *Tripps Park v. Pa. P.U. C.*, 415 A.2d 967 (Pa. Commw. 1980); *Parents United for Better Schools v. School District of Philadelphia*, 646 A.2d 689 (Pa. Commw. 1994)).

7. 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.

8. 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.

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

10. CAUSE-PA has interests in the impact that the proposed Default Service Plan has on moderate and low income residential customers. These interests are not adequately represented by other participants.

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

12. CAUSE-PA has standing to intervene because at least five members of its members has or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding,. *See Energy Cons. Council of Pa.*, 995 A.2d at 476.

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

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14. 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).

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

Answer

15. CAUSE-PA has reviewed Duquesne's Petition and identified a number of issues presented by the filing which may positively or negatively affect its members. CAUSE-PA anticipates that additional issues may arise as a more comprehensive review of the filing is undertaken, discovery is conducted, and the testimony is more thoroughly reviewed.

16. It is critical for CAUSE-PA to intervene in the proceeding to resolve potential negative aspects of Duquesne's plan and to ensure that the positive aspects of the plan are not changed.

17. In relevant part, CAUSE-PA has a discernible interest in Duquesne's proposals to:

- a. Incorporate 6-month, ladder rate changes for default service supply, as opposed to the existing 12-month, non-ladder rate structure. Petition ¶¶ 7-8, 10.
- b. Acquire only a portion of default service supply in September 2016 in anticipation of potential legislative amendments to default service supply. Petition ¶¶ 12-13.
- c. Rely on spot market pricing, with full recovery from ratepayers, as a contingency if sufficient bids for default service supply are not received. Petition ¶ 42.
- d. Rely on spot market and short term contracts, without incorporation of any long term contracts, to fulfill its mandate to acquire electricity for default service through a "prudent mix of contracts" that result in the least cost over time to customers. Petition ¶¶ 47-48
- e. Continue its Standard Offer Customer Referral Program for all customers, presumably including customers enrolled in or eligible for Duquesne's customer assistance program (CAP), and extend the program to all customers who contact the utility for certain reasons, including the resolution of high bill disputes, without specific exemption for emergencies or terminations. Petition ¶¶ 57-58.
- f. Recover 50% of any unrecovered costs of its Standard Offer Customer Referral

Program from Residential and Small C&I default service customers. Petition ¶ 61.

- g. Continue purchasing receivables from suppliers without respect to whether the company receives payment from the customer. Petition ¶ 62.
- h. Revise the purchase of receivables plan to reflect increased administrative costs, without specifying to whom those increased costs will be assigned. Petition ¶ 62.
- i. Enhance information sharing with EGSs, without indication of how it plans to inform customers of their right to opt out of information disclosure. Petition ¶ 62.
- j. Establish a Time of Use rate option for all residential customers, including those enrolled in its CAP. Petition ¶ 63-64.
- k. Change residential rates on a semi-annual basis, as opposed to its current quarterly basis. Petition ¶ 73.

18. CAUSE-PA asserts that each of these matters, as presented within the Petition, and any future modifications presented by intervening parties, must be thoroughly reviewed through discovery and a hearing to ensure that the Duquesne's low-income customers are not harmed and the programs are in the public interest.

WHEREFORE, CAUSE-PA respectfully requests that the Commission enter an order granting CAUSE-PA full status as an intervener in this proceeding with active party status.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



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Date: May 19, 2014

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

Date: May 19, 2014

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

Certificate of Service

I hereby certify that I, Elizabeth R. Marx, have this day served copies of the **Petition to Intervene and Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54 in the manner and upon the persons listed below.

VIA FIRST CLASS MAIL

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