

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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October 27, 2015

Honorable Marta Guhl
Honorable Christopher P. Pell
Office of Administrative Law Judge
Pa. Public Utility Commission
801 Market St, Suite 4063
Philadelphia, PA 19107

Re: Petition of Philadelphia Gas Works for
Approval to Establish a Distribution System
Improvement Charge
Docket No. P-2015-2501500

Dear Judge Guhl and Judge Pell

Attached for electronic filing is the Office of Consumer Advocate's Letter regarding the Environmental Defense Fund (EDF) Petition to Intervene.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

A handwritten signature in cursive script that reads "Erin L. Gannon".

Erin L. Gannon
Senior Assistant Consumer Advocate
PA Attorney I.D. # 83487
E-Mail: EGannon@paoca.org

Enclosure

cc: Rosemary Chiavetta, Secretary
Certificate of Service

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October 27, 2015

Re: Petition of Philadelphia Gas Works for Approval
of a Distribution System Improvement Charge
Docket No. P-2015-2501500

Dear Judge Guhl and Judge Pell:

The Environmental Defense Fund (EDF) filed a Petition to Intervene on October 13, 2015 in the above-captioned proceedings. Your Honors issued an Interim Order on October 21, 2015 providing five days for the parties to file an Answer to the Petition to Intervene. On October 26, 2015, the Bureau of Investigation & Enforcement (I&E) timely filed its Answer, in which it opposed the intervention of EDF.¹ The Office of Consumer Advocate (OCA) does not take a position on the Intervention.

In its Answer, I&E points out, among other things, that EDF raises the issue of prioritization of mains replacement, which the OCA is addressing. I&E Answer at 7-9 (citing

¹ I&E also filed a Motion to Strike.

OCA Answer to Waiver Petition at 4). The OCA would note that, under the OCA's statute, individual consumers cannot be denied standing based on the participation of the OCA.²

Respectfully submitted,



Erin L. Gannon
Senior Assistant Consumer Advocate
PA Attorney I.D. # 83487
E-Mail: EGannon@paoca.org

² The "savings" clause of the OCA's enabling statute specifies that, "[n]othing contained herein shall in any way limit the right of any consumer to bring a proceeding before either the commission or a court." 71 P.S. § 309-6; South River Power Partners, L.P., v. Pa. P.U.C., 673 A.2d 422, 426 (Pa. Commw. 1996) (holding that the participation of the OCA does not presume that the interests of all of a utility's consumers are adequately represented in a hearing before the Commission); Pa. P.U.C. v. Peoples Natural Gas Co. LLC, Docket No. R-2012-2285985, Interim Order (May 10, 2012).

CERTIFICATE OF SERVICE

Re: Petition of Philadelphia Gas Works :
for Approval to Establish a Distribution : Docket No. P-2015-2501500
System Improvement Charge :

I hereby certify that I have this day served a true copy of the Office of Consumer Advocate's Letter to the Administrative Law Judges, regarding the Environmental Defense Fund (EDF) Petition to Intervene upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 27th day of October 2015.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

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Bureau of Investigation & Enforcement
Pa Public Utility Commission
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SERVICE BY EMAIL & FIRST CLASS MAIL, POSTAGE PAID

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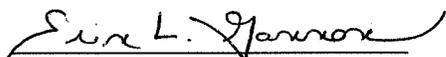
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