

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, et al., :
 :
 v. : Docket No. R-2015-2518438
 :
 UGI Utilities, Inc. – Gas Division :

**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 petitions the Pennsylvania Public Utility Commission (“Commission”) to intervene in the above-captioned proceeding. In support thereof, CAUSE-PA states as follows:

1. On January 19, 2016, UGI Utilities, Inc. – Gas Division (UGI or the Company) submitted a rate filing, Tariff Gas PA PUC Nos. 6 and 6-S, proposing to increase rates by approximately \$58.6 million per year, or 17.5%. (See UGI Statement No. 1 at 5). UGI’s proposal would increase the total bill for a typical residential customer from \$51.77 to \$61.97 - or 19.7% each month. The proposed increase for commercial and industrial customers is much less: The bill for a typical commercial customer will increase by 7.4%, and the bill for a typical industrial customer will increase by 3.2%.

2. On February 11, 2016, the Pennsylvania Public Utility Commission voted to suspend the UGI Gas tariff filing and conduct an investigation of the proposed rate increase.

Petition to Intervene

3. 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).

4. 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).

5. 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)).

6. 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.

7. 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.

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

9. CAUSE-PA has a significant interest in the impact that the proposed UGI Gas rate increase will have on moderate and low income residential customers within the UGI Gas service territory. These interests are not adequately represented by other participants.

10. At least one member¹ of CAUSE-PA is located within UGI Gas service territory, is a current UGI Gas customer, and will be directly affected by the outcome of this proceeding. Particularly, this proceeding will affect the price that CAUSE-PA members pay for natural gas service as well as the reliability and quality of that service.

11. CAUSE-PA has standing to intervene because its members have 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.

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

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¹ Ms. Altagracia Reyes is a member of CAUSE-PA and a customer of UGI Gas.

13. 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).

Answer

14. CAUSE-PA has preliminarily reviewed the UGI Gas rate filing, and objects to the request on the grounds that the proposed rate increase could result in unjust and unreasonable rates that would impose severe hardship on low and moderate income residential customers and consumers.

15. Despite the fact that UGI Gas' rate filing will raise the average residential customer bill by approximately 19.7%, UGI Gas is not proposing to ameliorate the impact of this steep rate increase to low income consumers through increased energy efficiency or bill discount programming. (See UGI Statement No. 7 at 10).

16. Continued delivery of safe, affordable natural gas service is of critical importance to the safety, welfare, and economic stability of all Pennsylvanians – particularly those with limited financial means. In recognition of this fact, the law requires that utility services – here natural gas service - be universally available at an affordable rate, and that universal service programs be developed, maintained, and appropriately funded to ensure such affordability. See 66 Pa. C.S. § 2203(3), (8).

17. CAUSE-PA asserts that the UGI Gas rate filing, and any future modifications presented by intervening parties, must be thoroughly reviewed to ensure that all customers are able to access safe, affordable natural gas service within the Columbia service territory.

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
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Date: January 12, 2016

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).


Mr. Carl Bailey

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

Date: February 12, 2016