



December 13, 2016

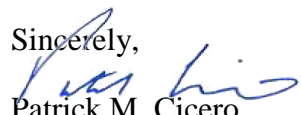
VIA Electronic Filing
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re:

| | |
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| Respond Power, LLC v. Pennsylvania Electric Company | Docket Nos. C-2016-2576287 |
| Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company for Approval of their Default Service Programs for the period commencing June 1, 2017 through May 31, 2019 | Docket Nos. P-2015-2511333 P-2015-2511351 P-2015-2511355 P-2015-2511356 |
| Respond Power, LLC For Issuance of ExParte Emergency Order | Docket Nos. P-2016-2572934 |

Dear Secretary Chiavetta:

Enclosed please find for filing the Petition to Intervene of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) in the Captioned proceedings. As show by the attached Certificate of Service, all parties to these proceedings are being duly served.

Sincerely,

Patrick M. Cicero
Counsel for CAUSE-PA

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Respond Power, LLC v. Pennsylvania Electric Company

Docket Nos. C-2016-2576287

Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company for Approval of their Default Service Programs for the period commencing June 1, 2017 through May 31, 2019

Docket Nos. P-2015-2511333
P-2015-2511351
P-2015-2511355
P-2015-2511356

**Respond Power, LLC
For Issuance of ExParte Emergency Order**

Docket Nos. P-2016-2572934

CERTIFICATE OF SERVICE

I hereby certify that I have **December 13, 2016**, served copies of the forgoing **Petition to Intervene of CAUSE-PA**, via email and/or first-class mail upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

The Honorable David A. Salapa
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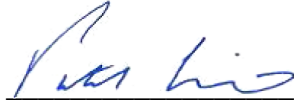
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December 13, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Respond Power, LLC

Docket Nos. C-2016-2576287

v.

Pennsylvania Electric Company

Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company for Approval of their Default Service Programs for the period commencing June 1, 2017 through May 31, 2019

Docket Nos. P-2015-2511333
P-2015-2511351
P-2015-2511355
P-2015-2511356

**Respond Power, LLC
For Issuance of ExParte Emergency Order**

Docket Nos. P-2016-2572934

**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 Complaint 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 November 3, 2015, Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”) and West Penn Power Company (“West Penn”) (collectively the “First Energy Companies” or “Companies”) filed a Joint Petition for Approval of their Default Service Programs for the period commencing June 1, 2017 through May 31, 2019.

2. CAUSE-PA was granted intervention in that proceeding and was an active party and signatory to the settlement agreement approved by the Commission at Docket Nos. P-2015-2511333, P-2015-2511351, P-2015-2511355, P-2015-2511356 (“DSP Cases”).

3. Under the settlement, Penelec is required to implement a purchase of receivable “clawback proposal” to recover uncollectible costs from electric generation suppliers (EGSs) whose average percentage of write-offs substantially exceeded EGS supplier averages.

4. The settlement was approved by the Commission on May 19, 2016.

5. On November 17, 2016, Respond Power filed a formal complaint against Penelec requesting the Commission prohibit Penelec from applying the clawback for certain months.

6. Because CAUSE-PA was a signatory to the settlement in the DSP Cases, it is filing this Petition to Intervene.

7. 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).

8. 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).

9. 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)).

10. 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.

11. 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.

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

13. CAUSE-PA has interests in the outcome of this complaint proceeding and the impact that any decision may have on moderate- and low-income residential customers. These interests are not adequately represented by other participants.

14. At least five members of CAUSE-PA are customers of First Energy Companies and will be directly affected by the outcome of this proceeding.¹

¹ Linda Bergman (WPP), Nancy Gibson (Penelec), Genora Gosha (Penelec), Linda Morris (Penelec), and Gladys Tullis (Penn Power) are members of CAUSE-PA.

15. 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.

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

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Joline Price, Esquire
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E-mail: pulp@palegalaid.net

17. 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 intervener in this proceeding with active party status; and
- (2) grant such other relief as is just and appropriate.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



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December 13, 2016

VERIFICATION

I, **Linda Bergman**, 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).

Date: December 13, 2016


Linda Bergman

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