



July 5, 2017

**VIA E-FILING**

Secretary Rosemary Chiavetta  
PA Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

**Re: Petition of PPL Electric Utilities Corporation for Approval of a Default Service Program and Procurement Plan for the Period of June 1, 2017 through May 31, 2021, Docket No. P-2016-2526627**

Dear Secretary Chiavetta,

Please find the enclosed *Petition for Reconsideration and/or Clarification of the Opinion and Order Entered June 23, 2017 by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)* filed today in the captioned docket. Copies are being served pursuant to the attached Certificate of Service.

CAUSE-PA requests that the Commission rule on this Petition expeditiously and/or require the Office of Competitive Market Oversight to delay hosting a meeting until such time as the Commission rules on the petition.

Respectfully,

A handwritten signature in black ink, appearing to read "Joline Price".

Joline Price  
**Counsel for CAUSE-PA**

Enclosures

CC: Certificate of Service  
Office of Special Assistants – (via email to [ra-OSA@pa.gov](mailto:ra-OSA@pa.gov))  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PPL Electric Utilities Corporation** :  
**for Approval of a Default Service Program** : Docket No. P-2016-2526627  
**and Procurement Plan for the Period of June** :  
**1, 2017 through May 31, 2021** :

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, July 5, 2017, I have served copies of *Petition for Reconsideration and/or Clarification of the Opinion and Order Entered June 23, 2017 by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (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).

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Respectfully Submitted,



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Dated: July 5, 2017

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF PPL ELECTRIC UTILITIES :  
CORPORATION FOR APPROVAL OF A : Docket No. P-2016-2526627  
DEFAULT SERVICE PROGRAM AND :  
PROCUREMENT PLAN FOR THE PERIOD :  
JUNE 1, 2017 THROUGH MAY 31, 2021

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**PETITION FOR RECONSIDERATION AND/OR CLARIFICATION  
OF THE OPINION AND ORDER ENTERED JUNE 23, 2017  
OF THE  
COALITION FOR AFFORDABLE UTILITY SERVICES AND  
ENERGY EFFICIENCY IN PENNSYLVANIA**

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**PENNSYLVANIA UTILITY LAW PROJECT**

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Date: July 5, 2016

## I. INTRODUCTION

The Coalition For Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its attorneys at the Pennsylvania Utility Law Project, hereby submit this Petition pursuant to Pennsylvania Public Utility Commission (“Commission”) Regulations at 52 Pa. Code §§ 5.41 and 5.572, and request timely reconsideration and clarification of the Commission’s June 23, 2017 Opinion and Order (“Order”).<sup>1</sup>

CAUSE-PA requests that the Commission clarify and/or reconsider its Order directing the Office of Competitive Market Oversight (“OCMO”) to facilitate meetings between PPL, the affected electric generation suppliers, and the Retail Energy Supply Association (“RESA”), to examine and resolve operational issues related to the implementation of the Customer Assistance Program Standard Offer Referral Program (“CAP-SOP”). The Commission’s Order does not address participation in these meetings by other parties to this proceeding, including CAUSE-PA and the Office of Consumer Advocate (OCA).<sup>2</sup> This lack of clarity necessitates that the Commission consider the instant Petition for Reconsideration and/or Clarification. CAUSE-PA requests that the Commission clarify its order to allow all parties to the instant case to participate in these meetings, as the process and procedures discussed are likely to have a significant impact on the proper implementation of the Commission’s underlying order requiring PPL to institute the CAP-SOP to protect CAP customers – and general residential customers who pay for CAP – from significant and unnecessary financial harm identified through the course of the proceeding.

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<sup>1</sup> CAUSE-PA notes that their request for reconsideration and/or clarification is limited to the June 23, 2017 Order and does not include any other Commission decisions regarding PPL’s current DSP.

<sup>2</sup> CAUSE-PA notes it has already pursued informal resolution of this issue. Counsel for CAUSE-PA spoke with staff at OCMO to request participation in these meetings. OCMO staff deferred to PPL, RESA and the EGSs. PPL indicated that it would not object to CAUSE-PA or any other party to the proceeding participating. However, RESA refused to allow CAUSE-PA -- or any other party not specifically listed in the Commission’s June 23, 2017 Order – to attend and participate in the meetings. As such, a Petition for Reconsideration is necessary to preserve CAUSE-PA’s rights to fully participate in resolving matters pertinent to full implementation of the CAP-SOP.

## II. BACKGROUND

CAUSE-PA incorporates by reference the Background section contained in the Answer of CAUSE-PA to the Petition filed by the Retail Energy Supply Association for Reconsideration of the Commission's October 27, 2016 Order, filed with the Commission on November 28, 2016, and the background information included in the Letter of CAUSE-PA in support of PPL Electric Utilities' (PPL) Petition to Withdraw its Petition to Amend the Customer Assistance Program Standard Offer Program (CAP-SOP) implementation date ("PPL Petition to Withdraw"), filed with the Commission on May 16, 2017. In addition to CAUSE-PA's letter, PPL also filed a letter on May 16, 2017, and RESA filed a reply on May 17, 2017.

On June 23, 2017, the Commission issued an Order granting PPL's Petition to Withdraw its Petition to Amend. However, the Order acknowledged that RESA raised operational concerns related to the implementation of the CAP-SOP, and ordered PPL to engage in a series of collaborative meetings with the EGSs and RESA, to be facilitated by the PUC's Office of Competitive Market Oversight (OCMO).<sup>3</sup> Specifically, the Commission identified the following as outstanding issues to be addressed through the collaborative process:

These issues include lack of information on which EGS customers are receiving CAP benefits; how EGSs will honor existing customer contracts, particularly any cancellation provisions; how to maintain compliance with the Commission's Regulations, particularly contract renewal provisions; and how to place all of these processes into operation. Though PPL asserts that customers on month to month contracts need not be returned to Default Service, RESA has asserted that there is uncertainty on this issue. While our *October 2017 Order* does clarify some of these issues relating to month-to-month contracts, it is still not clear what processes will be needed to implement these directives.<sup>4</sup>

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<sup>3</sup> Order at 16-17.

<sup>4</sup> Order at 16 (internal citations omitted).

### III. LEGAL STANDARD

In Duick et al. v. Pennsylvania Gas and Water Company,<sup>5</sup> the Commission explained the basis for rescinding or amending a prior order:

A petition for reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. . . . What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.<sup>6</sup>

This Petition satisfies *Duick*, in that it raises issues “which appear to have been overlooked or not addressed by the Commission.” Specifically, the Commission’s Order required OCMO to facilitate a meeting between PPL and the Electric Generation Suppliers regarding CAP-SOP operational issues. The Order further includes RESA, the trade association for EGSs, but is silent as to whether any other party to this proceeding can attend. As noted above, CAUSE-PA has requested to participate in these meetings, but RESA has refused to allow such participation.

#### REQUEST FOR RECONSIDERATION AND/OR CLARIFICATION

- a. The Commission should clarify or amend its June 23, 2017 Order to allow participation in the OCMO-facilitated meetings by any party to this proceeding**

As noted above, the Commission’s Order only lists PPL, the EGSs, and RESA as participants in the OCMO facilitated meetings. CAUSE-PA requests clarification that other parties to the proceeding be permitted to participate in the collaborative meetings. To the extent that the Commission intended to limit the participation at these meetings, CAUSE-PA requests that the Commission reconsider its decision as inappropriately exclusive of the parties to this

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<sup>5</sup> Duick et al. v. Pa. Gas & Water Co., 56 Pa. P.U.C. 553 (1982).

<sup>6</sup> Id. at 559.

proceeding. Limiting the conversation on these issues is unfairly prejudicial and inappropriately exclusive.

The issues identified by RESA and acknowledged by the Commission impact all parties to the proceeding, and may extend into the realm of policy decisions that are not limited to pure technical questions. Tellingly, if the questions at issue were purely technical questions, RESA - a trade association - would not be a necessary party, and any implementation issues could be resolved solely between PPL and the EGSs participating in the CAP-SOP. In addition, the issues identified directly affect CAUSE-PA's interests and the consumers it advocates for. For example, whether or not a CAP customer with a month to month contract must be returned to Default Service - and how cancellation provisions of existing customer contracts are addressed - are as much policy issues as they are technical issues. Likewise, the manner in which an EGS is given access to CAP customer status also may raise policy concerns which go beyond simple operational issues. For the CAP-SOP to succeed, care must be taken in how these operational changes are implemented and communicated to CAP customers. For these reasons, CAUSE-PA submits that **all parties** must be permitted to participate in that conversation.

CAUSE-PA also requests that the Commission rule on this Petition expeditiously and/or require OCMO to delay in hosting a meeting until such time as the Commission rules on the petition. Based on conversations with the OCMO, counsel for CAUSE-PA understands that a preliminary meeting is tentatively scheduled for July 18, 2017. Counsel for CAUSE-PA asks that the Commission rule on this Petition prior to that date and/or require that meeting to be postponed. As outlined above, it is important that all parties be permitted to participate in these operational meetings so as to be informed about the decisions being made by PPL and the EGSs concerning the operation of CAP-SOP – and to allow further intervention as necessary to address



policy concerns which may arise.

#### **IV. CONCLUSION**

WHEREFORE, CAUSE-PA respectfully requests that the Commission reconsider and/or clarify its June 23, 2017 decision as requested above.

#### **PENNSYLVANIA UTILITY LAW PROJECT**

*Counsel for CAUSE-PA*



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**VERIFICATION**

I, Patrick M. Cicero, as counsel for CAUSE-PA, verify that the *Petition for Reconsideration and/or Clarification of the Opinion and Order Entered June 23, 2017 by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)* was prepared by me or under my direct supervision, and is true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

*Counsel for CAUSE-PA*



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Date: July 5, 2017