



January 18, 2018

VIA E-File

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

RE: **Duquesne Light Company 2017-2019 Universal Service and Energy Conservation Three Year Plan, Docket No. M-2016-2534323**

Dear Secretary Chiavetta,

Please find the attached Petition to Intervene of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) for filing with the Commission.

A copy of this filing was served on interested stakeholders and parties in accord with the attached Certificate of Service. Should you have any questions, please feel free to contact me at the information below.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Elizabeth R. Marx".

Elizabeth R. Marx
emarxpulp@palegalaid.net
717-236-9486 x. 205

Counsel for CAUSE-PA

CC: Joseph Magee, BCS (email only)
Sarah Dewey, BCS (email only)
Louise Fink Smith, Law Bureau (email only)
Certificate of Service

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 March 23, 2017, the Commission issued an Order in the above docketed Universal Service and Energy Conservation Plan proceeding which required Duquesne Light Company (Duquesne or Company) to “[w]ork with stakeholders to modify CAP bills and other customer communications to ensure that CAP credits are applied correctly and to improve bill messaging and presentment, including budget bill calculations.” (March 23 Order at 60; Petition at ¶ 11). The March 23 Order initially required Duquesne to file its proposed bill modifications and communication plans by June 30, 2017; however, that deadline was subsequently extended by the Commission to allow Duquesne – along with parties and stakeholders -- sufficient time to first redesign its CAP before adopting changes to its bill design. (Petition at ¶¶ 16-24).

2. On September 15, 2017, together with CAUSE-PA and the Office of Consumer Advocate (OCA), Duquesne filed a Joint Petition for Approval of Modifications to Duquesne Light Company’s CAP Design in its Universal Service and Energy Conservation Plans and a Waiver of Commission Regulations Regarding Length of Universal Service and Energy Conservation Plans, which is currently pending before the Commission. (Petition at ¶ 24).

3. After filing the Joint Petition regarding design changes to Duquesne’s CAP, Duquesne worked with a consultant and held a series of stakeholder meetings to redesign Duquesne’s CAP bill and to establish a customer communication strategy. Counsel for CAUSE-

PA participated in an in-person and teleconference meeting regarding the bill redesign and customer communication strategy.

4. On December 29, 2017, Duquesne Light Company (Duquesne or Company) filed a Petition for Approval of its New Customer Assistance Bill Design and Customer Communication Plan (Petition) in compliance with the directives contained in the Commission's original March 23, 2017 Order.

5. On January 18, 2018, the OCA filed an Answer and Notice of Intervention. In its Answer, OCA opposed Duquesne's request for permanent regulatory waiver of Sections 54.4(b)(3)(i)(B) and 54.4(b)(7) related to its bill redesign. At most, the OCA argues that the Commission should only approve a temporary waiver, and requests that the Commission impose reporting requirements at the conclusion of the temporary waiver to allow for a full assessment of the waiver's impact on CAP customers.

6. CAUSE-PA believes that the OCA's concerns regarding temporary versus permanent waivers may have merit.

7. While this proceeding has not been referred to the Office of Administrative Law Judge, CAUSE-PA nonetheless files this Petition to Intervene to ensure that it is able to preserve and defend the interests of its members.

8. 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).

9. 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).

10. While 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)).

11. 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.

12. 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.

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

14. CAUSE-PA has a significant interest in the impact that Duquesne’s USECP, and in particular Duquesne’s proposed CAP bill design changes, will have on moderate and low income residential customers. These interests are not adequately represented by other participants.

15. Several members of CAUSE-PA are Duquesne customers and will be directly affected by the outcome of this proceeding.¹

16. CAUSE-PA has standing to intervene because several of 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.

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

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Elizabeth R. Marx, Esquire
Kadeem Morris, Esquire
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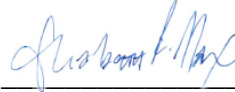
18. Counsel for CAUSE-PA consents to the service of documents by electronic mail to pulp@palegalaid.net, as provided in 52 Pa. Code § 1.54(b)(3).

¹ Ms. Rochelle Jackson, Ms. Anastasia Stratigos, and Ms. Dorothy Young are customers of Duquesne and members of CAUSE-PA.

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



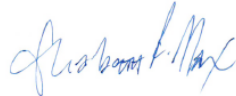
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Date: January 18, 2018

Verification

I, **Elizabeth R. Marx**, Counsel for the Coalition for Affordable Utility Services and Energy Efficiency (“CAUSE-PA”), and 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).

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



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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Duquesne Light Company 2017-2019 Universal : Docket No. M-2016-2534323
Service and Energy Conservation Three Year Plan :

Certificate of Service

I hereby certify that I have this day served copies of the **Petition to Intervene of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)** in accordance with the requirements of 52 Pa. Code § 1.54 in the manner and upon the persons listed below.

VIA FIRST CLASS MAIL AND/OR EMAIL

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