



February 23, 2018

**VIA EFILE**

Secretary Rosemary Chiavetta  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Duquesne Light Company Universal Service and Energy Conservation Plan for  
2017-2019 Submitted in Compliance with 52 Pa. Code §§ 54.74  
Docket No. M-2016-2534323**

Dear Secretary Chiavetta,

Please find attached for filing the **Petition for Reconsideration of the Opinion and Order Entered February 8, 2018 by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania.**

An electronic and hard copy of these Comments was provided to the parties of record in this proceeding, as indicated on the attached Certificate of Service.

Respectfully Submitted,

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

Elizabeth R. Marx  
*Counsel for CAUSE-PA*

cc: Certificate of Service  
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**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DUQUESNE LIGHT COMPANY UNIVERSAL :  
SERVICE AND ENERGY CONSERVATION : Docket No. M-2016-2534323  
PLAN FOR 2017-2019 SUBMITTED IN :  
COMPLIANCE WITH 52 PA CODE § 54.74

**Certificate of Service**

I hereby certify that I have this day served copies of the **Petition for Reconsideration of the Opinion and Order Entered February 8, 2018 by 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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**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



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January 23, 2018

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DUQUESNE LIGHT COMPANY UNIVERSAL :  
SERVICE AND ENERGY CONSERVATION : Docket No. M-2016-2534323  
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**PETITION FOR RECONSIDERATION OF  
THE OPINION AND ORDER  
ENTERED FEBRUARY 8, 2018  
BY THE COALITION FOR AFFORDABLE UTILITY  
SERVICES AND ENERGY EFFICIENCY IN  
PENNSYLVANIA**

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**PENNSYLVANIA UTILITY LAW PROJECT**  
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Date: February 23, 2018

## 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 submits this Petition for Reconsideration pursuant to Pennsylvania Public Utility Commission (“Commission”) Regulations at 52 Pa. Code §§ 5.41 and 5.572, and requests timely reconsideration of portions of the Commission’s February 8, 2018 Opinion and Order (“Order”).

At the outset, CAUSE-PA wishes to clarify that it is not seeking reconsideration of the Commission’s approval of Duquesne Light Company’s (Duquesne’s) interim percentage of bill plan for the period of 2018 – 2019, which reduces the percentage of budget bill payment required for each tier and increases the maximum CAP credit amounts for heating and non-heating CAP customers. It is imperative that Duquesne’s low-income CAP customers begin to obtain relief from unaffordable energy burdens, and the interim proposal is an essential first step in this process and should be allowed to be implemented on or before April 1, 2018, as ordered by the Commission. Order at 24 ¶ 5. CAUSE-PA is also not seeking reconsideration of the Commission’s denial of Duquesne’s Petition for Approval of a New Customer Assistance Program Bill Design and Customer Communication Plan, filed by Duquesne at this docket on December 29, 2017. See Order at 24 ¶ 8.

CAUSE-PA is, however, requesting that the Commission reconsider its decision to deny the Joint Petition of Duquesne, the Office of Consumer Advocate (OCA), and CAUSE-PA to allow Duquesne to launch a new CAP program in 2020 that will provide CAP participants with a bill based on either a percentage of household income and/or average bill amount, whichever is less. The Commission’s decision to approve only a part of the proposed solution – the 2018-2019 interim plan – was not based on any record evidence that adoption of the interim plan, alone, could

effectively address the unaffordability concerns raised by the parties and squarely acknowledged by the Commission. The Order appears to have overlooked the fact that, in its initial March 23, 2017 Order at this same docket, the Commission expressly found that if “any issues [relating to CAP redesign to address unaffordability] are unresolved [they] will be referred to the Office of Administrative Law Judge for appropriate proceedings.” See Duquesne Light Universal Service and Energy Conservation Plan for 2017-2019 Submitted in Companies with 52 Pa. Code § 54.74, Docket No. M-2016-2534323 (March 23, 2017 Opinion and Order) at 61 ¶ 16 (“March 23 Order”).

Because the Commission choose to approve only the interim portion of the Joint Petition, a component which was never intended to be permanent or designed to – on its own –address the unaffordability previously recognized by the Commission, the Commission effectively scuttled the consensus that had developed on Duquesne’s CAP design, as presented in the Joint Petition. Rather than approve the Joint Petition in part, the Commission should have either required the parties to “try again” or referred the proceeding to the Office of Administrative Law Judge for the development of an evidentiary record consistent with its March 23 Order.

CAUSE-PA believes that the Commission may have also overlooked the fact that the Joint Petition was presented as an interdependent and integrated plan, developed over more than 6 months of meetings, negotiations, and careful planning by the parties to address the striking levels of unaffordability produced by Duquesne’s current CAP program design. The parts of this consensus cannot easily be removed and approved without upsetting the whole. The Order has, in effect, made permanent (at least through 2023) what was intended to be an interim percentage of bill structure that is not certain to address unaffordability and or mitigate the over \$12 million in past due CAP arrears attributable to the unaffordability of Duquesne’s current CAP design.

## II. BACKGROUND

CAUSE-PA adopts by reference, and incorporates as if set forth fully herein, the background contained in paragraphs 1-24 of the Joint Petition of Duquesne Light Company, the Office of Consumer Advocate, and CAUSE-PA for Approval of Modifications to Duquesne Light Company's CAP Design in its Universal Service and Energy Conservation Plan and a Waiver of Commission Regulations Regarding Length of Universal Service and Energy Conservation Plans, Docket No. M-2016-2534323 (filed Sept. 15, 2017) ("Joint Petition").

In response to the directives contained in the Commission's March 23, 2017 Order, the parties engaged in a good faith negotiation and exchange over a 6-month period and reached consensus on a complex and interdependent multi-phase plan, as outlined in the Joint Petition. As a whole, and based on careful review of pertinent data and program modeling, the parties concluded that this plan, as a whole, would reasonably address the striking affordability issues with Duquesne's current CAP design. The consensus developed included a three part plan that was intended by the parties to operate as a whole.

First, as a stop-gap measure, Duquesne would modify its current bill discount tiers to provide greater discounts and larger maximum CAP credit amounts for a two-year period from January 2018 – December 2019. This first component was designed to stem further harm while allowing sufficient lead-time to fully implement a new CAP design, which was intended to more adequately address the unaffordability concerns outlined in the March 23 Order. This interim plan was adopted *after* the parties reached consensus on the second and third steps of the CAP redesign (discussed below), and was in recognition of the fact that Duquesne needed time to implement a full redesign, which requires substantial technical, billing, and communications investments. None of the parties wanted the harm inherent in the previous CAP design to continue while more

permanent fixes were implemented and, likewise, none of the parties wanted Duquesne to rush implementation of a new CAP design that would take time to plan and deploy. It was this reality that caused the parties to propose, as an interim measure, the reduced percentage of income tiers and increased maximum CAP credits.

Second, the parties coalesced around a modified CAP program which would calculate CAP rates based on either a percentage of household income program or average bill, whichever was less. Throughout this process, Duquesne shared pertinent data and program modeling which led parties to conclude that the modified program design would reduce the energy burdens for CAP households to levels consistent with the Commission's affordability targets. In addition, the modified CAP program called for increased *and tiered* maximum CAP credits in recognition of the fact that lower-income CAP-eligible households have greater CAP credit needs than higher income, CAP-eligible households. Given that the Company understandably wanted regulatory certainty that it would be able to fully deploy the newly redesigned CAP program, and gather relevant data on its effectiveness before making any substantial changes, the parties agreed that it was prudent to request a limited waiver to extend the Companies' USECP through 2022.

Third, the parties came to the conclusion that, in transitioning to a new CAP design, CAP customers who faced unaffordable bills under the old CAP design should have a fresh start. This was critical, and appropriately recognized that CAP customers who accrued arrears due to unaffordable rates should be afforded a measure of relief. As a result of Duquesne's previous CAP design, CAP customers have accrued approximately \$12 million of CAP arrears, which (pursuant to Duquesne's CAP program rules) cannot be placed on a payment agreement, are not eligible for re-deferral as pre-program arrears, and are not eligible for Commission-issued payment agreements pursuant to 66 Pa. C.S. § 1405(c). Recognizing this reality, the parties coalesced

around a proposal where, upon transition to the new CAP design, the Company would grant a one-time forgiveness of any then-existing CAP arrears for active customers. Joint Petition at ¶¶ 39-40. Duquesne agreed to assume – *from shareholder dollars* – 45% of this amount without seeking recovery, with the remaining 55% to be deferred and combined that the customer’s then-existing pre-program arrears to be forgiven over a new 24-month period with each in-full payment. Id. This remaining 55% would be recovered – like all other pre-program arrears – through the Universal Service rider and would be capped at a maximum of \$6.6 million, which is 55% of \$12 million. Id.

The parties filed their Joint Petition on September 15, 2017, seeking approval of the plan as an integrated whole. On February 8, 2018, the Commission issued its Order, which approved the interim, stop-gap proposal and rejected the two core components of the plan which were calculated to remediate the unaffordability issues inherent in Duquesne’s CAP program.

### **III. LEGAL STANDARD**

In Duick et al. v. Pennsylvania Gas and Water Company,<sup>1</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>2</sup>

This Petition satisfies Duick, in that it raises issues “which appear to have been overlooked or not addressed by the Commission.” Id. Specifically, CAUSE-PA believes that the Commission may have overlooked or misunderstood the comprehensive, integrated nature of the proposals

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<sup>1</sup> Duick et al. v. Pa. Gas & Water Co., 56 Pa. P.U.C. 553 (1982).

<sup>2</sup> Id. at 559.

contained in the Joint Petition. None of the three primary components of the Joint Petition were alone designed to address the pervasive unaffordability produced by Duquesne’s current CAP design. CAUSE-PA files this Petition for Reconsideration which requests that the Commission reconsider its decision.

**IV. REQUEST FOR RECONSIDERATION**

In its March 23 Order, the Commission recognized the pervasive and long-standing affordability issues faced by Duquesne’s CAP customers as a result of Duquesne’s CAP design. This unaffordability was first acknowledged in APPRISE’s 2013 independent evaluation of Duquesne’s CAP Program, and formed the basis of the Commission’s decision in this proceeding to require the parties to seek consensus on a revised CAP design. The following table summarized APPRISE’s finding, which concluded that 86% of non-electric heating and 77% of electric heating CAP participants with the lowest income levels (50% FPL or below) received a substantially unaffordable bill through Duquesne’s CAP:

**Energy Burden Levels for Full-Year CAP Participants in 2013**

Non-Electric Heating				Electric Heating		
Poverty Level	Mean Energy Burden	PUC Energy Burden Target	Percent with Burden Above PUC Target	Mean Energy Burden	PUC Energy Burden Target	Percent with Burden Above PUC Target
≤ 50%	21%	2%-5%	86%	39%	7%-13%	77%
50-100%	7%	4%-6%	49%	11%	11-16%	16%
101-150%	5%	6%-7%	17%	7%	15%-17%	2%

March 23 Order at 28 (*citing* CAUSE-PA Comments at 21, *citing* APPRISE Evaluation at 66).

CAP participants who fall behind on an unaffordable CAP bill are ineligible for Duquesne-issued and Commission-issued payment arrangements, leaving them without a remedy to address unaffordable CAP bills. See Duquesne USECP at 13-14; 66 Pa. C.S. § 1405(c).

Based on this and other information presented by the OCA and CAUSE-PA, the Commission concluded that it was “concerned with the level of unaffordability in Duquesne’s

CAP,” and explained:

The APPRISE Evaluation reveals that average Duquesne CAP customer at or below 50% of FPIG has an energy burden that is three to four times higher than the recommended threshold. Section 69.265(2)(A-C) of the CAP Policy Statement identifies targeted energy burden levels that should be factored into CAP payment designs to ensure the program bills are affordable. For electric customers with incomes at or below 50% of the FPIG, for example, maximum CAP bills should not exceed 5% of household income for electric non-heating accounts and 13% of household income for electric heating accounts.

Duquesne has not proposed any immediate remedy to this situation and does not have a proposal in development either. The Company reports it “plans” to study its CAP energy burden levels and incorporate any needed changes to its CAP design in its next triennial USECP. In the meantime, Duquesne states it “believes” most CAP customers have energy burden levels within the CAP Policy Statement guidelines. Neither of these statements is satisfactory. The APPRISE Evaluation was released in July 2015. Duquesne has apparently not yet begun examining the energy burden levels in its CAP design. Further, the Company provides no data to support its claim that the majority of its CAP bills fall within the CAP Policy Statement affordability guidelines.

We find that Duquesne's current CAP design is not adequate in providing reasonable assistance to those living below 50% of the FPIG.

March 23 Order at 29-30 (internal citation omitted).

The Commission went on to order the parties – Duquesne, CAUSE-PA, and the OCA – to collaborate and attempt to reach a consensus as to how to address unaffordability concerns:

Any CAP design issue not covered by consensus among the parties will be referred to the OALJ for development of an evidentiary record and issuance of a recommended decision, followed by an appropriate period for exceptions and reply exceptions. A pre-hearing conference to establish a litigation schedule will be held within 20 days after referral to OALJ. The parties are encouraged to continue to attempt to reach a consensus on the remaining contested CAP design issues while the matter is before an ALJ. Any CAP design matters, including timelines and costs, not resolved by full consensus will be litigated in an evidentiary hearing in front of the assigned ALJ.

Unreasonably high energy burdens affect everyone — not just those receiving assistance — so we encourage Duquesne to collaborate with Commission Staff and other stakeholders in order to realize a CAP redesign proposal that is in line with the CAP Policy Statement.

March 23 Order at 31 (internal citation omitted).

As discussed more thoroughly above in section II (Background), the parties developed a multi-component plan to fully address the pervasive unaffordability: (1) reduce the percentage of bill plan and increase the maximum CAP credit; (2) modify the existing CAP program to calculate CAP rates based on either a percentage of household income program or average bill, whichever was less; and (3) responsibly address CAP arrears accrued as a result of CAP unaffordability. The first component of the plan was only intended to ease the extended transition period, which the parties recognized would be necessary to fully implement the second two components of the plan. The second two components were the elements of the plan which are most essential to remedy the affordability issues identified in the Commission's March 23 Order. These two components were carefully crafted, in light of the evidence and modeling shared amongst the parties of a 6-month period, to achieve a level of affordability consistent with the Commission's regulations.

In its Order, the Commission rejected the second two components of the parties' proposed plan, despite recognizing that it has otherwise accepted elements of each component in other utilities' universal service program designs. See Order at 17. The Commission nevertheless accepted the first component of the parties' plan which, as explained above, was designed as an interim, stop-gap measure, not a final solution capable of remedying the harm identified in the Commission's March 23 Order. The Commission reasoned that "the timing and process in the Joint Petition to migrate to a PIPP CAP in 2020 without further substantive review and current budget projections until Duquesne's 2023-2025 USECP proceeding is not warranted at this time." Order at 18.

The Commission identified several reasons for rejecting the parties' redesigned CAP and arrearage forgiveness plans, and the parties' related request to extend the filing deadline for Duquesne's next USECP. First, the Commission pointed to its open Energy Affordability for Low

Income Customers docket (Docket No. M-2017-2587711) (“Energy Burden Proceeding”), and indicated that “the results of this study may lead to, *inter alia*, changes in our CAP Policy Statement’s recommended maximum energy burden levels.” Order at 18 (emphasis in original). Second, the Commission indicated there was too much uncertainty about the costs and enrollment levels of the Companies’ new proposed PIPP to approve it at this time. Order at 20, n. 21. Finally, the Commission found that the Joint Petitioners’ proposal to file a revised needs assessment by no later than December 1, 2019 to deal with the Companies’ LIURP, CARES, and Hardship funds and any other potential changes to its USECP was “insufficient” because the Commission evaluates universal service programs on more than just needs assessment, and “decisions regarding a USECP reflect consideration of the four programs as a part of a larger whole, not as piecemeal activities.” Order at 20. As explained below, CAUSE-PA believes that the issues identified by the Commission to reject the second and third components to the Joint Petition are in error, and should be reconsidered.

**a. In partially rejecting the Joint Petition, the Commission overlooked the integrated and interdependent nature of the parties’ proposals.**

It is not clear from the Commission’s Order whether it realized that the interim proposal that it approved (to adjust Duquesne’s CAP tiers and CAP credits) was never intended to stand alone. The parties did not come to the Commission seeking approval of a 2018-2019 plan and a separate 2020-2023 plan. Rather, the parties came to the Commission with an inter-dependent, multi-component plan to address and fully remedy the unaffordability of Duquesne’s CAP. It was a combination of the 2018-2019 adjustments and the 2020-2023 adjustments that were the product of consensus by the parties.

The parties worked in good faith to come up with a comprehensive proposal that sought to address all facets of the unaffordability problem inherent in Duquesne’s CAP. Based on its Order,

the Commission appears not to believe that this approach is needed or prudent at this time. In reaching this conclusion, however, the Commission overlooked the integrated nature of the proposal. It is indeed significant that neither the Commission nor the parties conducted an analysis of whether or not the CAP tier adjustments for 2018-2019, standing alone, are sufficient to remedy the scope of the problem identified by the Commission. Certainly CAUSE-PA never contemplated that the Commission would bifurcate critical components of the parties' integrated proposal.

Importantly, nothing in the record of this proceeding suggests that interim proposal alone is adequate to remedy the unaffordability created by Duquesne's current CAP design. While it is undoubtedly logical to conclude that reducing the percentage of bill amounts and increasing the maximum CAP credit amounts will lessen the number of households that face exorbitant energy burdens, there is no evidence or analysis upon which to conclude that it will result in energy burden levels consistent with the Commission's standards. Moreover, the interim plan does nothing to mitigate the approximately \$12 million in CAP arrears accrued as a result of pervasive unaffordability. These arrears were intended to be remedied by the in-program arrearage forgiveness component of the proposal. Both facets are needed to ensure redress of past harm and to prevent future harm.

With regard to whether there was sufficient data or sufficient review of other aspects of Duquesne's Universal Service Plan for the period of 2020-2023, nothing in the Joint Petition prevented that Commission from requiring more robust data reporting or a more thorough review in the 2019 or 2020 period. Rather than rejecting the compromise proposal outright, and prolonging consideration and, ultimately, implementation of the consensus plan, the Commission could have required the parties to produce additional information about costs and programs in the proposed December 2019 filing.

The Commission also cited to the ongoing Energy Burden Proceeding and the Commission's companion Review of Universal Service and Energy Conservation Programs at Docket No. M-2017-2596907 ("Universal Service Review"), suggesting that it would be prudent to wait to approve any changes to Duquesne's CAP structure until after these proceedings are complete. Order at 18. To be sure, CAUSE-PA fully supports the Commission's investigation into energy affordability and looks forward to the results of its inquiry. Nevertheless, it respectfully suggests that these ongoing and open-ended proceedings should not be a reason to delay making needed changes now. When the results of that study – as well as the Universal Service Review – are made public, CAUSE-PA fully anticipates that *all* electric distribution companies and natural gas distribution companies subject to the Universal Service requirements of the Public Utility Code will likely have to make changes to their respective programs to accommodate reduced energy burdens and other structural refinements. However, at present, there is no certainty when the results and findings of either proceeding will be released and, once released, what process for change will occur. To this point, the Commission recently provided itself with an open-ended extension to report the results of its Energy Burden study to the Commission. See Energy Burden Proceeding, Sec. Ltr. (February 12, 2018).

While CAUSE-PA is hopeful that the Commission will move expeditiously to holistically address statewide affordability issues, it also recognizes the practical reality that there are many lengthy processes – including potential rulemaking proceedings and additional plan filings – which could prolong implementation of substantive statewide changes to CAP. Thus, while these dockets are reasons for hope that energy affordability for economically vulnerable households will be improved, the Commission must not wait to make needed changes to Duquesne's program. Indeed, the same is true for all universal service programming across the state. The review,

oversight, and improvement to existing universal service programs should not be stalled while the statewide inquiry and investigation is ongoing.

Accordingly, CAUSE-PA respectfully requests that the Commission reconsider its decision reject the Joint Petition and grant the Petition and waivers requested by the Joint Parties.

**b. The Commission’s decision either overlooked or erred by not addressing CAP arrears that have accumulated as a result of the Companies’ unaffordable CAP structure.**

Among the issues that the parties attempted to resolve in reaching consensus was what to do about that fact that Duquesne’s unaffordable CAP structure created significant CAP arrears. Under its current USECP, Duquesne has no effective means of mitigating this harm because it does not grant CAP payment agreements and does not defer arrears accrued in the CAP program for future forgiveness. Duquesne USECP at 13-14. Furthermore, pursuant to 66 Pa. C.S. § 1405(c), the Commission cannot grant payment agreements for these CAP arrears.

In recognition of this inequitable lack of remedy for Duquesne’s economically vulnerable households who have fallen behind on unaffordable CAP rates, the parties devised the in-program arrearage forgiveness component of the Joint Petition. Upon transition to the new CAP design, the Company agreed to grant a one-time forgiveness of any then-existing CAP arrears for active customers. Joint Petition at ¶¶ 39-40. Duquesne agreed to assume – *from shareholder dollars* – 45% of this amount without seeking recovery, with the remaining 55% to be deferred and combined that the customer’s then-existing pre-program arrears to be forgiven over a new 24-month period with each in-full payment. *Id.* This remaining 55% would be recovered, like all pre-program arrears, through the Universal Service rider and would be capped at a maximum of \$6.6 million which is 55% of \$12 million. *Id.*

By rejecting this part of the Joint Petition, the Commission scuttled plans to provide economically vulnerable CAP customers relief from past unaffordability. While Duquesne could

conceivably propose a new program design to be implemented in 2020-2023, it is unlikely that such a design would be ready until the end of that period or the following triennial period, given Duquesne will need significant lead time to implement any new program design and would not want to undertake the cost and effort associated with doing so until or unless it obtained Commission approval. Thus, as it stands, the harm associated with the almost \$12 million CAP arrears accrued under the current unaffordable program design will go unaddressed until at least 2023 or later. The complete lack of remedy for CAP arrears accrued while enrolled in an unaffordable program will inevitably lead to loss of service for CAP households. It seems unlikely that the Commission intended for such a harsh result to occur, given its previously stated concern about the significant unaffordability of Duquesne's CAP.

Should the Commission be disinclined to reconsider its complete rejection of the Joint Petition, as requested in Section IV.a. above, CAUSE-PA respectfully requests that the Commission reconsider its rejection of the proposed in-program arrearage component of the Joint Petition. This could be accomplished, among other ways, by remanding this narrow issue back to the parties to come up with a suitable proposal or, in the alternative, by requiring Duquesne to propose a solution in its compliance filing and permitting the parties to file comments which could then be addressed by the Commission in a subsequent order.

**c. The Commission should refer this matter to the Office of Administrative Law Judge for hearings or remand it to the parties for further dialogue.**

In its March 23 Order, the Commission indicated that “[a]ny CAP design issue not covered by consensus among the parties will be referred to the OALJ for development of an evidentiary record and issuance of a recommended decision, followed by an appropriate period for exceptions and reply exceptions.” March 23 Order at 31. Once the Commission determined that it would reject the Joint Petition, CAUSE-PA believes that it should have either: (1) rejected the Joint

Petition in full and remanded the case to the Office of Administrative Law Judge to develop an evidentiary record in support of an appropriate remedy to the unaffordability of Duquesne's CAP; or (2) rejected the Joint Petition and provided the parties with guidance and an opportunity to try another consensus-based approach to remedying the ongoing harm and/or gather additional data and information in support of its full proposal.

Of these two options, CAUSE-PA submits that the second is more likely to produce a timely and consensus-based resolution, and could produce additional evidence in support of that consensus resolution without requiring a more lengthy litigation of the issues. (See Order at 18 (noting its need for "further substantive review and current budget projections" before approving the CAP design proposals and arrearage forgiveness)).

For the reasons explained more fully above, CAUSE-PA's preferred approach would be for the Commission to reconsider its decision to reject core components of the interdependent proposals contained in the parties' Joint Petition. However, short of that resolution, CAUSE-PA submits that the Commission should require the parties to reconvene to devise an acceptable solution – with sufficiently supportive data – that is consistent with the intentions and directives expressed in its March 23 and February 8 Orders.

## V. CONCLUSION

As explained from the outset of this Petition for Reconsideration, CAUSE-PA is not seeking reconsideration of the Commission's approval of Duquesne Light Company's (Duquesne's) interim percentage of bill plan for the period of 2018 – 2019, and asserts that this component of Order should be allowed to be implemented on or before April 1, 2018 consistent with the February 8 Order. Order at 24 ¶ 5. CAUSE-PA is, however, requesting that the Commission reconsider its decision to, in part, deny the Joint Petition of Duquesne, the Office of Consumer Advocate (OCA), and CAUSE-PA to allow Duquesne to deploy a new CAP design beginning in 2020 and to address arrears accrued under Duquesne's current unaffordable CAP structure.

WHEREFORE, CAUSE-PA respectfully requests that the Commission reconsider its February 8, 2018 Order as requested above.

### PENNSYLVANIA UTILITY LAW PROJECT

*Counsel for CAUSE-PA*



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Date: February 23, 2018

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DUQUESNE LIGHT COMPANY UNIVERSAL :  
SERVICE AND ENERGY CONSERVATION : Docket No. M-2016-2534323  
PLAN FOR 2017-2019 SUBMITTED IN :  
COMPLIANCE WITH 52 PA CODE § 54.74

**VERIFICATION**

I, Patrick M. Cicero, as counsel for 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).

*Counsel for CAUSE-PA*



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Date: February 23, 2018