



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

CHARLES E. THOMAS, JR.
Direct Dial: 717.255.7615
cthomasjr@tntlawfirm.com

February 15, 2019

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Zackery L. George v. Pennsylvania Electric Company
Docket No. C-2018-3006495

Dear Secretary Chiavetta:

We are counsel for REA Energy Cooperative, Inc. in the above matter. Enclosed for filing on its behalf are the original and one copy of its Petition to Intervene in this proceeding.

If the Commission should require any additional information in connection with this Petition to Intervene, please contact the undersigned.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Charles E. Thomas, Jr.

Enclosures

cc: Certificate of Service (w/encl.)
Chad Carrick, President & CEO

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ZACKERY L. GEORGE,	:	Docket No. C-2018-3006495
Complainant	:	
	:	
v.	:	
	:	
PENNSYLVANIA ELECTRIC COMPANY	:	
Respondent	:	

**PETITION TO INTERVENE OF
REA ENERGY COOPERATIVE, INC.**

AND NOW comes REA Energy Cooperative, Inc. (“REA”) by and through its attorneys, and, pursuant to 52 Pa. Code § 5.71, *et seq.*, files this Petition to Intervene in the above captioned Complaint of Zackery L. George against Pennsylvania Electric Company (“Penelec”). In support thereof, REA submits the following:

BACKGROUND

1. The name and address of Petitioner are:

REA Energy Cooperative, Inc.
P.O. Box 70
75 Airport Road
Indiana, PA 15701

2. The names, business addresses, and contact information for Petitioner’s counsel

are:

Charles E. Thomas, Jr, Esquire
Thomas T. Niesen, Esquire
THOMAS, NIESEN & THOMAS, LLC
212 Locust Street, Suite 302
Harrisburg, PA 17101
Tel: 717.255.7600
Fax: 717.236.8728
cthomasjr@tntlawfirm.com
tniesen@tntlawfirm.com

3. REA is not a utility. REA, rather, is an electric cooperative corporation which provides electric distribution services under the Electric Cooperative Law. 15 Pa. C.S. § 7301, *et seq.*

4. REA files this Petition consistent with Public Utility Commission (“Commission”) regulations at 52 Pa. Code § 5.71, *et seq.*

COMMISSION REGULATIONS

5. The Commission’s regulation at 52 Pa. Code § 5.72 governs an entity’s eligibility to intervene in a proceeding, and provides, in part, that:

(a) Persons. 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. The right or interest may be one of the following:

...

(2) An interest 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).

6. The Commission’s regulation at 52 Pa. Code § 5.73 presents the form and content to be set out in a petition to intervene as addressed hereinafter.

CRITERIA FOR INTERVENTION

Facts from Which REA’s Interest Can Be Determined

7. This matter involves the Complaint of Zackery L. George concerning electric service to a Proposed New Structure. Complainant’s Proposed New Structure is within the service territory of REA.

8. Complainant George filed a Complaint against Penelec on or about December 10, 2018 asking the Commission to direct Penelec to provide electric service to his Proposed New

Structure. On or about January 8, 2019, Complainant George filed an Amended Complaint naming REA as a respondent in addition to Penelec.

9. Prior to the filing of the Amended Complaint, Respondent Penelec, on or about January 2, 2019, filed a Preliminary Objection requesting dismissal of the Complaint for failure to join REA as a necessary party. In addition, on or about January 2, 2019, Penelec also filed an Answer and New Matter acknowledging that Complainant's new service is within the territory of REA and that Penelec is without authority to provide the new service.

10. By letter dated January 22, 2019, Secretary Chiavetta advised Complainant that the Commission could not process his Amended Complaint against REA because the Commission has no jurisdiction over rural electric cooperatives and, while she would send a copy of the Amended Complaint to REA,¹ REA has no obligation to answer it.

11. Significantly, in regard to this Petition to Intervene, the letter further advised Complainant that his Complaint would be sent to the Office of Administrative Law Judge for a hearing where he will be given the opportunity to prove that his Complaint has merit.

Grounds for Intervention

12. Consistent with the requirements of 52 Pa. Code § 5.73, REA has clear and obvious grounds for intervention and participating in this proceeding which concerns Complainant's ongoing effort to prove the merit of his Complaint and request that the Commission direct Penelec to serve a new service location in REA's service territory. Penelec, as set forth above, acknowledges that Complainant's new service is within the territory of REA and that Penelec is without authority to provide the new service.

¹ Secretary Chiavetta's letter of January 22, 2019 indicates that a copy of the Amended Complaint was sent to the Rural Electric Association, 212 Locust Street, Harrisburg, PA 17101, and not to REA. REA ultimately became aware of the Amended Complaint through its membership in the Rural Electric Association.

REA's Position Regarding this Matter

13. Complainant George's Proposed New Structure is within the service territory of REA and REA is the authorized supplier of retail electric service to it. Penelec is without authority to provide the new service to Complainant and the Commission has no authority to direct Penelec to provide the service.

14. Section 7354 of the Electric Cooperative Law, 15 Pa. C.S. § 7354, explains that the service territory boundaries between utilities and cooperatives in unincorporated areas are established based on a mapping protocol established in the mid-1970's.

15. Complainant's Proposed New Structure is within the service territory of REA based on the mapping protocol enacted by the General Assembly through the Electric Cooperative Law. REA is the legally authorized supplier of electric service to the Proposed New Structure.

16. Complainant George's Complaint should be dismissed without hearing.

WHEREFORE, REA Energy Cooperative, Inc. requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene in the Complaint of Zackery L. George against Pennsylvania Electric Company at Docket No. C-2018-3006495.

Respectfully submitted,



Charles E. Thomas, Jr., Esquire, Attorney ID # 7262

cthomasjr@tntlawfirm.com

Thomas T. Niesen, Esquire, Attorney ID # 31379

tniesen@tntlawfirm.com

THOMAS, NIESEN & THOMAS, LLC

212 Locust Street, Suite 302

Harrisburg, PA 17101

Tel: 717.255.7600

*Attorneys for
REA Energy Cooperative, Inc.*

DATED: February 13, 2019

VERIFICATION

I, Chad Carrick, President and CEO of REA Energy Cooperative, Inc., verify that the information provided in the foregoing is true and correct to the best of my knowledge, information and belief. I expect to be able to provide the same at a hearing held in this matter. I understand that false statements therein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Dated: 2/13/19


Chad Carrick

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ZACKERY L. GEORGE,	:	Docket No. C-2018-3006495
Complainant	:	
	:	
v.	:	
	:	
PENNSYLVANIA ELECTRIC	:	
COMPANY,	:	
Respondent	:	


CERTIFICATE OF SERVICE

I hereby certify that I have this 15th day of February, 2019, served a true and correct copy of the foregoing Petition to Intervene upon the parties and in the manner listed below in accordance with the requirements of 52 Pa Code §1.54:

Via First Class Mail, Postage Prepaid

Mr. Zackery L. George
1807 Wopsy Road
Dysart, PA 16636

Margaret A. Morris, Esquire
Reger, Wizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104



Charles E. Thomas, Jr.
PA Attorney ID #7262