**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2020- 3017206

:

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Office of Consumer Advocate : C-2020-3019161

Office of Small Business Advocate : C-2020-3019100

Philadelphia Industrial and Commercial :

Gas User Group : C-2020-3019430

:

v. :

:

Philadelphia Gas Works :

**ORDER GRANTING PETITION TO INTERVENE OF ENVIRONMENTAL STAKEHOLDERS**

On May 22, 2020, pursuant to 52 Pa.Code §§ 5.72-5.75, Clean Air Council (“the Council”), and Sierra Club/PA Chapter (“Sierra Club”), collectively the “Environmental Stakeholders,” filed a Petition to Intervene (“Petition”). Environmental Stakeholders contend that they meet the standards for intervention set forth in 52 Pa.Code § 5.72(a).

Eligibility to Intervene exists where the party seeking to intervene has:

   (1)  A right conferred by statute of the United States or of the Commonwealth.

   (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.

   (3)  Another interest of such nature that participation of the petitioner may be in the public interest.

52 Pa.Code § 5.72(a).

Current parties were to file any answers to the Petition no later than May 29, 2020. Only Philadelphia Gas Works (”PGW”) filed an Opposition to Petition to Intervene. PGW essentially contends that the Petition was not timely, particularly, that it was filed after the prehearing conference, and that the Intervention will disrupt the orderly progress of the case and broaden the issues.

Environmental Stakeholders assert that their environmental goals will be directly affected by the Commission’s actions in this matter, that there are no other voices for energy efficiency or environmental concerns participating and that they will help develop the record and ensure that environmental and energy efficiency issues that are of significant public interest are adequately considered. They further assert that Clean Air Council is a regular intervenor in Commission litigation and has intervened in past PGW litigation before the Commission. As for why the Intervention was filed after the prehearing conference, Environmental Stakeholders contend that the delay was due to its expectation that another environment focused group would intervene and the circumstances under which we find ourselves working.[[1]](#footnote-1)

Environmental Stakeholders will have to enter and participate in the case as they find it and therefore intervention will cause no delay or otherwise disrupt the progress of these proceedings. Additionally, the issues raised by the petitioners do not appear to significantly broaden the matter beyond issues of Operation and Maintenance, Environmental Remediation or the lawfulness, justness, and reasonableness of the rates, rules, and regulations currently raised by the parties in this matter. In light of the factors for intervention set forth in 52 Pa. Code § 5.72(a), granting the Petition to Intervene of the Environmental Stakeholders is appropriate here.

THEREFORE,

IT IS ORDERED:

1. That the Petition to Intervene of the Environmental Stakeholders at Docket No. R-2020-3017206 is granted.

2. That the Clean Air Council and Sierra Club/PA Chapter are parties of record in the matter at Docket No. R-2020-3017206.

Date: June 1, 2020 /s/

Marta Guhl

Administrative Law Judge

/s/

Darlene Heep

Administrative Law Judge

**R-2020-3017206 - PA PUBLIC UTILITY COMMISSION, et. al. v. PHILADELPHIA GAS WORKS**

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1. In particular, the Environmental Stakeholders state that they “had hoped that other energy efficiency or environmental groups would intervene in this Proceeding, but none have. Intervention in these matters is costly and nonprofit public interest organizations such as the Environmental Stakeholders must be economical with their limited resources. In addition, all of the employees of the Environmental Stakeholders are now working from home, and juggling domestic and child-care responsibilities, as is most of the world due to COVID-19 restrictions. This has put an additional burden on the limited ability of the Environmental Stakeholders to be active in every case in which they would like to participate. After a sufficient time had passed, and seeing no other intervenors join that would adequately represent the interests of protecting energy efficiency and the air quality issues for PGW’s ratepayers, the Environmental Stakeholders made the decision to file this Petition to Intervention.” Petition at 4-5. [↑](#footnote-ref-1)