



January 11, 2021

VIA E-FILE

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

Re: Petition of Duquesne Light Company for Implementation of the Percentage of Income Payment Plan Customer Assistance Program As Proposed on January 6, 2020; Docket Nos. M-2016-2534323; M-2019-3008227, P-2020-3023448.

Dear Secretary Chiavetta:

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) files this **Letter Answer** in support of Duquesne Light Company's December 22, 2020 Petition for an Extension of Duquesne Light Company's Percentage of Income Payment Plan Customer Assistance Program (PIPP CAP) Implementation.¹

¹ CAUSE-PA has standing to file this abbreviated Answer, pursuant to 52 Pa. Code § 5.61(e).

Eligibility to intervene in Commission proceedings is governed by Section 5.72, which provides 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. 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." Id.

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 the organization has at least one member who has or will suffer a direct, immediate, and substantial injury to interest as a result of the challenged action, [the organization] has standing." Energy Cons. Council of Pa. v. Pa. PUC, 995 A.2d 465, 476 (Pa. Commw. Ct. 2010) (alteration in original) (citing Tripps Park v. Pa. PUC, 415 A.2d 967 (Pa. Commw. Ct. 1980); Parents United for Better Schools v. School District of Phila., 646 A.2d 689 (Pa. Commw. Ct. 1994).

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. CAUSE-PA membership is open to individuals residing in the Commonwealth of Pennsylvania who are committed to the goal of helping low-income Pennsylvanians to connect and maintain affordable utility services.

CAUSE-PA has standing to intervene because at least one member of CAUSE-PA may suffer a direct, immediate, and substantial injury to their interests as a result of this proceeding. As an association of low-income individuals, CAUSE-PA has a direct interest in the prompt and efficient implementation of the Commission's CAP Policy

In relevant part, based on a number of technical issues, Duquesne seeks approval to adopt and implement the Commission's revised energy burden standards and to further delay implementation of its PIPP CAP until April 1, 2021.²

CAUSE-PA submits that the additional delay requested in Duquesne's Petition is reasonable in light of the numerous factors outlined in Duquesne's Petition, and should provide adequate time for the Commission to issue a final decision in Duquesne's pending Universal Service and Energy Conservation Plan proceeding. This timing should resolve any issue with implementation of the Commission's revised energy burden standards. As indicated in numerous other recent filings on this matter, CAUSE-PA strongly asserts that the Commission should approve Duquesne's proposal to adopt the Commission's energy burden thresholds without further delay to ensure that CAP customers receive just, reasonable, and affordable rates.³ Rather than reiterate those lengthy arguments here, we incorporate them by reference herein.⁴

Notwithstanding its support for Duquesne's Petition, we nevertheless assert that this should be the final extension granted in this proceeding, and that Duquesne should be ordered – without exception – to fully implement and operationalize its PIPP by the proposed April 1, 2021 date. Duquesne's PIPP CAP was approved by the Commission in April 2018, following substantial litigation and lengthy settlement discussions to resolve deep unaffordability within Duquesne's existing CAP.⁵ Original implementation was set for November 2018.⁶ Now, nearly three years later, the program changes agreed to by the parties to that proceeding and approved by the Commission for implementation continue to face lengthy delays.

While we recognize and are sensitive to the challenges Duquesne has faced with implementation, we note that Duquesne's low income consumers have continued to face categorically unaffordable rates throughout this period – which happens to coincide with an unprecedented economic crisis that has further strained the ability of low income consumers to pay for basic

Statement reforms both in DLC's service territory and across the state. These reforms are designed to address deep and persistent levels of unaffordability within CAP. If allowed to persist without mitigation, economically vulnerable households will continue to be at risk of harm to their health and financial stability. Moreover, as a party to the underlying proceeding, and a signatory to the Joint Petition that led to the Commission's approval of Duquesne's PIPP CAP, CAUSE-PA has a direct and substantial interest in the outcome of the instant Petition.

² Duquesne Petition at para. 18.

³ 52 Pa. Code § 69.265; 2019 Amendments to CAP Policy Statement, Final Policy Statement and Order, Docket No. M-2019-3012599, at 27 (order entered Nov. 5, 2019) (hereinafter Final CAP Policy Statement and Order).

⁴ Expedited Petition of Duquesne Light Company for Implementation of the Percentage of Income Payment Plan Customer Assistance Program as Proposed on January 6, 2020, Answer of CAUSE-PA, Docket Nos. M-2019-3008227, P-2020-3022770 (filed Nov. 16, 2020); Duquesne Light Company Universal Service and Energy Conservation Plan for 2020-2025, Comments of CAUSE-PA, Docket No. M-2019-3008227

⁵ Duquesne Light Universal Service and Energy Conservation Plan for 2017-2019 Submitted in Compliance with 52 Pa. Code §§ 54.74, Order on Reconsideration, Docket No. M-2016-2534323 (order entered April 19, 2018) (hereinafter April 13 Order).

⁶ Id.

needs. There must be a balance of interests here which accounts not only for Duquesne's technical challenges with implementation, but also for the increased burden on economically vulnerable ratepayers created by the ongoing delay.

For these reasons, we respectfully urge the Commission to swiftly approve Duquesne's Petition, with the unequivocal directive that Duquesne fully implement its PIPP CAP on or before its proposed April 1, 2021 deadline.

Respectfully submitted,

A handwritten signature in blue ink that reads "Elizabeth R. Marx". The signature is fluid and cursive, with the first name being the most prominent.

Elizabeth R. Marx, Esq.
Counsel for CAUSE-PA

CC: Certificate of Service
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Verification

I, **Elizabeth R. Marx, Esq.**, legal 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 pleadings 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 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Elizabeth R. Marx, Esq.

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

January 11, 2021

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition for an Extension of Duquesne Light :
Company's Percentage of Income Payment Plan : Docket No. M-2016-2534323
Implementation Customer Assistance Program : M-2019-3008227
: P-2020-3023448
:
:

CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, served copies of the **Letter Answer of the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania** in the above captioned matter upon the following persons and in accordance with the requirements of 52 Pa. Code § 1.54.

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Respectfully submitted,



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Dated: January 11, 2021