



November 4, 2021

***Via Electronic Filing***

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

**Re: Addendum to Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2020 Docket No. M-2016-2542415;**

**Petition to Amend Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2020 Docket No. P-2020-3018867**

*Petition to Intervene of CAUSE-PA*

Dear Secretary Chiavetta:

Please find the attached **Petition to Intervene and Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)** in the above-referenced proceedings.

As indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully Submitted,

Lauren N. Berman, Esq.  
*Counsel for CAUSE-PA*

CC: Certificate of Service



<p>Charis Mincavage, Esq.  McNees, Wallace, and Nurick  100 Pine Street  P.O. Box 1166  Harrisburg, PA 17108-1166  <a href="mailto:cmincava@mwn.com">cmincava@mwn.com</a></p>	<p>Louise Fink Smith, Esq.  Law Bureau  PA Public Utility Commission  P.O. Box 3265  400 North Street, 3rd Floor  Harrisburg, PA 17105-3265  <a href="mailto:Finksmith@pa.gov">Finksmith@pa.gov</a></p>
<p>Lauren M. Burge, Esquire  Eckert Seamans Cherin &amp; Mellott, LLC  600 Grant Street, 44th Floor  Pittsburgh, PA 15219  <a href="mailto:lburge@eckertseams.com">lburge@eckertseams.com</a></p>	<p>Deanne M. O'Dell, Esquire  Karen O. Moury  Eckert Seamans Cherin &amp; Mellott, LLC  213 Market Street, 8th Floor  Harrisburg, PA 17101  <a href="mailto:dodell@eckertseamans.com">dodell@eckertseamans.com</a>  <a href="mailto:kmoury@eckertseamans.com">kmoury@eckertseamans.com</a></p>
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Respectfully submitted,  
**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*




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Date: November 4, 2021

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Addendum to Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2020</b>	:	
	:	<b>Docket No. M-2016-2542415</b>
	:	
	:	
<b>Petition to Amend Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2020</b>	:	
	:	<b>Docket No. P-2020-3018867</b>
	:	

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**PETITION TO INTERVENE OF THE COALITION FOR AFFORDABLE  
UTILITY SERVICES AND ENERGY EFFICIENCY IN PENNSYLVANIA**

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**November 4, 2021**

PENNSYLVANIA UTILITY LAW PROJECT  
*Counsel for CAUSE-PA*  
Elizabeth R. Marx, Esq. (Pa. ID: 309014)  
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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 to intervene in the above-captioned proceedings. In support thereof, CAUSE-PA states as follows:

1. On October 5, 2017, Philadelphia Gas Works' (PGW) Universal Service and Energy Conservation Plan (USECP) for 2017 to 2020 was originally approved by Commission Order.<sup>1</sup>
2. On November 5, 2019, the Commission entered a Final Policy Statement and Order at Docket No. M-2019-3012599 (Final Policy Statement and Order) adopting certain Customer Assistance Program (CAP) policy changes and amending its CAP Policy Statement at 52 Pa. Code §§ 69.261-69.267. The Final Policy Statement and Order, in conjunction with the October 2019 Order, required EDCs and NGDCs to submit addendums to their existing or proposed USECPs indicating how they planned to implement the policy changes specified in the amended Final CAP Policy Statement. (Final Policy Statement and Order at Ordering ¶ 6).
3. On January 6, 2020, PGW filed a 2020 Addendum and Cover Letter to its 2017-2022 Universal Service and Energy Conservation Plan (2017 USECP) in compliance with the Commission's Final Policy Statement and Order.
4. On February 21, 2020, PGW filed a Petition seeking expedited review of its January 6,

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<sup>1</sup> Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2020 Submitted in Compliance with 52 Pa. Code § 62.4, Order, Docket No. M-2016-2542415 (Order entered Oct. 5, 2017).

2020 filing.

5. On March 2, 2020, the Tenant Union Representative Network (TURN), Action Alliance of Senior Citizens of Greater Philadelphia (Action Alliance) and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) (collectively, Low Income Advocates) filed a Letter Answer in support of expedited review of the January 6, 2020 filing and approval of the proposed changes to PGW's 2017 USECP. (Low Income Advocates' Answer).
6. Also on March 2, 2020, the Office of Consumer Advocate (OCA) filed its Answer opposing expedited review and approval of the January 6, 2020 filing and any changes to PGW's existing USECP. On March 19, 2020, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention.
7. On March 26, 2020, the Commission ordered that PGW would be allowed to implement approved provisions of its January 6, 2020 filing relative to its 2017-2022 Universal Service and Energy Conservation Plan as a Pilot Program. The approved provisions include, in relevant part, that PGW will charge CAP customers with incomes at or below 50% of the Federal Poverty Income Guidelines (FPIG) a maximum of 4% of income or their average bill, whichever is less, and charge CAP customers with incomes above 50% and below 150% of the FPIG a maximum of 6% of income or their average bill, whichever is less.<sup>2</sup>
8. On May 4, 2020, OCA and OSBA respectively filed Petitions for Review of the Commission Order to the Commonwealth Court of Pennsylvania (422 C.D. 2020 and 421 C.D. 2020, respectively).

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<sup>2</sup> Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2022; Petition to Amend Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2022, Order, Docket Nos. M-2016-2542415; P-2020-3018867 (Order filed March 26, 2020).

9. On September 29, 2021, the Commonwealth Court found in favor of the appealing parties, remanding the matter for further proceedings consistent with its Order.

### **Petition to Intervene**

10. 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).
11. 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).
12. Even though 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. PUC, 995 A.2d 465, 476 (Pa. Commw. 2010) (alteration in original) (citing Tripps Park v. Pa. PUC, 415 A.2d 967 (Pa. Commw. 1980); Parents United for Better Schools v. School District of Philadelphia, 646 A.2d 689 (Pa. Commw. 1994)).
13. CAUSE-PA is an unincorporated association of moderate and 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.

14. 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.
15. CAUSE-PA is located, c/o the Pennsylvania Legal Aid Network, at 118 Locust Street, Harrisburg, PA 17101.
16. CAUSE-PA has a significant interest in the impact that PGW's energy burden standards and CRP rates will have on moderate and low income residential customers. These interests are not adequately represented by other participants.
17. Members of CAUSE-PA are located within PGW's service territory and will be directly affected by the outcome of this proceeding. Particularly, this proceeding will affect the price that CAUSE-PA members pay for gas service, and their ability to reasonably afford to maintain uninterrupted service to their home.
18. CAUSE-PA has standing to intervene because 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.
19. CAUSE-PA is represented in this proceeding by:

Elizabeth R. Marx, Esquire  
Ria M. Pereira, Esquire  
Lauren N. Berman, Esquire  
John W. Sweet, Esquire  
**Pennsylvania Utility Law Project**  
118 Locust Street  
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20. Counsel for CAUSE-PA consents to the service of documents by electronic mail to [pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org), as provided in 52 Pa. Code § 1.54(b)(3).

**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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Lauren N. Berman, Esq. PA ID: 310116  
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Date: November 4, 2021

**Verification**

I, Minta Livengood, a member of the Executive Committee of the Coalition for Affordable Utility Services and Energy Efficiency (“CAUSE-PA”), hereby states 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).

Date: November 4, 2021



Ms. Minta Livengood