



August 1, 2022

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

**Re: M-2018-3003177 – Peoples Natural Gas Company 2019-2024 USECP
M-2020-3021343 – Peoples Gas Company 2019-2024 USECP
P-2020-3017641 – Amendment to Peoples Natural Gas Company 2015-2018 USECP
M-2014-2432515 – Peoples Natural Gas 2015-2018 USECP**

Petition to Intervene and Answer of CAUSE-PA to the Petition of Peoples Natural Gas Company LLC and Peoples Gas Company LLC for Reconsideration of Staff Action

Dear Secretary Chiavetta:

Attached for filing, please find the **Petition to Intervene and Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) to the Peoples' Companies' Petition for Reconsideration** in the above noted proceedings.

Copies were served electronically consistent with the attached certificate of service.

Respectfully submitted,

A handwritten signature in blue ink that reads "Elizabeth R. Marx".

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

CC: Certificate of Service
Joseph Magee, Bureau of Consumer Services, jmagee@pa.gov
Louise Fink-Smith, Esq., Law Bureau, finksmith@pa.gov

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Peoples Natural Gas Company LLC Universal :
Service and Energy Conservation Plan for 2019-2024 : Docket No. M-2018-3003177

Peoples Gas Company LLC Universal and Energy :
Conservation Plan for 2019-2024 : Docket No. M-2020-3021343

Amendment to Peoples Natural Gas Company LLC :
Universal Service and Energy Conservation Plan for :
2015-2018 : Docket No. P-2020-3017641

Peoples Natural Gas Co. LLC Universal Service :
and Energy Conservation Plan for 2015-2018 : Docket No. M-2014-2432515

CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, served copies of the **Answer of the Coalition for Affordable Utility Services 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.

SERVICE BY EMAIL ONLY

Jennifer Petrisek, Esq.
Rita F. Black
Peoples Natural Gas
225 N. Shore Drive
Pittsburgh, PA 15212
Jennifer.Petrisek@peoples-gas.com
Rita.F.Black@peoples-gas.com

Christy Appleby, Esq.
Office of Consumer Advocate
555 Walnut Street,
5th Floor, Forum Place
Harrisburg, PA 17101
cappleby@paoca.org

Respectfully submitted,



Elizabeth R. Marx, Esq., PA ID 309014
Counsel for CAUSE-PA

Dated: August 1, 2022

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Peoples Natural Gas Company LLC Universal Service and Energy Conservation Plan for 2019-2024	:	Docket No. M-2018-3003177
Peoples Gas Company LLC Universal and Energy Conservation Plan for 2019-2024	:	Docket No. M-2020-3021343
Amendment to Peoples Natural Gas Company LLC Universal Service and Energy Conservation Plan for 2015-2018	:	Docket No. P-2020-3017641
Peoples Natural Gas Co. LLC Universal Service and Energy Conservation Plan for 2015-2018	:	Docket No. M-2014-2432515

**PETITION TO INTERVENE AND ANSWER OF
THE COALITION FOR AFFORDABLE UTILITY SERVICES AND
ENERGY EFFICIENCY IN PENNSYLVANIA (CAUSE-PA)
TO THE PETITION OF PEOPLES NATURAL GAS COMPANY LLC
AND PEOPLES GAS COMPANY LLC FOR RECONSIDERATION OF
STAFF ACTION**

THE PENNSYLVANIA UTILITY LAW PROJECT

Counsel for CAUSE-PA

Elizabeth R. Marx, Esq.
Ria M. Pereira, Esq.
John W. Sweet, Esq.
Lauren N. Berman, Esq.
118 Locust Street
Harrisburg, PA 17101
Tel.: 717-236-9486
Fax: 717-233-4088
pulp@pautilitylawproject.org

August 1, 2022

Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (Commission), 52 Pa. Code §§ 5.61(e), 5.71-.76, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), through its counsel at the Pennsylvania Utility Law Project, hereby files this Petition to Intervene and Answer to the Petition of Peoples Natural Gas Company LLC and Peoples Gas Company LLC (collectively, Peoples) for Reconsideration of Staff Action.

In support thereof, CAUSE-PA submits the following:

BACKGROUND

1. On May 12, 2022, the Pennsylvania Public Utility Commission (Commission) entered an Order (May 12 Order) directing approving Peoples' 2019-2024 Universal Service and Energy Conservation Plan (USECP or Plan), subject to Peoples' implementation of certain modifications within 90 days.
2. The Commission required Peoples to submit a revised USECP within 30 days of the May 12 Order, and to file a subsequent letter at the docket once the program modifications were fully implemented.
3. On June 13, 2022, Peoples filed a revised USECP pursuant to the Commission's May 12 Order. In relevant part, Peoples' revised USECP proposed a longer timeframe for implementation of three required changes: (1) October 1, 2022 for implementation of a paper application for its Customer Assistance Program (CAP); (2) March 31, 2023 for implementation of changes to its CAP final billing procedures; and (3) March 31, 2023 for elimination of Peoples' monthly \$5 pre-program arrearage co-payment.

4. On June 30, 2022, the Commission issued a Secretarial Letter which concluded that Peoples' revised implementation timeframes for these three changes were beyond the 90-day timeframe required in the Commission's May 12, 2023 Order, and directed Peoples to implement the changes within the timeframe provided in the Commission's May 12 Order.
5. On July 21, 2022, Peoples filed a Petition for Reconsideration from Staff Action. In its Petition, Peoples seeks reconsideration and clarification of the implementation timeframe for developing and executing a paper Customer Assistance Program (CAP) application, reconsideration of the compliance timeframe for implementing the CAP final bill modifications, and reconsideration of the timeframe for eliminating the pre-CAP \$5 pre-program arrearage (PPA) forgiveness co-payment. Specifically, Peoples' Petition seeks approval of the following revised implementation timeframes:
 - a. Paper Application: Peoples seeks approval of an October 1, 2022 deadline, and argues that this additional time is necessary to identify how the application will be distributed, ensure the application and instructions are in plain language, and to share the draft application with members of its Universal Service Advisory Group. (Peoples' Pet. at para. 15-17).
 - b. CAP Final Bill: Peoples seeks approval of a December 1, 2022 deadline. Peoples identifies various IT challenges which are driving its request for an extended timeframe for implementation, and notes that the proposed extension would nevertheless allow Peoples to implement the change before the winter heating season. (Peoples' Pet. at para. 21-22).

- c. Elimination of \$5 Co-Payment: Peoples seeks approval of a March 31, 2023 deadline. Peoples again notes various IT challenges that are driving its request, and commits to implementing the changes before March 31, 2023, if possible.

ANSWER

6. CAUSE-PA is not opposed to Peoples' proposal to extend the timeframe for implementation of a paper CAP application, revised CAP final billing procedures, and elimination of the monthly \$5 PPA forgiveness copayment.
7. That said, CAUSE-PA is concerned about prolonging the delivery of critical rate relief to low income households in Peoples' service territory. Low income households will bear the burden of this delay – exacerbating already high energy costs.
8. Peoples' USECP was originally filed on July 2, 2018, and a further addendum was filed on January 6, 2020. In other words, Peoples' USECP has been pending approval before the Commission for over four years – delaying implementation of critical reforms to Peoples' USECP to help improve CAP access and affordability.
9. Further extension of the timeframe for elimination of the \$5 co-payment will come at a specific and identifiable cost to low income consumers, undermining the program's affordability goals.
10. To mitigate the financial impact of Peoples' proposal to extend the timeframe for eliminating the \$5 co-payment, CAUSE-PA recommends that the Commission require Peoples to issue a credit to CAP participants for each month they were charged a co-payment after Peoples was initially required to implement this change. This credit should be applied to the participant's asked to pay amount. Assuming Peoples is able to eliminate the co-payment fee by the proposed March 31, 2023 deadline, the credit would amount to a maximum \$35.

11. Crediting accounts in this manner would provide Peoples additional time to implement this new USECP provision while providing CAP customers with a credit on their bill on or near March 31, 2023, which coincides with the end of the winter moratorium when the need for assistance is often greatest. In short, CAUSE-PA's recommendation would be mutually beneficial to Peoples and to their CAP customers. While this credit will not make CAP customers whole, as it will arrive after the charges are initially assessed and some households may miss out on arrearage forgiveness if they are unable to pay the co-payment through winter, it will help to reduce added financial pressure at a critical time of year.
12. Importantly, since the Commission already ordered Peoples to eliminate the \$5 co-payment within 90 days of its March 12 Order (August 10, 2022), CAUSE-PA's proposal would not add any additional cost to other residential consumers.
13. After Peoples filed its Petition for Reconsideration of Staff Action, CAUSE-PA met with representatives from Peoples and the Office of Consumer Advocate to discuss our concerns with Peoples' proposed implementation timeframe for elimination of the \$5 co-payment. Thereafter, representatives from Peoples and OCA each indicated to CAUSE-PA that they are in support of CAUSE-PA's proposal and permitted counsel for CAUSE-PA to identify their mutual support in this Answer.
14. For these reasons, and to the extent the Commission grants Peoples' requests to extend the implementation timeframes for various aspects of its USECP, CAUSE-PA respectfully request that the Commission approve CAUSE-PA's proposal that Peoples issue a credit for any PPA co-payment charged to CAP customers after August 10, 2022 (the original deadline for elimination of the \$5 co-payment). This credit should be applied following elimination of the \$5 co-payment.

INTERVENTION

15. CAUSE-PA seeks to formally intervene in this proceeding to protect the rights and interests of its members and other low income Pennsylvanians who reside in Peoples' service territory.
16. 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).
17. 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).
18. 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)).
19. CAUSE-PA is an unincorporated association of low and moderate 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.

20. CAUSE-PA membership is open to low and moderate income Pennsylvanians committed to the goal of helping low income families maintain affordable access to utility services and achieve economic independence.
21. CAUSE-PA is located, c/o the Pennsylvania Legal Aid Network, at 118 Locust Street, Harrisburg, PA 17101.
22. CAUSE-PA was an active participant in the underlying proceeding and submitted extensive Comments and Reply Comments in response to the Commission's request for input from stakeholders regarding Peoples' proposed USECP.
23. Despite being an active participant in the underlying proceeding, CAUSE-PA has not yet petitioned to formally intervene because, to date, there has been no formal litigation of the matter. Rather, the case was determined based on input provided by interested stakeholders through Comments and Reply Comments – which does not require formal intervention to participate.
24. Members of CAUSE-PA are located within Peoples' service territory and will be directly affected by the outcome of this proceeding, as it will impact the amount CAUSE-PA members pay for service when enrolled in its CAP.
25. CAUSE-PA has a significant interest in the impact that Peoples' request for reconsideration, which are not adequately represented by other participants.
26. 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.
27. CAUSE-PA is represented in this proceeding by:

Elizabeth R. Marx, Esquire
Ria M. Pereira, Esquire

John W. Sweet, Esquire
Lauren N. Berman, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
E-mail: pulp@pautilitylawproject.org

28. Counsel for CAUSE-PA consents to the service of documents by electronic mail.

CONCLUSION

For the reasons stated more fully above, CAUSE-PA respectfully requests that the Commission grant its request to formally intervene in this proceeding. Further, if the Commission approves Peoples' request for an extension of time to eliminate the \$5 monthly co-payment, CAUSE-PA urges the Commission to require that Peoples issue a \$5 credit for each month CAP participants were charged a co-payment after the initially directed implementation date for this provision of the USECP (August 10, 2022).

Respectfully submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



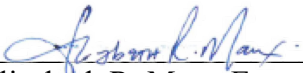
Elizabeth R. Marx, Esq., PA ID: 309014
Ria M. Pereira, Esq., PA ID: 316771
John Sweet, Esq., PA ID: 320182
Lauren Berman., PA ID: 310116
118 Locust Street
Harrisburg, PA 17101
Tel.: 717-236-9486
Fax: 717-233-4088

Dated: August 1, 2022

pulp@pautilitylawproject.org

Verification

I, **Elizabeth R. Marx**, 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)*

August 1, 2022