



September 6, 2022

VIA E-File

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
400 North Street, Filing Room
Harrisburg, PA 17120

Re: **Petition of Philadelphia Gas Works for Approval on Less than Statutory Notice of
Tariff Supplement Revising Weather Normalization Adjustment, Docket No. P-
2022-3034264**

Dear Secretary Chiavetta,

Attached for filing, please find the **Petition to Intervene of the Coalition for Affordable
Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)** at the above noted
docket.

Copies were served on Parties of Record and other interested parties pursuant to the attached
Certificate of Service.

Respectfully Submitted,
Counsel for CAUSE-PA



Elizabeth R. Marx, Esq.

CC: Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Philadelphia Gas Works for : Docket No. P-2022-3034264
Approval On Less than Statutory Notice :
Of Tariff Supplement Revising Weather :
Normalization Adjustment :

Report of Philadelphia Gas Works on : Docket No. P-2022-3033477
Weather Normalization Adjustment :

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

PENNSYLVANIA UTILITY LAW PROJECT

Counsel for CAUSE-PA

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September 6, 2022

Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§ 5.71-5.76, 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 (“Commission”) to intervene in the above-captioned proceeding.

In support thereof, CAUSE-PA states as follows:

1. On June 30, 2022, Philadelphia Gas Works (PGW) filed a Petition for Emergency Order, requesting Commission approval to suspend application of its Weather Normalization Adjustment (WNA) charge for May 2022.¹ PGW’s application of the WNA had resulted in rate shock for customers, imposing charges in excess of \$11.3 million.

2. On July 1, 2022, the Office of Consumer Advocate filed an Answer to PGW’s Emergency Petition. OCA urged the Commission to investigate PGW’s WNA, and to suspend the rate mechanism until the mechanism could be thoroughly reviewed and evaluated.

3. Also on July 1, 2022, Chairman Gladys Brown Dutrieuille entered an Emergency Order granting PGW’s request, and suspending PGW’s WNA for May 2022. This Emergency Order was later ratified by the Commission at its July 14, 2022 Public Meeting. The Commission ordered PGW to report on its findings by August 15, 2022, and established a 20-day public comment period following submission of PGW’s report.

¹ Docket No. P-2022-3033477.

4. On August 2, 2022, PGW filed the instant Petition, seeking expedited approval of proposed revisions to its WNA tariff to impose a control cap. Specifically, PGW's proposal would cap WNA charges at 25% of the customer's total delivery charges. (PGW Pet. at 1).

5. On August 12, PGW filed its report at docket P-2022-3033477, explaining the findings from its internal WNA investigation.

6. On August 22, 2022, OCA filed an Answer to PGW's Petition, and recommended that PGW's WNA be suspended, pending the outcome of the Commission's investigation of PGW's WNA at docket P-2022-3033477.

7. Simultaneously with this filing, CAUSE-PA is filing Comments jointly with the Tenant Union Representative Network (TURN) in response to PGW's August 12 report to the Commission. As explained more fully in those Joint Comments, CAUSE-PA is concerned that PGW's proposed WNA cap will not prevent future rate shock and may result in unjust and unreasonable rates – causing direct and substantial financial harm to low income consumers. CAUSE-PA urged the Commission to adopt the recommendations of the Office of Consumer Advocate to suspend operation of PGW's WNA to allow for a full investigation and review of PGW's WNA before any further WNA charges are imposed.

8. 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).

9. 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).

10. 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* Trippls 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)).

11. 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.

12. 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.

13. CAUSE-PA is located, c/o the Pennsylvania Legal Aid Network, at 118 Locust Street, Harrisburg, PA 17101.

14. CAUSE-PA has a significant interest in the impact that PGW's proposal to modify its Weather Normalization Adjustment charge. These interests are unique and are not adequately represented by other participants.

15. Members of CAUSE-PA are located within PGW's service territory, are customers of PGW, and will be directly affected by the outcome of this proceeding. Particularly, this proceeding will affect the price that CAUSE-PA members pay for residential gas service.²

16. 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.

17. CAUSE-PA is represented in this proceeding by:

John W. Sweet, Esq.
Elizabeth R. Marx, Esq.
Ria M. Pereira, Esq.
Lauren N. Berman, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
Telephone: 717-236-9486
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E-mail: pulp@pautilitylawproject.org

18. Counsel for CAUSE-PA consents to the service of documents by electronic mail to pulp@pautilitylawproject.org as provided in 52 Pa. Code § 1.54(b)(3).

19. CAUSE-PA seeks to intervene in this proceeding to protect the interests of its members.

² Ms. Sonia Brookins and Jahala McLendon are members of CAUSE-PA and customers of PGW.

WHEREFORE, CAUSE-PA respectfully requests that the Commission enter an order granting CAUSE-PA full status as an intervenor in this proceeding with active party status.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA

A handwritten signature in black ink, appearing to read "John W. Sweet", with a stylized flourish above the name.

John W. Sweet, Esq., PA ID: 320182
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Ria M. Pereira, Esq., PA ID: 316771
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Date: September 6, 2022

Verification

I, Elizabeth R. Marx, legal counsel for the Coalition for Affordable Utility Services and Energy Efficiency (“CAUSE-PA”) hereby state that the facts contained in the foregoing pleading 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
On behalf of the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania (CAUSE-PA)

Date: September 6, 2022

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Philadelphia Gas Works for Approval On Less than Statutory Notice of Tariff Supplement Revising Weather Normalization Adjustment	:	Docket No. P-2022-3034264
	:	
	:	
	:	
Report of Philadelphia Gas Works on Weather Normalization Adjustment	:	Docket No. P-2022-3033477
	:	

Certificate of Service

I hereby certify that I have this day served copies of the **Petition to Intervene of the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA)** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54.

VIA Email

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

A handwritten signature in black ink, appearing to read "John W. Sweet". The signature is written in a cursive style with a horizontal line above the name.

John W. Sweet, Esq., PA ID: 320182
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