



March 16, 2023

**VIA E-File**

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

**Re: Joint Application of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power Company, Keystone Appalachian Transmission Company, Mid-Atlantic Interstate Transmission, LLC, and FirstEnergy Pennsylvania Electric Company**

Docket Nos. A-2023-3038771, A-2023-3038792, A-2023-3038793, A-2023-3038794, A-2023-3038795, A-2023-3038807, A-2023-3038808, G-2023-3038818, G-2023-3038819, G-2023-3038820, G-2023-3038821, ~~G-00020956~~

G-00020956-AEL-3/16/23

*Petition to Intervene and Answer 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 proceeding.

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

Respectfully Submitted,

Ria M. Pereira, Esq.  
*Counsel for CAUSE-PA*

CC: Certificate of Service

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of Metropolitan Edison	:	
Company, Pennsylvania Electric Company,	:	Docket Nos. A-2023-3038771
Pennsylvania Power Company, West Penn	:	A-2023-3038792
Power Company, Keystone Appalachian	:	A-2023-3038793
Transmission Company, Mid-Atlantic	:	A-2023-3038794
Interstate Transmission, LLC, and	:	A-2023-3038795
FirstEnergy Pennsylvania Electric	:	A-2023-3038807
Company for All of the Necessary	:	A-2023-3038808
Authority, Approvals, and Certificates of	:	G-2023-3038818
Public Convenience for (1) the Agreements	:	G-2023-3038819
and Plans of Merger; (2) the Establishment	:	G-2023-3038820
of FirstEnergy Pennsylvania Holding	:	G-2023-3038821
Company LLC as an Intermediate Holding	:	G-0002095
Company in the Chain of Ownership of	:	
FirstEnergy Pennsylvania Electric	:	
Company; (3) the Merger of Metropolitan	:	
Edison Company, Pennsylvania Electric	:	
Company, Pennsylvania Power Company,	:	
and West Penn Power Company with and	:	
into FirstEnergy Pennsylvania Electric	:	
Company; (4) the Initiation by FirstEnergy	:	
Pennsylvania Electric Company of Electric	:	
Service in All Territories in this	:	
Commonwealth where Metropolitan	:	
Edison Company, Pennsylvania Electric	:	
Company, Pennsylvania Power Company,	:	
and West Penn Power Company Do or	:	
May Provide Electric Service; (5) the	:	
Abandonment by Metropolitan Edison	:	
Company, Pennsylvania Electric Company,	:	
Pennsylvania Power Company, and West	:	
Penn Power Company of All Electric	:	
Service in this Commonwealth; (6) the	:	
Adoption by FirstEnergy Pennsylvania	:	
Electric Company of Metropolitan Edison	:	
Company, Pennsylvania Electric Company,	:	
Pennsylvania Power Company, and West	:	
Penn Power Company's Existing Tariffs	:	
and their Application within New Service	:	
and Rate Districts of FirstEnergy	:	
Pennsylvania Electric Company	:	
Corresponding to their Existing Service	:	
Territories as the Met-Ed Rate District,	:	

Penelec Rate District, Penn Power Rate District, West Penn Rate District, and The Pennsylvania State University Rate District, Respectively; (7) the sale of Class B Membership Interests in Mid-Atlantic Interstate Transmission, LLC held by Met-Ed and Penelec to FirstEnergy Corp.; (8) the Contribution of West Penn Power Company's Transmission Assets to Keystone Appalachian Transmission Company; (9) a Certificate of Public Convenience Conferring Upon Keystone Appalachian Transmission Company the Status of a Pennsylvania Public Utility; (10) Where Necessary, Associated Affiliated Interest Agreements; and (11) Any Other Approvals Necessary to Complete the Contemplated Transaction

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

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**PENNSYLVANIA UTILITY LAW PROJECT**

*Counsel for CAUSE-PA*

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Elizabeth R. Marx, Esq., PA ID: 309014

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

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**March 16, 2023**

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 (“Commission”) to intervene and files its Answer in the above-captioned proceeding. In support thereof, CAUSE-PA states as follows:

1. On March 6, 2023, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power Company, Keystone Appalachian Transmission Company, Mid-Atlantic Interstate Transmission, LLC, and FirstEnergy Pennsylvania Electric Company (hereafter, Joint Applicants) filed a Joint Application, in which the Joint Applicants requested authority, approvals, and certificates of public convenience for, what includes but is not limited to: (1) agreements and plans for merger of the Joint Applicants; (2) establishment of FirstEnergy Pennsylvania Holding Company LLC (FE PA); (3) merger of Met-Ed, Penelec, Penn Power, and West Penn with and into FE PA; (4) the initiation by FE PA of electric service in all territories in this Commonwealth where Met-Ed, Penelec, Penn Power, and West Penn do or may provide electric service; and (5) the abandonment by Met-Ed, Penelec, Penn Power, and West Penn of all electric service in this Commonwealth.

2. In their Joint Application, the Joint Applicants further requested the adoption by FE PA of Met-Ed, Penelec, Penn Power, and West Penn’s existing tariffs within new service and rate districts of FE PA corresponding with certain existing service territories.

3. Finally, the Joint Applicants requested the transfer of certain membership interests held by Met-Ed and Penelec to FirstEnergy Corp.; the transfer of West Penn’s Transmission Assets to KATCo; and a certificate of public convenience which would confer on

KATCo the status of a Pennsylvania public utility pursuant to 66 Pa.C.S. § 102.

### **Petition to Intervene**

4. 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).

5. 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).

6. 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)).

7. 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.

8. 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.

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

10. CAUSE-PA has a significant interest in the impact the Joint Application will have on low and moderate income residential customers. CAUSE-PA asserts that other participants in this proceeding do not adequately represent these interests.

11. The outcome of this proceeding will directly affect members of CAUSE-PA. Particularly, this proceeding will affect the quality and terms/conditions of service, as well as the reliability of service, of CAUSE-PA members in FirstEnergy's service territories.

12. 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.

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

Ria M. Pereira, Esq., PA ID: 316771  
Elizabeth R. Marx, Esq., PA ID: 309014  
John W. Sweet, Esq., PA ID: 320182  
Lauren N. Berman, Esq., PA ID: 310116

**Pennsylvania Utility Law Project**

118 Locust Street  
Harrisburg, PA 17101  
Telephone: 717-236-9486  
Facsimile: 717-233-4088  
E-mail: [pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

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).

**Answer**

14. CAUSE-PA has preliminarily reviewed the Joint Application and supporting materials and has identified a number of issues presented in the filing that require further investigation and hearings to ensure that the requested relief contained in the Joint Application will not adversely impact low and moderate income consumers.

15. While additional issues may arise as a more comprehensive review of the Joint Applicant's filing takes place, the preliminary issues identified by CAUSE-PA include the following:

(a) Whether the quality of service for FirstEnergy customers will be impacted as a result of the requests contained in the Joint Application;

(b) Whether the requests contained in Joint Application will affect FirstEnergy's rates and/or terms/conditions of service;

(c) Whether the requests contained in the Joint Application will have an impact of FirstEnergy's existing low income programs; and

(d) Whether there are actual and meaningful affirmative benefits to low income ratepayers that will result from the Joint Application.

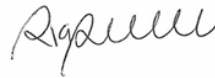
16. CAUSE-PA asserts that these matters, as well as others that may later become evident, must be thoroughly investigated and reviewed through an on-the-record proceeding to ensure that FirstEnergy remains compliant with their obligations under the Public Utility Code, Commission's regulations, and other applicable laws, regulations, and policies – and to ensure that

low and moderate income consumers are not adversely affected by the requested relief in the Joint Application.

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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Ria M. Pereira, Esq., PA ID: 316771  
Elizabeth R. Marx, Esq., PA ID: 309014  
John W. Sweet, Esq., PA ID: 320182  
Lauren N. Berman, Esq., PA ID: 310116  
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Date: March 16, 2023



**Verification**

I, **Elizabeth R. Marx**, legal counsel for the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), on behalf of 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).



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Elizabeth R. Marx, Esq., PA ID 309014  
The Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[PULP@pautilitylawproject.org](mailto:PULP@pautilitylawproject.org)  
*Counsel for CAUSE-PA*

Date: March 16, 2023

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Company in the Chain of Ownership of	:	
FirstEnergy Pennsylvania Electric	:	G-00020956-AEL-3/16/23
Company; (3) the Merger of Metropolitan	:	
Edison Company, Pennsylvania Electric	:	
Company, Pennsylvania Power Company,	:	
and West Penn Power Company with and	:	
into FirstEnergy Pennsylvania Electric	:	
Company; (4) the Initiation by FirstEnergy	:	
Pennsylvania Electric Company of Electric	:	
Service in All Territories in this	:	
Commonwealth where Metropolitan	:	
Edison Company, Pennsylvania Electric	:	
Company, Pennsylvania Power Company,	:	
and West Penn Power Company Do or	:	
May Provide Electric Service; (5) the	:	
Abandonment by Metropolitan Edison	:	
Company, Pennsylvania Electric Company,	:	
Pennsylvania Power Company, and West	:	
Penn Power Company of All Electric	:	
Service in this Commonwealth; (6) the	:	
Adoption by FirstEnergy Pennsylvania	:	
Electric Company of Metropolitan Edison	:	
Company, Pennsylvania Electric Company,	:	
Pennsylvania Power Company, and West	:	
Penn Power Company's Existing Tariffs	:	
and their Application within New Service	:	
and Rate Districts of FirstEnergy	:	
Pennsylvania Electric Company	:	
Corresponding to their Existing Service	:	

Territories as the Met-Ed Rate District, :  
Penelec Rate District, Penn Power Rate :  
District, West Penn Rate District, and The :  
Pennsylvania State University Rate :  
District, Respectively; (7) the sale of Class :  
B Membership Interests in Mid-Atlantic :  
Interstate Transmission, LLC held by Met-Ed :  
and Penelec to FirstEnergy Corp.; (8) :  
the Contribution of West Penn Power :  
Company's Transmission Assets to :  
Keystone Appalachian Transmission :  
Company; (9) a Certificate of Public :  
Convenience Conferring Upon Keystone :  
Appalachian Transmission Company the :  
Status of a Pennsylvania Public Utility; :  
(10) Where Necessary, Associated :  
Affiliated Interest Agreements; and (11) :  
Any Other Approvals Necessary to :  
Complete the Contemplated Transaction :

**Certificate of Service**

I hereby certify that I have this day served copies of the **Petition to Intervene and Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54 in the manner and upon the persons listed below.

**VIA Email only**

<p>Tori L. Giesler, Esq.  Darshana Singh, Esq.  FirstEnergy Service Company  2800 Pottsville Pike  PO BOX 16001  Reading, PA 19612-6001  <a href="mailto:tgiesler@firstenergycorp.com">tgiesler@firstenergycorp.com</a>  <a href="mailto:singhd@firstenergycorp.com">singhd@firstenergycorp.com</a></p>	<p>David B. MacGregor, Esq.  Devin T Ryan, Esq.  Garrett P Lent, Esq.  Megan E. Rulli, Esq.  Post and Schell, P.C.  17 North Second Street  12th Floor  Harrisburg, PA 17101-1601  <a href="mailto:dmacgregor@postschell.com">dmacgregor@postschell.com</a>  <a href="mailto:dryan@postschell.com">dryan@postschell.com</a>  <a href="mailto:glent@postschell.com">glent@postschell.com</a>  <a href="mailto:mrulli@postschell.com">mrulli@postschell.com</a></p>
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<p>Richard Kanaskie, Esq.          Director and Chief Prosecutor          PA Public Utility Commission          Bureau of Investigation and Enforcement          Commonwealth Keystone Building          400 North Street, 2nd Floor West          Harrisburg, PA 17120  <a href="mailto:rkanaskie@pa.gov">rkanaskie@pa.gov</a></p>	<p>Patrick Cicero, Esq.          Darryl A. Lawrence, Esq.          Aron. J. Beatty, Esq.          Consumer Advocate          PA Office of Consumer Advocate          555 Walnut Street          Forum Place, 5th Floor          Harrisburg, PA 17101-1923  <a href="mailto:ra-oca@paoca.org">ra-oca@paoca.org</a>  <a href="mailto:DLawrence@paoca.org">DLawrence@paoca.org</a>  <a href="mailto:ABeatty@paoca.org">ABeatty@paoca.org</a></p>
<p>NazAarah Sabree          Small Business Advocate          PA Office of Small Business Advocate          555 Walnut Street          1st Floor, Forum Place          Harrisburg, PA 17101  <a href="mailto:ra-sba@pa.gov">ra-sba@pa.gov</a></p>	

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



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