



April 12, 2023

Via Email

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

Re: Pa. PUC v. Philadelphia Gas Works, Docket No. R-2023-3037933

CAUSE-PA Petition to Intervene

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,

A handwritten signature in black ink, appearing to read "John W. Sweet", written over a horizontal line.

John W. Sweet, Esq.
Counsel for CAUSE-PA

CC: *Certificate of Service*

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, et al. :
 :
 v. : Docket No. R-2023-3037933
 :
 Philadelphia Gas Works :

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

PENNSYLVANIA UTILITY LAW PROJECT

Counsel for CAUSE-PA

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April 12, 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 February 27, 2023, Philadelphia Gas Works (PGW) filed proposed Supplement No. 159 to its Gas Service Tariff – Pa. P.U.C. No. 2 (Supplement No. 159) requesting to increase rates by \$85.8 million, or 10.3%, effective April 28, 2023.

2. If PGW’s proposal is approved, the bill for a typical PGW residential heating customer who uses 71 Mcf per year will increase \$12.35 per month from \$125.38 to \$137.73 per month, or \$148.26 per year from \$1,504.55 to \$1,652.81 per year or by 9.9%. (PGW St. 1 at 15).

3. PGW seeks to increase its fixed monthly residential customer charge from \$14.90 to \$19.50, an increase of \$4.60 or 31%. (PGW St. 6 at 8).

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 that PGW’s proposed rate increase will have on moderate and low income residential customers. These interests are not adequately represented by other participants.

11. 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 as well as the reliability and quality of that service.

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 also currently an active party in PGW's Weather Normalization Adjustment (WNA), Docket Numbers, R-2022-3034229, P-2022-3034264. CAUSE-PA's interests in the WNA proceeding may be impacted by the outcome of the current proceeding.

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

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15. 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).

Answer

16. CAUSE-PA has preliminarily reviewed PGW's rate filing and objects to PGW's request on the grounds that the proposed rate increase could result in unjust and unreasonable rates that would impose severe hardship on low and moderate income residential customers.

17. Continued delivery of safe, affordable gas service is of critical importance to the safety, welfare, and economic stability of all Pennsylvanians – particularly those with limited financial means. In recognition of this fact, the law requires that utility services – here gas service – be universally available at an affordable rate, and that all universal service programs be developed, maintained, and appropriately funded to ensure such affordability. See 66 Pa. C.S. § 2203(3), (8). PGW’s general rate increase, specifically its proposal to significantly increase its fixed residential customer charge, could have a disparate impact on smaller households, with limited economic means, and will undermine bill savings achieved through adoption of energy efficiency and conservation measures.

18. As stated above, CAUSE-PA is an active party in PGW’s WNA proceeding at Docket Nos. R-2022-3034229, P-2022-3034264, where, in the direct testimony of Denise Adamucci, the Company indicated that it intends to include supplemental testimony on the WNA as part of this base rate case and that it will be seeking a motion to consolidate the WNA dockets with the rate case. On April 4, 2023, PGW filed supplemental testimony regarding its WNA and the related issues currently pending in the WNA proceedings.

19. Based on a preliminary review, CAUSE-PA questions the reasonableness of PGW’s proposal to introduce late-filed supplemental testimony regarding its WNA charge in light of the open and actively litigated proceeding on the matter. CAUSE-PA intends to investigate the issue more fully through the course of the proceeding.

20. CAUSE-PA asserts that these matters, and any future modifications presented by intervening parties, must be thoroughly reviewed and investigated to ensure that all customers are able to access safe, affordable gas service within the PGW service territory.

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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Date: April 12, 2023

Verification

I, Elizabeth R. Marx, Esq., verify that the *Petition to Intervene and Answer of the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania* was prepared by me or under my direct supervision, and is true and correct to the best of my knowledge, information and belief. 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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Pennsylvania Utility Law Project
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Counsel for CAUSE-PA

Date: April 12, 2023

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, et al. :
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 v. : Docket No. R-2023-3037933
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 Philadelphia Gas Works :

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

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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", with a horizontal line above it.

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