



April 24, 2023

VIA E-FILING

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

Dear Secretary Chiavetta,

Please find enclosed the Petition to Intervene of POWER Interfaith. As indicated on the attached Certificate of Service, service on the parties was accomplished by email only. Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

/s/ Devin McDougall

PA Attorney ID No. 329855

Senior Attorney

Earthjustice

1617 John F. Kennedy Blvd., Suite 2020

Philadelphia, PA 19103

dmcdougall@earthjustice.org

(917) 628-7411

cc:

Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et
al.

Docket No. R-2023-3037933

v.

Philadelphia Gas Works

PETITION TO INTERVENE OF POWER INTERFAITH

April 24, 2023

Pursuant to 52 Pa. Code §§ 5.72-5.75, POWER Interfaith (“POWER”) hereby files this Petition to Intervene (“Petition”) in the above-captioned proceeding (the “Proceeding”) of the Pennsylvania Public Utility Commission (the “Commission”) concerning the request for a general rate increase filed by Philadelphia Gas Works (“PGW”).

In support of this Petition, POWER states as follows:

1. On February 27, 2023, PGW submitted a rate filing, proposed Supplement No. 159 to its Gas Service Tariff No. 2, and proposed Supplement No. 105 to its Supplier Tariff No. 1. PGW is seeking approval of “new rates that would increase annual revenues for its gas distribution service by \$85.8 million, or by 10.3%.”¹ PGW is proposing to increase the fixed monthly residential charge from \$14.90 to \$19.55, a 31% increase.²

2. The Commission’s regulations provide 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.”³ A “person” includes a corporation and an association.⁴

3. Such an interest may be “[a]n interest 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”⁵ or “[a]n interest of such nature that participation of the petitioner may be in the public interest.”⁶

¹ PGW 2023 Base Rate Filing, Volume 1, Part 1 of 3, Statement of Reasons at 1 (Feb. 27, 2023).

² PGW 2023 Base Rate Filing, Volume II, Statement No. 6 at 8, Table 2.

³ 52 Pa. Code § 5.72(a).

⁴ 52 Pa. Code § 1.8; *See also Energy Conservation Council of Pennsylvania v. Pub. Util. Comm'n*, 995 A.2d 465, 476 (Pa. Commw. Ct. 2010) (“An association may have standing as a representative of its members. *Tripps Park v. Pennsylvania Public Utility Commission*, 52 Pa.Cmwlth. 317, 415 A.2d 967, 970 (1980). Thus, 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.’”).

⁵ 52 Pa. Code § 5.72(a)(2).

⁶ 52 Pa. Code § 5.72(a)(3).

4. POWER meets these requirements, since POWER's members would be directly affected by the proceeding, POWER's interests are not adequately represented by other parties, and POWER's participation in the proceeding would be in the public interest.

5. POWER is a Philadelphia-based network of faith communities committed to racial and economic justice on a livable planet. POWER includes over 50 active congregations, representing more than 30,000 diverse Philadelphians.

6. Members of POWER will be directly impacted by this proceeding and bound by the Commission's action in it. Members of POWER live within PGW's service territory, are customers of PGW, and will be subject to the outcome of this proceeding, including through impacts to their gas bills and the reliability, quality, and safety of their gas service. POWER's membership includes low-income households that have experienced energy insecurity and have struggled to keep up with their PGW bills.

7. POWER's members are people of faith committed to the work of bringing about justice here and now. POWER is committed to advancing a just, transparent, and affordable energy system; ensuring that PGW is using best technical and engineering practices to control costs, avoid rate increases, and protect energy affordability in the long-term; ensuring that any rate increase by PGW is no larger than necessary and is equitably distributed among customer classes; and supporting its members' understanding of and engagement with the public utility regulation process that directly affects their pocketbooks. POWER's interests in these areas would not be adequately advanced by other parties in this proceeding.

8. Additionally, it would serve the public interest for a network of faith communities like POWER to participate in this proceeding because as the Commission has recognized, active participation by diverse subgroups aids the Commission in advancing the public interest. As the

Commission has noted, “[i]n the context of a general rate increase case such as this one, the Commission is aided by the active participation of entities representing various subgroups of the entire public. A number of these active participants have a statutorily imposed obligation to provide this representation, while others are self-created entities choosing to represent a delineated subgroup. Taken as a whole, these active participants cover the entire spectrum of the public whose welfare is to be protected.”⁷

9. POWER is well-positioned to participate in this proceeding because it has previously intervened in and participated as an active party in the Philadelphia Gas Commission’s proceedings to review PGW’s proposed FY 2023 Capital Budget, FY 2023 Operating Budget, and FY 2024 Capital Budget.

10. POWER is represented in this matter by:

Devin McDougall, Esq.
PA Attorney ID No. 329855
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11. Counsel for POWER consents to the service of documents by electronic mail to dmcdougall@earthjustice.org, as provided in 52 Pa. Code § 1.54(b)(3).

⁷ *Pennsylvania Pub. Util. Comm’n Off. of Consumer Advoc. Off. of Small Bus. Advoc. Jennifer Mattingly Brandi Brace Kim Kotyk Barbara Brennan Lindsey Yeider Wosik Roger & Maria Hogue Lisa Infantino Mark Lazo Bridgett Brosius*, No. C-2021-3024200, 2021 WL 5051925, at *20–21 (Oct. 28, 2021).

WHEREFORE, POWER respectfully requests that the Commission grant this Petition to Intervene.

Dated: April 24, 2023

Respectfully submitted,

/s/ Devin McDougall

PA Attorney ID No. 329855

Senior Attorney

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of this electronically-filed document upon the parties, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

<p>Lauren E. Guerra, Esq. Mackenzie C. Battle, Esq. Darryl A. Lawrence, Esq. David Evrard, Esq. Office of Consumer Advocate Forum Place, 5th Floor 555 Walnut Street Harrisburg, PA 17101-1923 dlawrence@paoca.org devrard@paoca.org lguerra@paoca.org MBattle@paoca.org</p> <p><i>Representing the Office of Consumer Advocate</i></p>	<p>Dennis A. Whitaker, Esq. Kevin J. McKeon, Esq. Todd S. Stewart, Esq. Hawke McKeon & Sniscak LLP 100 N 10th Street Harrisburg, PA 17101 dawhitaker@hmslegal.com kjmckeon@hmslegal.com tsstewart@hmslegal.com</p> <p><i>Representing Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc.</i></p>
<p>Sharon E. Webb, Esq. Nakea S. Hurdle, Esq. Nazaarah Sabree, Esq. Office of Small Business Advocate Forum Place, 1st Floor 555 Walnut Street Harrisburg, PA 17101 swebb@pa.gov nhurdle@pa.gov ra-sba@pa.gov</p> <p><i>Representing the Office of Small Business Advocate</i></p>	<p>Craig W. Berry, Esq. Philadelphia Gas Works 800 W. Montgomery Avenue Philadelphia, PA 19122 craig.berry@pgworks.com</p> <p><i>Representing Philadelphia Gas Works</i></p>
<p>Gina Miller, Esq. Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 ginmiller@pa.gov</p> <p><i>Representing BIE</i></p>	<p>Dan Clearfield, Esq. Sarah C. Stoner, Esq. Eckert Seamans 213 Market St., 8th Floor Harrisburg, PA 17110 dclearfield@eckertseamans.com sstoner@eckertseamans.com</p> <p><i>Representing Philadelphia Gas Works</i></p>

<p>Charis Mincavage, Esq. Mcnees Wallace & Nurick 100 Pine Street PO Box 1166 Harrisburg, PA 17108 cmincavage@mwn.com</p> <p><i>Representing Philadelphia Industrial and Commercial Gas Users Group (PICGUG)</i></p>	<p>John Sweet, Esq. Elizabeth R. Marx, Esq. Ria Pereira, Esq. Lauren Berman, Esq. PA Utility Law Project 118 Locust Street Harrisburg, PA 17101 jsweet@pautilitylawproject.org emarx@pautilitylawproject.org rpereira@pautilitylawproject.org pulp@palegalaid.net</p> <p><i>Representing CAUSE-PA</i></p>
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<p>Representative Rick Krajewski Pennsylvania House 109B East Wing P.O. Box 202188 Harrisburg, PA 17120 repkrajewski@pahouse.net</p>	

Dated: April 24, 2023

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