



December 4, 2023

**VIA E-File**

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

**Re: Pennsylvania Public Utility Commission v. Pennsylvania-American Water  
Company  
Docket Nos. R-2023-3043189 (water); R-2023-3043190 (wastewater)**

***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**

Pennsylvania Public Utility Commission :  
 :  
 v. : Docket Nos. R-2023-3043189  
 : R-2023-3043190  
 Pennsylvania-American Water Company :

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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**

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**December 4, 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 November 8, 2023, Pennsylvania-American Water Company (PAWC or the Company) submitted a rate filing, Supplement No. 45 to Tariff Water-PA P.U.C. No. 5 and Supplement No. 47 to Tariff Wastewater-PA P.U.C. No. 16, which proposes to increase rates by approximately \$203.9 million, or approximately 20.2%, based on a fully projected future test year ending June 30, 2025. (Volume I, Statement of Specific Reasons). According to the Company, if the entire rate request is approved as filed, the total bill for a residential water customer in Rate Zone 1 - Water who uses approximately 3,201 gallons per month would increase from \$70.65 to \$88.24 per month, or by 24.9%, while the total bill for a residential wastewater customer in Rate Zone 1 – Wastewater using approximately 3,122 gallons per month would decrease from \$105.18 to \$100.08 per month, or by 4.8%. (Volume I, Notice of Proposed Water and Wastewater Rate Changes). However, the proposed decrease in projected wastewater bills is as a result of PAWC’s proposal to reallocate a portion of its wastewater revenue to water operations, increasing residential water bills by approximately \$6.08. (PAWC St. 1 at 20-21).

#### **Petition to Intervene**

2. 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).

3. 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).

4. 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)).

5. 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.

6. CAUSE-PA membership is open to moderate and low income individuals residing throughout 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.

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

8. CAUSE-PA has a significant interest in the impact that PAWC's proposed rate increase will have on moderate and low income residential customers. These interests are not adequately represented by other participants.

9. Members of CAUSE-PA are located within PAWC'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 water and wastewater as well as the reliability and quality of those services.

10. 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.

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

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

12. 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**

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

14. Terms, conditions, and rates for water and wastewater service are not just and reasonable if they are not appropriately designed and implemented to ensure that all consumers are able to access safe and affordable water and wastewater services, consistent with the laws and policies of the Commonwealth. A preliminary review of PAWC's filings suggests that PAWC's proposed rate increases may be unjust, unreasonable, and inconsistent with the laws and policies of this Commonwealth.

15. PAWC's rate proposal would substantially increase residential rates for residential customers. PAWC's proposals would increase a residential water bill for a typical customer in Rate Zone 1 - Water using approximately 3,201 gallons per month from \$70.65 to \$88.24 per month, or by 24.9%. (Volume I, Notice of Proposed Water and Wastewater Rate Changes). A steep increase in rates such as the increase proposed by PAWC will have a disproportionate harmful impact on low, fixed, and moderate income households, who already struggle to afford life's most essential needs.

16. Preliminary review of PAWC's filing suggests that PAWC's proposed changes to its low income assistance programs – including changes to its Bill Discount Program – are insufficient to remediate widespread and long-term rate unaffordability that will be worsened by any approved rate increase. (See PAWC St. 10 at 23-28). Further review is needed to ensure that PAWC's low income programming is adequately designed to meet the needs of the communities it serves.

17. In its filing, PAWC also requests approval of the following alternative rate mechanisms in accordance with 66 Pa. C.S. § 1330: a Revenue Decoupling Mechanism and an Environmental Compliance Investment Charge. (Volume I, Notice of Proposed Water and Wastewater Rate Changes). Further investigation is necessary to determine whether these proposals are just, reasonable, in the public interest, and whether PAWC's residential customers – including its low

income customers – will be negatively impacted by these proposals.

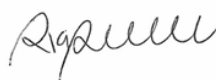
18. Continued delivery of safe, affordable water and wastewater service is of critical importance to the safety, welfare, and economic stability of all Pennsylvanians – including those with limited financial means. In recognition of this fact, the law requires that utility rates and associated terms and conditions of service – here water and wastewater services – be just, reasonable, and in conformity with regulations or orders of the Commission. See 66 Pa. C.S. § 1301(a). PAWC’s general rate increase could have a disparate impact on households with limited economic means and undermine bill affordability achieved through low income programs.

19. 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 water and wastewater services within PAWC’s 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: December 4, 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 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).



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Elizabeth R. Marx, Esq.  
*On behalf of the Coalition for Affordable Utility  
Services and Energy Efficiency in Pennsylvania*

Dated: December 4, 2023



**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:		
	:		
v.	:	Docket Nos.	R-2023-3043189
	:		R-2023-3043190
Pennsylvania-American Water Company	:		

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**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.

**VIA EMAIL**

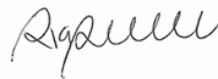
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Respectfully Submitted,  
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*Counsel for CAUSE-PA*



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