



April 16, 2024

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. FirstEnergy Pennsylvania Electric Company
Docket No. R-2024-3047068

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 noted proceeding.

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ria M. Pereira".

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

CC: Certificate of Service
Office of Administrative Law Judge (via email only: crainey@pa.gov)
Paul Diskin, TUS (via email only: pdiskin@pa.gov)
Office of Special Assistants (via email only: ra-OSA@pa.gov)

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
v. : Docket No. R-2024-3047068
FirstEnergy Pennsylvania Electric :
Company :

**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 16, 2024

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 April 2, 2024, FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”) submitted a rate filing, Supplement No. 3 to FE PA’s Tariff Electric – Pa. P.U.C. No. 1 (“Supplement No. 3”), seeking a general rate increase of approximately \$502 million, or 34%, over existing revenues across all FE PA Rate Districts based on data for a fully projected future test year ending December 31, 2025. On a Rate District basis, FE PA has proposed rates allegedly designed to increase the following annual distribution revenues: Met-Ed Rate District - \$146 million (or by 31%); Penelec Rate District - \$132 million (or by 28%); Penn Power Rate District - \$55 million (or by 43%); and West Penn Rate District - \$169 million (or by 40%). (Statement of Reasons at 1-2).

2. If approved FE PA’s proposed rate increases are approved in their entirety, the monthly bill of a typical FE PA residential customer receiving default service and using 1,000 kilowatt-hours (kWh) per month would increase as follows by Rate District: \$187.70 to \$205.00 (or by 9.22%) for Met-Ed; \$200.96 to \$220.75 (or by 9.85%) for Penelec; \$180.59 to \$201.88 (or by 11.79%) for Penn Power; and \$156.36 to \$172.98 (or by 10.63%) for West Penn. (Statement of Reasons).

Petition to Intervene

3. 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).

4. 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).

5. 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)).

6. 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.

7. 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.

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

9. CAUSE-PA has a significant interest in the impact that FE PA's proposed rate increase will have on moderate and low income residential customers. CAUSE-PA asserts that other participants in this proceeding do not adequately represent these interests.

10. The outcome of this proceeding will directly affect members of CAUSE-PA. Particularly, this proceeding will affect the price that CAUSE-PA members pay for service, as well as the reliability and quality of that service.

11. In addition, the outcome of the instant proceeding may impact settlements and/or orders from multiple recent proceedings to which CAUSE-PA was an active party, including but not limited to FE PA's 2024-2028 Universal Service and Energy Conservation (USECP) Plan proceeding,¹ FE PA's merger proceeding,² and FE PA's remote termination proceeding.³ CAUSE-PA therefore has a significant interest in the impact of FE PA's proposals set forth in this proceeding on these prior orders and/or settlements.

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:

¹ Docket Nos. M-2022-3036532, -33, -34, -35

² Docket Nos. A-2023-3038771, -792, -793, -794, -795, -807, -808.

³ Docket Nos. P-2019-3013979, -80, -81, -82.

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Pennsylvania Utility Law Project

118 Locust Street
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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

14. CAUSE-PA has preliminarily reviewed FE PA's rate filing, and objects to FE PA'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.

15. Continued delivery of safe, affordable 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 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. § 2804(3), (9). FE PA'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.

16. CAUSE-PA asserts that these matters, along with the impact of any future modifications presented by intervening parties on FE PA's low income customer base, must be thoroughly reviewed and investigated to ensure that all customers are able to access safe,

affordable service within FE PA'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: April 16, 2024

Verification

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

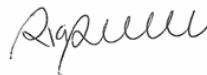


On behalf of the Coalition for Affordable Utility
Services and Energy Efficiency in Pennsylvania

Date: April 16, 2024

<p>Scott B. Granger, Esq. Bureau of Investigation & Enforcement Commonwealth Keystone Building 400 North Street, 2nd Floor West P. O. Box 3265 Harrisburg, PA 17105-3265 sgranger@pa.gov</p>	<p>Darryl A. Lawrence, Esq. Harrison Breitman, Esq. Andrew J. Zerby, Esq. Office of Consumer Advocate 555 Walnut Street, 5th Floor Harrisburg, PA 17101 hbreitman@paoca.org dlawrence@paoca.org azerby@paoca.org OCAFirstEnergy2024@paoca.org</p>
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Respectfully Submitted,
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