



May 6, 2024

Via E-File

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

Re: Petition of UGI Utilities, Inc. – Gas Division for Approval of Phase II of its Energy Efficiency and Conservation Plan, Docket M-2024-3048418

Dear Secretary Chiavetta,

Attached for filing, please find the **Petition to Intervene and Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)** in the above referenced matter.

Respectfully submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



Elizabeth R. Marx, Esq.

CC: Per Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of UGI Utilities, Inc. – Gas :
Division for Approval of Phase II of its : Docket M-2024-3048418
Energy Efficiency and Conservation Plan :

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

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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 15, 2024, UGI Utilities, Inc. – Gas Division (UGI or the Company) filed a Petition seeking approval of its Phase II Energy Efficiency and Conservation Plan (Ph. II EE&C Plan).

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-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 low and moderate 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.

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 UGI’s proposed Ph. II EE&C Plan will have on low and moderate income residential customers, and their ability to equitably access programming to help meaningfully reduce their energy consumption and their energy bill.

9. 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 their ability to meaningfully and equitably access energy efficiency services through UGI’s proposed Phase II programming.

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:

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

12. CAUSE-PA has preliminarily reviewed UGI's proposed Ph. II EE&C Plan, and objects to the proposed programming included therein, as it does not appear to include proportional programming directed to serve low income customers.

13. Low income Pennsylvanians carry a disproportionately high energy burden and are more likely to live in an inefficient home, yet they are most often unable to afford to invest in efficiency to reduce unaffordable energy costs.

14. While UGI's Gas Division is not subject to Act 129, which governs mandatory EE&C programming for electric distribution companies (EDCs), the law does provide a point of comparison for voluntary gas EE&C programs and a roadmap for well-balanced and equitable ratepayer supported EE&C programming. Specifically, Act 129 requires EDCs to adhere to the following:

The [EE&C] plan shall include specific energy efficiency measures for households at or below 150% of the Federal poverty income guidelines. The number of measures shall be proportionate to those households' share of the total energy usage in the service territory. The electric distribution company shall coordinate measures under this clause with other programs administered by the commission or another Federal or State agency. The expenditures of an electric distribution company under this clause shall be in addition to expenditures made under 52 Pa. Code Ch. 58 (relating to residential low income usage reduction programs).¹

15. On preliminary review of UGI's Ph. II EE&C Plan, it does not appear that UGI has included programming directed to low income households which is proportionate to the level of consumption of UGI's low income customers.

- a. UGI indicates that low income customers are eligible for general residential programming, and notes that income qualified customers will be referred to UGI's Low Income Usage Reduction Program (LIURP). (Petition at para. 43; see also Ph. II EE&C Plan at 7, 18). However, the vast majority of UGI's low income customers – even if income qualified – are not eligible for services through UGI's LIURP, either because they do not meet the high usage threshold for services or due to inadequate funding to serve documented need.²
- b. UGI also proposes to provide a “fee waived assessment” through its Residential Retrofit program to low income customers that are ineligible for its LIURP. (Ph. II EE&C at 8). UGI proposes to provide additional measures to LIURP participants, including smart thermostats, low flow devices, and thermostat adjustments on water tanks. (Id.) While these enhancements are appreciated, and are consistent with

¹ 66 Pa. C.S. § 2806.1(b)(1)(i)(G) (emphasis added).

² To be eligible for LIURP, UGI's low income customers must have usage at or above 2,356 ccf. UGI Utilities Inc., Gas and Electric Divisions, Universal Service and Energy Conservation Plan for the Five-Year Period January 1, 2020 – December 1, 2025, at 26 (revised Mar. 4, 2024), [usecp_ugi_electric-gas_revised030424.pdf \(pa.gov\)](#). In 2022, UGI's LIURP served just 471 gas customers. Pa. PUC, BCS, 2022 Universal Service and Collections Performance Report, at 56 (Sept. 2023), [2022-universal-service-report-final.pdf \(pa.gov\)](#).

provisions in its Ph. I EE&C Plan, it is not clear whether these limited measures are proportionate to the level of usage associated with the low income customer group. Further investigation is necessary to examine low income participation in UGI's Ph. I EE&C Plan, and to ensure its Phase II programming is designed to improve the reach of programs to serve the unique efficiency needs of economically vulnerable consumers.

16. CAUSE-PA submits that to be just and reasonable, EE&C programming must provide equitable and proportionate levels of services for economically vulnerable low income households – especially those who cannot otherwise access assistance through LIURP.

17. UGI's proposed Ph. II EE&C Plan also lacks crucial specificity regarding coordination with other efficiency and weatherization programming. (Ph. II EE&C Plan at 19) In fact, while UGI's proposed Ph. II EE&C Plan references “partnerships” – noting a vague intent to partner with local businesses and trade organizations – it makes no reference to coordination with other programming. This is particularly troubling, given the influx of federal energy and efficiency programming through the Inflation Reduction Act and the Infrastructure Investment and Jobs Act. CAUSE-PA submits that further investigation of UGI's planned partnerships and coordination is necessary to ensure its EE&C is leveraging all available resources to minimize costs and maximize impact.

18. 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 meaningfully and equitably access energy efficiency services through UGI's Ph. II EE&C Plan.

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,

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Counsel for CAUSE-PA



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Date: May 6, 2024

Verification

I, Elizabeth R. Marx, legal counsel for 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).

Elizabeth R. Marx, Esq.

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

May 6, 2024

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of UGI Utilities, Inc. – Gas :
Division for Approval of Phase II of its : Docket M-2024-3048418
Energy Efficiency and Conservation Plan :

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

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