



May 10, 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 Duquesne Light Company for Approval of a Default Service Program for the Period of June 1, 2025 through May 31, 2029, Docket No. P-2024-3048592

Petition to Intervene of CAUSE-PA

Dear Secretary Chiavetta,

Attached for filing, please find a Petition to Intervene and Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) in the above referenced matter. Copies of the filing were served in accordance with the attached Certificate of Service.

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

A handwritten signature in blue ink that reads "Elizabeth R. Marx".

Elizabeth R. Marx, Esq.
717-710-3825

emarx@pautilitylawproject.org

CC: Per Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Duquesne Light Company for :
Approval of a Default Service Program for the : Docket No. P-2024-3048592
Period of June 1, 2025 through May 31, 2029 :

**Petition to Intervene of the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania (CAUSE-PA)**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), through its counsel at the Pennsylvania Utility Law Project, hereby files this Petition to Intervene and Answer in the captioned proceeding, pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (PUC or Commission), 52 Pa. Code §§ 5.71-5.76, and states as follows in support thereof:

1. On April 19, 2024, Duquesne Light Company (DLC or the Company) filed a Petition for Approval of their Default Service Programs for the period commencing June 1, 2025 through May 31, 2029 (Petition).

2. On May 7, 2024, Administrative Law Judges Mary D. Long and John Coogan issued a Prehearing Conference Order, scheduling a prehearing conference for Friday, June 7, 2024, and ordering that any answers, protests, or petitions to intervene of interested parties be filed on or before May 31, 2024.

3. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72. This section 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. Ct. 2010) (alteration in original) (citing Tripps Park v. Pa. PUC, 415 A.2d 967 (Pa. Commw. Ct. 1980); Parents United for Better Schools v. School Dist. of Phila., 614 A.2d 689 (Pa. Commw. Ct. 1994)).

6. 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.

7. CAUSE-PA membership is open to low and moderate income individuals residing in the Commonwealth of Pennsylvania, including in DLC’s service territory, who are committed to the goal of helping economically vulnerable households to maintain affordable access to utility services and achieve economic independence and family well-being.

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

9. CAUSE-PA has been an active party in each of DLC's last six Default Service Plan proceedings.¹

10. CAUSE-PA has interests in the impact that the proposed Default Service Plan will have on DLC's low and moderate income residential customers, including members of CAUSE-PA, which are not adequately represented by other participants. Specifically, CAUSE-PA has an interest in and intends to investigate the following issues through the course of this proceeding:

- a. Whether DLC's proposed procurement strategy for residential consumers will provide a stable, least-cost default service option (Petition at 3-6, 14).
- b. Whether DLC's proposal to continue its Standard Offer Referral Program, as modified by its Petition, will adequately protect consumers from unreasonably high costs at the end of the program period (Petition at 21).
- c. Whether DLC's proposed EV-TOU Pilot is just and reasonable, and will not shift costs to consumers that cannot afford to adopt an EV (Petition at 16-19).
- d. Whether DLC's proposed Green Tariff is just and reasonable, and will not shift costs to consumers that cannot afford to elect the alternative rider (Petition at 20).
- e. Whether DLC's Purchase of Receivables (POR) program is just and reasonable, and shields residential consumers from shouldering unnecessary expenses collections expenses driven by unreasonably high pricing in the competitive market (Petition at 22).
- f. Whether DLC should adopt an automated procedure to return shopping customers to default service upon enrollment in DLC's Customer Assistance Program (CAP).

¹ See Docket Nos. P-2009-2133550, P-2012-2301664, P-2014-2418242, P-2016-2543140, and P-2020-3019522.

g. Any other issues that may arise through the course of litigation that may impact the accessibility and affordability of default service for DLC's low income consumers.

11. Each of the forgoing matters must be thoroughly reviewed through discovery and a hearing to ensure that the Company's economically vulnerable customers are not harmed and any approved programs are in the public interest.

12. Members of CAUSE-PA are customers of Duquesne and will be directly affected by the outcome of this proceeding. CAUSE-PA therefore has standing to intervene because at least one member has 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:

Elizabeth R. Marx, Esquire
John Sweet, Esquire
Ria Pereira, Esq.
Lauren N. Berman, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
Telephone: 717-236-9486
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14. 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).

WHEREFORE, CAUSE-PA respectfully requests that ALJ Long and ALJ Coogan:

- (1) Enter an order granting CAUSE-PA full status as an intervenor in this proceeding with active party status; and
- (2) Grant such other relief as is just and appropriate.

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



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May 10, 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).



Elizabeth R. Marx, Esq.
On behalf of the Executive Committee of
the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania
(CAUSE-PA)

Date: May 10, 2024

CERTIFICATE OF SERVICE

I hereby certify I have on this day served copies of the **Petition to Intervene of CAUSE-PA** in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA EMAIL

Honorable Mary D. Long Administrative Law Judge Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2 nd Floor Harrisburg, PA 17120 malong@pa.gov	Honorable John Coogan Administrative Law Judge Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2 nd Floor Harrisburg, PA 17120 jcoogan@pa.gov
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