



June 13, 2024

VIA E-File

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

Re: **Pa. PUC v. Aqua Pa., Inc., and Aqua Pa. Wastewater, Inc.,
R-2024-3047822 & R-2024-3047824**

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)**, which is respectfully submitted for filing in the above noted proceeding.

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

Respectfully Submitted,



John W. Sweet, Esq.
Counsel for CAUSE-PA

CC: Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
 :
 v. : Docket Nos. R-2024-3047822
 : R-2024-3047824
 :
 Aqua Pennsylvania, Inc., and :
 Aqua Pennsylvania Wastewater, Inc. :

PETITION TO INTERVENE AND ANSWER OF
THE COALITION FOR AFFORDABLE UTILITY SERVICE AND ENERGY EFFICIENCY
IN PENNSYLVANIA (*CAUSE-PA*)

PENNSYLVANIA UTILITY LAW PROJECT

Counsel for CAUSE-PA

John W. Sweet, Esq., PA ID: 320182

Ria M. Pereira, Esq., PA ID: 316771

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

Lauren Berman, Esq., PA ID: 310116

118 Locust Street

Harrisburg, PA 17101

Tel.: 717-236-9486

Fax: 717-233-4088

PULP@pautilitylawproject.org

June 13, 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 Service and Energy Efficiency in Pennsylvania (CAUSE-PA), through its legal counsel at the Pennsylvania Utility Law Project (PULP), hereby petitions the Commission to intervene and files its Answer in the above-captioned proceeding. In support thereof, CAUSE-PA states as follows:

PETITION TO INTERVENE

1. On May 23, 2024, Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc. (collectively “Aqua”) filed respectively, Original Tariff Water – PA P.U.C. No. 4 (“Tariff Water No. 4”) and Original Tariff Sewer – PA P.U.C. No. 4 (“Tariff Sewer No. 4”) to become effective on July 22, 2024. In the filings, Aqua sets forth proposed tariffs, which outline the rates, policies, programs, and procedures which will govern the distribution of water and wastewater services to their respective customers. Aqua’s proposed tariffs seek approval to increase total annual operating revenues of \$126,675,472, or approximately 18.88% over the level of revenues anticipated for the fully projected future test year ending December 31, 2025. (See Statement of Reasons at 1).

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. Ct. 2010) (alteration in original) (citing *Trippls Park v. Pa. PUC*, 415 A.2d 967 (Pa. Commw. Ct. 1980); *Parents United for Better Schools v. School Dist. of Phila.*, 646 A.2d 689 (Pa. Commw. Ct. 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 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.

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 Aqua’s proposed rate increases will have on moderate and low income residential customers. These interests are not adequately represented by other participants.

9. Members of CAUSE-PA include individuals that reside in Aqua’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 service, as well as the reliability and quality of that service.

10. CAUSE-PA was an active party in the Commission proceeding approving the acquisition of the Peoples Companies by Essential Utilities, Inc. f/k/a Aqua America Inc, where Aqua agreed to implement its comprehensive universal service program.¹ CAUSE-PA was also an active participant in Aqua's most recent rate case² and is currently an active participant in Aqua's Lead Service Line Replacement Program Proceeding.³

11. 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.

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

John W. Sweet, Esq.,
Ria M. Pereira, Esq.,
Elizabeth R. Marx, Esq.,
Lauren N. Berman, Esq.,

PENNSYLVANIA UTILITY LAW PROJECT

118 Locust Street
Harrisburg, PA 17101
Tel.: 717-236-9486
Fax: 717-233-4088
Email: PULP@pautilitylawproject.org

13. 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).

¹ Joint App. of Aqua America, Inc. et al. for Change in Control of Peoples Natural Gas and Peoples Gas Company, LLC, Docket Nos. A-2018-3006061 A-2018-3006062, A-2018-3006063

² Pa. PUC v. Aqua Pa., Inc., and Aqua Pa. Wastewater, Inc., R-2021-3027385, R-2021-3027386.

³ Petition of Aqua Pennsylvania, Inc. For Approval of its Lead Service Line Replacement Program, P-2023-3044459.

ANSWER

14. CAUSE-PA has preliminarily reviewed Aqua's rate filings, and generally objects to the requests for increase on the grounds that the proposed rate increase, as well as the proposed design to recover the increased rates, could result in unjust and unreasonable rates that would impose severe hardship on low and moderate income residential customers and consumers.

15. 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 service, consistent with the laws and policies of the Commonwealth.

16. Aqua's rate proposal would substantially increase residential rates for residential customers. Aqua's proposals would increase a residential water bill for a typical customer using 3,870 gallons per month from \$80.91 to \$97.01, an increase of about \$16.10 per month (20%). The average monthly residential wastewater bill would increase from \$81.18 to \$96.10 (18%). A steep increase in rates such as the increase proposed by Aqua will have a disproportionate harmful impact on low-, fixed-, and moderate-income households, who already struggle to afford all of life's most essential needs.

17. Rate unaffordability not only threatens individual households, it can also have a lasting impact on the health and vibrancy of our communities. Preliminary review of Aqua's filing suggests that Aqua's proposed Customer Assistance Program is insufficient to remediate widespread rate and long-term rate unaffordability. Before any rate increase is approved, further inquiry is needed to ensure that Aqua's low income programming is adequately designed to meet the needs of the communities it serves.

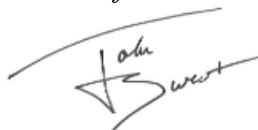
18. Preliminary review of Aqua's filing also reveals that the terms and conditions for service described in the tariff filing may not be consistent with the billing, collections, and termination standards contained in Title 66, Chapter 14 of the Public Utility Code or Title 52, Chapter 56 of the Commission's regulations. See 66 Pa. C.S. Chapter 14; 52 Pa. Code Chapter 56. Further scrutiny is necessary to ensure that services are provided to Aqua's customers in a manner that is fully consistent with the laws and prevailing public policy of the Commonwealth.

19. CAUSE-PA asserts that the issues identified above, along with any future modifications presented by intervening parties, must be thoroughly reviewed to ensure that all customers are able to access safe, affordable utility services within Aqua's service territories.

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

A handwritten signature in black ink, appearing to read "John W. Sweet". The signature is written in a cursive style with a large, sweeping initial "J" and "S".

John W. Sweet, Esq., PA ID: 320182
Ria M. Pereira, Esq., PA ID: 316771
Elizabeth R. Marx, Esq., PA ID: 309014
Lauren N. Berman, Esq., PA ID: 310116

118 Locust Street
Harrisburg, PA 17101
Tel.: 717-236-9486
Fax: 717-233-4088
Email: PULP@pautilitylawproject.org

Verification

I, Ronel Baccus a member of the Executive Committee of 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 10 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Ronel Baccus

On behalf of the Executive Committee of
the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania
(CAUSE-PA)

Date: June 13, 2024

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
 :
 v. : Docket Nos. R-2024-3047822
 : R-2024-3047824
 Aqua Pennsylvania, Inc., and :
 Aqua Pennsylvania Wastewater, Inc. :

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* (CAUSE-PA) upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54.

VIA EMAIL

Michael W. Hassell, Esq.
Garrett Lent, Esq.
Nicholas Stobbe, Esq.
Post & Schell
17 North Second Street
Harrisburg, PA 17101-1601
mhassell@postschell.com
glent@postschell.com
nstobbe@postschell.com

Kimberly A. Joyce, Esq.
Alexander R. Stahl, Esq.
Aqua Pennsylvania
762 W. Lancaster Ave.
Bryn Mawr, PA 19010
kajoyce@essential.com
astahl@aquaamerica.com

Gina L. Miller, Esq.
Melanie Joy El Atieh, Esq.
Andrew J. Zerby, Esq.
Jacob D. Guthrie, Esq.
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
OCAAqua2024@paoca.org

Steven C. Gray, Esq.
Rebecca Lyttle, Esq.
Commonwealth of Pennsylvania
Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov
relyttle@pa.gov

Carrie B. Wright, Esq.
Bureau of Investigation & Enforcement
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
carwright@pa.gov

Donna Bullard
311 Harrison Ave.
Elkins Park, PA 19027
Dbullard5449@gmail.com

Linc Slipakoff
416 Mill Creek Rd
Gladwyne, PA 19035
lincslip@gmail.com

Lori Kennedy
1132 Myrtlewood Ave
Havertown, PA 19083
ljason@comcast.net

Ronald Roebuck
71 Edgerock Dr.
BML
Drums, PA 18222
Pinheads81@aol.com

Sky Dumont
27 Oak Hill Circle
Malvern, PA 19355
snevendumont@gmail.com

Teri Dahl
134 Crooked Stick Lane
Hazle Twp, PA 18202
Teri.dahl@comcast.net

Daniel O'Neill
810 Plumtry Dr
West Chester, PA 19382
Djo723@gmail.com

Joel T. Postema
2549 Beechwood Rd
New Wilmington, PA 16142
srbunn@yahoo.com

Lori Hill
3 Horseshoe Dr.
Hazleton, PA 18202
Hilllori1@gmail.com

Robert J. Fogarty
628 Fair Street
Nescopeck, PA 18635
Rjf12@verizon.net

Sebastian Borriello
5065 Ryan Rd.
Pipersville, PA 18947
Sebby21@hotmail.com

Susan Unvarsky
Sharon Ellis
151 Brook St.
Sugar Notch, PA 18706
Sunvarsky24@gmail.com
sharonankner@gmail.com

Theodore J. Voltolina, III
219 Mill Pond Dr.
Exton, PA 19341
Ted.voltolina@gmail.com

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA

A handwritten signature in black ink, appearing to read "John Sweet". The signature is stylized with a large, sweeping "S" and a horizontal line above it.

John W. Sweet, Esq., PA ID: 320182
118 Locust Street
Harrisburg, PA 17101
717-236-9486
PULP@putilitylawproject.org

June 13, 2024