

COMMONWEALTH OF PENNSYLVANIA



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May 12, 2025

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission
v.
Citizens' Electric Company of Lewisburg,
PA; Docket Nos. R-2025-3054394

Dear Secretary Homsher:

Attached for electronic filing, please find the Office of Consumer Advocate's Formal Complaint and Public Statement in this proceeding. Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Melanie Joy El Atieh
Melanie Joy El Atieh, Esq.
Deputy Consumer Advocate
PA Attorney I.D. # 209323
melatieh@paoca.org

Enclosures

cc: The Honorable Charles E. Rainey, Jr. (email only: crainey@pa.gov)
Paul Diskin, TUS (email only: pdiskin@pa.gov)
Daniel Searfoorce, TUS (email only: dsearfoorc@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission :
 :
 v. : Docket No. R-2025-3054394
 :
 Citizens' Electric Company of Lewisburg, PA :
 :

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Office of Consumer Advocate's Formal Complaint and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 12th day of May 2025.

SERVICE BY E-MAIL ONLY

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Dated: May 12, 2025

/s/ Melanie Joy El Atieh
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Acting Consumer Advocate

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FORMAL COMPLAINT

1. COMPLAINANT INFORMATION

Darryl A. Lawrence, Acting Consumer Advocate

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Dauphin County

Phone: 717-783-5048

2. FULL NAME OF UTILITY COMPANY:

Citizens' Electric Company of Lewisburg, PA
Docket No. R-2025-3054394

3. TYPE OF UTILITY:

Electric

4. COMPLAINT:

- A. On April 30, 2025, Citizens' Electric Company of Lewisburg, PA (Citizens or the Company) filed Supplement No. 172 to Tariff Electric – Pa. P.U.C. No. 14 (Supplement No. 172) with the Pennsylvania Public Utility Commission (Commission), to become effective June 29, 2025. A full suspension by the Commission would delay the increase until January 31, 2026. Through its proposed tariff, Citizens proposes to increase distribution rates to collect additional annual distribution revenues in the amount of \$1,794,281, which is a 29.63% increase over distribution revenues at present rates. The proposed rate increase is based on a fully projected future test year (FPFTY) ending December 31, 2026.
- B. As of December 31, 2024, Citizens served approximately 7,176 customers, of which 5,964 were residential customers with the remaining being commercial, industrial, or lighting customers.
- C. The Company provides electric utility distribution service to customers in the Borough of Lewisburg, the Townships of Buffalo, East Buffalo and small portions of the Townships of Kelly and West Buffalo in Union County.

- D.** According to the customer notices included in Citizens' filing, a residential customer using 1,250 kWh per month will experience an 11% monthly bill increase. However, Citizens' customer notices understate the bill impact to residential customers by including the generation supply service rate, which is a rate not at issue in this proceeding. According to information included in Citizens' filing, a residential customer using 1,250 kWh per month would see a 31.91% increase in their monthly bill for distribution charges, or an increase of \$17.63, from \$55.20 to \$72.83. The OCA is investigating the basis for the proposed rate increases and estimated bill increases to ensure that they are consistent with applicable standards and will produce just and reasonable and not unduly discriminatory rates.
- E.** The proposed electric distribution rate changes noted above do not reflect the changes that will be experienced by every customer; rather they reflect changes for customers using what Citizens has asserted is the "typical" usage for residential customers. In the OCA's experience, the increases reflected above (and on the notices sent to customers) often underestimate the impact of the rate increase for many customers. For example, based on the information the Company submitted, a customer that uses 1,500, 2,000, or 3,000 kWh per month will see a 32.2%, 32.5%, and 32.9% increase, respectively, in distribution charges on their monthly bill.
- F.** The Company proposes to increase the residential customer charge, which is a charge a customer pays no matter how little or how much electricity they consume, from \$13.10 to \$16.50, or a 26% increase. The OCA is investigating the basis for and calculation of the proposed customer charge to determine if it is consistent with applicable standards and will produce just and reasonable and not unduly discriminatory rates.
- G.** According to the information submitted by the Company, the residential customer class will experience a 36.04% increase in distribution revenue based on a fully allocated cost of service, or a 31.9% increase based on the Company's proposed cost of service allocation. The OCA is investigating the basis for and calculation of the cost of service allocation to ensure that they are consistent with applicable standards and will produce just and reasonable and not unduly discriminatory rates.
- H.** For ratemaking purposes, Citizens proposes a return on equity of 11.65% resulting in an overall rate of return of 8.49%. The request for an 11.65% return on equity includes the Company's request for an upward Size Adjustment and a Performance Factor Adjustment. The Company also proposes to utilize a capital ratio of 48.94% common equity and 51.06% debt for ratemaking purposes.

The proposed rate of return appears to be excessive and, if accepted, would result in rates that are unjust and unreasonable in violation of chapter 13 of the Pennsylvania Public Utility Code, 66 Pa. C.S. Section 1301, *et seq.*, sound

ratemaking principles, and public policy. The proposed capital structure also will be examined by the OCA to ensure it will produce rates that are just and reasonable consistent with Chapter 13 of the Pennsylvania Public Utility Code, 66 Pa. C.S. Section 1301, *et seq.*, sound ratemaking principles, and public policy.

- I. In reaching a decision on whether to grant Citizens’ proposed rate increase as well as its various rule and tariff changes, the Public Utility Commission must give “due consideration to the interests of consumers.” 71 Pa. Stat. Ann. §309-5(2).
- J. A preliminary examination of Citizens’ general rate increase request indicates that the rates requested may not be just and reasonable and otherwise may be in violation of the law.

5. RELIEF

The Acting Consumer Advocate respectfully requests that the Commission take the following actions:

- A. Suspend and investigate the operation of the proposed tariff supplement, Supplement No. 172 to Tariff Electric – Pa. P.U.C. No. 14, pursuant to Section 1308(d) of the Public Utility Code. 66 Pa. C.S. §1308(d);
- B. Enter a suspension order at the next scheduled Public Meeting following the date of this Complaint, which is May 22, 2025, in order to expedite this matter being assigned to the Office of Administrative Law Judge, which would allow the commencement of necessary procedural steps for purposes of developing a reasonable procedural schedule in this matter;
- C. Direct the Office of Administrative Law Judge to use the January 15, 2026, Public Meeting as the deadline for a final Commission determination in this matter and for purposes of setting a deadline for a Recommended Decision and developing a litigation schedule in this matter;
- D. Consolidate all complaints filed against the proposed increase;
- E. Ensure that Citizens’ has provided appropriate and adequate notice in accordance with the Public Utility Code and the Commission’s Regulations;
- F. Hold full evidentiary hearings examining the reasonableness of Citizens’ current rates and its proposed increases;
- G. After providing the public with adequate notice, and as early in the proceeding as possible, hold in-person public input hearings in Citizens’ service territory, as well as by telephone or virtually, in order to provide Citizens’ customers with an opportunity to be heard on the record;

- H. Deny the inclusion into rate base of any plant that is not reasonably projected to be used and useful within the FPFTY, deny any charges or changes contained in the proposal which would result in unjust and unreasonable rates, or cannot be fully justified by Citizens', or otherwise are contrary to the Public Utility Code, sound ratemaking principles, and public policy; and
- I. Grant such other relief that the Commission may deem appropriate.

6. VERIFICATION AND SIGNATURE

I, Darryl A. Lawrence, Acting Consumer Advocate, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) 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).

/s/Darryl A. Lawrence

05/12/2025

Signature

Date

7. Legal Representation

Barrett C. Sheridan, Assistant Consumer Advocate, PA Bar No. 61138
 Melanie Joy El Atieh, Deputy Consumer Advocate, PA Bar No. 209323
 Ryan Morden, Assistant Consumer Advocate, PA Bar No. 335679

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**PUBLIC STATEMENT OF THE OFFICE OF CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(e)**

Act 161 of the Pennsylvania General Assembly, 71 Pa. C.S. Section 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Acting Consumer Advocate determined to file a Formal Complaint and participate in the proceedings before the Commission involving the proposed electric distribution utility rate increase by Citizens' Electric Company of Lewisburg, PA (Citizens or the Company).

On April 30, 2025, Citizens filed a general rate increase request seeking the Commission's approval to increase its overall distribution revenue by approximately \$1.79 million per year, or 29.63%, over distribution revenue at present rates. According to information included in Citizens' filing, a residential customer using 1,250 kWh per month would see a 31.91% increase in their monthly bill for distribution charges, or an increase of \$17.63, from \$55.20 to \$72.83. Citizens is also proposing to increase the residential customer charge, which is a charge a customer pays no matter how little or how much electricity they consume, from \$13.10 to \$16.50, a 26% rate increase. Based on the proposed revenue increase, the residential customer class will experience a 36.04% increase in distribution revenue based on a fully allocated cost of service, or a 31.9% increase based on the Company's proposed cost of service allocation.

The objective of the Acting Consumer Advocate in filing this complaint is to protect the interests of Citizens' customers. The Acting Consumer Advocate will seek to ensure that Citizens' is permitted to implement only rates that are fully justified, just and reasonable, not unduly discriminatory, and otherwise consistent with sound ratemaking principles and the Public Utility Code, Commission regulations and orders, and case law. The Acting Consumer Advocate submits that Citizens' current rates and its proposed rates may be unjustifiable and unlawful based upon information filed by Citizens in support of its claim.