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June 23, 2025

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**VIA ELECTRONIC FILING**

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

**Pennsylvania Public Utility Commission v. Wellsboro Electric Company  
Docket No. R-2025-3054392**

Dear Secretary Homsher:

Attached for filing with the Pennsylvania Public Utility Commission is the Citizens' Electric Company of Lewisburg, PA, and Wellsboro Electric Company's Joint Answer Opposing the Joint Petition to Intervene of the Solar Energy Industries Association and the Coalition for Community Solar Access in the above-referenced dockets.

If you have any questions regarding the attached documents, please feel free to contact the undersigned. As shown by the attached Certificate of Service, the parties to this proceeding are being duly served with a copy of this filing. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', written over a white background.

Adeolu A. Bakare  
MCNEES WALLACE & NURICK LLC

Counsel to Citizens' Electric Company of Lewisburg, PA  
and Wellsboro Electric Company

c: Mary D. Long, Administrative Law Judge (via e-mail)  
Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of Section 1.54 (relating to service by a participant).

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Dated this 23<sup>rd</sup> day of June, 2025, in Harrisburg, Pennsylvania.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
	:	
v.	:	Docket Nos. R-2025-3054392
	:	
Wellsboro Electric Company	:	R-2025-3054394
and	:	
Citizens' Electric Company of	:	
Lewisburg, PA	:	

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**CITIZENS' ELECTRIC COMPANY OF LEWISBURG, PA,  
AND WELLSBORO ELECTRIC COMPANY'S  
JOINT ANSWER OPPOSING THE JOINT PETITION TO INTERVENE  
OF THE SOLAR ENERGY INDUSTRIES ASSOCIATION AND  
THE COALITION FOR COMMUNITY SOLAR ACCESS**

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Pursuant to 52 Pa. Code § 5.61 and 5.66, Citizens' Electric Company of Lewisburg, PA ("Citizens") and Wellsboro Electric Company ("Wellsboro") (collectively, "Companies") hereby submit to the Pennsylvania Public Utility Commission ("PUC" or "Commission") this Joint Answer Opposing the Joint Petition to Intervene ("Joint Petition") of the Solar Energy Industries Association ("SEIA") and the Coalition for Community Solar Access ("CCSA") (collectively, "Petitioners").

As explained herein, the Petitioners have not demonstrated a direct and immediate interest in this proceeding; have not demonstrated that any interests they may have in the proceeding will not be represented by other parties; and have not shown that their participation is in the public interest. Accordingly, the Petitioners' request to intervene in this proceeding should be denied.

## I. BACKGROUND

1. On April 30, 2025, Citizens' filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") Supplement No. 172 to Tariff Electric-Pa. P.U.C. No. 14, proposing an annual increase in rates of \$1,790,000, and Wellsboro filed with the PUC Supplement No. 162 to Tariff Electric-Pa. P.U.C. No. 8, proposing an annual increase in rates of \$2,900,000.

2. The Office of Consumer Advocate ("OCA") and the Office of Small Business Advocate ("OSBA") filed Formal Complaints against each Company's proposed rate increases, asking that the Commission suspend and investigate the operation of the proposed new rates and other tariff changes. Pursuant to 52 Pa. Code § 5.61(d), the Companies elected not to file answers to OCA's and OSBA's Complaints.

3. On May 21, 2025, Kelly Road Solar, LLC, Lancaster Avenue Solar, LLC, and Twilight Renewables, LLC (collectively "Solar Projects") filed a Petition to Intervene in the Citizens' proceeding ("Solar Projects Petition").

4. On May 22, 2025, the Commission suspended Citizens', Wellsboro's, and Valley Energy, Inc's ("Valley") proposed tariff supplements by operation of law until January 29, 2026, and instituted an investigation into these proceedings. All three proceedings were referred to the Office of Administrative Law Judge, where Administrative Law Judge Mary D. Long was assigned to all the cases, and a Prehearing Conference was scheduled for June 3, 2025.

5. On June 2, 2025, the Petitioners filed the Joint Petition to Intervene in the Citizens' and Wellsboro proceedings.

6. On June 2, 2025, Counsel for the Companies and Valley filed a Motion to Consolidate Base Rate Proceedings of Citizens', Wellsboro, and Valley.

7. On June 3, 2025, Judge Long convened the Prehearing Conference. Counsel from all active parties participated, in addition to counsel for the Solar Projects and the Petitioners. Judge Long granted the intervention of the Solar Projects but held the Joint Petition in abeyance pending a written response by the Companies.<sup>1</sup> Judge Long also granted the Motion to Consolidate Citizens', Wellsboro's, and Valley's base rate cases into one proceeding.

8. On June 5, 2025, Judge Long issued a Prehearing Order, setting the litigation schedule and rules for discovery and affirming her rulings at the Prehearing Conference.

## **II. LEGAL STANDARD**

9. A party may petition the Commission to intervene in a proceeding where (1) there is a right to intervene conferred by statute, (2) there is an interest 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, or (3) there is another interest of such nature that participation of the petitioner may be in the public interest. 52 Pa. Code § 5.72(a).

10. A petition to intervene must set out clearly and concisely: (1) the facts from which the alleged intervention right or interest can be determined, (2) the grounds of the proposed intervention, and (3) the petitioner's position on the issues raised in the proceeding. *See* 52 Pa. Code § 5.73(a).

11. The purpose of the requirement of standing is to protect against improper parties. To meet that requirement, a party must allege and prove an interest in the outcome of the action that surpasses the common interest of all citizens in procuring obedience to the law. To surpass the common interest, the interest is required to be, at least, substantial, direct, and immediate.

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<sup>1</sup> The Companies did not oppose the intervention of the Solar Projects.

*Application of Biester*, 487 Pa. 438, 442-443, 409 A.2d 848, 851 (1979) (citing *William Penn Parking Garage v. City of Pittsburgh*, 464 Pa. 168, 192, 346 A.2d 269, 281 (1975)).

12. Intervention is a matter of discretion for the Commission. See *City of Pittsburgh v. Pa. PUC*, 33 A.2d 641 (Pa. Super 1943); *N.A.A.C.P., Inc. v. Pa. PUC*, 290 A.2d 704 (Pa. Cmwlth. 1972); *PPL Electric Utilities Corporation Universal Service and Energy Conservation Plan for 2011 through 2013 ("PPL USECP")*, Docket No. M-2010-2179796, 2011 Pa. PUC LEXIS 1997, at \*20 (Order entered May 5, 2011).

### III. ANSWER

13. In the Joint Petition, the Petitioners claim to meet the standards set forth in 52 Pa. Code § 5.72(a). However, they provide little more than bare restatements of the law, with no demonstration of how they or their membership would be impacted by the proceedings in which they seek to intervene. As set forth below, the Joint Petition should be denied on three distinct grounds.

#### ***Petitioners Fail to Establish a Direct, Substantial, and Immediate Interest in the Rate Cases***

14. First, the Petitioners do not have a direct and immediate interest in this proceeding. The Joint Petition identifies no specific member with an existing interconnection, pending application, or current electric service in either of the Companies' service territories. Instead, the Joint Petition states that the "ability" of the Joint Petitioners' members "to develop and install renewable energy projects" in the Companies' service territories will be "specifically and substantially affected by the outcome of this proceeding." Joint Petition ¶ 8. The only factual statement given to support this assertion is that the Joint Petitioners' members "include renewable energy developers, installers, and investors." *Id.* This statement, however, merely explains the industry of the Joint Petitioners' membership. It provides no ties, direct or indirect, to the

Companies' service territories. It does not assert that any of its members own property in the Companies' territory, take service from the Companies, or even have plans to do so.

15. For a membership organization to have representational standing, some portion of its membership must have a substantial interest in the proceeding. The Commonwealth Court has 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. P.U.C.*, 995 A.2d 465, 476 (Pa. Commw. 2010) (alteration in original) (citing *Tripps Park v. Pa. P.U.C.*, 415 A.2d 967 (Pa. Commw. 1980); *Parents United for Better Schools v. School District of Phila.*, 646 A.2d 689 (Pa. Commw. 1994)). As well, "standing impliedly presumes the judicial relief sought can remedy the alleged harm." *Shirley v. Pa. Legis. Reference Bureau*, 318 A.3d 832, 866 (Pa. 2024). However, the Petitioners fail to meet this requirement, as they have not alleged any member will "suffer a direct, immediate, and substantial injury to an interest." Accordingly, Petitioners have not established representational standing.

16. Petitioners' concern that a tariff supplement could be approved that contravenes law and public policy fails to establish an interest in this proceeding beyond the common interest in obedience with the law. Joint Petition ¶¶ 16, 18. In a rate case, it is the duty of the Commission to consider whether the Companies' tariffs are just and reasonable and comport with existing law. 66 Pa.C.S. §§ 1301, 1308(c). Absent demonstration of a direct, substantial, and immediate interest in these proceedings, Petitioners' general interest in compliance with Pennsylvania's AEPS Act, the Public Utility Code, and the Commission's Regulations cannot imbue Petitioners with direct or representational standing for these rate cases.

17. With respect to Citizens', even the existence of a direct, immediate or substantial interest would not justify standing for this proceeding because the alleged interests of Petitioners are already represented by any other party. The only specific issues claimed as an interest of Petitioners involves proposed changes to how customers are classified into the appropriate Generation Supply Service Rate ("GSSR") in the Companies' tariffs and billed for demand charges. Joint Petition ¶¶ 11-13. However, even if the Petitioners could demonstrate that they or their members would be affected by these proposed changes, they have not supported their claim that their interests are "unique from and not adequately represented" by other parties. As stated above, the Solar Projects have intervened in the Citizens' rate case. The Solar Projects are comprised of organizations that are actually involved in development of solar projects in the Citizens' territory, and the Companies did not oppose their participation in the case.<sup>2</sup> In the Solar Projects' Petition to Intervene, they specifically raised the issues to changes to the GSSR and billing demand charges — issues that facially would appear to affect them. It is unclear why the Petitioners believe that organizations with existing investment in the relevant service territory would not adequately represent this stated interest. While Petitioners' intervention should be denied for both Citizens' and Wellsboro, the additional deficiency applicable to Citizens' is notable.

***Petitioners Fail to Establish a Public Interest Basis for Intervention***

18. The Joint Petition fails to present a claim satisfying the public interest test of 52 Pa. Code § 5.72(a)(3). As noted above, Petitioners have not demonstrated any presence in the Companies' service territories or any immediate plans to establish a customer or transactional relationship. Additionally, Petitioners' allegations that the Companies' proposed changes to the

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<sup>2</sup> The Solar Projects explicitly set forth each Solar Project's factual connection to Citizens' service territory. *See* Solar Projects Petition, ¶ 4.

GSSR and billing demand tariff rules violate existing law cannot serve as a public interest basis for standing because such allegations amount only to a general interest in compliance with the law.

19. In *Pa. PUC et al v. Equitable Gas Company*, the Commission denied intervention by a natural gas supplier ("NGS") as not meeting the public interest requirement. The Commission explained that licensed NGSs "that have submitted an application to the NGDC to become registered as a licensed NGS in the applicable service territory," and that "continue to seek full registration in good faith," would demonstrate a level of commitment that would "be sufficient to meet the public interest standard of 52 Pa. Code § 5.72(a)(3), even if the interest is not direct and immediate under (a)(2)." However, "the record in this case indicates that [the NGS] has not presented evidence of *any substantive effort to apply for the authority to serve customers in the Company's service area, nor has it plainly articulated a clear desire to even serve customers in Equitable's service territory.*" *Pa. PUC et al v. Equitable Gas Company*, Docket No. R-2008-2029325, 2008 Pa. PUC LEXIS 603, \*10 (Order entered October 22, 2008) (emphasis added).<sup>3</sup> Consequently, the Commission denied the NGS's intervention as not meeting the public interest standard. The Commission should similarly deny Petitioners' intervention here.

20. Petitioners' asserted interest in addressing potential violations of the AEPS Act, the Public Utility Code, or the Commission's Regulations also cannot confer standing on a public interest basis. The Commission has previously addressed a petitioner's assertion of standing on a public interest basis to ensure compliance with the law. *Joint Application of PECO Energy Company and Public Service Electric and Gas Company for Approval of the Merger of Public*

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<sup>3</sup> The Commission recognized that NGSs would not necessarily need to be providing service in a territory to be granted intervention "if the existing cost allocations or open access rules, charges, and penalties are barriers to competition." *Id.* However, if an NGS failed to even register to serve the territory, it had no right to intervene in a rate case. Here, the Petitioners have similarly demonstrated no direct connection to the Citizens' or Wellsboro service territories by the Petitioners or any of their members.

*Service Enterprise Group Incorporated with and into Exelon Corporation*, 2005 Pa. PUC LEXIS 341, \*17. Here, the Commission addressed petitioner's argument for standing under the public interest standard where petitioner was neither a customer within the applicable electric and gas utility service territory or a marker or seller of electricity or gas. *Id.* at \*5, \*17. The Commission still denied standing under both 52 Pa. Code §§ 5.72(a)(2) and (3), specifically finding that petitioner's "asserted interest does not go beyond the interest of all citizens in seeking compliance with the law, or is speculative in relation to the proposed transaction." 2005 Pa. PUC LEXIS 341, \*17. The Commission should make the same finding here and deny Petitioners' request.

21. Additionally, with respect to CCSA, intervention would be particularly contrary to the public interest because CCSA's sole interest related to a business model that exists in other jurisdictions, but has not been authorized by the Pennsylvania state legislature. As stated in the Joint Petition, CCSA's "mission is to expand customer choice and access to solar energy through community solar initiatives." Joint Petition ¶ 4. However, all community solar initiatives in Pennsylvania are speculative as the business model remains under review by state legislators.<sup>4</sup> While pending legislation that would authorize community solar exists, any effort to intervene in the Companies rate cases to protect the interests of a business model that may be authorized by the Pennsylvania General Assembly at some uncertain point in time is highly speculative and insufficient to form a public interest basis for intervention.

22. For the above reasons, the Companies respectfully submit that the Petitioners have failed to meet the standards of intervention set forth in 52 Pa. Code §§ 5.72.

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<sup>4</sup> <https://www.palegis.us/legislation/bills/2025/hb504>

#### IV. CONCLUSION

The Petitioners have failed to meet the standard of intervention set forth in 52 Pa. Code §§ 5.71-5.76. Therefore, the Companies respectfully request that the Joint Petition to Intervene be denied.

Respectfully submitted,

By: 

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Counsel to Citizens' Electric Company of  
Lewisburg, PA, Wellsboro Electric Company

Dated: June 23, 2025

## VERIFICATION

I, Nathan Johnson, President & CEO of Citizens' Electric Company of Lewisburg, PA, hereby state that the facts above set forth in the foregoing document 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).

Dated: June 23, 2025

Signed by:  
  
9A87E88A4ADD482  
\_\_\_\_\_  
Signature

## VERIFICATION

I, Byron (Barney) Farnsworth, Jr., President & CEO of Wellsboro Electric Company, hereby state that the facts above set forth in the foregoing document 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).

Dated: June 23, 2025

Signed by:  
*Byron Farnsworth Jr.*  
BB41C27A83114EB  
\_\_\_\_\_  
Signature