

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2025-3054392
Office of Consumer Advocate	:	C-2025-3055105
Office of Small Business Advocate	:	C-2025-3055193
Zachary and Ashely Wattles	:	C-2025-3054985

v.

Wellsboro Electric Company

Pennsylvania Public Utility Commission	:	R-2025-3054394
Office of Consumer Advocate	:	C-2025-3055103
Office of Small Business Advocate	:	C-2025-3055186

v.

Citizen’s Electric Company of Lewisburg, PA

**INITIAL DECISION  
DENYING PETITION TO INTERVENE**

Before  
Mary D. Long  
Administrative Law Judge

**INTRODUCTION**

This decision denies the Petition to Intervene filed by Solar Energy Industries Association a/k/a SEIA and Coalition for Community Solar Access a/k/a CSSA (collectively, the “Joint Solar Advocates”) because they did not demonstrate that they have standing to intervene or that its interests are not already represented by other solar energy parties.

## HISTORY OF THE PROCEEDINGS

On April 30, 2025, Wellsboro Electric Company (Wellsboro Electric) and Citizens' Electric Company of Lewisburg, PA (Citizens' Electric), (collectively, Companies) filed proposed base rate increase requests.<sup>1</sup> The Commission's Bureau of Investigation and Enforcement (I&E), the Office of Consumer Advocate (OCA) and the Office of Small Business Advocate (OSBA) entered appearances or filed complaints opposing the proposed increases.

Kelly Road Solar, LLC, Lancaster Avenue Solar, LLC, and Twilight Renewables, LLC (collectively, Solar Projects), filed a petition to intervene in the case of Citizens' Electric on May 21, 2025.

By order entered on May 22, 2025, the Commission suspended the proposed tariffs until January 29, 2026, and directed an investigation to determine the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the rate filings.

By notice dated May 22, 2025, this matter was assigned to me and scheduled for a prehearing conference on June 3, 2025.

On June 2, 2025, the Joint Solar Advocates filed a Joint Petition to Intervene in Wellsboro Electric and Citizens' Electric.

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<sup>1</sup> The Companies affiliated gas utility Valley Energy, Inc. also filed a proposed base rate increase.

The Prehearing Conference was convened as scheduled. Counsel for the Companies, I&E, OCA, OSBA, Solar Projects and Joint Solar Advocates appeared. The Companies' rate filing cases were consolidated for the purposes of litigation and procedure.

No party objected to the petition to intervene of Solar Projects, and I granted the petition. I did not rule on the petition to intervene of the Joint Solar Advocates, pending a written response by the Companies.

The Companies filed an Answer Opposing the Joint Petition to Intervene on June 23, 2025. For the reasons set forth below the Joint Petition to Intervene will be denied.

#### FINDINGS OF FACT

1. Citizens' Electric is an investor-owned for-profit electric utility corporation serving approximately 7,176 customers in Lewisburg, Union County, Pennsylvania. (Rate Filing, Description of the Company, p. 2).

2. Wellsboro Electric is an investor-owned for-profit electric utility corporation serving approximately 6,478 customers in Wellsboro, Tioga County, Pennsylvania. (Rate Filing, Description of the Company, p. 2).

3. Solar Energy Industries Association and Coalition for Community Solar Access are trade associations. (Joint Petition to Intervene ¶¶ 4-5).

4. Joint Solar Advocates did not identify any members who do business in the service territories of Wellsboro or Citizens.

5. Kelly Road Solar, LLC, Lancaster Avenue Solar, LLC and Twilight Renewables, LLC own or develop solar projects in Citizens' Electric's service territory. (Petition to Intervene, p. 3.)

### DISCUSSION

The Commission's Rules of Practice and Procedure permit petitions to intervene under 52. Pa. Code §§ 5.71-5.76. Section 5.72 governs eligibility to intervene, and states as follows:

#### § 5.72 Eligibility to intervene.

(a) *Persons.* 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. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth.

(2) 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.

(3) Another interest of such nature is that participation of the petitioner may be in public interest.

(b) *Commonwealth*. The Commonwealth or an officer or agency thereof may intervene as of right in a proceeding subject to subsection (a) (1)-(3).<sup>[2]</sup>

The Commission has discretion to grant or deny petitions to intervene. *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 33 A.2d 641 (Pa. Super. 1943); *N.A.A.C.P., Inc. v. Pa. Pub. Util. Comm'n*, 290 A.2d 704 (Pa. Cmwlth. 1972). Joint Solar Advocates' petition may be granted by demonstrating that they have standing to participate in this litigation, as well as showing that they either have an interest that is not represented by existing parties, or their intervention is in public interest per 52 Pa. Code § 5.72(a). Without meeting these requirements, Joint Solar Advocates will not be permitted to intervene in this proceeding.

Petitioners, Joint Solar Advocates, contend that they meet the standards for intervention set forth in 52 Pa. Code § 5.72(a), as parties who are directly affected by the proceeding whose interests are not adequately represented by existing parties. Joint Petition ¶ 7. They aver that by having renewable energy developers, installers, and investors as members, they represent the interests of a diverse and broad group of companies generally, and their interests cannot be represented by any existing parties. *Id.*

Joint Solar Advocates further contend that the proposed changes in the Companies' tariffs (1) may be in contravention of the Alternative Energy Portfolio Standards (AEPS) Act, *see* 73 P.S. §§ 1648.1-1648.8 and 66 Pa.C.S. § 2814; (2) may violate certain requirements of the Public Utility Code and the Commission's regulations; and (3) are unjust, unreasonable, and not in the public interest. Joint Petition ¶ 16.

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<sup>2</sup> 52 Pa. Code § 5.72

Companies oppose the Joint Solar Advocates' petition. They argue that the Joint Solar Advocates petition fails to demonstrate that they have a direct, substantial or immediate interest in the rate cases.

Joint Solar Advocates have not demonstrated that they have standing to participate in this proceeding. "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. Pub. Util. Comm'n*, 995 A.2d 465, 476 (Pa. Cmwlth. 2010) (alteration in original) (citing *Tripps Park v. Pa. Pub. Util. Comm'n*, 415 A.2d 967 (Pa. Cmwlth. 1980); *Parents United for Better Schs. v. Sch. Dist. of Phila.*, 646 A.2d 689 (Pa. Cmwlth. 1994)). Nowhere in their Joint Petition do Joint Solar Advocates indicate that they have a direct and immediate interest in this litigation.

Joint Solar Advocates contend that their members will be substantially affected by the outcome of this proceeding, but fail to provide any details as to which, if any, of their members operate in the Companies' service territory. Joint Petition ¶ 7. Joint Petitioners contend that their interests are unique because they represent a diverse and broad group of companies in general, not just the interests of any individual member. Joint Petition ¶ 9. However, Joint Solar Advocates did not demonstrate that they have any specific interest or connection to the Companies' service territories which would be directly affected by the outcome of this litigation. Without showing that any of their members would suffer a direct injury by the outcome of this proceeding, Joint Solar Advocates have failed to show that they have standing to intervene. *Pa. Pub. Util. Comm'n v. Equitable Gas Co.*, Docket No. R-2008-2029325 (Opinion and Order entered Oct. 22, 2008) (a gas supplier did not have standing to intervene in a rate case because it had no customers in the utility's service territory.).

Joint Solar Advocates are required to show they have “an interest which may be directly affected, and which is not adequately represented by existing participants.” 52 Pa. Code § 5.72(a)(2). However, it appears that Joint Solar Advocates’ interests are already being represented in this proceeding by Solar Projects.

Solar Projects intervened in Citizens’ Electric’s base rate case. Solar Projects alleged a violation of the AEPS Act, 73 P.S. § 1648.5, as well as Sections 2807(e)(7) and 2807(f)(5) of the Public Utility Code and Section 54.188(i) of the Commission’s regulations. Solar Projects Petition to Intervene ¶ 7. Similarly, Joint Solar Advocates also alleged a violation of Sections 1648.1-1648.8 of the AEPS Act, as well as a violation of 66 Pa.C.S. § 2814, and “certain requirements of the Public Utility Code and the Commission’s regulations.” Joint Petition ¶ 16. Both petitions are alleging violations of the AEPS Act’s requirements for compensating customer-generators for excess generation.

The only arguably material difference between the petitions of Solar Projects and Joint Solar Advocates, is that Joint Solar Advocates go into greater detail in describing the categorization of customer-generators into two Generator Supply Service Rates (GSSRs) in their petition. Solar Projects simply states that the changes proposed in Citizens’ Electric’s rate filing violate the AEPS Act’s requirements for compensating customer-generators. Joint Petition ¶ 12; Solar Projects Petition to Intervene ¶ 7. Effectively, both Joint Solar Advocates and Solar Projects are alleging the same violation of the AEPS Act as well as provisions of the Public Utility Code and the Commission’s regulations.

I recognize that Solar Projects only petitioned to intervene in the Citizens’ rate case while Joint Solar Advocates petitioned to intervene in both the Citizens’ Electric and Wellsboro Electric rate cases. However, there is no indication that Solar Projects’ challenge to the tariff provision in the Citizens’ Electric rate filing would not affect the

same tariff provision in the Wellsboro rate filing. That is, if the tariff provision in Citizens' Electric rate filing violates the AEPS Act, so would the tariff provision in Wellsboro Electric's rate filing. It is my view that although Solar Projects has only intervened in the Citizens' Electric rate case, it still adequately represents Joint Solar Advocates' legal challenge set forth in their Joint Petition.

With no right conferred by statute and no direct interest in the proceedings, Joint Solar Advocates must show "[a]nother interest of such nature that participation of the petitioner may be in the public interest." 52 Pa. Code § 5.72(a)(3). Joint Solar Advocates avers that their intervention is in the public interest because they can contribute "unique perspectives" from trade associations, prospective customer generators, renewable energy investors, and other operators of renewable energy products in the Commonwealth. Joint Petition ¶ 19. Aside from this bare assertion, there is nothing in Joint Solar Advocates' Joint Petition that demonstrates that their intervention in these proceedings will benefit the public, beyond the common interest of all members of public in seeking compliance with the law. *See Joint Application of PECO Energy Company*, Docket No. A110550F0160 (Opinion and Order entered July 18, 2005).

In sum, Joint Solar Advocates' Petition to Intervene fails to demonstrate standing in the outcome of the proceedings or the necessary specificity to show they possess a unique interest in this litigation. The legal issues raised in their Joint Petition have already been represented in Solar Projects' Petition to Intervene, and they have failed to demonstrate how the specific interests of any of their members could be injured because of this litigation. Additionally, Joint Solar Advocates have failed to show that their intervention in this proceeding is in the public interest. By making bare assertions, failing to show any connection to the Companies' service territories, and failing to show any public interest in their intervention, Joint Solar Advocates failed to meet the standards necessary to intervene in these base rate proceedings.

## CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this proceeding. 66 Pa.C.S. § 1308.

2. To demonstrate eligibility to intervene, a petitioner must show that it has an interest in the proceedings 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. 52. Pa. Code § 5.72(a)(2).

3. Allowance of intervention is a matter within the discretion of the Commission. *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 33 A.2d 641 (Pa. Super. 1943); *N.A.A.C.P., Inc. v. Pa. Pub. Util. Comm'n*, 290 A.2d 704 (Pa. Cmwlth 1972).

4. Joint Solar Advocates have not shown that they have an interest in this proceeding that may be directly affected by its outcome.

5. Joint Solar Advocates have not shown that they have an interest that is not already being adequately represented by any existing party, namely Solar Projects.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Joint Petition to Intervene by Solar Energy Industries Association and Coalition for Community Solar Access is denied.

Date: July 7, 2025

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/s/  
Mary D. Long  
Administrative Law Judge