



December 02, 2025

VIA E-File

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

Re: Petition of FirstEnergy Pennsylvania Electric Company for Approval of a Phase V
Energy Efficiency and Conservation Plan
Docket No. M-2025-3057327

Petition to Intervene and Answer of CAUSE-PA

Dear Secretary Homsher:

Please find the attached **Petition to Intervene and Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)** in the above noted proceeding.

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

Respectfully Submitted,

A handwritten signature in blue ink that reads "John W. Sweet". The signature is written in a cursive style with a large, sweeping "S" and "W".

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

CC: Certificate of Service
Office of Administrative Law Judge (via email only: crainey@pa.gov)
Bureau of Technical Utility Services (via email only: pdiskin@pa.gov)
Office of Special Assistants (via email only: ra-OSA@pa.gov)

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of FirstEnergy Pennsylvania :
Electric Company for Approval of a :
Phase V Energy Efficiency and : Docket No. M-2025-3057327
Conservation Plan :

**PETITION TO INTERVENE AND ANSWER
OF THE COALITION FOR AFFORDABLE UTILITY SERVICES
AND ENERGY EFFICIENCY IN PENNSYLVANIA**

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA

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December 02, 2025

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

Petition to Intervene

1. Act 129 of 2008 (“Act 129”) charged the Commission with the task of developing an energy efficiency and conservation program (“EE&C program”). 66 Pa. C.S. §2806.1.
2. The Act also established energy efficiency (“EE”) and peak demand reduction (“PDR” or “DR”) targets that each electric distribution company (“EDC”) with at least 100,000 customers must meet. Id.
3. Pursuant to section 2806.1(C)(3) of Act 129, the Commission was also charged with evaluating the costs and benefits of the EE&C program by November 30, 2013, and every five years thereafter.
4. On June 18, 2025, after receiving comments and reply comments from the EDCs and other interested parties, the Commission issued its *Energy Efficiency and Conservation Program Implementation Order* at Docket No. M-2025-3052826 (“Implementation Order”), setting consumption reduction and demand reduction targets for each EDC with at least 100,000 customers for Phase V of the EE&C program.

5. On November 26, 2025, FirstEnergy Pennsylvania Electric Company (“FE PA” or “the Company”) filed its Petition for Approval of its Act 129 Phase V Energy Efficiency and Conservation Plan at the above captioned docket.¹

6. 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).

7. 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).

8. 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. 2010) (alteration in original) (citing Tripps Park v. Pa. PUC, 415 A.2d 967 (Pa. Commw. 1980); Parents United for Better Schools v. School District of Philadelphia, 646 A.2d 689 (Pa. Commw. 1994)).

¹ On December 7, 2023, the Commission granted approval for the consolidation of Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), and West Penn Power Company (West Penn) into rate districts of a single EDC, FirstEnergy Pennsylvania Electric Company. Order entered December 7, 2023, at Docket Nos. A-2023-3038771, -792, -793, -794, -795, -807, -808.

9. 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.

10. 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.

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

12. CAUSE-PA has a significant interest in the impact that the proposed EE&C Program has on residential customers who have moderate or low income. CAUSE-PA asserts that other participants in this proceeding do not adequately represent these interests.

13. Members of CAUSE-PA are located within the Company's service territory and will be directly affected by the outcome of this proceeding. Particularly, this proceeding will affect the ability of CAUSE-PA members to access EE&C program services, as well as the quality and types of program services available.

14. CAUSE-PA has standing to intervene because at least one of 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.

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

John W. Sweet, Esq., PA ID: 320182
Levi A. Phillips, Esq. PA ID: 338477
Elizabeth R. Marx, Esq., PA ID: 309014
Ria M. Pereira, Esq., PA ID: 316771
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16. 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).

Answer

17. Act 129 identifies low-income customers as a specific group of customers designated to receive specific energy saving measures in the EE&C plans:

The plan shall include specific energy efficiency measures for households at or below 150% of the Federal poverty income guidelines. The number of measures shall be proportionate to those households' share of the total energy usage in the service territory. 66 Pa. C.S. §§2806.1(b)(1)(i)(G).

18. In its Implementation Order, as previously required in Phases II, III, and IV of the EE&C program, the Commission required that each EDC provide measures for households at or below 150% of the Federal Poverty Level (FPL) at a number proportionate to the low income sector's share of usage. Implementation Order at 73.

19. Additionally, the Commission indicated it would require each EDC to obtain a minimum percent ranging from 6.3% to 7.5% of its total consumption reduction target from the low-income sector through programs solely directed at low-income customers or low-income verified participants in multifamily housing programs. Implementation Order at 55, 68.

20. The Commission indicated that FE PA should implement its EE&C program as a consolidated EDC in Phase V, with the Commission setting consolidated consumption, peak

demand, and low-income consumption reduction targets for FE PA. The Commission requires, however, that FE PA report total savings and expenditures at the rate district level to ensure its EE&C programs effectively serve all districts. Implementation Order at 12, 213.

21. The Commission indicated that FE PA must include measures for low-income households in its Phase V EE&C plan at a proportion of 9.33% and must reach a low-income savings target, or carve-out, of 7.52%. Id. at 55, 68.

22. EDCs that fail to meet the proposed Phase V low-income carve-out are subject to the penalties prescribed under 66 Pa. C.S. § 3301(a). Id. at 55-56.

23. The Commission indicated that EDCs should design their EE&C plans to meet their Phase V goals without the use of any carryover savings from Phase IV, and any carryover savings can only be applied toward a maximum of 20% of their Phase V portfolio and low-income targets. Id. at 81, 85.

24. Act 129 requires the Commission to establish standards to ensure that each EDC's EE&C Plan includes a variety of measures and that each plan will provide the measures equitably to all customer classes. 66 Pa. C.S. § 2806.1(a)(5).

25. In its Implementation Order, the Commission directed that, in addition to the specific carve-out for the low-income sector, EDCs should develop plans to achieve the most lifetime energy savings per expenditure. Implementation Order at 199.

26. Low-income customers are not excluded from EE&C Plan cost recovery. Id. at 246.

27. CAUSE-PA has preliminarily reviewed the Company's EE&C Petition and identified several issues presented by the filing which may affect its members, including but not limited to:

- a. Whether the Company's proposed programs and identified measures within those programs satisfy the requirements of Act 129 and the

Commission's Orders, including but not limited to the requirement that low-income households are provided with proportionate measures and the low-income savings carve-out;

- b. Whether the proposed programs and measures are appropriately designed to produce projected savings for participants in multifamily housing programs;
- c. Whether the Company's multifamily programs are sufficiently designed to reach and impact low-income households regardless of whether they reside in multifamily buildings that are individually metered or master-metered;
- d. Whether the proposed plan is designed to ensure that expenditures achieve maximum lifetime energy savings;
- e. Whether the proposed plan properly focuses on direct-install measures for low-income customers;
- f. Whether the proposed plan adequately provides comprehensive measures for low-income households;
- g. Whether the delivery of measures to low-income households is appropriately coordinated with other low-income bill assistance and energy conservation programming operating within the Company's respective service territory;
- h. Whether the delivery of plan measures is appropriately coordinated between Conservation Service Providers (CSPs) serving low-income populations; and

- i. Whether the consolidation of the multiple former FirstEnergy Companies' EE&C Plans into a single FirstEnergy EE&C Plan will affect the equitable treatment of customers in each of the consolidated territories.

28. In addition to these specific issues, CAUSE-PA reserves the right to raise additional issues that may arise as more data and information become available throughout the course of this proceeding.

29. It is critical for CAUSE-PA to intervene in this proceeding to address aspects of the Company's EE&C Plan that could impair the ability of low-income households to access meaningful energy savings through the Plan's programs and to ensure that the Plan provides equitable and proportionate benefits to low-income households.

30. CAUSE-PA asserts that these matters, along with the impact of any future modifications presented by intervening parties on FE PA's low-income customer base, must be thoroughly reviewed through discovery and an evidentiary hearing, at which all parties are provided an opportunity to submit expert testimony on the record to fully participate in the proceeding.

WHEREFORE, CAUSE-PA respectfully requests that the Commission, through its Office of Administrative Law Judge:

- (1) Enter an order granting CAUSE-PA full status as an intervener in this proceeding with active party status;
- (2) Set forth a procedural process and schedule for litigation in the instant proceeding which allows for full and meaningful participation of all parties, including the submission of expert testimony; and
- (3) Grant such other relief as is just and appropriate.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA

A handwritten signature in blue ink that reads "John Sweet". The signature is stylized with a large "J" and "S".

John W. Sweet, Esq., PA ID: 320182
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Elizabeth R. Marx, Esq., PA ID: 309014
Ria M. Pereira, Esq., PA ID: 316771
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Date: December 02, 2025

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 pleadings 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 Coalition for Affordable Utility
Services and Energy Efficiency (CAUSE-PA)*

Date: December 02, 2025

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of FirstEnergy Pennsylvania :
Electric Company for Approval of a :
Phase V Energy Efficiency and : Docket No. M-2025-3057327
Conservation Plan :

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** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54 in the manner and upon the persons listed below.

VIA Email only

Timothy K. McHugh, Esq. Tori L. Giesler, Esq. FirstEnergy Service Company 341 White Pond Drive Akron, OH 44308 tmchugh@firstenergycorp.com tgiesler@firstenergycorp.com	Shane P. Simon, Esq. Kruti B. Patel, Esq. Saul Ewing LLP 1735 Market Street, Suite 3400 Philadelphia, PA 19103-7504 shane.simon@saul.com kruti.patel@saul.com
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Respectfully Submitted,
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Counsel for CAUSE-PA



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