

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PPL Electric Utilities Corporation for Approval of a  
Default Service Program and Procurement Plan for the Period of  
June 1, 2017 through May 31, 2021**

Docket Nos. P-2016-2526627

**Petition to Intervene of the Coalition for Affordable Utility Services  
and Energy Efficiency in Pennsylvania**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby files this Petition to Intervene in the captioned proceeding, pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§ 5.71-5.76, and in support, states as follows:

1. On January 29, 2016, PPL Electric Utilities Corporation (“PPL” or “the Company”) filed a Petition for Approval of their Default Service Programs for the period commencing June 1, 2017 through May 31, 2021.
2. By public notice published in the Pennsylvania Bulletin on February 13, 2016, the Commission established a deadline of February 29, 2016 for formal protests, petitions to intervene, and answers.
3. However, on February 2, 2016, Administrative Law Judge Susan D. Colwell issued a Prehearing Order establishing an intervention deadline of March 4, 2016.
4. Judge Colwell’s Prehearing Order also set a Prehearing Conference for March 9, 2016, with a deadline of March 7, 2016 for the filing of a prehearing memorandum.
5. CAUSE-PA files this Petition to Intervene consistent with the Prehearing Order issued by Judge Colwell.

6. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72. This section 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. P.U.C.*, 995 A.2d 465, 476 (Pa. Cmwlth. 2010) (alteration in original) (citing *Tripps Park v. Pa. P.U.C.*, 415 A.2d 967 (Pa. Cmwlth. 1980) and *Parents United for Better Schools v. School District of Philadelphia*, 614 A.2d 689 (Pa. Cmwlth.1994)).

9. 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.

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 and family well-being.

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

12. CAUSE-PA has interests in the impact that the proposed Default Service Plan will have on moderate- and low-income residential customers. These interests are not adequately represented by other participants. Specifically, CAUSE-PA is interested in the following aspects of PPL's proposals:

- a. The Company's proposal to continue offering a time of use (TOU) rate for residential customers, which relies on the competitive retail market and EGSs to provide TOU service. Petition ¶¶ 14, 102-105.
- b. The impact of the Company's proposal to extend its DSP IV plan for four years, through 2021, rather than the two years established in the Commission's DSP Policy statement at 52 Pa Code § 69.1804. Petition ¶¶ 19, 35-36.
- c. The Company's recommendation to have provisions in its supplier master agreement that would enable the Company to transfer its obligations to procure or supply default service to a third party, "in the event PPL Electric ceases to serve as the Default Service Supplier." Petition ¶¶ 36; 99-101.
- d. The Company's proposal to maintain the Standard Offer Program with "limited modifications" as well as PPL's continued use of its affiliate PPL Solutions to administer the program. Petition ¶¶ 95-98.

e. The Company’s proposal to continue allowing CAP customers to pay more than PPL’s Default Service price for electric generation supply despite its acknowledgment that “some limits on CAP shopping should be developed,” and despite evidence demonstrating that CAP customers, as well as the residential ratepayers who pay for the CAP program, are significantly harmed by this practice and are paying millions of dollars per year to subsidize the bottom lines of electric generation suppliers without any added benefit to CAP customers or the CAP program as a whole.

Petition ¶¶ 116-122.

f. The Company’s proposal to encourage all CAP customers to shop through the standard offer program, despite no evidence that the SOP addresses the root issues presented at the CAP shopping collaborative. Petition ¶¶ 123-124.

13. Each of the forgoing matters must be thoroughly reviewed through discovery and a hearing in order to ensure that the Company’s low-income customers are not harmed and the programs are in the public interest.

14. CAUSE-PA was granted intervener status and actively participated in earlier proceedings relating to PPL’s Petitions for Approval of their Default Service Programs.

15. At least two members of CAUSE-PA are customers of PPL and will be directly affected by the outcome of this proceeding.<sup>1</sup>

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<sup>1</sup> Amanda Mabry and Altagracia Reyes are customers of PPL and members of CAUSE-PA.

16. Because at least one member of CAUSE-PA has or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding, CAUSE-PA has standing to intervene. *See Energy Cons. Council of Pa.*, 995 A.2d at 476.

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

Patrick M. Cicero, Esquire  
Elizabeth R. Marx, Esquire  
Joline Price, Esquire  
**Pennsylvania Utility Law Project**  
118 Locust Street  
Harrisburg, PA 17101  
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18. Counsel for CAUSE-PA consents to the service of documents by electronic mail to [pulp@palegalaid.net](mailto:pulp@palegalaid.net), as provided in 52 Pa. Code § 1.54(b)(3).

WHEREFORE, CAUSE-PA respectfully request that the Public Utility Commission:

- (1) enter an order granting CAUSE-PA full status as an intervener in this proceeding with active party status; and
- (2) grant such other relief as is just and appropriate.

Respectfully submitted,  
**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



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March 2, 2016

## VERIFICATION

I, **Carl Bailey**, 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).

Date: March 2, 2016

  
Mr. Carl Bailey

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

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 2, 2016, I have served copies of the **Petition to Intervene of CAUSE-PA**, via email, upon the following persons.

I also certify that on March 3, 2016, I served copies of the same document on the persons indicated below by First Class mail, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

The Honorable Susan D. Colwell  
Administrative Law Judge  
PA Public Utility Commission  
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March 2, 2016