

**PENNSYLVANIA UTILITY LAW PROJECT**

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**October 6, 2014**

**VIA ELECTRONIC FILING (E-FILING)**

Secretary Rosemary Chiavetta  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: FE rate cases, PUC v. West Penn, et al  
R-2014-2428742; R-2014-2428743; R-2014-2428744; R-2014-2428745**

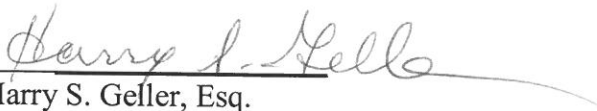
Dear Secretary Chiavetta:

Please accept for filing the Petition to Intervene in the above referenced matters, filed on behalf of The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA").

All parties to this proceeding received notice of the Petition via first class or electronic mail. A Certificate of Service is attached.

Please feel free to contact me directly should you have any questions.

Very truly yours,

  
Harry S. Geller, Esq.

Enclosure

cc: Certificate of Service  
Hon Dennis J. Buckley

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission v. West Penn Power Company	Docket Number R-2014-2428742
Pennsylvania Public Utility Commission v. Pennsylvania Electric Company	Docket Number R-2014-2428743
Pennsylvania Public Utility Commission v. Pennsylvania Power Company	Docket Number R-2014-2428744
Pennsylvania Public Utility Commission v. Metropolitan Edison Company	Docket Number R-2014-2428745
West Penn Power Company	Docket Number: M-2013-2341991
Pennsylvania Electric Company	Docket Number: M-2013-2341994
Pennsylvania Power Company	Docket Number: M-2013-2341993
Metropolitan Edison Company	Docket Number: M-2013-2341990

**PETITION TO INTERVENE BY 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 August 4, 2014, West Penn Power Company (West Penn), Penn Electric Company (Penelec), Penn Power Company (Penn Power), and Metropolitan Edison Company (Met-Ed) (collectively the “First Energy Companies” or “Companies”) filed original tariffs proposing an increase in base rates. The following table summarizes the Companies increase amounts<sup>1</sup>:

Company Name & Utility Code	Tariff Electric-Pa. P.U.C. No.	Increase (millions)	Rate of Return
West Penn 111250	38 and 40	\$ 115.5 8.4% overall increase	8.14%
Penelec 110400	81	\$ 119.8 8.6% overall increase	8.31%
Penn Power 110450	36	\$ 28.5 8.7% overall increase	8.51%
Met-Ed 110300	52	\$ 151.9 11.5% overall increase	8.05%

2. The Companies are requesting an increase in distribution base rates due to investments in Plant-In Service, an increase in Depreciation Expense, and unrecovered investment in meter costs due to Act 129 requiring the installation of Smart Meters. Additionally, West Penn, Penelec, and Met-Ed have also experienced extensive damage to its distribution systems that resulted in significant storm damage remediation costs and the Companies are seeking to amortize the deferred storm expenses and requesting a return on the unamortized balance. West Penn also has included additional Universal Service Program costs to align its program with its Pennsylvania affiliates Met-Ed, Penelec, and Penn Power. The Tariff filings are also proposing revisions to certain rules and regulations, rate schedules and riders in the Companies currently effective tariffs.

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<sup>1</sup> Order, October 2, 2014 to these dockets, at 1.

3. On October 2, 2014, the Pennsylvania Public Utility Commission (“Commission”) entered an order ( “October 2d Order”) instituting an investigation to determine the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the West Penn Power Company’s Tariff Electric – Pa. P.U.C. No. 38 and Tariff Electric – Pa. P.U.C. No. 40, Pennsylvania Electric Company’s Tariff Electric – Pa. P.U.C. No. 81, Penn Power Company’s Tariff Electric – Pa. P.U.C. No. 36 and Metropolitan Edison Company’s Tariff Electric – Pa. P.U.C. No. 52.

4. In the October 2d Order, the Pennsylvania Public Utility Commission (“Commission”) suspended by operation of law until May 3, 2015, unless otherwise directed by Order of the Commission the implementation of :

- a. West Penn Power Company’s Tariff Electric – Pa. P.U.C. No. 38 and Tariff Electric – Pa. P.U.C. No. 40;
- b. Pennsylvania Electric Company’s Tariff Electric – Pa. P.U.C. No. 81;
- c. Penn Power Company’s Tariff Electric – Pa. P.U.C. No. 36; and
- d. Metropolitan Edison Company’s Tariff Electric – Pa. P.U.C. No. 52 ;

5. The Commission further ordered that West Penn Power Company’s filing at Docket M-2013-2341991, Pennsylvania Electric Company’s filing at Docket M-2013-2341994, Pennsylvania Power Company’s filing at Docket M-2013-22341993 and Metropolitan Edison Company’s filing at Docket M-2013-2341990 regarding how cost saving measures achieved from the deployment of smart meters will be calculated in the SMT-C Rider services be addressed in the general base rate case.

6. 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.

7. 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.

8. CAUSE-PA is located at 118 Locust Street, Harrisburg, PA 17101.

9. 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).

10. 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).

11. 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)).

12. CAUSE-PA has conducted an initial review of the Companies’ proposed tariff changes, and opposes the requests on the grounds that the proposed rate increases and tariffs

could result in unjust and unreasonable rates that would impose severe hardship on low and moderate income residential customers and consumers.

13. In addition to complying with sound rate making principles, the Companies must also ensure that its rates and tariffs comply with universal service requirements. The Commission must ensure that universal service programs assist low-income customers to afford electric service and are appropriately funded and available in each electric distribution territory.<sup>2</sup> The Choice Act, committed the Commonwealth to preserving the protections, policies and services that assisted low-income customers in being able to afford electric service.<sup>3</sup>

14. CAUSE-PA has interests in the impact that the proposed tariff changes and rate increases, as well as other issues which may be raised by other parties in the course of this proceeding, have on low-income residential customers.

15. The interests of CAUSE-PA and its members are not adequately represented by other participants.

16. At least five members of CAUSE-PA are customers of the First Energy Companies and will be directly affected by the outcome of this proceeding.<sup>4</sup>

17. 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.

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

Harry S. Geller, Esquire  
Elizabeth R. Marx, Esquire  
**Pennsylvania Utility Law Project**  
118 Locust Street  
Harrisburg, PA 17101  
Telephone: 717-236-9486

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<sup>2</sup> Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801-2812 (Competition Act, Choice Act or Act),

<sup>3</sup> The Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. § 2802(10).

<sup>4</sup> Linda Bergman (WPP), Nancy Gibson (Penelec), Genora Gosha (Penelec), Linda Morris (Penelec), and Gladys Tullis (Penelec) are members of CAUSE-PA and are each customers of one of the First Energy Companies who are jointly petitioning for a waiver of 52 Pa. Code § 56.97(a).

Facsimile: 717-233-4088  
E-mail: [pulp@palegalaid.net](mailto:pulp@palegalaid.net)

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

- (1) enter an order granting CAUSE-PA full status as an intervenor in this proceeding with active party status;
- (2) hold evidentiary hearings on the proposed rate increase and tariff; and,
- (3) grant such other relief as is just and appropriate.

Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*

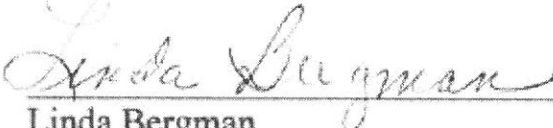


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October 6, 2014

## VERIFICATION

I, Linda Bergman, as a member of the Executive Committee of CAUSE-PA, hereby state that the facts contained in the foregoing petition 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).

  
Linda Bergman

Date: October 3, 2014



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission  
v.  
West Penn Power Company

Docket Number  
R-2014-2428742

Pennsylvania Public Utility Commission  
v.  
Pennsylvania Electric Company

Docket Number  
R-2014-2428743

Pennsylvania Public Utility Commission  
v.  
Pennsylvania Power Company

Docket Number  
R-2014-2428744

Pennsylvania Public Utility Commission  
v.  
Metropolitan Edison Company

Docket Number  
R-2014-2428745

West Penn Power Company

Docket Number:  
M-2013-2341991

Pennsylvania Electric Company

Docket Number:  
M-2013-2341994

Pennsylvania Power Company

Docket Number:  
M-2013-2341993

Metropolitan Edison Company

Docket Number:  
M-2013-2341990

**CERTIFICATE OF SERVICE**

I hereby certify that I have October 6, 2014, served copies of the **Petition to Intervene of CAUSE-PA**, as set forth below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**FIRST-CLASS MAIL**

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