

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition for Consolidation of Proceedings	:	
and Approval of Energy Efficiency and	:	Docket Nos. M-2015-2514767
Conservations Plans Phase III of Metropolitan	:	M-2015-2514768
Edison Company, Pennsylvania Electric	:	M-2015-2514769
Company, Pennsylvania Power Company Plan	:	M-2015-2514772
and West Penn Power Company	:	

**PETITION TO INTERVENE OF
THE COALITION FOR AFFORDABLE UTILITY SERVICES AND
ENERGY EFFICIENCY IN PENNSYLVANIA (“CAUSE-PA”)**

PENNSYLVANIA UTILITY LAW PROJECT

Counsel for CAUSE-PA

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December 17, 2015

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. Act 129 of 2008 ("Act 129") charged the Pennsylvania Public Utility Commission ("Commission") with the task of developing an energy efficiency and conservation program ("EE&C Program") 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 had to meet by May 31, 2011 and/or May 31, 2013.
2. 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.
3. On June 11, 2015, after receiving comments and reply comments from the Companies and other interested parties, the Commission issued an Energy Efficiency and Conservation Phase III Implementation Order (“Implementation Order”), setting consumption reduction and demand reduction targets for each Electric Distribution Company (“EDC”) with at least 100,000 customers. The Commission issued a clarifying order on August 20, 2015.
4. On November 23, 2015, Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”) and West Penn Power Company (“West Penn Power”) (collectively “First Energy” or “the Companies”) jointly filed a Petition with the commission for approval of their Phase III Energy Efficiency and Conservation Plans (“Phase III EE&C Plans” or “Phase III Plans”).
5. Notwithstanding its filing of the instant Petition to Intervene, which would preserve CAUSE-PA’s right to fully participate in the litigated proceeding, CAUSE-PA preserves

its right to file responsive pleadings and/or comments by the January 4, 2016 deadline set forth in the December 12, 2015 Notice published in the Pennsylvania Bulletin.

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. 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 Philadelphia*, 646 A.2d 689 (Pa. Commw. 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 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 interests in the impact that the proposed Energy Efficiency and Conservation Program has on moderate and low income residential customers. These interests are not adequately represented by other participants.

13. At least five members of CAUSE-PA are customers of First Energy Companies and will be directly affected by the outcome of this proceeding.¹
14. 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.
15. CAUSE-PA is represented in this proceeding by:

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Counsel for CAUSE-PA consents to the service of documents by electronic mail to pulp@palegalaid.net, as provided in 52 Pa. Code § 1.54(b)(3).

16. CAUSE-PA has reviewed First Energy's EE&C Petition and identified a number of issues presented by the filing which may affect its members. CAUSE-PA anticipates that additional issues may arise as a more comprehensive review of the filing is undertaken.
17. It is critical for CAUSE-PA to intervene in the proceeding to resolve potential negative aspects of First Energy's Plan and to ensure that the positive aspects of the Plan are not changed.
18. CAUSE-PA asserts that First Energy's Act 129 Phase III Plans 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 and to fully participate in the proceeding.

¹ Linda Bergman (WPP), Nancy Gibson (Penelec), Genora Gosha (Penelec), Linda Morris (Penelec), and Gladys Tullis (Penn Power) are members of CAUSE-PA.

WHEREFORE, CAUSE-PA respectfully request that the Public Utility 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



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December 17, 2015

Verification

I, **Linda Bergman**, 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).


Linda Bergman

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

Date: December 17, 2015

CERTIFICATE OF SERVICE

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

VIA EMAIL and/or FIRST CLASS MAIL

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Honorable Steven K. Haas
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