



COMMUNITY LEGAL SERVICES
OF PHILADELPHIA

December 9, 2019

VIA E-File

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, Filing Room
Harrisburg, PA 17120

Re: **2019 Amendments to Policy Statements on Customer Assistance Programs 52 Pa. Code §§ 69.261-69.267, Docket No. M-2019-3012599;**

Energy Affordability for Low-Income Customers in Pennsylvania, Docket No. M-2017-2587711;

Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907

Letter Answer to Energy Association of Pennsylvania's Petition for Stay of Ordering Paragraphs Six, Seven, and Eight

Dear Secretary Chiavetta,

On November 20, 2019, the Energy Association of Pennsylvania (EAP) filed a Petition for Stay of Ordering Paragraphs Six, Seven, and Eight of the Public Utility Commission's (Commission) Final Policy Statement Order in the above referenced dockets, entered on November 5, 2019 (November 5 Order). EAP also filed a Petition for Reconsideration of Ordering Paragraphs Six, Seven, and Eight of the November 5 Order.

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), the Tenant Union Representative Network (TURN), and Action Alliance of Senior Citizens of Greater Philadelphia (Action Alliance) (collectively, the Low-Income Advocates), file this letter in lieu of a formal Answer to EAP's Petition for Stay.

By way of background, EAP’s Petition for Stay is narrow – and addresses only Paragraphs Six, Seven, and Eight of the Commission’s November 5 Order.¹ Those ordering paragraphs are procedural in nature – they require utilities (EAP members) to file and serve addendums to their Universal Service and Energy Conservation Plan dockets. As EAP notes, neither the Petition for Reconsideration nor the Petition for Stay challenge the substance of the amended CAP Policy Statement as finalized by the Commission in its Final Policy Statement Order.²

On November 25, 2019, the Commission entered an Order granting EAP’s Petition for Reconsideration pending review on the merits.³ In that same Order, the Commission also granted EAP’s Petition for Stay “[w]ithout addressing the merits of EAP’s assertions in its request of a stay, and without any concession as to the likelihood of EAP prevailing on the merits or if the energy utilities suffering harm absent a stay . . .”⁴

While the Low Income Advocates do not think that a stay is necessary, or that EAP came anywhere close to meeting its burden under the *Process Gas*⁵ standard, the Commission appears to have determined that prudence dictates a short stay of the requirements contained in its Ordering Paragraphs Six, Seven, and Eight. Ultimately, the Low Income Advocates do not oppose a brief stay of Ordering Paragraphs Six, Seven, and Eight in order for the Commission to expeditiously review and dispose of EAP’s Petition for Reconsideration. However, we wish to be clear that the EAP’s Petition for Reconsideration, and its associated request for a stay, does not question the appropriateness of the Final CAP Policy Statement. As such, the Low Income Advocates assert that there should be no further delay in in the publication or effectiveness of the Final CAP Policy Statement. The Final CAP Policy Statement should be published in the Pennsylvania Bulletin without delay.

¹ Petition for Stay at 2-3.

² Petition for Stay at 6.

³ 2019 Amendments to Policy Statement on Customer Assistance Program, 52 Pa. Code. § 69.261-69.267, PUC Docket No. M-2019-3012599, Order (Nov. 25, 2019) at 2. The Low Income Advocates, in requesting an extension to file Answers to the Petitions for Reconsideration, had indicated that they did not oppose the Commission granting reconsideration pending review on the merits.

⁴ 2019 Amendments to Policy Statement on Customer Assistance Program, 52 Pa. Code. § 69.261-69.267, PUC Docket No. M-2019-3012599, Order (Nov. 25, 2019) at 2.

⁵ *Pa PUC v. Process Gas Consumers Group*, 467 A.2d 805, 808-9 (Pa. 1983).

Respectfully Submitted,

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

2019 Amendments to Policy Statements :
on Customer Assistance Programs 52 : Docket No. M-2019-3012599
Pa. Code §§ 69.261-69.267 :
: :
Energy Affordability for Low-Income : Docket No. M-2017-2587711
Customers in Pennsylvania :
: :
Review of Universal Service and Energy : Docket No. M-2017-2596907
Conservation Programs :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the foregoing **Letter in Lieu of Answer of CAUSE-PA and TURN et al. to the Petition of the Energy Association of Pennsylvania for Stay** in accordance with the requirements of 52 Pa. Code § 1.54 in the manner and upon the persons listed below.

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