



April 1, 2020

Via E-File

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, PA 17120

Re: Petition of PECO Energy Company for Approval of a Default Service Program for the Period of June 1, 2021 through May 31, 2025, Docket No. P-2020-3019290

Petition to Intervene of CAUSE-PA

Dear Secretary Chiavetta,

Attached for filing, please find a Petition to Intervene of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania in the above referenced matter.

Copies of this petition will be circulated in accordance with the attached Certificate of Service.

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

Elizabeth R. Marx, Esq.
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CC: Per Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company for :
Approval of a Default Service Program for the : Docket No. P-2020-3019290
Period of June 1, 2021 through May 31, 2025 :

**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 March 13, 2020, PECO Energy Company (“PECO” or “the Company”) filed a Petition for Approval of their Default Service Programs for the period commencing June 1, 2021 through May 31, 2025.

2. No further procedural actions have yet been taken at this docket as of the date of filing of this Petition to Intervene.

3. 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).

4. 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).

5. 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. Ct. 2010) (alteration in original) (citing Tripps Park v. Pa. PUC, 415 A.2d 967 (Pa. Commw. Ct. 1980); Parents United for Better Schools v. School Dist. of Phila., 614 A.2d 689 (Pa. Commw. Ct. 1994)).

6. 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.

7. CAUSE-PA membership is open to low and moderate income individuals residing in the Commonwealth of Pennsylvania who are committed to the goal of helping economically vulnerable households to maintain affordable access to utility services and achieve economic independence and family well-being.

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

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

- a. The adequacy of PECO's proposed protections for customers enrolled in PECO's Customer Assistance Program who engage with the competitive market. (PECO Petition at 25-28).
- b. The design of PECO's proposed Time of Use rates, including an examination of the cost incentives for electric vehicle adoption and the potential impact the rate offering may have on vulnerable consumers. (PECO Petition at 19-24).
- c. The appropriateness of PECO's proposal to continue its current retail market enhancement programs, including its standard offer and purchase of receivables programs. (PECO Petition at 24).
- d. Any other issues that may arise through the course of litigation that may impact the accessibility and affordability of default service for low income consumers.

10. Each of the forgoing matters must be thoroughly reviewed and a robust record must be created through discovery and a hearing to ensure that the Company's economically vulnerable customers are not harmed and any approved programs are in the public interest.

11. CAUSE-PA was granted intervener status and actively participated in prior proceedings relating to PECO's Petitions for Approval of their Default Service Programs.

12. Several members of CAUSE-PA are customers of PECO and will be directly affected by the outcome of this proceeding.¹ CAUSE-PA therefore has standing to intervene because at

¹ Carl Bailey, Marsha White Mathis, and Jahala McLendon are customers of PECO and members of CAUSE-PA.

least one member has 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.

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

Elizabeth R. Marx, Esquire
John Sweet, Esquire
Ria Pereira, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
Telephone: 717-236-9486
Facsimile: 717-233-4088
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14. 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).

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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April 1, 2020

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).


Mr. Carl Bailey

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

Date: April 1, 2020

CERTIFICATE OF SERVICE

I hereby certify I have on this day served copies of the **Petition to Intervene of CAUSE-PA** in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

<p>Honorable Charles E. Rainey, Jr. Chief Administrative Law Judge Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2nd Floor Harrisburg, PA 17120 CRAINEY@pa.gov</p>	<p>W. Craig Williams, Esquire Anthony Gay, Esquire Jack Garfinkle, Esquire Exelon Business Services Company 2301 Market Street, S23-1 Philadelphia, PA 19101-8699 craig.williams@exeloncorp.com Anthony.gay@exeloncorp.com Jack.garfinkle@exeloncorp.com</p>
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<p>Charis Mincavage, Esq. Adeolu A Bakare, Esq. McNees Wallace & Nurick LLC 100 Pine Street P.O. Box 1166 Harrisburg, Pennsylvania 17108 cmincavage@mwn.com abakare@mwn.com</p>	<p>Deanne M. O'Dell, Esq. Eckert Seamans Cherin & Mellott, LLC 213 Market Street, 8th Fl. Harrisburg, PA 17101 dodell@eckertseamans.com</p>



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