



COMMONWEALTH OF PENNSYLVANIA

April 20, 2020

E-FILED

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

**Re: Joint Default Service Plan for Citizens' Electric Company of Lewisburg, PA and
Wellsboro Electric Company for the Period June 1, 2021 Through May 31, 2025/
Docket Nos. P-2020-3019383, P-2020-3019384**

Dear Secretary Chiavetta:

Enclosed please find the Answer, Notice of Intervention, Public Statement and Verification, on behalf of the Office of Small Business Advocate ("OSBA"), in the above-captioned proceedings.

Copies will be served on all known parties in these proceedings, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Erin K. Fure

Erin K. Fure
Assistant Small Business Advocate
Attorney ID No. 312245

Enclosures

cc: Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Default Service Plan for Citizens’	:	
Electric Company of Lewisburg, PA and	:	
Wellsboro Electric Company for the	:	Docket Nos. P-2020-3019383
Period June 1, 2021 Through May 31,	:	P-2020-3019384
2025	:	
	:	
	:	

**ANSWER OF SMALL BUSINESS ADVOCATE TO JOINT DEFAULT SERVICE PLAN
FOR CITIZENS’ ELECTRIC COMPANY OF LEWISBURG, PA AND WELLSBORO
ELECTRIC COMPANY**

Pursuant to 52 Pa. Code §5.61, the Office of Small Business Advocate (“OSBA”) hereby answers the Joint Petition of Citizens’ Electric Company of Lewisburg, PA (“Citizens”) and Wellsboro Electric Company (“Wellsboro”) (collectively, the “Companies”) for approval of their Sixth Joint Default Service Plan (“*Sixth Joint DSP*”) for the period from June 1, 2021 through May 31, 2025 filed with the Pennsylvania Public Utility Commission (“Commission”) on March 31, 2020, and avers the following in support thereof:

I. INTRODUCTION

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

7. Admitted. By way of further response, the Commission Order referenced in Paragraph 7 is a written document and speaks for itself.
8. Admitted. By way of further answer, the Fourth Joint DSP speaks for itself.
9. Admitted. By way of further answer, the Fourth Joint DSP speaks for itself.
10. Admitted. By way of further answer, the February 2015 Order speaks for itself.
11. Admitted.
12. Admitted.
13. Admitted.
14. Admitted.
15. Admitted.
16. Admitted.
17. The averments in Paragraph 17 constitute a prayer for relief to which no response is necessary.
18. The averments in Paragraph 18 constitute a prayer for relief to which no response is necessary.
19. The averments in Paragraph 19 outline the Appendices attached to the *Sixth Joint DSP* that further explain the proposed Sixth Joint DSP which constitute a prayer for relief to which no response is necessary.

II. JOINT DEFAULT SERVICE PLAN

A. The Implementation and Procurement Plan

20. Admitted. By way of further response, the February 2015 Order speaks for itself.
21. The averments in Paragraph 21 that constitute a prayer for relief to which no response is necessary.

22. The averments in Paragraph 22 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 22 are denied, and strict proof thereof is demanded.

23. Admitted in part. By way of further answer, the Order referenced in Paragraph 23 is a written document and speaks for itself. The averment by the Companies acknowledging that their proposed threshold for Hourly Priced Service (“HPS”) differs from the guidance in the Order is a legal argument to which no response is necessary.

24. The averments in Paragraph 24 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 24 are denied, and strict proof thereof is demanded.

25. The averments in Paragraph 25 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 25 are denied, and strict proof thereof is demanded.

26. The averments in Paragraph 26 constitute a prayer for relief to which no response is necessary.

27. The averments in Paragraph 27 constitute a prayer for relief to which no response is necessary.

28. The averments in Paragraph 28 constitute a prayer for relief to which no response is necessary.

29. The averments in Paragraph 29 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 29 are denied, and strict proof thereof is demanded.

30. The averments in Paragraph 30 constitute a prayer for relief to which no response is

necessary.

B. Alternative Energy Portfolio Standard Act (“AEPS”) Plan

31. The averments in Paragraph 31 constitute a prayer for relief to which no response is necessary.

32. The averments in Paragraph 32 constitute a prayer for relief to which no response is necessary.

C. Rate Design Plan and Customer Billing

33. The averments in Paragraph 33 constitute a prayer for relief to which no response is necessary.

34. Admitted. By way of further answer, the Fifth Joint DSP speaks for itself.

35. Admitted. By way of further answer, the Fifth Joint DSP speaks for itself.

36. Admitted. By way of further answer, the Fifth Joint DSP speaks for itself.

37. The averments in Paragraph 37 constitute a prayer for relief to which no response is necessary.

38. The averments in Paragraph 38 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 38 are denied, and strict proof thereof is demanded.

39. The averments in Paragraph 39 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 39 are denied, and strict proof thereof is demanded.

40. The averments in Paragraph 40 constitute a prayer for relief to which no response is necessary.

41. Denied. The OSBA is without knowledge or information sufficient to form a believe as

to the truth of the averment in Paragraph 41.

42. The averments in Paragraph 42 constitute a prayer for relief to which no response is necessary.

43. The averments in Paragraph 43 constitute a prayer for relief to which no response is necessary.

44. The averments in Paragraph 44 constitute a prayer for relief to which no response is necessary.

D. Retail Market Enhancement Programs

45. The averments in Paragraph 45 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 45 are denied, and strict proof thereof is demanded.

46. The averments in Paragraph 46 constitute a prayer for relief to which no response is necessary.

47. The averments in Paragraph 47 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 47 are denied, and strict proof thereof is demanded.

F. Responses to Secretarial Letter at Docket M-2019-3007101

48. Admitted. By way of further answer, the January 23, 2020 Secretarial Letter speaks for itself.

1. EV Charging

49. The averments in Paragraph 49 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 49 are denied, and strict proof thereof is demanded.

2. Prudent Mix Compliance

50. The averments in Paragraph 50 set forth a legal argument to which no response is required. To the extent a response is required, the averments in Paragraph 50 are denied, and strict proof thereof is demanded.

G. Other Plan Requirements

51. The averments in Paragraph 51 outline the Appendices attached to the *Sixth Joint DSP* that further explain the proposed Sixth Joint DSP which constitute a prayer for relief to which no response is necessary.

52. The averments in Paragraph 52 are an introductory and/or transitional paragraph and contain no averments to which a response is necessary.

1. Documentation that the Program is Consistent with PJM Requirements

53. The averments in Paragraph 53 constitute a prayer for relief to which no response is necessary.

2. Contingency Plans if Wholesale Suppliers Fail to Deliver

54. The averments in Paragraph 54 constitute a prayer for relief to which no response is necessary.

3. Copies of Agreements or Forms

a. RFPs

55. The averments in Paragraph 55 constitute a prayer for relief to which no response is necessary.

56. The averments in Paragraph 56 constitute a prayer for relief to which no response is necessary.

57. The averments in Paragraph 57 constitute a prayer for relief to which no response is necessary.

58. The averments in Paragraph 58 constitute a prayer for relief to which no response is necessary.

59. The averments in Paragraph 59 constitute a prayer for relief to which no response is necessary.

60. The averments in Paragraph 60 constitute a prayer for relief to which no response is necessary.

b. Supply Master Agreement

61. The averments in Paragraph 61 constitute a prayer for relief to which no response is necessary.

4. Generation Contracts With Customers Greater than Two Years

62. Denied. The OSBA is without knowledge or information sufficient to form a believe as to the truth of the averment in Paragraph 62.

5. Proposed Litigation Schedule

63. The averments in Paragraph 63 constitute a proposed procedural schedule to which no response is necessary. By way of further answer the OSBA will work with all parties in this case to establish a mutually agreeable litigation schedule, if possible.

64. The averments in Paragraph 64 constitute a proposed procedural schedule to which no

response is necessary. By way of further answer the OSBA will work with all parties in this case to establish a mutually agreeable litigation schedule, if possible.

III. CONCLUSION

In view of the foregoing, the Office of Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Direct the Office of Administrative Law Judge to hold hearings on the *Sixth Joint DSP* and prepare an initial decision; and
- B. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

/s/ Erin K. Fure

Erin K. Fure
Attorney ID No. 312245
Assistant Small Business Advocate

For:

John R. Evans
Small Business Advocate

Commonwealth of Pennsylvania
Office of Small Business Advocate
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Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)

Dated: April 20, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Default Service Plan for Citizens’	:	
Electric Company of Lewisburg, PA and	:	
Wellsboro Electric Company for the	:	Docket Nos. P-2020-3019383
Period June 1, 2021 Through May 31,	:	P-2020-3019384
2025	:	
	:	
	:	

**NOTICE OF INTERVENTION
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Office of Small Business Advocate (“OSBA”) files this Notice of Intervention with respect to the Petition that was filed with the Pennsylvania Public Utility Commission (“PUC” or “Commission”) on March 31, 2020 by Citizens’ Electric Company of Lewisburg, PA and Wellsboro Electric Company (collectively, the “Companies”), with respect to the requested Commission approval for their Sixth Joint Default Service Program. In support of this Intervention, the OSBA avers as follows:

1. The OSBA is an agency of the Commonwealth of Pennsylvania authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50) to represent the interest of small business customers as a party in proceedings before the Commission.
2. Intervention in this case is necessary to ensure that the interests of small business customers served by the Companies are adequately represented.

3. Representing the OSBA in this proceeding is:

Erin K. Fure
Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)
efure@pa.gov

Respectfully submitted,

/s/ Erin K. Fure

Erin K. Fure
Attorney ID No. 312245
Assistant Small Business Advocate

Dated: April 20, 2020

For:
John R. Evans
Small Business Advocate

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Default Service Plan for Citizens’	:	
Electric Company of Lewisburg, PA and	:	
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2025	:	
	:	
	:	

**PUBLIC STATEMENT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (the “Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by his initiation of or intervention in any proceeding involving those interests before the Pennsylvania Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of an Answer in opposition to the Joint Default Service Plan of Citizens’ Electric Company of Lewisburg, PA and Wellsboro Electric Company (collectively, the “Companies”) seeking Commission approval of their Joint Default Service Program for the period from June 1, 2021 through May 31, 2025 (“Sixth Joint DSP”).

The Small Business Advocate files this Answer against the Companies’ Sixth Joint DSP in order to protect the interests of the Companies’ small business customers. A thorough inquiry by the Commission into all of the elements of the Companies’ proposed Sixth Joint DSP, including their proposed default service rate design, is necessary to ensure that the change is lawful, just, reasonable, and not unduly discriminatory.

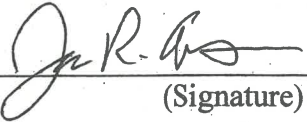
In view of the foregoing, the Small Business Advocate will participate in proceedings before the Commission to investigate the reasonableness of the proposed terms and rates in the Company's DSP V Petition. The Small Business Advocate will ask the Commission to deny any proposed rate increase or other changes in the Company's present tariffs that apply to small business customers that are not proven by Columbia to be lawful, just, reasonable, and non-discriminatory.

Dated: April 20, 2020

VERIFICATION

I, John R. Evans, hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief 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 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 4/20/20



(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Joint Default Service Plan for Citizens’
Electric Company of Lewisburg, PA and
Wellsboro Electric Company for the
Period June 1, 2021 Through May 31,
2025** :
:
: **Docket Nos. P-2020-3019383**
: **P-2020-3019384**
:
:
:

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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The Honorable Benjamin J. Myers
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400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
benmyers@pa.gov

/s/ Erin K. Fure

DATE: April 20, 2020

Erin K. Fure
Assistant Small Business Advocate
Attorney ID No. 312245