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File #: 126872

August 25, 2020

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Public Utility Service Termination
Proclamation of Disaster Emergency
COVID-19
Docket No. M-2020-3019244**

Dear Secretary Chiavetta:

Enclosed for filing is the Petition to Intervene of National Fuel Gas Distribution Corporation in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Anthony D. Kanagy

ADK/jl
Enclosures

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Public Utility Service Termination :
Proclamation of Disaster Emergency - : Docket No. M-2020-3019244
COVID-19 :

**PETITION TO INTERVENE OF
NATIONAL FUEL GAS DISTRIBUTION CORPORATION**

National Fuel Gas Distribution Corporation (“Distribution” or the “Company”) hereby files its Petition to Intervene in the above-captioned proceeding pursuant to 52 Pa. Code § 5.71, *et seq.* of the Pennsylvania Public Utility Commission’s (“Commission”) regulations. In support of its intervention, Distribution states as follows:

1. Distribution is a public utility and natural gas distribution company as defined in Sections 102 and 2202 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102, 2202, subject to the regulatory jurisdiction of the Commission.
2. The Company provides natural gas distribution service to approximately 215,000 customers in Northwestern Pennsylvania, and also provides supplier of last resort services to customers that do not elect to take supply services from a natural gas supplier.
3. Distribution provides natural gas distribution in New York as well, subject to the jurisdiction of the New York Public Service Commission.
4. Distribution’s address is 6363 Main Street, Williamsville, New York 14221.

5. Distribution's counsel in this proceeding is:

Anthony D. Kanagy, Esquire
Post & Schell, P.C.
17 N. 2nd Street, 12th floor
Harrisburg, PA 17101
(717) 612-6034 – office

The above-named counsel is authorized to accept service on behalf of the Company in this proceeding.

6. On March 13, 2020, Chairman Gladys Brown Dutrieuille issued an Emergency Order prohibiting the termination of utility service due to the Governor's Proclamation of Disaster Emergency related to COVID-19. The Emergency Order was subsequently ratified on March 26, 2020.

7. On August 5, 2020, Tenant Union Representative Network ("TURN"), Action Alliance of Senior Citizens of Greater Philadelphia ("Action Alliance") and Coalition of Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA") (collectively "Low Income Advocates") filed a Petition for Due Process Relief at the above-captioned docket requesting that the Commission conduct a public review process before lifting the moratorium prohibiting the involuntary termination of utility service.

8. Distribution hereby files this Petition to Intervene in response to the Low Income Advocates' Petition for Due Process filed on August 5, 2020.

9. The Commission's regulations at 52 Pa. Code §§ 5.71-5.76 establish the standards and requirements for a party to intervene in an action before the Commission. Section 5.72 sets forth the eligibility requirements for a party to intervene, which provides, in pertinent part, as follows:

- (a) Persons. 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. The right or interest may be one of the following:
- (1) A right conferred by statute of the United States or of the Commonwealth.
 - (2) An interest 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.
 - (3) Another interest of such nature that participation of the petitioner may be in the public interest.

52 Pa. Code § 5.72.

10. In the Petition, the Low Income Advocates request that the Commission maintain the moratorium prohibiting the involuntary termination of utility service pending a public review process regarding whether termination of utility service will exacerbate the health crisis or hinder response and recovery from COVID-19. Petition, p. 1.

11. In light of its role as a natural gas distribution service provider in Northwestern Pennsylvania, Distribution has a direct interest in the Low Income Advocates' Petition that is not adequately represented by other parties. In addition, Distribution could be bound by any action of the Commission regarding the Low Income Advocates' Petition.

WHEREFORE, National Fuel Gas Distribution Corporation requests that the Pennsylvania Public Utility Commission grant this Petition and authorize its intervention and participation in this proceeding.

Respectfully submitted,



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Date: August 25, 2020

Counsel for National Fuel Gas Distribution Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Public Utility Service Termination :
Proclamation of Disaster Emergency - : Docket No. M-2020-3019244
COVID-19 :

VERIFICATION

I, Randy Rucinski, certify that I am the General Manager, Rates & Regulatory Affairs Department of National Fuel Gas Distribution Corporation, and that in this capacity I am authorized to, and do make this Verification on their behalf, that the facts set forth in the foregoing Petition are based upon my reasonable investigation thereof and/or were provided to me by other individuals and, as such, are true and correct to the best of my knowledge, information and belief, and that National Fuel Gas Distribution Corporation expects to be able to prove the same at any hearing that may be 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: August 25, 2020

/s/Randy Rucinski
Randy Rucinski
General Manager
Rates & Regulatory Affairs Department

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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