



September 2, 2020

**VIA E-FILE**

The Honorable F. Joseph Brady  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107  
[fbrady@pa.gov](mailto:fbrady@pa.gov)

**Re: Petition of Philadelphia Gas Works for Approval of Demand Side Management Plan for FY 2014-2016, 52 Pa. Code § 62.4 – Request for Waivers**

Docket P-2014-2459362

*Petition to Intervene of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)*

Dear Judge Brady,

Please find the attached Petition to Intervene of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, which was filed electronically with the Commission this morning.

Respectfully,

A handwritten signature in blue ink that reads "Elizabeth R. Marx".

Elizabeth R. Marx, Esq.  
*Counsel for CAUSE-PA*

CC: Parties of Record – Certificate of Service  
Secretary Rosemary Chiavetta

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Philadelphia Gas Works for Approval :  
of Demand Side Management Plan for FY 2014-2016, : Docket No. P-2014-2459362  
52 Pa. Code § 62.4 – Request for Waivers :

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**PETITION TO INTERVENE  
OF THE COALITION FOR AFFORDABLE UTILITY SERVICES  
AND ENERGY EFFICIENCY IN PENNSYLVANIA**

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**PENNSYLVANIA UTILITY LAW PROJECT**

*Counsel for CAUSE-PA*

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**September 2, 2020**

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, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby petitions the Pennsylvania Public Utility Commission (“Commission”) to intervene and participate as an active party in the above-captioned proceeding. In support thereof, CAUSE-PA states as follows:

1. On May 7, 2020, Philadelphia Gas Works (PGW) filed a Demand-Side Management Program (DSM) Implementation Plan for Fiscal Years 2021-2023. PGW filed this DSM Implementation Plan at its 2014 Docket (captioned above), through which PGW’s prior DSM Plan for 2016-2020 was reviewed and approved.

2. CAUSE-PA was an active party in the above captioned docket with regard to the review and approval of PGW’s DSM Plan for 2016-2020.

3. On June 5, 2020, the Office of Consumer Advocate filed a Notice of Intervention.

4. On August 31, 2020, a Telephonic Prehearing Conference Notice was issued setting a telephonic prehearing conference for Thursday, September 9, 2020 at 10:00 am before the Honorable Administrative Law Judge F. Joseph Brady.

5. On September 1, 2020, a second Telephonic Prehearing Conference Notice was issued rescheduling the Prehearing Conference in this matter to September 10, 2020 at 10:00 am.

6. Also on September 1, 2020, the Office of Small Business Advocate filed a Notice of Intervention, Public Statement, and Notice of Appearance; and the Office of Consumer Advocate filed a Notice of Appearance.

7. 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).

8. 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).

9. 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. 2010) (alteration in original) (*citing* Trippls Park v. Pa. PUC, 415 A.2d 967 (Pa. Commw. 1980); Parents United for Better Schools v. School District of Philadelphia, 646 A.2d 689 (Pa. Commw. 1994)).

10. 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.

11. CAUSE-PA membership is open to moderate and low- income individuals residing in the Commonwealth of Pennsylvania who are committed to the goal of helping low-income families maintain affordable access to utility services and achieve economic independence.

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

13. CAUSE-PA has a significant interest in PGW's proposed Demand Side Management Implementation Plan, and was an active party to litigation of PGW's prior Demand Side Management Plan for 2016-2020.

14. Members of CAUSE-PA are located within PGW's service territory and will be directly affected by the outcome of this proceeding. Particularly, this proceeding will affect the ability of its members to access demand side management programming and may also impact their rates for service.<sup>1</sup>

15. CAUSE-PA has standing to intervene because its members have 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.

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

John W. Sweet, Esquire  
Elizabeth R. Marx, Esquire  
Ria M. Pereira, Esq  
**Pennsylvania Utility Law Project**  
118 Locust Street  
Harrisburg, PA 17101  
Telephone: 717-236-9486  
Facsimile: 717-233-4088  
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17. Counsel for CAUSE-PA consents to the service of documents by electronic mail to [pulp@palegalaid.net](mailto:pulp@palegalaid.net), as provided in 52 Pa. Code § 1.54(b)(3).

18. CAUSE-PA has preliminarily reviewed PGW's DSM Implementation Plan, and is concerned with PGW's proposal to phase out its current multifamily programming and institute a

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<sup>1</sup> Ms. Sonia Brookins and Jahala McLendon are members of CAUSE-PA and customers of PGW.

new program design and incentive structure that appears to be heavily reliant on equipment rebates. (DSM Plan at 5). It is unclear at this time whether the proposed program changes will provide an appropriate level of benefits to properly incentivize adoption of energy efficiency measures in this traditionally underserved housing type.

19. It is also unclear at this time whether PGW has proposed an appropriate and equitable program budget to ensure that PGW customers will be able to reasonably access programming under the DSM Implementation Plan. Further analysis is needed to assess PGW's newly proposed program budgets and expenditures to ensure that such expenditures are just and reasonable.

20. Finally, CAUSE-PA is concerned that PGW's DSM does not include dedicated low-income programming. PGW operates an independent Low Income Usage Reduction Program (LIURP) to serve the unique energy efficiency and conservation needs of its high usage low income consumers, which is appropriately housed within its Universal Service and Energy Conservation Plan (USECP). But this fact should not excuse PGW from also providing a proportionate level of programming within its voluntary DSM for PGW's low income consumers, consistent with the mandate contained in Act 129 governing the provision of similar programming for electric utilities.<sup>2</sup> CAUSE-PA asserts that PGW's voluntary DSM programs should align with the requirements of Act 129 to provide a proportionate level of benefits to low income consumers.

21. CAUSE-PA asserts that these matters, and any future modifications presented by intervening parties, must be reviewed and investigated to ensure that all customers are able to

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<sup>2</sup> See 66 Pa. C.S. § 2806.1(b)(i)(G) (“The plan shall include specific energy efficiency measures for households at or below 150% of the Federal poverty income guidelines. The number of measures shall be proportionate to the households’ share of the total energy usage in the service territory. The electric distribution company shall coordinate measures under this clause with other programs administered by the commission or another Federal or State agency. **The expenditures of an electric distribution company under this clause shall be in addition to expenditures made under 52 Pa. Code Ch. 58 (relating to residential low income usage reduction programs).**”).

access safe, affordable natural gas service within the PGW service territory.

WHEREFORE, CAUSE-PA respectfully requests that the Commission enter an order granting CAUSE-PA full status as an intervener in this proceeding with active party status.

Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**

*Counsel for CAUSE-PA*



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Date: September 2, 2020

**Verification**

I, Minta Livengood, 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 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



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

Date: September 2, 2020



**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Philadelphia Gas Works for Approval :  
of Demand Side Management Plan for FY 2014-2016, : Docket No. P-2014-2459362  
52 Pa. Code § 62.4 – Request for Waivers :

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**Certificate of Service**

I hereby certify that I have this day served copies of the **Petition to Intervene of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54, as modified by the Commission’s March 20 Emergency Order, in the manner and upon the persons listed below.

**VIA Email Only**

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Respectfully Submitted,  
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