



February 24, 2022

**VIA E-File**

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

Re: Petition to Initiate a Proceeding to Consider Issuance of a Policy Statement on Electric  
Utility Rate Design for Electric Vehicle Charging, Docket P-2022-3030743  
***Petition to Intervene and Answer of CAUSE-PA***

Dear Secretary Chiavetta:

Please find the attached **Petition to Intervene and Answer of the Coalition for Affordable  
Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)** in the above noted  
proceeding.

Respectfully Submitted,

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

CC: Certificate of Service

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition to Initiate a Proceeding to Consider :  
Issuance of a Policy Statement on Electric Utility : Docket No. P-2022-3030743  
Rate Design for Electric Vehicle Charging :

---

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

---

**PENNSYLVANIA UTILITY LAW PROJECT**

*Counsel for CAUSE-PA*

Elizabeth R. Marx, Esq., PA ID: 309014

John W. Sweet, Esq., PA ID: 320182

Lauren N. Berman, Esq., PA ID: 310116

Ria M. Pereira, Esq., PA ID: 316771

118 Locust Street

Harrisburg, PA 17101

Tel.: 717-236-9486

Fax: 717-233-4088

[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

**February 24, 2022**

Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§ 5.61-5.76, 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 files its Answer in the above-captioned proceeding. In support thereof, CAUSE-PA states as follows:

1. On February 4, 2022, ChargeEVC-PA filed a Petition requesting that the Commission initiate a statewide proceeding that will result in issuance of a Policy Statement on electric utility rate design for electric vehicle (EV) charging in Pennsylvania.

#### **Petition to Intervene**

2. 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).

3. 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).

4. 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* Tripps 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)).

5. 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.

6. 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.

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

8. CAUSE-PA has a significant interest in this matter, as utility rate design can have a direct impact on low income consumers who are least able to afford home energy costs.

9. Members of CAUSE-PA may be directly affected by the outcome of this proceeding. Particularly, this proceeding could affect the price that CAUSE-PA members pay for electricity and, consequently, their ability to maintain safe and affordable service to their home.

10. 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.

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

Elizabeth R. Marx, Esquire  
John W. Sweet, Esquire  
Lauren N. Berman, Esquire  
Ria M. Pereira, Esquire  
**Pennsylvania Utility Law Project**  
118 Locust Street

Harrisburg, PA 17101  
Telephone: 717-236-9486  
Facsimile: 717-233-4088  
E-mail: [pulp@putilitylawproject.org](mailto:pulp@putilitylawproject.org)

12. Counsel for CAUSE-PA consents to the service of documents by electronic mail to [pulp@putilitylawproject.org](mailto:pulp@putilitylawproject.org), as provided in 52 Pa. Code § 1.54(b)(3).

**Answer**

13. CAUSE-PA generally supports ChargeEVC’s proposal for the initiation of a statewide docket to consider appropriate rate design options for electric vehicle charging, and intends to fully engage in any process established in furtherance of ChargeEVC’s Petition. The issues raised in the Petition are critical to address, and we support instituting a proceeding to do so in an inclusive and collaborative manner as contemplated in the Petition. That said, we are concerned about several aspects of the proposed proceeding, particularly regarding ambiguity in the recommended scope for such a proceeding.

14. As presented, the ChargeEV Petition suggests that, while an important issue worthy of discussion, concerns about “equity for low income customers and communities” should not be included within the scope of the proposed proceeding on EV rate design. (Petition at 16, sec. O)<sup>1</sup>. CAUSE-PA submits that equity considerations, including consideration of the impact of rate design on low income customers and communities, must be a distinct and articulated component of this proceeding to ensure that alternative rate structures to support EV adoption are just, equitable, and do not cause unintentional harm or impose additional costs on low income ratepayers who already struggle profoundly to afford basic home energy services. If the

---

<sup>1</sup> We note that elsewhere in the Petition, the Petitioners include a specific suggested question: “How should low-income and equity considerations be considered for EV-specific rate design”. (Petition at 16, sec. N.10). But, given the language in section O of the Petition which suggests that consideration of equity for low income customers may be beyond the scope of this proceeding, we are compelled to raise objections to ensure that equity considerations are included in all relevant contexts within this proceeding.

Commission grants the Petitioners request to initiate a statewide proceeding, we strongly urge the Commission to explicitly *include* equity considerations in this proceeding.

15. CAUSE-PA is likewise concerned that ChargeVC-PA’s Petition seems to suggest that consideration of “outreach and education” – while important – may also be beyond the scope of this proceeding. (Petition at 16, sec. O). Guidance to utilities regarding outreach and education about alternative rate designs should be a foremost consideration for inclusion in a policy statement regarding EV rate design.

16. The ChargeVC-PA Petition also seems to suggest that EV infrastructure issues should be considered beyond the scope of the requested proceeding. (Petition at 16, sec. O). Yet at the same time, the Petition contemplates consideration of rate structures that may require additional equipment and infrastructure installation at residential homes to facilitate such rates. If the Commission contemplates rates that would require infrastructure investment, it must also grapple with whether and to what extent utilities should be permitted to subsidize such infrastructure needs with ratepayer dollars and – if so – who pays. While the Commission may wish to narrow the scope of EV infrastructure questions in this proceeding, we are concerned that the complete bifurcation of rate design and infrastructure issues will undermine efforts to develop a holistic and equitable path for broad-scale EV deployment in Pennsylvania – especially in light of the substantial federal EV investments pending deployment in Pennsylvania, and the potential for rate design issues to substantially intersect with certain infrastructure needs.<sup>2</sup>

17. Of particular concern to CAUSE-PA, ChargeVC-PA’s Petition at section N, question 4 appears to contemplate consideration of mandatory or “default” time-varying use rates for *all*

---

<sup>2</sup> See Pa. DOT, [Wolf Administration Highlights Benefits of Bipartisan Infrastructure Law for Electric Vehicle Infrastructure, Unveils Equity Principles for Industry Development](https://www.penndot.pa.gov/pages/all-news-details.aspx?newsid=919) (Feb. 11, 2022), <https://www.penndot.pa.gov/pages/all-news-details.aspx?newsid=919>.

consumers. (Petition at 15, sec. N.4). CAUSE-PA is strongly opposed to mandatory or default time-varying use rates for residential consumers in light of serious equity, access, health, and safety concerns that can arise. While time-varying use rates can promote conservation for those with the ability to shift electric usage to off-peak times, such rates can also cause deprivation for those without discretionary usage. We urge the Commission to not entertain proposals in this proceeding that would institute mandatory or default time-varying use rates on all residential consumers. Unlike equity considerations, outreach and education, and EV infrastructure, which are all issues central to the development of a just and equitable EV-specific rate design, contemplation of a fundamental change in the delivery of default service to all residential consumers – including those who have not adopted EVs – would derail progress to develop a targeted rate option for EV adopters.

- a. Low income households often have very little discretionary energy usage, such as washing machines, dish washers, and other large appliances, and are more likely to live in smaller homes with less efficient heating and cooling spaces, fewer electrical outlets, and fewer lights – all factors which make it difficult to shift load during peak periods.<sup>3</sup>
- b. Consumers who are home during the day or are reliant on electric-powered medical devices are often even less able to shift load to off-peak hours, as usage curtailment during peak hours can have an immediate and substantial impact on the health and safety of individuals in the home.<sup>4</sup> This includes households with

---

<sup>3</sup> See John T. Colgan et al., Guidance for Utilities Commissions on Time of Use Rates: A Shared Perspective from Consumer and Clean Energy Advocates, at 26-27, Equity and Distributional Bill Impacts (July 15, 2017), <https://uspirg.org/sites/pirg/files/reports/TOU-Paper-7.17.17.pdf>; see also Lee V. White & Nicole Sintov, Health and Financial Impacts of Demand-Side Response Measures Differ Across Sociodemographic Groups, *Nature & Energy* Vol. 5 (Jan. 2020).

<sup>4</sup> See id.

retired Seniors, individuals with a disability or chronic health condition, and families with young children. These vulnerable groups are also more likely to have low income or otherwise be income constrained.

- c. A recent study of time varying rates across sociodemographic groups, published in January 2020, found that “assignment to TOU [rates] ... disproportionately increases bills for households with elderly and disabled occupants, and *predicts worse health outcomes for households with disabled or ethnic minority occupants than those for non-vulnerable counterparts.*”<sup>5</sup> The researchers explained that this health nexus with TOU rates may be attributable to service deprivation during peak periods – particularly amongst Hispanic customers and customers with a disability.<sup>6</sup>

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. In turn, to the extent the Commission approves the Petitioners’ request to move forward with a statewide inquiry into EV rate design, we urge the Commission to explicitly include equity, outreach and education, and EV infrastructure as integral components of inquiry. Finally, we ask that the Commission not entertain consideration of mandatory or “default” time varying rates for all residential consumers as part of its inquiry into EV rate design. While limited inquiry into mandatory time-varying usage rates for EV charging may be warranted, we submit that such inquiry should not contemplate more dramatic changes to default service for all residential consumers.

---

<sup>5</sup> Lee V. White & Nicole Sintov, Health and Financial Impacts of Demand-Side Response Measures Differ Across Sociodemographic Groups, Nature & Energy Vol. 5 (Jan. 2020) (emphasis added).

<sup>6</sup> Id.



Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



---

Elizabeth R. Marx, Esq., PA ID: 309014

John W. Sweet, Esq., PA ID: 320182

Lauren N. Berman, Esq., PA ID: 310116

Ria M. Pereira, Esq., PA ID: 316771

118 Locust Street

Harrisburg, PA 17101

Tel.: 717-236-9486

Fax: 717-233-4088

[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

Date: February 24, 2022

**Verification**

I, Ronel Baccus, 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).

  
Ronel Baccus

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

Date: February 24, 2022

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition to Initiate a Proceeding to Consider :  
 Issuance of a Policy Statement on Electric Utility : Docket No. P-2022-3030743  
 Rate Design for Electric Vehicle Charging :

**Certificate of Service**

I hereby certify that I have this day served copies of the **Petition to Intervene and Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania** upon the parties of record and other interested persons in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54 and consistent with the Commission’s Emergency Orders at Docket M-2020-3019262.

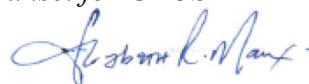
**VIA Email**

Brendon Baatz ChargEV-PA 417 Denison Street Highland Park, NJ 080904 <a href="mailto:brendon@gabelassociates.com">brendon@gabelassociates.com</a>	Richard A. Kanaskie, Esq. PA Public Utility Commission Bureau of Investigation and Enforcement Keystone Building 400 North Street, 2nd Floor West Harrisburg, PA 17105-3265 <a href="mailto:rkanaskie@pa.gov">rkanaskie@pa.gov</a>
Patrick Cicero, Esq. Acting Consumer Advocate Office of Consumer Advocate 555 Walnut Street, Forum Place, 5th Floor Harrisburg, PA 17101-1923 <a href="mailto:pcicero@paoca.org">pcicero@paoca.org</a>	Steven C. Gray, Esq. Office of Small Business Advocate 555 Walnut Street, 1st Floor Harrisburg, PA 17101 <a href="mailto:sgray@pa.gov">sgray@pa.gov</a>
Paul R. Bonney, Esquire Counsel to ChargEVC-PA 409 Holly Lane Wynnewood, PA 19096 <a href="mailto:Bonney.paul.r@gmail.com">Bonney.paul.r@gmail.com</a>	Renardo Hicks, Chief Counsel PA Public Utility Commission Law Bureau Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 <a href="mailto:rehicks@pa.gov">rehicks@pa.gov</a>
Mark C. Szybist Natural Resources Defense Council 1152 15th Street NW, Suite 300 Washington, DC 20005 <a href="mailto:mszybist@nrdc.org">mszybist@nrdc.org</a>	Tom Schuster Nathaniel Shoaff Sierra Club PO Box 1621 Johnstown, PA 15907 <a href="mailto:Tom.schuster@sierraclub.org">Tom.schuster@sierraclub.org</a> <a href="mailto:Nathaniel.shoaff@sierraclub.org">Nathaniel.shoaff@sierraclub.org</a>
Josh Cohen Greenlots 767 S. Alameda Street, Suite 200 Los Angeles, CA 90021 <a href="mailto:jcohen@greenlots.com">jcohen@greenlots.com</a>	Katherine Stainken Electrification Coalition 1111 19th Street NW #406 Washington, DC 20036 <a href="mailto:kstainken@electrificationcoalition.org">kstainken@electrificationcoalition.org</a>

<p>Pam Polacek, Esq.  Counsel for Citizens Electric and Wellsboro Electric  1775 Industrial Blvd.  Lewisburg, PA 17837  <a href="mailto:ppolacek@ctenterprises.org">ppolacek@ctenterprises.org</a></p>	<p>Barney Farnsworth  Wellsboro Electric Company  33 Auston Street  Wellsboro, PA 16901  <a href="mailto:barneyf@ctenterprises.org">barneyf@ctenterprises.org</a></p>
<p>John Kelchner  Nate Johnson  Citizens Electric Company  1775 Industrial Blvd.  Lewisburg, PA 17837  <a href="mailto:kelchnerj@citizenselectric.com">kelchnerj@citizenselectric.com</a>  <a href="mailto:johsonn@citizenselectric.com">johsonn@citizenselectric.com</a></p>	<p>Adeolu Bakare, Esq.  Counsel for Citizens Electric and Wellsboro Electric  100 Pine Street  Harrisburg, PA 17101  <a href="mailto:abakare@mcneeslaw.com">abakare@mcneeslaw.com</a></p>
<p>Tori Giesler, Esq.  First Energy  76 S. Main Street  Akron, OH 44308  <a href="mailto:tgiesler@firstenergycorp.com">tgiesler@firstenergycorp.com</a></p>	<p>Jeaneen Zappa  John Kolesnik  14 South 3rd Street  Philadelphia, PA 19106  <a href="mailto:jzappa@keealliance.org">jzappa@keealliance.org</a>  <a href="mailto:jkolesnik@keealliance.org">jkolesnik@keealliance.org</a></p>
<p>Richard Webster, Esq.  Jacqueline Golden  Richard Schlessinger  PECO Energy Company  2301 Market Street  Philadelphia, PA 19103  <a href="mailto:Dick.webster@peco-energy.com">Dick.webster@peco-energy.com</a>  <a href="mailto:Jacqueline.golden@peco-energy.com">Jacqueline.golden@peco-energy.com</a>  <a href="mailto:Rich.schlesinger@peco-energy.com">Rich.schlesinger@peco-energy.com</a></p>	<p>Tyler Stoff  Electrify America  2003 Edmund Halley Drive  2nd floor, Suite 200  Reston, VA 20191  <a href="mailto:Tyler.stoff@electrifyamerica.com">Tyler.stoff@electrifyamerica.com</a></p>
<p>Mike Johnson  Adams Elective Cooperative  1338 Biglerville Road  Gettysburg, PA 17325  <a href="mailto:mikej@adamsec.coop">mikej@adamsec.coop</a></p>	<p>Peter Chipman  Plug In America  1270 S. Alfred Street #351268  Los Angeles, CA 90035  <a href="mailto:pchipman@pluginamerica.org">pchipman@pluginamerica.org</a></p>
<p>Tishekia Williams, Esq.  Michael Zimmerman, Esq.  Lindsay Baxter  Sarah Oleksak  Duquesne Light Company  411 Seventh Avenue  Pittsburgh, PA 15219  <a href="mailto:twilliams@duqlight.com">twilliams@duqlight.com</a>  <a href="mailto:mzimmerman@duqlight.com">mzimmerman@duqlight.com</a>  <a href="mailto:lbaxter@duqlight.com">lbaxter@duqlight.com</a>  <a href="mailto:solexsak@duqlight.com">solexsak@duqlight.com</a></p>	<p>Kent Murphy, Esq.  UGI Utilities  460 North Gulph Road  King of Prussia, PA 19406  <a href="mailto:murphyk@ugicorp.com">murphyk@ugicorp.com</a></p>

<p>Christopher Brown Paul Szykman UGI Utilities 2525 North 12th Street Reading, PA 19612 <a href="mailto:cbrown@ugi.com">cbrown@ugi.com</a> <a href="mailto:pszykman@ugi.com">pszykman@ugi.com</a></p>	<p>Thomas J. Sniscak Hawke McKeon &amp; Sniscak LLP 100 North 10th Street Harrisburg, PA 17101 <a href="mailto:tjsniscak@hmslegal.com">tjsniscak@hmslegal.com</a></p>
<p>Devin McDougall Earthjustice 1617 JFK Blvd., Suite 1130 Philadelphia, PA 19103 <a href="mailto:dmcdougall@earthjustice.org">dmcdougall@earthjustice.org</a></p>	<p>Scott F. Dunbar Keyes &amp; Fox LLP 1580 Lincoln Street, Suite 1105 Denver, CO 80203 <a href="mailto:sdunbar@keyesfox.com">sdunbar@keyesfox.com</a></p>
<p>Zach Kahn Bill Ehrlich Tesla 530 Route 17 N Paramus, NJ 07652 <a href="mailto:zkahn@tesla.com">zkahn@tesla.com</a> <a href="mailto:wehrlich@tesla.com">wehrlich@tesla.com</a></p>	<p>Nicholas Raspanti ZEEM Solutions 626 Isis Avenue Inglewood, CA 90301 <a href="mailto:nraspanti@zeemsolutions.com">nraspanti@zeemsolutions.com</a></p>
<p>Carine Dumit Jacob Reinert EVGo 11835 W. Olympic Blvd, Suite 900E Los Angeles, CA 90064 <a href="mailto:Carine.dumit@evgo.com">Carine.dumit@evgo.com</a> <a href="mailto:Jacob.reinert@evgo.com">Jacob.reinert@evgo.com</a></p>	<p>Phil Jones Rick Tempchin Alliance for Transportation Electrification 1402 Third Avenue, Suite 1315 Seattle, WA 98101 <a href="mailto:phil@evtransportationalliance.org">phil@evtransportationalliance.org</a> <a href="mailto:rick@evtransportationalliance.org">rick@evtransportationalliance.org</a></p>
<p>Mark Warner Anthony Fiumano Pam Frank Gabel Associates 417 Denison Street Highland Park, NJ 08904 <a href="mailto:mark@gabelassociates.com">mark@gabelassociates.com</a> <a href="mailto:anthony@gabelassociates.com">anthony@gabelassociates.com</a> <a href="mailto:pam@gabelassociates.com">pam@gabelassociates.com</a></p>	<p>Kimberly A Klock, Esq. Michael J. Shafer, Esq. PPL Services Corporation Two North Ninth Street Allentown, PA 18101 <a href="mailto:mjshafer@pplweb.com">mjshafer@pplweb.com</a> <a href="mailto:kklock@pplweb.com">kklock@pplweb.com</a></p>

Respectfully Submitted,  
**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



Elizabeth R. Marx, Esq., PA ID 309014  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

February 24, 2022