



January 31, 2023

VIA E-File

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, Filing Room
Harrisburg, PA 17120

**RE: Use of Fully Projected Future Test Year, 52 Pa. Code §§ 53.51—53.56a.,
Docket No. L-2012-2317273**

Dear Secretary Chiavetta,

Please find the **Reply Comments of the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA)**, which are respectfully submitted for consideration in the above referenced docket, pursuant to the Notice of Proposed Rulemaking published in the *Pennsylvania Bulletin* on October 1, 2022. An electronic copy will be provided to Commission Staff, as indicated below.

Respectfully submitted,

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Interested Parties

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Use of Fully Projected Future Test Year :
52 Pa. Code §§ 53.51 -53.56a :

Docket No. L-2012-2317273

REPLY COMMENTS OF

THE COALITION FOR AFFORDABLE UTILITY SERVICES AND ENERGY EFFICIENCY
IN PENNSYLVANIA (CAUSE-PA)

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I. INTRODUCTION AND BACKGROUND

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) respectfully submits the following Reply Comments in response to the comments of other parties to the Clarified Notice of Proposed Rulemaking Order (NOPR), issued by the Pennsylvania Public Utility Commission (PUC or Commission) and published in the Pennsylvania Bulletin on October 1, 2022, inviting comments and reply comments for the Commission’s Investigation into the Use of Fully Projected Future Test Year, 52 Pa. Code §§ 53.51—53.56a.

On November 15, 2022, initial comments were filed by CAUSE-PA; the Office of Consumer Advocate (OCA); the Office of Small Business Advocate (OSBA); the Energy Association of Pennsylvania (EAP); the National Association of Water Companies (NAWC); the Industrial Energy Consumers of Pennsylvania (IECPA); Peoples Natural Gas Company LLC and Peoples Gas Company LLC (collectively “Peoples”); Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively “First Energy”); Aqua Pennsylvania, Inc. (Aqua); UGI Utilities, Inc. (UGI); Pennsylvania-American Water Company (PAWC); PPL Electric Utilities Corporation (PPL); Citizens' Electric Company of Lewisburg, PA, Wellsboro Electric Company and Valley Energy, Inc. (Collectively “C&T Companies”); Duquesne Light Company (Duquesne); and Veolia Water Pennsylvania (VWPA).

In its initial Comments, CAUSE-PA voiced concern about the impact that increasing utility rates has on moderate and low income residential customers and explained that it is vital that the interests of economically vulnerable customers be given due consideration in rate cases.¹ To that end, CAUSE-PA made several recommendations to help measure the projected impact of a

¹ CAUSE-PA Comments at 2.

proposed rate increase on low income customers and the ability of the utility's universal service programs to ensure that low income customers will be able to reasonably access and afford service in the face of increased rates.²

CAUSE-PA submits the following Reply Comments for the Commission's consideration in response to the initial Comments of the other parties. For the sake of brevity, CAUSE-PA will not reiterate arguments raised in initial Comments but incorporates those arguments by reference. To the extent that these Reply Comments do not address any argument raised in any other parties' initial comments, our silence with respect to any position of the other commenters does not indicate CAUSE-PA's agreement.

II. REPLY COMMENTS

CAUSE-PA supports the initial comments submitted by the OCA. Specifically, CAUSE-PA strongly supports the OCA's recommendation that the Commission require utilities to submit data that informs the impact of a proposed rate increase on low income customers, including separately identifying the number of low income customers enrolled in assistance programs, reporting on quality of service benchmarking,³ and universal service programs reporting.⁴ As explained in our initial Comments, providing low income data along with the initial rate filing will allow for a more prompt and efficient analysis of the potential effect of the proposed rate increase on low income customers. Providing the ability for parties to conduct this analysis early in the process will help ensure that low income customers will be able to reasonably access and afford service following implementation of a subsequently approved rate increase.

² Id. at 3.

³ See 52 Pa. Code §§ 54.153, et seq.

⁴ OCA Comments at 12; see also See 52 Pa. Code §§ 54.75, 62.5

CAUSE-PA also strongly supports OCA's recommendation that the Commission require water and wastewater utilities to submit a report containing specific information on assistance programs and collections for the HTY.⁵ As explained in our initial Comments, it is important that large water and wastewater utilities track and report detailed information and data regarding the impact of a proposed rate increase on low income customers.⁶ Additionally, CAUSE-PA strongly supports OCA's recommendation that utilities be required to show the impact of proposed rate changes on residential customers at different usage levels. "Typical" usage levels are not always particularly useful for customers to understand the impact of the proposed rate increase on their bills.⁷

Through these Reply Comments, CAUSE-PA submits additional recommendations in response to initial comments of other parties as follows.

a. The Commission should retain and add specificity to the proposed requirement that utilities serve low income advocates with rate filings

In its NOPR, the Commission proposes to require service of a rate filing on, *inter alia*, the low income advocates in the public utility's service territory.⁸ In their initial comments, EAP, Duquesne, and First Energy each argue that utilities should not be required to serve the low income advocates because there is no single statutorily-created low income advocate, and multiple low income advocates often intervene in proceedings.⁹ EAP notes there is no definition in the regulation for "low income advocates" and that other frequent intervenors are not required to be served.¹⁰

⁵ OCA Comments at 12-14.

⁶ CAUSE-PA Comments at 11.

⁷ OCA Comments at 4.

⁸ NOPR at 12.

⁹ EAP Comments at 7; First Energy Comments at 12.

¹⁰ EAP Comments at 7.

As explained in our initial Comments, CAUSE-PA strongly supports the Commission's proposal to require public utilities filing for proposed rate changes to serve a copy of the proposed rate changes and supporting data on the low income advocates in the public utility's service territory.¹¹ CAUSE-PA is a volunteer, unincorporated association of low and moderate income Pennsylvanians from all corners of the state who are committed to ensuring low income families can access and maintain safe and affordable utility services to their home. CAUSE-PA regularly intervenes in rate proceedings on behalf of its members to advance this mission. CAUSE-PA and other similarly situated low income consumer groups do not have access to the level of resources that are available to other stakeholder groups, such as industrial customers, universities, and large corporations. While some utilities proactively serve CAUSE-PA with rate filings, many do not. The Commission's proposed amendment would enable CAUSE-PA to conserve its limited resources, promptly review proposed rate filings, and make informed decisions about whether and when to intervene.

CAUSE-PA submits that the utilities' stated concerns about the potential scope of required service on low income advocates are overblown. Most of the utilities have established Universal Service Advisory Committees and Councils made up of local, community-based low income consumer advocacy groups, and could easily identify and serve low income utility advocacy groups in their respective service territory.

Nevertheless, to the extent the Commission believes it necessary to narrow the scope of potential service in response to these concerns, CAUSE-PA respectfully recommends that the Commission amend the proposed regulation to require public utilities to serve, at minimum:

¹¹ Id. at 12.

- Any party and/or counsel for any party that, within the past ten years, has intervened in a public utility's prior rate or tariff proceeding on behalf of low income consumers or consumer groups. If the public utility has not filed a rate case within the past ten years, the utility should serve any low income representatives from its most recent rate case.
- Representatives at the Pennsylvania Utility Law Project and the Community Action Association of Pennsylvania.

This amendment would narrow the scope of service while ensuring timely service on low income advocates that are reasonably likely to intervene in a newly filed rate proceeding.

The Pennsylvania Utility Law Project (PULP) and the Community Action Association of Pennsylvania (CAAP) are statewide low income advocacy groups that frequently represent low income individuals and groups in statewide utility matters. PULP is a specialty legal services program within the Pennsylvania Legal Aid Network, charged with representing the interests of low income utility consumers across Pennsylvania. PULP has represented low income consumers and consumer groups (including CAUSE-PA) in utility matters for over 40 years. CAAP, in turn, is the statewide association for Pennsylvania's network of 42 Community Action Agencies that administer low income utility, housing, food, and other basic needs assistance programs. CAAP regularly represents the interests of low income communities and the agencies that serve those communities in the context of utility rate proceedings. PULP and CAAP have deep connections with low income consumers and consumer groups statewide, and have long worked directly with the utilities on a range of utility matters impacting low income communities.

The Public Utility Commission has previously required service of documents on PULP and CAAP in specific proceedings where the outcome of the matter could impact low income consumers across the state. Requiring utilities to serve PULP and CAAP – in addition to service on known past participants – would be consistent with prior Commission practice and would help

ensure that low income communities and community groups are timely apprised of and adequately represented in deliberation of a pending rate proposal.

b. The Commission is correct to consider the resources of all parties and not solely those of the utilities.

EAP, NAWC, and several commenting utilities opine that the data requirements proposed in the Commission's NOPR would be burdensome and compliance would prove costly for utilities. However, the standardized data the Commission requires in the NOPR is requested through discovery in nearly every rate case. Thus, in most cases, the utilities would be required to compile and distribute this data to the parties through the course of the proceeding. The Commission's proposed requirements merely compel the production of data up front to save the other parties from having to request it later. Thus, by requiring utilities to provide the data up front, the Commission's proposed rule takes into consideration the resources that will be expended by *all parties* and promotes efficient use of said resources.

Consistency among rate filings is necessary for non-utility parties and the Commission to appropriately analyze and compare filings among different utilities and will permit the parties to conduct critical preliminary analysis of a filing to determine whether it is necessary to intervene in a pending proceeding. In its NOPR, the Commission explained that there is little consistency among Exhibits A, C, and D regarding what the exhibits require, and noted that some public utilities voluntarily include considerably more information than others, "thereby significantly reducing the need for discovery, saving both time and money for **all parties** concerned."¹² The additional information that the Commission proposes to be included in the initial rate filing would substantially help to streamline discovery and would improve the ability of stakeholders to make an informed decision whether to intervene in the case - rather than requiring stakeholders to

¹² NOPR. at 19 (emphasis added).

formally intervene to obtain basic information about a rate proposal through formal discovery, at great expense to the parties. As explained in our initial Comments, this is particularly important for low income advocates, who often lack comparable resources of other stakeholder groups. Inclusion of this data in the initial filing will help reduce the resources non-utility parties must expend in rate proceedings.

III. CONCLUSION

CAUSE-PA appreciates the opportunity to comment on this critical issue. We support promulgation of this rulemaking as amended by the recommendations included in our initial Comments and these Reply Comments. As the collection and reporting of low income customer service data is critical to understanding the impact of a proposed rate increase on economically vulnerable households, further standardization of utility filings and improved public notice will help improve public access and participation. Thus, CAUSE-PA respectfully requests that the Commission implement these recommended reforms as part of its rulemaking.

Respectfully Submitted,
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