



July 5, 2023

**VIA E-FILE**

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

**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

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 response to PGW's proposed Demand Side Management Portfolio Implementation Plan for Fiscal Years 2024-2026, which was filed with the Commission on June 16, 2023 at Docket P-2014-2459362.

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

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**PENNSYLVANIA UTILITY LAW PROJECT**

*Counsel for CAUSE-PA*

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

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

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

Lauren N. Berman, PA ID: 310116

118 Locust Street

Harrisburg, PA 17101

Tel.: 717-236-9486

Fax: 717-233-4088

pulp@pautilitylawproject.org

**July 5, 2023**

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 files a formal Petition to Intervene and Answer to PGW’s proposed Demand Side Management Portfolio Implementation Plan for Fiscal Years 2024-2026.

In support thereof, CAUSE-PA states as follows:

1. On June 16, 2023, Philadelphia Gas Works (PGW) filed a voluntary, ratepayer-supported Demand-Side Management Program (DSM) Implementation Plan for Fiscal Years 2024-2026 (hereinafter, Proposed DSM Plan). PGW filed this Proposed DSM Plan at its 2014 Docket (captioned above), through which PGW’s prior DSM Plans for 2016-2020 and 2021-2023 were reviewed and approved.

### **INTERVENTION**

2. CAUSE-PA was an active party in the above captioned docket with regard to the review and approval of PGW’s DSM Plans for 2016-2020 and 2021-2023.

3. 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).

4. 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).

5. 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)).

6. 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.

7. 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.

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

9. 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 Plans for 2016-2020 and 2021-2023.

10. 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 rates

CAUSE-PA members pay for service and their ability to access comprehensive energy efficiency programming.

11. 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.

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

Elizabeth R. Marx, Esquire  
John W. Sweet, Esquire  
Ria M. Pereira, Esquire  
Lauren N. Berman, Esquire  
**Pennsylvania Utility Law Project**  
118 Locust Street  
Harrisburg, PA 17101  
Telephone: 717-236-9486  
E-mail: [pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

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

**ANSWER**

14. CAUSE-PA has preliminarily reviewed PGW's Proposed DSM Plan and has identified a number of concerns that warrant further investigation prior to approval.

15. CAUSE-PA is concerned that PGW's Proposed DSM Plan does not include a proportional level of programming for its low income customers. As proposed, total funding for PGW's Low Income Smart Thermostat program would be just \$230,000 over three years – just 3% of PGW's total proposed DSM budget. (Proposed DSM Plan at 7). Projected savings through the Low Income Smart Thermostat program is projected at just 2,597 MMBtu over three years – just 1.9% of the total projected savings. (Proposed DSM Plan at 8). PGW also proposes to provide enhanced low income equipment rebates through its Residential Equipment Rebate program,

though PGW does not provide any projections for how many low income customers will be able to access these rebates. (Proposed DSM Plan at 19). While PGW operates an independent Low Income Usage Reduction Program (LIURP) to serve the unique needs of its high usage low income consumers, this fact does 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>1</sup> CAUSE-PA asserts that further investigation of PGW's proposed DSM Plan is necessary to ensure delivery of a proportional level of benefits to low income consumers.

16. CAUSE-PA is further concerned that PGW's proposed DSM continues to rely heavily on gas equipment rebates – as opposed to comprehensive installation of building shell measures which are critically important to reducing long-term energy usage, and in turn driving co-benefits in terms of reduced electricity usage and improved health, safety, and home comfort. (See DSM Plan at 5, 8-9). While CAUSE-PA is encouraged by PGW's inclusion of grants for new construction and gut rehabilitation projects, the budget for this program is relatively small, does not address smaller-scale building shell efficiency retrofits, and specificity for how comprehensive jobs will be selected. Further review of PGW's proposed DSM Plan is necessary to determine whether the program offers an appropriate mix of efficiency services to maximize long-term energy savings.

17. PGW's Proposed DSM Plan also lacks crucial specificity regarding its planned

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<sup>1</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).**”).

coordination with other entities. (Proposed DSM Plan at 10-11). PGW notes generally that it coordinates services with Energy Star, Philadelphia Energy Authority, Green Building United, and Housing Alliance of Pennsylvania, but does not specify how, when, or with what frequency it plans to coordinate DSM program services with these entities. (Id.) In fact, PGW does not specifically commit to any ongoing coordination activities with any of these entities – noting only that it “has partnered” or “has coordinated” with these entities in the past. (Id.) PGW also makes no mention of how it will coordinate its DSM portfolio of programs with federal and state energy efficiency, conservation, and clean energy programs funded through the landmark Inflation Reduction Act. Nor is there any mention of how PGW will coordinate programming with other utilities within its service territory, including PECO Energy Company and the Philadelphia Water Department, which deliver similar energy efficiency and conservation programs and services. Further review of PGW’s proposed Plan is necessary to ensure PGW’s energy efficiency programming is well coordinated to effectively leverage ratepayer investments.

18. PGW’s Proposed DSM Plan also lacks crucial specificity regarding its planned marketing activities. The entirety of its marketing plan is contained in just 5 paragraphs of its Plan – generally noting that PGW will engage in consumer-focused marketing, supply chain and trade ally engagement, and direct to customer marketing. (Proposed DSM Plan at 11-12). PGW’s proposed budget for marketing is \$720,000 over three years – amounting to 9.5% of the total portfolio budget. (Proposed DSM Plan at 7). This substantial cost outpaces proposed budget levels for PGW’s EnergySense Kits, Smart Thermostat Marketplace, Low Income Smart Thermostat, and Residential Construction Grant, and Small Business Assessment program proposals. (Id.) Further investigation of PGW’s costly marketing budget is necessary to ensure PGW’s proposed marketing activities and spending is just, reasonable, and in furtherance of the public interest.

19. Finally, CAUSE-PA is concerned with the high costs of administration of PGW's Proposed DSM Plan. PGW proposes a budget of nearly \$2 million for administrative costs – amounting to 26.4% of PGW's overall budget. (Proposed DSM Plan at 7). It is unclear what is driving this high cost, especially given PGW's focus on equipment rebates – which should have relatively low administrative overhead. Further review of PGW's proposed administrative costs is necessary to ensure its proposal is just, reasonable, and in furtherance of the public interest.

20. Ultimately, based on the information included in PGW's Proposed DSM, CAUSE-PA submits that it remains unclear whether PGW has proposed an equitable program budget, effectively coordinated programming, and appropriately comprehensive services across all sectors to ensure that PGW customers can access comprehensive efficiency programs through PGW's Proposed DSM Plan. Further analysis is needed to assess PGW's newly proposed program budgets and expenditures to ensure that such expenditures are just and reasonable.

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

**WHEREFORE**, CAUSE-PA respectfully requests that the Commission refer PGW's Proposed DSM Plan to the Office of Administrative Law Judge for further investigation through an evidentiary proceeding, and 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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Elizabeth R. Marx, Esq., PA ID: 309014

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

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

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

118 Locust Street

Harrisburg, PA 17101

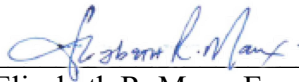
Tel.: 717-236-9486

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

Date: July 5, 2023

**Verification**

I, Elizabeth R. Marx, legal counsel for the Coalition for Affordable Utility Services and Energy Efficiency (“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).



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Elizabeth R. Marx, Esq.  
On behalf of the Coalition for Affordable Utility Services  
and Energy Efficiency in Pennsylvania (CAUSE-PA)

Date: July 5, 2023

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Philadelphia Gas Works for Approval :  
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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 and Answer 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.

**VIA Email**

Lauren M. Burge, Esq.  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219  
[lburge@eckertseamans.com](mailto:lburge@eckertseamans.com)

Daniel Clearfield, Esq.  
Deanne M. O’Dell, Esq.  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8th Floor  
Harrisburg, PA 17101  
[dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)

Christy M. Appleby, Esq.  
Darryl A. Lawrence, Esq.  
Office of Consumer Advocate  
555 Walnut Street, 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923  
[cappleby@paoca.org](mailto:cappleby@paoca.org)  
[dlawrence@paoca.org](mailto:dlawrence@paoca.org)

Sharon E. Webb, Esq.  
Office of Small Business Advocate  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
[swebb@pa.gov](mailto:swebb@pa.gov)

Carrie B. Wright, Esquire  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120  
[carwright@pa.gov](mailto:carwright@pa.gov)

Robert W. Ballenger, Esq.  
Joline Price, Esq.  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102  
[rballenger@clsphila.org](mailto:rballenger@clsphila.org)  
[jprice@clsphila.org](mailto:jprice@clsphila.org)

Joseph Minott, Esq.  
Logan Welde, Esq.  
Clean Air Council of Philadelphia  
135 South 19th St., Suite 300  
Philadelphia, PA 19103  
[joe\\_minott@cleanair.org](mailto:joe_minott@cleanair.org)  
[lwelde@cleanair.org](mailto:lwelde@cleanair.org)

Charis Mincavage, Esq.  
Adelou Bakare, Esq.  
McNees Wallace & Nurick, LLC  
100 Pine Street, P.O. Box 1166  
Harrisburg, PA 17108-1166  
[cmincava@mwn.com](mailto:cmincava@mwn.com)  
[ABakare@mwn.com](mailto:ABakare@mwn.com)

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



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Elizabeth R. Marx, Esq., PA ID 309014  
118 Locust Street  
Harrisburg, PA 17101  
717-710-3825  
[emarx@pautilitylawproject.org](mailto:emarx@pautilitylawproject.org)

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