

PENNSYLVANIA UTILITY LAW PROJECT

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August 30, 2012

Via E-Filing

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re:

Energy Efficiency and Conservation Program
Petition of PECO Energy Company for a Evidentiary Hearing


Docket No.P-2012-2320334

Dear Secretary Chiavetta:

Please find the Petition to Intervene of CAUSE-PA in the above captioned proceeding. A copy of Petition to Intervene has been served upon the Parties as indicated in the enclosed Certificate of Service.

Thank you for your assistance, and please feel free to contact me directly should you have any questions.

Very truly yours,


Pennsylvania Utility Law Project
Harry S. Geller
Counsel for CAUSE-PA

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Energy Efficiency and Conservation Program
Petition of PECO Energy Company for a Evidentiary Hearing

Docket No.P-2012-2320334

**Petition to Intervene of the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA"), through its counsel at the Pennsylvania Utility Law Project, hereby files this Petition to Intervene in the captioned proceeding, 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, and in support, states as follows:

1. Act 129 of 2008 ("Act 129") charged the Pennsylvania Public Utility Commission ("Commission") with the task of developing an energy efficiency and conservation program ("EE&C Program.") The Act also established energy efficiency ("EE") and peak demand reduction ("PDR") targets that each electric distribution company ("EDC") with at least 100,000 customers had to meet by May 31, 2011 and/or May 31, 2013.
2. Pursuant to Section 2806.1(C) (3) of Act 129, the Commission was also charged with evaluating the costs and benefits of the EE&C Program by November 30, 2013 and every five years thereafter.
3. To help fulfill this statutory obligation, the Commission adopted a tentative order in the above captioned proceeding on May 10, 2012, outlining its proposed

standards for a Phase II EE&C Program which is currently scheduled to begin June 1, 2013.

4. On August 3, 2012, after receiving comments and reply comments from the companies and other interested parties, the Commission entered its Implementation Order ("August 3 IO").

5. In the August 3 IO, the Commission tentatively adopted specific EDC consumption reduction targets which would become final for any covered EDC that did not petition the Commission for an evidentiary hearing by August 20, 2012.

6. The August 3 IO further indicated that if an electric distribution company filed a petition for an evidentiary hearing the matter will be referred to the Office of Administrative Law Judge for hearings with the record being certified to the Commission by November 2, 2012; and that any party seeking to intervene in any such proceeding must file a Petition for Intervention with 10 days of an electric distribution company's filing a petition for an evidentiary hearing.

7. On August 20, 2012, PECO Energy Company ("PECO" or the "Company") filed a Petition for an Evidentiary Hearing regarding the energy efficiency targets established in the August 3 IO.

8. CAUSE-PA is filing this Petition to Intervene consistent with the Commission's August 3 IO.

9. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72. This section 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).

10. 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).

11. 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. P.U. C.*, 995 A.2d 465, 476 (Pa. Cmwlth. 2010) (alteration in original) (citing *Tripps Park v. Pa. P.U. C.*, 415 A.2d 967 (Pa. Cmwlth. 1980) and *Parents United for Better Schools v. School District of Philadelphia*, 614 A.2d 689 (Pa. Cmmw. 1994)).

12. 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.

13. 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 and family well-being.

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

15. CAUSE-PA has interests in the impact that the proposed energy efficiency benchmarks established in the August 3 IO will have on its members, moderate- and low-income residential customers. These interests are not adequately represented by other participants.

16. At least one current member of CAUSE-PA is a customer of PECO and will be directly affected by the outcome of this proceeding.¹

17. Because at least one member of CAUSE-PA has or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding, CAUSE-PA has standing to intervene. *See Energy Cons. Council of Pa.*, 995 A.2d at 476.

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

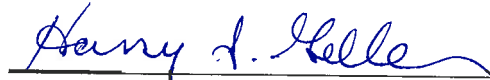
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¹ The member of CAUSE-PA who is a customer of PECO is Mr. Carl Bailey.

WHEREFORE, CAUSE-PA respectfully requests that the Presiding Officer enter an order granting CAUSE-PA full status as an intervenor in this proceeding.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



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Certificate of Service

I hereby certify that I have this day served copies of the Petition to Intervene of CAUSE-PA, upon the Administrative Law Judge and the parties designated below in the captioned matter as set forth below in accordance with the requirements of 52 Pa. Code § 1.54:

VIA E-MAIL & FIRST-CLASS MAIL

Hon. Elizabeth H. Barnes
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August 30, 2012


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