

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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July 21, 2020

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

Re: Pennsylvania Public Utility Commission  
v.  
Philadelphia Gas Works  
Docket No. R-2020-3017206

Dear Secretary Chiavetta:

Attached for electronic filing please find the Petition of the Office of Consumer Advocate for Interlocutory Review and Answer to Material Question in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Laura J. Antinucci  
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Enclosures:

cc: The Honorable Darlene Heep (**email only**)  
The Honorable Marta Guhl (**email only**)  
Certificate of Service

\*292525

# CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission :  
v. : Docket No. R-2020-3017206  
Philadelphia Gas Works :

I hereby certify that I have this day served a true copy of the following document, Petition of the Office of Consumer Advocate for Interlocutory Review and Answer to Material Question, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 21<sup>st</sup> day of July 2020.

**SERVICE BY E-MAIL ONLY**

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Dated: July 21, 2020  
\*292523

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2020-3017206
	:	
Philadelphia Gas Works	:	

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**PETITION OF THE OFFICE OF CONSUMER  
ADVOCATE FOR INTERLOCUTORY REVIEW  
AND ANSWER TO MATERIAL QUESTION**

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Pursuant to Section 5.302 of the Pennsylvania Public Utility Commission's (Commission) regulations, 52 Pa. Code Section 5.302, the Pennsylvania Office of Consumer Advocate (OCA) hereby files this Petition for Interlocutory Review and Answer to Material Question (Petition). The OCA respectfully requests the Commission consider the following Material Question:

Does the July 8, 2020 Order on PGW's Motions In Limine Regarding Testimony on Behalf of OCA and TURN err in finding that language access considerations are not relevant to quality of service and not within the Commission's jurisdiction in a base rate proceeding and, therefore, excluding the direct testimony of OCA Witness Roger Colton regarding language access considerations?

The OCA respectfully submits that the Material Question should be answered in the affirmative.

The testimony regarding language access issues is relevant to Philadelphia Gas Works' (PGW) quality of service which is within the Commission's jurisdiction under 66 Pa.C.S. Section 1501 and 52 Pa. Code Section 69.2703(a)(7) and impacts PGW's delivery of universal service programs which the Commission considers in a base rate proceeding pursuant to 52 Pa. Code Section 69.2703(a)(8).

The Administrative Law Judges' July 8, 2020 Order on PGW's Motions In Limine Regarding Testimony on Behalf of OCA and TURN (July 8 Order) determined that Mr. Colton's Direct Testimony at page 3, lines 26-27; page 4, line 31 to page 5, line 18, and pages 65, line 16 to page 73, line 20, would be stricken from the testimony in this matter.<sup>1</sup> This testimony evaluates PGW's lack of a Language Access Plan that meets the requirements of the City of Philadelphia ordinance. The City Ordinance, and the need to have understandable information conveyed to consumers, are important issues when considering the quality of service provided by PGW as well as the efficacy of PGW's universal service programs. Mr. Colton's testimony goes directly to quality of service and to the importance of the local ordinance, given the local citizenry, and the need to assure that all customers can receive necessary information about their utility service in their language. If Mr. Colton's testimony is struck from the record, the OCA will be irreparably prejudiced as this material and relevant testimony regarding quality of service will not go before the Commission for its final determination of just and reasonable rates in this proceeding.

Under 66 Pa.C.S. Section 1501, every public utility shall provide adequate and reasonable service and make all changes and improvements to such service as necessary or proper for the accommodation and convenience of its patrons and the public. Section 69.2703(a)(7) of the Commission's Policy Statement regarding PGW ratemaking, identifies the importance of quality of service issues in assessing PGW's rate request and Section 69.2703(a)(8) identifies the importance of PGW's universal service programs. Mr. Colton's direct testimony regarding the

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<sup>1</sup> Also stricken in the July 8 Order was a portion of the direct testimony of TURN et al. witness Harry Geller which similarly addressed the quality of PGW's customer service to its customers of Limited English Proficiency in the context of a general base rate proceeding. See Petition of Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia for Interlocutory Review and Answer to Material Question, Docket R-2020-3017206, (Petition filed July 15, 2020). In its petition for interlocutory review, TURN et al.'s raised, in support, that Mr. Geller's testimony responded to PGW's claim of improved customer service, the Commission's recognition of language access as a matter of customer service, and that nearly a quarter of PGW's customers speak a language other than English at home (and of that number, more than half of those households speak Spanish). Id.

local ordinance language access plans and Title VI fall squarely within the rubric of customer service and universal service that is within the Commission's jurisdiction and should be assessed in this proceeding.

For the reasons discussed herein, Mr. Colton's testimony regarding language access plans is material, relevant, and needs to be included so the Commission has a full and complete record upon which to render its decision in this matter. Accordingly, the Office of Consumer Advocate respectfully requests that the Commission grant this Petition for Interlocutory Review of a Material Question regarding the testimony of Roger Colton stricken in the July 8 Order.

Respectfully submitted,

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