

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265

THOMAS BURFORD
V.
NATIONAL FUEL GAS DISTRIBUTION COMPANY

PUBLIC MEETING
MAY 1, 2008
MAY-2008-ALJ-0018*
Docket No. C-20077324

**JOINT STATEMENT OF COMMISSIONER KIM PIZZINGRILLI AND
VICE CHAIRMAN JAMES H. CAWLEY**

While the Initial Decision is being adopted without modification, we wish to comment on the treatment of the foreign load issue in this case. Recently, the Commission adopted a new holding regarding foreign load in landlord-tenant arrangements. *Afshari v. PPL Electric Utilities Corporation*, Docket C-20055547 (Final Order entered April 9, 2008). The Commission was concerned about the equity of making landlords completely responsible for large arrearages when foreign load was present on a tenant's account. The *Afshari* holding therefore provides a landlord the opportunity to avoid financial responsibility for the entire amount of a past due balance. This Initial Decision, issued prior to our holding in *Afshari*, handles the foreign load issue differently but with a similar sensitivity to the equities of the situation.¹ Given the reasonable resolution of the matter, the time that has elapsed since the foreign load was discovered, and that this decision was issued prior to *Afshari*, we find that the public interest is served by adopting the Initial Decision without modification.

May 1, 2008
Date

KIM PIZZINGRILLI, COMMISSIONER

May 1, 2008
Date

JAMES H. CAWLEY, VICE CHAIRMAN

¹ The Initial Decision cites to our Tentative Order in *Afshari* of August 15, 2007, as representative of the standard that a utility shall transfer a customer's account to the landlord when foreign load is discovered. However, it did not apply the foreign load exception that had been proposed for comment in that Tentative Order.