

Daniel Clearfield
717.237.7173
dclearfield@eckertseamans.com

June 11, 2009

James McNulty, Secretary
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Petition for Declaratory Order by Tenant Union Representative Network
and Action Alliance of Senior Citizens
PUC Docket No. P-2009-2109912
Settlement Negotiations

Dear Secretary McNulty:

On June 5, 2009, I, on behalf of Philadelphia Gas Works (“PGW”) filed a letter indicating that PGW and Tenant Union Representative Network and Action Alliance of Senior Citizens (collectively, “TURN”) have agreed to engage in settlement discussions concerning TURN’s Petition For Declaratory Order. The letter also stated that PGW agreed not to “implement its write-off reactivation for current customers while those settlement discussions are pending. (Emphasis added).”

This is to clarify that PGW’s voluntary forbearance, as clearly stated above, applies to the portion of its write-off reactivation that it has not yet implemented – write-off reactivation for current customers receiving gas service. PGW had already implemented a write-off reactivation program for applicants – and will continue to do so. PGW’s tariff defines the term “applicant” as:

Any person, corporation or other entity that (i) desires to receive from the Company Natural Gas or any other service provided for in this Tariff at a specific location, (ii) complies completely with all Company requirements for obtaining Natural Gas or any other service provided for in this Tariff, (iii) has filed and is awaiting Company approval of its application for service, and (iv) is not yet actually receiving from the Company any service provided for in this Tariff at such location. An applicant shall become a Customer for purposes of this Tariff only after the Applicant actually starts receiving the applicable service(s) from the Company under this Tariff on a permanent basis. (Emphasis added.)

James McNulty
June 11, 2009
Page 2

It defines “customer” as:

A person, partnership, association, corporation or other entity that purchases Gas Service from the Company. The term shall include a Customer who transfers service to another address in the Company’s service territory. (Emphasis added.)

PGW Tariff PA PUC 2. First Revised Page 10, 11. Both of these definitions are consistent with the Public Utility Code, 66 Pa. C.S. § 1403, and PGW’s tariff has been reviewed and approved by the PUC.¹

Hence, PGW’s voluntary agreement to hold off applying its write-off reactivation procedure shall apply only to a “customer” *i.e.*, a person who is currently receiving service. PGW shall continue to request that applicants (*i.e.*, any person not currently receiving service who applies for service) to make arrangements to pay past due amounts for which they are responsible.

Very truly yours,



Daniel Clearfield

DC/lww

cc: Philip Bertocci, Esq.
Denise Adamucci, Esq.
Terrence J. Buda, Asst. Counsel

¹ While PGW’s tariff rules are subject to any law regulation or binding order of the PUC, they are not subject to PUC implementation orders, policy statements or informal advice. *See*, Tariff, First Revised Page 10; Section 2.4.B.