

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265**

**Petition of Philadelphia Gas Works for a
Statement of Policy on the Application of
Philadelphia Gas Works' Cash Flow
Ratemaking Method**

**PUBLIC MEETING
December 17, 2009
2136508-LAW
Docket No. P-2009-2136508**

MOTION OF COMMISSIONER KIM PIZZINGRILLI

On October 16, 2009, Philadelphia Gas Works (PGW) filed a Petition requesting that the Commission issue a Statement of Policy explaining how it intends to apply PGW's Cash Flow Ratemaking Method. A copy of a proposed Statement of Policy was attached to the Petition. A notice of the Petition was published in the *Pennsylvania Bulletin* on October 31, 2009, which advised that Answers were due by November 10, 2009.

Answers to this Petition were filed by the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, the Philadelphia Industrial and Commercial Gas Users Group (PICGUG), and the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (collectively "TURN, et al."). With the exception of the PICGUG, who took no position on whether the relief should be granted, the parties strongly opposed the adoption of the policy statement. Upon review of the Answers, Commission staff recommends that we grant the Petition, and adopt a modified version of the Statement of Policy for immediate codification in the *Pennsylvania Code*, without any further public comment.

In most cases, Statements of Policy promulgated by the Commission are codified subsequent to a public comment period. In this instance, the public had less than ten days to file Answers after notice of the Petition was published in the *Pennsylvania Bulletin*. The notice did not state that the Commission would consider the immediate codification of the policy statement without an opportunity for additional comment. The Statement of Policy before us for consideration incorporates revisions that the parties have not had an opportunity to review. In the interest of providing for adequate notice and an opportunity to be heard, I find that the proposed Statement of Policy should be issued for further public comment.

THEREFORE, I MOVE THAT:

1. The staff recommendation is modified consistent with this Motion.
2. The Law Bureau prepare an Order consistent with this Motion.
3. The Order and proposed Statement of Policy should be served on the parties in this case. Comments should be filed within thirty days of the entry date of the Order.

December 17, 2009
Date

KIM PIZZINGRILLI, COMMISSIONER