

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

**Pennsylvania Public Utility
Commission, Law Bureau Prosecutory
Staff v. The Peoples Natural Gas
Company, d/b/a, dominion Peoples**

**Public Meeting – May 6, 2010
2086651-OSA
Docket No. M-2009-2086651**

DISSENT IN PART OF VICE CHAIRMAN TYRONE J. CHRISTY

During my tenure at the Commission I consistently have advocated that, in lieu of imposing civil penalties on utilities involving violations, or alleged violations, of the Public Utility Code or the Commission's Regulations, the greater public good is served by applying these dollar amounts elsewhere. These monies should be directed toward deserving utility related social agencies and programs, thereby positively affecting those truly in need. I will continue to advocate for applying these monies to well run programs such as the Dollar Energy Fund and other related programs.

Today the Commission considered the Joint Settlement Agreement (Settlement) filed on January 23, 2009, by The Peoples Natural Gas Company, d/b/a dominion Peoples (Dominion Peoples) and the Commission's Law Bureau Prosecutory Staff (Prosecutory Staff). The Settlement, among other things, requires Peoples to provide \$5,000 in funding in support of its Low-Income Usage Reduction Program (LIURP).¹

By an Opinion and Order entered September 10, 2009, the Commission requested comments on the Settlement. On September 30, 2009, PULP filed Comments supporting the Settlement Agreement, generally, and the revised language of Paragraph 31 A, specifically. On September 30, 2009, the OCA filed Comments supporting the Settlement Agreement, generally, and the revised language of Paragraph 31 A, specifically, but recommended the addition of a reporting requirement and clarification that Dominion Peoples not be allowed to seek rate recovery of the \$30,000 committed to educational outreach.

The majority has decided to alter the Settlement. The parties to the Settlement agreed that \$5,000 would be directed to Dominion Peoples' LIURP program; the OCA and PULP filed

¹ Dominion Peoples agrees, "To pay, in lieu of a civil penalty pursuant to 66 Pa. C.S. § 3301 (c), five thousand dollars (\$5,000) to contractors who participate in the Low-Income Usage Reduction Program (LIURP) and provide supporting documentation that the money was spent to pay for winterization of homes where owners meet income eligibility requirements. The company shall not claim or include any portion of the civil settlement amount in any future rate proceeding." Settlement, p. 7, ¶ 31. A. Dominion Peoples' LIURP program is administered in-house through a contract with a non-profit entity. In conjunction with Dominion Peoples, the administrator performs energy audits and determines energy criteria for the Company's LIURP program. In turn, the administrator subcontracts with non-profit agencies to install weatherization measures and conducts post-installation inspections. All work is monitored by Dominion Peoples and is paid for by the Company through the administrator.

comments supporting the Settlement as described above. This Settlement provision directing \$5,000 toward LIURP has been eliminated. The settlement has been further altered by requiring Dominion Peoples to pay a civil penalty of \$30,000. I cannot support either of these changes to the Settlement; consequently, I respectfully dissent from the majority's decision to the extent, and for the reasons, discussed above.

5-6-10
DATE

Tyrone J. Christy
TYRONE J. CHRISTY, VICE CHAIRMAN