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July 12, 2010

**Via Hand Delivery**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Re: Philadelphia Gas Works' Petition to Modify Its Universal Service and Energy  
Conservation Plans With Respect to the Customer Responsibility Program  
Docket No. P-2010-2178610

Dear Secretary Chiavetta:

On behalf of Philadelphia Gas Works, enclosed for filing please find the original and three  
copies of its Reply to New Matter Raised by TURN, et al., with regard to the above-referenced  
matter. Copies have been served in accordance with the attached Certificate of Service.

Very truly yours,

Carl R. Shultz, Esq.

CRS/lww  
Enclosure

cc: Cert. of Service w/enc.

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Philadelphia Gas Works' Petition to :  
Modify Its Universal Service and Energy :  
Conservation Plans With Respect To The : Docket No. P-2010-2178610  
Customer Responsibility Program :  
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**REPLY OF PHILADELPHIA GAS WORKS  
TO NEW MATTER RAISED BY TURN, *ET AL.***

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In accordance with 52 Pa. Code § 5.63, Philadelphia Gas Works (“PGW”) hereby files its Reply to the New Matter raised by the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (collectively, “TURN, *et al.*”), in the Answer (“Answer”) filed by TURN, *et al.*, to PGW’s Petition (“Petition”) to Modify Its Universal Service and Energy Conservation Plans with Respect to the Customer Responsibility Program (“CRP”).

**REPLY**

28. **No response is necessary.** No response is required to the incorporation of paragraphs 1 to 27 by TURN, *et al.* To the extent a response is required, the averments in the incorporated paragraphs are denied consistent with averments in paragraphs 1 to 27 of PGW Petition, which are incorporated herein by reference.

29. **Admitted (with clarification).** It is admitted that Exhibit A appears to be a copy of a document received by the Secretary’s Bureau of the Public Utility Commission on June 1, 2010 at filed at Docket No. L-00070186.<sup>1</sup> (The TURN Petition referenced in paragraph 29 has a typographical error in the docket number; as noted, the correct docket number is L-00070186.) Any remaining allegations are denied. Exhibit

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<sup>1</sup> <http://www.puc.state.pa.us/pcdocs/1081230.pdf>

“A” and any relevant docket entries are documents and records which speak for themselves.

30. **Admitted in part and denied in part.** It is admitted that Paragraph 30 of the Answer filed by TURN, *et al.*, contains language quoted from Exhibit A to the New Matter of TURN, *et al.* The allegations, characterizations and interpretations of Exhibit A by TURN, *et al.*, are denied. Exhibit A is a document that speaks for itself.

31. **Denied.** It is denied that PGW’s Modified Model does not conform to “DPW policy.” PGW would apply LIHEAP Cash grants first to any past due “asked to pay” amount, second to the current CRP “asked to pay” amount, and third to future CAP payments over the subsequent twelve (12) months until exhausted. It is denied that the grant would not be available to pay any past due CRP payments or “asked to pay” amounts. It is denied that the grant would not be available as a credit to pay future asked to pay amounts. PGW is without sufficient information or knowledge to form a belief as to the truth of the assertions that a credit would not be available in the circumstances when a CRP household is experiencing a “financial emergency” requiring diversion to “another creditor” of non-LIHEAP household financial resources “normally earmarked” for PGW. Even assuming for argument that PGW’s Modified Model is inconsistent with “DWP Policy,” it is further denied that PUC CAP policy must so comply, as a matter of law. Any remaining averments are denied.

32. **Admitted in part and denied in part.** It is admitted that Paragraph 32 of the Answer filed by TURN, *et al.*, contains language quoted from Exhibit A to the New Matter of TURN, *et al.* The allegations, characterizations and interpretations of Exhibit A by TURN, *et al.*, are denied. Exhibit A is a document that speaks for itself.

33. **Denied.** It is denied that the Modified Model does not conform to “DPW policy.” PGW is without sufficient information or knowledge to form a belief as to the truth of the assertion that “DPW policy” is that a LIHEAP customer should receive the benefit of “interest” accruing to grant balances in the period between PGW’s receipt of a grant and its application to the customer’s account over twelve months. Even assuming for argument that PGW’s Modified Model is inconsistent with “DWP Policy,” it is further denied that PUC CAP policy must so comply, as a matter of law. Any remaining averments are denied.

34. **Admitted in part and denied in part.** It is admitted that Paragraph 34 of the Answer filed by TURN, *et al.*, contains language quoted from Exhibit A to the New Matter of TURN, *et al.* The allegations, characterizations and interpretations of Exhibit A by TURN, *et al.*, are denied. Exhibit A is a document that speaks for itself.

35. **Admitted in part and denied in part.** It is denied that the Modified Model does not conform to “DPW policy” in circumstances because when a customer enrolls in CPR after the close of the LIHEAP year the customer may be treated “adversely” due to his or her status as an actual or potential LIHEAP recipient. To the contrary, all CRP customers will be treated the same under the Modified Model regardless of their status, application for, or receipt of a Cash grant. PGW is without sufficient information or knowledge to form a belief as to the truth of the assertion that the close of the LIHEAP year is “usually” in late March or early April. The remaining averments set forth in subsections “a.” and “b.” are artificial “examples” and PGW is without sufficient information or knowledge to form a belief as to the truth of these assertions. It is admitted only that all CRP customers will be charged a LIHEAP Cash

Grant Adjustment (as defined in the Petition) each month, regardless of the time of year and regardless of whether they assign a grant to PGW. Even assuming for argument that PGW's Modified Model is inconsistent with "DWP Policy," it is further denied that PUC CAP policy must so comply, as a matter of law. Any remaining averments are denied.

36. **Denied.** There is no paragraph 36a to which a response can be made. The remaining averments are denied and the response to paragraph 35 is incorporated herein. By way of further answer and in contrast to the assertions in this paragraph 36, every CRP participant who receives a LIHEAP Cash grant will receive the full benefit of his or her grant because the grant will be applied directly to his or her "asked to pay" bill and the Cash Grant Adjustment will not change based upon the receipt or non-receipt of a grant. It is denied that a "potential" LIHEAP recipient will not receive the full benefit of a grant since no grant will have been received by such recipient and thus any alleged benefit from a grant is not relevant to this customer. Any remaining averments are denied.

37. **Admitted in part and denied in part.** It is admitted that all CRP participants will be billed the Cash Grant Adjustment, regardless of whether an individual participant assigns his or her grant to PGW, and that non-CRP customers will not be billed the Cash Grant Adjustment. It is denied that the Modified Model treats CRP customers who receive a grant adversely. Any remaining averments are denied.

38. **Admitted in part and denied in part.** It is denied that CRP customers who assign a grant will not have the grant applied first to their overdue CRP bills and second to their current CRP bill. It is denied that grants will not be applied in full to

future CRP bills. It is admitted only that any remaining grant monies will not be applied to future CRP bills in a one time lump sum, but will be spread over twelve (12) months.

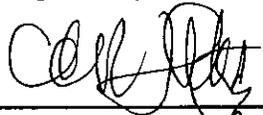
39. **No response required.** Paragraph 39 of the New Matter contains conclusions of law by TURN, *et al.*, and a request for action by the Commission. Therefore, no response is required by PGW. To the extent that a response is required, the averments in Paragraph 39 are denied.

WHEREFORE, Philadelphia Gas Works hereby respectfully requests that the Pennsylvania Public Utility Commission deny the relief requested by TURN, *et al.*, and grant the relief requested by PGW in its Petition to Modify its Universal Service and Energy Conservation Plans with Respect to the Customer Responsibility Program.

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Dated: July 12, 2010

Respectfully Submitted,



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*Counsel for Philadelphia Gas Works*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of PGW's Reply to New Matter Raised y TURN, et al., upon the participants listed below in accordance with the requirements of § 1.54 (relating to service by a participant).

**VIA EMAIL AND FIRST CLASS MAIL**

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