

1424 Chestnut Street, Philadelphia, PA 19102-2505
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Web Address: www.clsphila.org

February 12, 2002

DOCUMENT
FOLDER

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor, 7 North
400 North Street
Harrisburg, PA 17120

Filed by Federal Express

Re: Philadelphia Gas Works Proposed 2002-2003 Gas Cost Rate
Docket No. R-00027133

RECEIVED
FEB 12 2002

A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Secretary McNulty:

I represent the Consumers Education and Protective Association (CEPA), the Association of Community Organizations for Reform Now (ACORN), the Tenants' Action Group (TAG) and Action Alliance of Senior Citizens of Greater Philadelphia, (collectively CEPA et al.) in the above-captioned matter.

Enclosed please find for filing an original and three (3) copies of the Formal Complaint of CEPA et al.

As evidenced by the attached Certificate of Service, all parties to the proceeding are being served with copies of this Complaint.

Very truly yours,

Philip A Bertocci

PHILIP A. BERTOCCI

Attorney for CEPA et al.

cc: Certificate of Service
Administrative Law Judge Allison K. Turner

Enclosures

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CONSUMERS EDUCATION AND
PROTECTIVE ASSOCIATION,
ASSOCIATION OF COMMUNITY
ORGANIZATIONS FOR REFORM NOW,
TENANTS' ACTION GROUP AND
ACTION ALLIANCE OF SENIOR
CITIZENS

Complainants

v.

PHILADELPHIA GAS WORKS

Respondent

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PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Docket No. R-00027133

DOCKETED

FEB 15 2002
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FORMAL COMPLAINT

1. The Complainants are four membership consumer organizations, the Consumers Education and Protective Association ("CEPA"), the Association of Community Organizations for Reform Now ("ACORN"), the Tenants' Action Group ("TAG") and Action Alliance of Senior Citizens of Greater Philadelphia ("Action Alliance") (hereinafter collectively "CEPA et al.") who advocate on behalf of low and moderate income residential customers and consumers of the utility services of the Philadelphia Gas Works.

2. The names and address of the Complainants' attorneys are:

Philip A. Bertocci, Esquire
Edward A. McCool, Esquire
COMMUNITY LEGAL SERVICES, INC.
1424 Chestnut Street, 4th Floor

Philadelphia, PA 19102-2505
Telephone: (215) 981-3702
Fax: (215) 981-0435

3. The Respondent utility is:

Philadelphia Gas Works
800 West Montgomery Avenue
Philadelphia, PA 19122

4. On February 1, 2002, the Philadelphia Gas Works ("PGW") made its preliminary Gas Cost Rate ("GCR") filing with the Pennsylvania Public Utility Commission ("PUC"). PGW's filing indicates that the Company will submit its annual GCR filing on March 1, 2002. Consistent with PGW's Tariff, the Company seeks to recover through its GCR not only natural gas costs not included in base rates, but also certain other costs, including inter alia, costs associated with PGW's low income customer assistance program (Customer Responsibility Program), its low income conservation program (Conservation Works Program) and a portion of costs associated with PGW's Senior Citizen Discount Program. These programs make a critical difference in the lives of thousands of PGW customers with low and moderate incomes. Since the transfer of jurisdiction over PGW's Tariff to the PUC, certain parties have questioned the appropriateness of continuing to provide funding for these programs through the Gas Cost Rate. In the period before the effective date of PGW's restructuring plan, CEPA et al. seek to assure that PGW low income customers and senior citizen customers continue to receive all the assistance currently provided to them

under PGW's Tariff.

5. Complainant Consumers Education and Protective Association (CEPA) is a nonprofit corporation with an office at 6048 Ogontz Avenue, Philadelphia, PA. CEPA is composed of hundreds of members, mostly low and moderate income, who have come together to address a variety of community and consumer issues, including PGW's management, rates and quality of customer service.

6. The Association of Community Organizations for Reform Now (ACORN) is a registered non-profit corporation and membership organization with offices at 846 N. Broad Street, Philadelphia, PA 19130. ACORN's mission is to advocate on behalf of the economic well being of low income people, particularly with respect to such fundamental necessities of life as utility service, housing, healthcare and jobs.

7. The Tenants' Action Group (TAG) is a registered non-profit organization with offices at 21 S. 12th Street, 12th Floor, Philadelphia, PA 19107. The mission of TAG is advocate on behalf of low and moderate income tenants.

8. Action Alliance of Senior Citizens of Greater Philadelphia (Action Alliance) is a registered non-profit corporation and membership organization with offices at 1201 Chestnut Street, Philadelphia, PA. The mission of Action Alliance is to advocate on behalf of senior citizens, many of whom are low and moderate income, in a wide range of matters including PGW management, rates and quality of customer service.

9. In addition to their organizational missions to advocate on behalf of low and

moderate income consumers, CEPA et al. count among their members many low and moderate income PGW customers. For these two reasons, they therefore have an interest in this proceeding not adequately represented by any other party of record.

10. CEPA et al. have conducted an initial review of PGW's GCR filing. CEPA et al. intend to oppose this request to the extent that the rate to be proposed is not just and reasonable.

Wherefore, CEPA et al. respectfully request that the Pennsylvania Public Utility Commission:

(1) accept this Complaint and allow Complainants to intervene in this proceeding as an active party;

(2) require PGW at hearing to adduce evidence in justification of its proposed Gas Cost Rate, and that Complainants be accorded full opportunity to cross-examine PGW's witnesses, present evidence and offer argument.

Respectfully submitted,



PHILIP A. BERTOCCHI, ESQUIRE
EDWARD A. MCCOOL, ESQUIRE

Attorneys for CEPA et al.

COMMUNITY LEGAL SERVICES, INC.
1424 Chestnut Street, 4th Floor
Philadelphia, PA 19102-2505
Tel.: 215-981-3702
FAX: 215-981-0435

February 11, 2002

VERIFICATION

I, Philip A. Bertocci, Esquire, attorney for the Consumers Education and Protective Association hereby state that the facts contained in the foregoing Formal Complaint are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Date: February 11, 2002

Philip A Bertocci

VERIFICATION

I, ANTHONY R. HENRY on behalf of the Tenants' Action Group (TAG), hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the Statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Date:

2/11/02

Anthony R. Henry

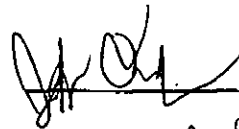
Title:


Executive Director

VERIFICATION

I, Jeffrey Ordow on behalf of the Association of Community Organizations for Reform Now (ACORN), hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the Statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Date: 2/11/02



Title: Head Organizer


VERIFICATION

I, Pedro Rodriguez, Executive Director of the Action Alliance of Senior Citizens of Greater Philadelphia, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the Statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Date: 2/11/02

Pedro Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Formal Complaint in this matter docketed at R-00027133 upon the following parties by First Class U.S. Mail, postage prepaid, as follows:

Dated: February 12, 2002

By First Class U.S. Mail

Daniel Clearfield, Esquire
Wolf, Block, Schorr & Solis-Cohen, LLP
212 Locust Street, Suite 300
Harrisburg, PA 17101

Wendell F. Holland, Esquire
Stephen W.W. Ching, Jr., Esquire
Obermayer Rebmann Maxwell
& Hippel, LLP
One Penn Center, 19th Floor
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1895

Johnnie E. Simms, Esquire
Office of Trial Staff
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Walter W. Cohen, Esquire
Obermayer Rebmann Maxwell
& Hippel, LLP
204 State Street
Harrisburg, PA 17101

Tanya J. McCloskey, Esquire
Stephen Keene, Esquire
Office of Consumer Advocate
Forum Place Building, 5th Floor
555 Walnut Street
Harrisburg, PA 17101-1921

Steven C. Gray, Esquire
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North 2nd Street
Harrisburg, PA 17101

Charis M. Burak, Esquire
David M. Kleppinger, Esquire
McNees, Wallace & Nurick
100 Pine Street
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Harrisburg, PA 17108-1166

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FEB 12 2002
A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Philip A Bertocci

PHILIP A. BERTOCCHI

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P O BOX 3265, HARRISBURG PA 17105-3265

FEBRUARY 14, 2002

DOCKETED

FEB 15 2002

KEVIN J MOODY ESQUIRE
WOLF BLOCK SCHORR AND SOLIS-COHEN LLP
212 LOCUST STREET SUITE 300
HARRISBURG PA 17101

RE: PA PUC vs PHILADELPHIA GAS WORKS
Docket Number R-00027133C000R

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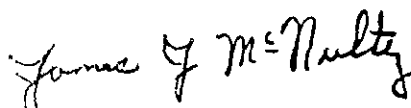
Dear Sir/Madam:

A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by CONSUMERS EDUCATION & PROTECTION ASSOCIATION OF COMMUNITY ORGANIZATIONS ET AL.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

Very truly yours,



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

COMMONWEALTH OF PENNSYLVANIA

DATE: FEBRUARY 14, 2002

SUBJECT: R-00027133C0001

TO: Office of Administrative Law Judge

FROM: *JS* James J. McNulty, Secretary

DOCKETED
FEB 15 2002

DOCUMENT
FOLDED

CONSUMERS EDUCATION AND PROTECTIVE ASSOCIATION OF COMMUNITY
ORGANIZATIONS

v.
PHILADELPHIA GAS WORKS

Attached is copy of a formal complaint filed in connection with the above docketed proceeding.

This matter is assigned to your office for necessary action.

Attachment - copy of complaint

cc:

Bureau of Fixed Utility Services - w/copy of complaint
Office of Trial Staff - w/copy of complaint
Office of Special Assistants - w/copy of complaint

ddi