

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u> November 30, 2005	2. <u>BUREAU AGENDA NO.</u> DEC-2005-L-0127 *
3. <u>BUREAU:</u> Law	
4. <u>SECTION(S):</u>	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u> Director: Pankiw 7-5000 Mgr/Spvr: Young 7-4945 Legal Review:	December 1, 2005 R-00973954
7. <u>PERSONS IN CHARGE:</u> Hisiro 3-2812	9. <u>EFFECTIVE DATE OF FILING:</u> N/A
8. <u>DOCKET NO.:</u> M-00981036 M-00001326, et al.	

**DOCUMENT
FOLDER**

10. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**

(a) Final Order re: Transfer of Electric and Natural Gas Consumer Education Funds to Universal Service Programs, Dkt. Nos. M-00981036, M-00001326, et al.

(b) In its November 16, 2005 Tentative Order, the Commission asked for comments on issues relating to the possible transfer of unspent consumer education funds held by electric distribution companies and natural gas distribution companies to universal service programs for low-income customers of these utilities. The Order sought comments on the source of these funds, the current balance of these funds, and a discussion of any legal impediments to such transfers.

(c) The Law Bureau recommends that the Commission adopt the proposed Final Order amending certain prior Orders of certain electric distribution companies and natural gas distribution companies so that a portion of these companies' consumer education funds may be transferred to universal service programs benefiting their low-income customers for the upcoming 2005-2006 heating season.

11. **MOTION BY:** Commissioner Chm. Holland

SECONDED: Commissioner Cawley

Commissioner Shane - Yes
Commissioner Pizzingrilli - Yes
Commissioner Fitzpatrick - Yes

CONTENT OF MOTION: Staff recommendation adopted.

Statement of Chairman Wendell F. Holland attached.

DOCKETED
DEC 12 2005

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265

Public Meeting December 1, 2005

Transfer of Electric and Natural Gas
Consumer Education Funds to
Universal Service Programs

DEC-2005-LAW-0127
Docket Nos. M-00981036
M-00001326, et al.

STATEMENT OF CHAIRMAN WENDELL F. HOLLAND

The main the purpose of today's Order, which I support, is to redirect monies from electric and natural gas consumer-education funds, related to electric competition, to their Customer Assistance Programs in order to help the truly needy this winter. That being said, I look forward to genuine coordination between the utility industry and the Commission on a meaningful statewide education campaign to educate consumers about the changes in the law related to cash deposits; reconnection of service; termination of service; payment arrangements; and the filing of termination complaints by residential customers. I refer you to Dollar Energy's excellent comments filed pursuant to this Order, in which the need for specifically tailored information on how Chapter 14 is addressed.

In addition, despite today's influx of funds into Customer Assistance Programs this winter, many Pennsylvanians simply are unaware of CAPs.

To that end, I urge each of our regulated electric and natural gas companies, whether they have unspent consumer-education dollars available or not, to inform the Commission's Office of Communications within five business days as to how much money they are willing to voluntarily contribute to a statewide campaign for this winter focused on educating all Pennsylvanians about the recent changes in the law and the existence and availability of Universal Service Programs.

12.01.05

DATE

Wendell F. Holland

WENDELL F. HOLLAND, CHAIRMAN



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
December 7, 2005

REFER TO OUR FILE

M-00981036, et al

IRWIN A POPOWSKY
OFFICE OF CONSUMER ADVOCATE
555 WALNUT STREET
FORUM PLACE 5TH FLOOR
HARRISBURG PA 17101-1923

DOCUMENT
FOLDER

Creation and Implementation of a Statewide Consumer Education Program for Electric
Restructuring in the Commonwealth of Pennsylvania
(M-00981036)

Creation and Implementation of a Statewide Consumer Education Program for Natural
Gas Competition in the Commonwealth of Pennsylvania
(M-00001326)

Pennsylvania Public Utility Commission and Office of Consumer Advocate
v.

PFG Gas, Inc. and North Penn Gas Company
(R-00994788)

Application of Metropolitan Edison Company for Approval of restructuring Plan Under
Section 2806 of the Public Utility Code
(R-00974008)

Application of Pennsylvania Electric Company for Approval of Restructuring Plan
Under Section 2806 of the Public Utility Code
(R-00974009)

Application of Pennsylvania Power & Light Company for Approval of Restructuring
Plan Under Section 2806 of the Public Utility Code
(R-00973954)

Pennsylvania Public Utility Commission
v.

T.W. Phillips Gas and Oil Company
(R-00005459)

Application of West Penn Power Company for Approval of Restructuring Plan Under
Section 2806 of the Public Utility Code
(R-00973981)

To Whom It May Concern:

This is to advise you that a Final Order has been adopted
by the Commission in Public Meeting on December 1, 2005 in the above
entitled proceeding.

A Final Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

Enclosure
LJM

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held December 1, 2005

Commissioners Present:

Wendell F. Holland, Chairman, Statement attached
James H. Cawley, Vice Chairman
Bill Shane
Kim Pizzingrilli
Terrance J. Fitzpatrick

Creation and Implementation of a Statewide Consumer Education Program For Electric Restructuring in the Commonwealth of Pennsylvania	:	Docket No. M-00981036
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Creation and Implementation of a Statewide Consumer Education Program For Natural Gas Competition in the Commonwealth of Pennsylvania	:	Docket No. M-00001326
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Pennsylvania Public Utility Commission and Office of Consumer Advocate	:	R-00994788
v.	:	
PFG Gas, Inc. and North Penn Gas Company	:	
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Application of Metropolitan Edison Company for Approval of Restructuring Plan Under Section 2806 of the Public Utility Code	:	R-00974008
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Application of Pennsylvania Electric Company for Approval of Restructuring Plan Under Section 2806 of the Public Utility Code	:	R-00974009
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Application of Pennsylvania Power & Light Company for Approval of Restructuring Plan Under Section 2806 of the Public Utility Code	:	R-00973954
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Pennsylvania Public Utility Commission	:	R-00005459
v.	:	
T.W. Phillips Gas and Oil Co.	:	
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Application of West Penn Power Company for Approval of Restructuring Plan Under Section 2806 of the Public Utility Code	:	R-00973981
	:	

FINAL ORDER

BY THE COMMISSION:

A. Background

By Tentative Order entered November 16, 2005, at M-00981036 and M-00001326, we asked for comments from all jurisdictional electric distribution companies (“EDCs”) and natural gas distribution companies (“NGDCs”) that established consumer education programs for electric competition and natural gas competition in compliance with applicable statutory provisions¹ and from other interested parties on whether all or a portion of the existing consumer education funds² should be transferred to the respective

¹ See Electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. §§2801-2812, and the Natural Gas Choice and Competition Act, 66 Pa. C.S. §§2201-2212.

² By way of background, on February 27, 1998, at Docket No. M-00981036, and on February 10, 2000, at M-00001326, this Commission entered Orders that directed certain EDCs and NGDCs to establish statewide and local consumer education programs for electric competition and natural gas competition. In compliance with the aforementioned Orders, these EDCs and NGDCs established utility-specific consumer education programs for their customers. According to information that was available to the Commission at the time it issued its Tentative Order in this matter, as of December 31, 2004, several of the EDCs and NGDCs had substantial amounts of money in these accounts that were unspent.

EDC's or NGDC's universal service programs³ that provide financial assistance to low-income customers for the upcoming 2005-2006 winter heating season.

The precipitating event to warrant our considering such a transfer of funds from consumer education to universal service programs on a generic, industry-wide basis is the projected, unprecedented increase in energy costs expected to occur this upcoming heating season. Indeed, energy industry experts have estimated that energy costs for the average residential consumer may increase by as much as 40% this winter. These projected increases will undoubtedly have a significant effect on household budgets and create the potential of a substantial increase in the proportion of truly needy customers unable to pay their heating bills this winter.

In seeking comments, we were particularly interested in EDCs and NGDCs describing the source or sources of their consumer education funds, whether these funds continue to be collected, and the current balance of these funds. Additionally, we sought comments from any interested party on the advantages and disadvantages, including any legal impediments, of allowing the transfer of some or all of these consumer education funds, and any other unspent funds (*e.g.*, abandoned refunds/credits), to the utilities' universal service programs. Due to the imminent start of the 2005-2006 winter heating season, we directed that comments be due within five business days of the entry of the Tentative Order.

B. Interested Parties' Comments to November 16, 2005 Tentative Order

Following the entry of the Tentative Order on November 16, 2005, the Commission received comments between November 21, 2005, and November 28, 2005, from Allegheny Power d/b/a West Penn Power Company ("Allegheny"), Citizens'

³ Generally, there are two types of universal service programs: Customer Assistance Programs ("CAPs") and Low Income Usage Reduction Programs ("LIURPs").

Electric Company of Lewisburg (“Citizens”), Columbia Gas of Pennsylvania, Inc. (“Columbia”), Duquesne Light Company (“Duquesne”), Equitable Gas Company, a division of Equitable Resources, Inc. (“Equitable”), the FirstEnergy Companies (“FirstEnergy”), National Fuel Gas Distribution Corporation (“NFG”), the Office of Consumer Advocate (“OCA”), the Office of Trial Staff (“OTS”), the \$1 Energy Fund, Inc. (“\$1 Energy Fund”), PECO Energy Company (“PECO”), The Peoples Natural Gas Company d/b/a Dominion Peoples (“Dominion”), PG Energy (“PG Energy”), PPL Gas Utilities Corporation (“PPL Gas”), PPL Electric Utilities Corporation (“PPL Electric”), T.W. Phillips Gas and Oil Company (“Phillips”), UGI Utilities, Inc. (“UGI”), Valley Energy, Inc. (“Valley”), and Wellsboro Electric Company (“Wellsboro”). Allegheny also filed supplemental comments on November 30, 2005.

Addressing the gas side first, four gas utilities (NFG, PG Energy, PPL Gas, and Phillips) reported having unspent consumer education funds in its possession that could be diverted to fund universal service program costs. NFG states that its amount (approximately \$21,000) is *de minimus* and would, therefore, have little impact aiding its low-income customers. On the other hand, PG Energy, which reports having \$215,297.27 in unspent consumer education funds, PPL Gas, which reports having \$40,870 in unspent monies, and Phillips, which reports having \$175,000 in unspent monies, would support amending the relevant orders to allow for such a transfer to their respective CAPs.⁴ Phillips does request that a minimal amount be held back in the consumer education fund to cover expected education expenditures during the first half of 2006.

⁴ The relevant Orders to be amended include two in our Statewide Education Program for Natural Gas Competition at M-00001326, Order entered February 10, 2000, for both companies, and the separate Order entered December 21, 2004, at the same docket for PG Energy; the Order entered June 22, 2000, in PPL Gas’s Restructuring proceeding at Docket No. R-00994788; and the Order entered January 11, 2001, in Phillips’ Restructuring proceeding at Docket No. R-00005459.

On the issue of the Commission's authority to order such a transfer of consumer education funds to universal service programs, several NGDCs, such as PG Energy, PPL Gas, Phillips, and UGI, filed comments supporting this type of transfer, while others, such as Dominion, Equitable, and Valley Energy, offered no opinion since they have no monies to transfer, while still others, such as Columbia and NFG, raised legal concerns.

Specifically, the legal concern raised by Columbia is that the Commission is looking to divert consumer education funds for a different purpose on its own motion rather than through a settlement agreement presented by interested parties asking for such a transfer to occur, including the affected EDC or NGDC, or through a directive by the legislature. Columbia is concerned that a directive by the Commission, on its own motion, will not withstand a legal challenge, citing to a Commonwealth Court decision in *U.S. Steel Corp. v. Pa. Pub. Util. Comm'n*, 390 A.2d 865, 871 (1978) (holding that whether a subsidy should be provided to low-income customers should be left to the legislature to decide and not the regulatory agencies or the courts). Columbia's position is that the best approach is for the Commission not to order a redirection of the funds, but instead to encourage utilities voluntarily to bring forth innovative ideas for funding their universal service programs and to approve these requests on an expedited basis.

NFG raises a somewhat different concern. The approximately \$21,000 in unspent consumer education funds that NFG currently has were the result of a joint settlement agreement that involved various participants at Docket No. R-00994785. The funds were collected through a tariff rider from several different customer classes in addition to residential customers. Because NFG's universal service programs are funded exclusively through residential customer rates, NFG fears that using consumer education funds for universal service programs may violate the terms of the settlement agreement and section 1304 of the Public Utility Code, 66 Pa. C.S. §1304, dealing with discrimination in rates. The latter concern arises from the fact that NFG's consumer education funds are collected from commercial and industrial customers as well but these classes do not

benefit from NFG's universal service programs. In any event, NFG argues that using its negligible consumer education fund would have minimal impact in providing assistance to its low-income customers this winter and advocates against such a transfer for its customers.

PG Energy, on the other hand, submits that the Commission is under no legal restriction that would prohibit it from redirecting the use of consumer education funds to universal service programs. As PG Energy points out, the amounts in question were paid pursuant to a Commission order establishing a statewide consumer education program for natural gas competition to be paid into by the NGDCs, and this program had no separate legal existence that prevented the monies from being used for another purpose which is in the public interest when the statewide education program was no longer needed, as determined by the Commission. This determination, as PG Energy asserts, was previously made by the Commission in a June 21, 2004 Notice sent to all NGDCs advising that the final year of funding for the statewide consumer education program was no longer needed.

Finally, PG Energy argues that the Commission recently upheld its discretion to redirect funds for another purpose when in the public interest in another case closely analogous to the instant proceeding. *See Monitoring and Enforcement of Network Modernization Plans*, Docket No. M-00051872, *et al.* (Order entered October 28, 2005) In that case, the Commission determined that Verizon Pennsylvania Inc. could pay for its network modernization audit through the use of funds remaining in an escrow fund previously established to finance the hiring of an outside consultant to train and assist Commission staff in analyzing Verizon's performance metric reports, where the escrow fund was no longer needed for its original purpose and there was no legal restriction preventing the redirection of this fund for another purpose found to be in the public interest.

On the electric side, while a number of utilities (Duquesne, PECO, Citizens, UGI, and Wellsboro) have no unspent consumer education funds that could be redirected to universal service programs, several electric utilities (Allegheny, FirstEnergy and PPL Electric) reported having substantial amounts of unspent consumer education funds on hand and voluntarily proposed and supported in their comments the transfer of a significant portion of these monies to their universal service programs. Allegheny and PECO were the only electric utilities that raised any legal concerns relating to making such a transfer with the Commission's approval, although it may be noted that PECO has no such unspent funds that may be transferred at the present time.

FirstEnergy in its comments reported that two of its three Pennsylvania operating companies, Metropolitan Edison Company ("Met-Ed") and Pennsylvania Electric Company ("Penelec"), have substantial unspent consumer education funds. In both cases, the funds were created as part of the two utilities' Restructuring Plans and were funded through the Competitive Transition Charge ("CTC") mechanism.

As of October 31, 2005, Met-Ed has approximately \$2.24 million and Penelec has approximately \$4.08 million in their respective consumer education funds. FirstEnergy's third Pennsylvania electric utility, Pennsylvania Power Company ("Penn Power"), on the other hand, does not have any balance remaining in its consumer education fund. In its comments, FirstEnergy fully supports the Commission's proposal to allow EDCs to transfer consumer education funds to their universal service programs. Consistent with that support, Met-Ed proposes to transfer \$2.04 million and Penelec proposes to transfer \$3.83 million from their respective consumer education funds to their universal service programs, retaining approximately \$200,000 and \$250,000, respectively, in their consumer education funds to address consumer education initiatives in their service territories through the calendar year 2006. Finally, FirstEnergy notes that the proposed transfers are "particularly appropriate given that consumer education programs for electric competition are substantially completed." FirstEnergy Comments at 2.

Similarly, PPL Electric supports the Commission's efforts to transfer consumer education funds to universal service programs so long as the monies are used solely to assist low-income customers in the contributing utility's service territory. PPL Electric reports that as of October 31, 2005, it has just over \$5 million remaining in its consumer education funds, and it voluntarily proposes transferring \$3 million to its CAP (known as "OnTrack") and \$1 million to its LIURP (known as the Winter Relief Assistance Program or "WRAP"). The remaining \$1 million would be retained for continuing consumer education activities within PPL Electric's service territory.

Further, because the \$3 million portion represents such a large influx of monies into PPL Electric's CAP and it will take some time for the additional funding to translate into increased enrollment in its CAP, PPL Electric recommends that the \$3 million should be evenly divided between the winter of 2005-2006 and the winter of 2006-2007 instead of all the money being spent during the current heating season. PPL Electric believes this alternative approach would smooth, over a two-year period, the impact of this additional funding to assist its low-income customers.

PPL Electric also sees no legal impediment preventing the requested transfers if the Commission modifies its prior orders at Docket No. R-00973954 (PPL Electric Restructuring; Order entered June 15, 1998), and Docket No. M-00981036 (Statewide Consumer Education Program, Order entered February 27, 1998), to approve the transfer of these funds.

Allegheny reports that it has about \$9.4 million of unspent consumer education funds on hand as of December 2004, having spent about \$6.1 million of the previously approved \$15 million allocated for consumer education as part of its 1998 restructuring proceeding at Docket No. R-00973981. Allegheny proposes that \$4.7 million of the unspent amount be redirected to low-income assistance during the upcoming winter

heating season, including \$100,000 of that total to the \$1 Energy Fund. Allegheny further states that if all the reallocated consumer education funds cannot be spent during the current winter heating season, the balance will be applied to its universal service programs during the company's remaining transition period that runs through the year 2010. Allegheny asserts the remainder is needed for consumer education anticipated at the end of its transition period. Allegheny raised one legal concern in its comments that its original restructuring order is a "qualified rate order" under section 2812 of the Public Utility Code, 66 Pa. C.S. §2812, and, therefore, is arguably irrevocable and unalterable.

PECO's legal concern arises from a potential Commission finding that PECO was required to spend \$24 million through 2001 to meet its consumer education commitment agreed to in its restructuring proceeding. PECO's concern is that the Commission will find that PECO did not meet this commitment (PECO actually spent about \$23.145 million) and it is now ordering PECO to pay the unspent balance into its universal service programs. If the Commission finds, on the other hand, that PECO met its commitment, then there are no unspent funds to be transferred to aid in low-income assistance this winter heating season.

Finally, both OCA and OTS support the concept of allowing unspent consumer education funds to be transferred to universal service programs during the 2005-2006 winter heating season. \$1 Energy Fund, on the other hand, opposes the transfer of "all consumer education funds" to universal service programs and instead encourages the Commission to order the gas and electric utilities to provide education within their service territories to the community-based organizations such as \$1 Energy Fund involved in low-income energy assistance programs to educate customers about the utility's universal service programs and how to access them.⁵

⁵ While not entirely clear from \$1 Energy Fund's comments, \$1 Energy Fund appears to implicitly support the transfer of some consumer education funds to universal service programs so long as sufficient monies remain to provide the type of educational efforts advocated by \$1 Energy Fund.

C. Discussion

We first wish to thank all the parties who filed comments in this proceeding given the expedited timeframe provided in the Tentative Order. We appreciate the substantial effort involved in complying with such an abbreviated comment period, especially on the eve of a major holiday.

At the outset, we are very appreciative that many of the parties filing comments support our efforts, in the face of expected, unprecedented increases in energy costs, to transfer consumer education funds to universal service programs to help the truly needy energy customers pay their heating bills this winter. Several commentators, however, raised legal concerns that need to be addressed.

First, Columbia expressed concern over the legality of the Commission redirecting consumer education funds for a different purpose on its own motion rather than through a settlement agreement or other mechanism presented by interested parties asking for such a transfer to occur. The *U.S. Steel* case it cites for support is a decision that predates the enactment of the Electric and Natural Gas Competition Acts in Pennsylvania cited in footnote 1 of this Order. We find that *U.S. Steel* is distinguishable on the grounds that these new statutes mandate the creation of both consumer education and universal service programs to promote competition in both industries. As such, the Commission may, on its own motion, take action to ensure compliance with the applicable statutes.

In any event, whether or not this concern has any validity, the Order we issue today does not redirect, on our own motion, any funds to be used for another purpose. Rather, we are confining our actions to approving proposals submitted by the utilities to redirect some or all of their unspent consumer education funds to specific universal

service programs operated by the utility or a community-based organization.⁶ In so limiting our actions today to approving, on a generic basis, a group of utility-sponsored proposals for the redirection of consumer education funds to support universal service programs, the issue raised by Columbia is moot.⁷

In any event, we find additional support for the actions we take today in the legal precedent cited by PG Energy in its comments. Specifically, PG Energy relies on our recent order in *Monitoring and Enforcement of Network Modernizations Plans*, Docket No. M-00051872 (Order entered October 28, 2005), for the proposition that the Commission has the discretion and authority to redirect the use of funds for one purpose to another purpose when the original purpose is no longer needed, there is no legal restriction preventing the redirection of the funds, and the new purpose is in the public interest. This is even more true in the present case where the original purpose was directed towards principally benefiting residential customers through education programs for natural gas and electric competition, whereas the new purpose is also directed at residential customers, albeit low-income customers, to help them pay rapidly rising heating bills this winter. We also agree with PG Energy that the consumer education funds were created pursuant to Commission orders establishing statewide and local consumer education programs in the above-captioned dockets, and that these programs had no separate legal existence that prevents the monies from being used for another purpose that is in the public interest when the original purpose is no longer needed.

⁶ In the case of Phillips, the company did not set a specific dollar amount to transfer to its universal service programs, but rather stated it sought only to maintain a sufficient balance to cover the minimal consumer education expenses that it would expect to incur this winter. We, therefore, will order, consistent with Phillips proposal, that \$155,000 be transferred to Phillips' universal service programs with the remaining approximately \$20,000 staying in Phillips' consumer education fund to cover expected education expenses this winter.

⁷ We can also add that our decision today is distinguishable from our prior decisions at M-00001326 and P-00021993 discussed in our Tentative Order because we are approving the transfer of funds on a generic basis across two industry groups for a number of utilities that have sizable amounts of unspent consumer education funds on hand and because the expected increases in energy costs this winter may be unprecedented, posing a particular hardship on low-income households.

NFG raises a somewhat different, but related, concern. NFG fears that use of its funds could violate its settlement agreement in its restructuring proceeding and section 1304 of the Public Utility Code. Regardless of the merits of this argument or lack thereof, we find it to be moot in the present proceeding as we will not order any of NFG's unspent funds be transferred on the grounds, consistent with NFG's position, that the unspent amount is *de minimus* and would have minimal impact on aiding its low-income customers.

Similarly, we can dismiss PECO's concern that it has somehow not met its consumer education obligations as we find that PECO has substantially met its commitment. As PECO reports, under this finding, it has no unspent funds that can be transferred to its universal service programs this winter.

Turning next to the concern raised by Allegheny, Allegheny raises a concern whether the consumer education funds in its case can be transferred to universal service programs because the original restructuring order was a "qualified rate order" under section 2812 of the Public Utility Code, and, therefore, is irrevocable and unalterable.

Both the Electric and Natural Gas Competition Acts include several provisions designed to ensure that these services are universally available and appropriately funded in Pennsylvania as we make the transition to competitive markets. *See, e.g.*, 66 Pa. C.S. §§2202, 2203(8), 2802(9), 2803, 2804(9) & (15). In addition, both statutes also require EDCs and NGDCs, prior to the implementation of any restructuring plans and with Commission approval, to implement a consumer education program informing customers of the changes in their respective industries. 66 Pa. C.S. §§2206(d) and 2807(d)(3). Further, both statutes contemplated that consumer education costs were to be included in the utility's stranded cost recovery mechanism. In implementing its consumer education responsibilities, the Commission established statewide education programs and directed

Allegheny to participate in the statewide program set up for electric utilities. Allegheny's subsequent local consumer education efforts were directed by this separate statewide docket and not by Allegheny's separate restructuring proceeding. Therefore, its legal concern is not relevant or otherwise moot in the current proceeding.

Finally, \$1 Energy Fund urges the Commission to order the utilities to use the unspent funds by supporting education efforts provided by community-based organizations such as \$1 Energy Fund. As is made abundantly clear by this Order, we have not ordered any utility to use only company-specific universal service programs to aid low-income customers to the exclusion of other worthwhile universal service programs administered by community-based organizations. Indeed, by this Order, we are approving the \$100,000 grant to \$1 Energy Fund that is being proposed by Allegheny to aid low-income customers of Allegheny.

To conclude, the unprecedented increases in energy costs that consumers in this Commonwealth are facing this winter warrants Commission action to do everything within its power to provide truly needy residential consumers with assistance in paying their heating bills this winter. With the encouragement of this Commission, a number of EDCs and NGDCs have voluntarily proposed transferring almost \$15 million of unspent consumer education funds to universal service programs in their service territories benefiting low-income consumers. By this Order, we are accepting those proposals;
THEREFORE,

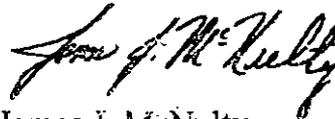
IT IS ORDERED:

1. That pursuant to section 703(g) of the Code, the Commission amends, as necessary, the February 27, 1998 Order at M-00981036; the February 10, 2000 and December 21, 2004 Orders at M-00001326; the June 22, 2000 Order at R-00994788; the

January 11, 2001 Order at R-00005459; the May 29, 1998 Order at R-00973981; the July 26, 1998 Orders at R-00974008 and R-00974009; and the June 15, 1998 Order at R-00973954 to approve the separate proposals submitted by PG Energy, PPL Gas Utilities Corporation, T.W. Phillips Gas and Oil Company, Allegheny Power d/b/a West Penn Power Company, Metropolitan Edison Company, Pennsylvania Electric Company, and PPL Electric Utilities Corporation for transferring unspent consumer education funds in the specific amounts proposed by each utility to the universal service programs they each recommend for the upcoming 2005-2006 winter heating season.

2. That a copy of this Order be served on all jurisdictional electric distribution companies, all jurisdictional natural gas distribution companies, all electric generation and natural gas suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and other interested parties identified on the service lists at each of the dockets listed in the caption of this Order.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: December 1, 2005

ORDER ENTERED: **DEC 07 2005**

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265

Public Meeting December 1, 2005

Transfer of Electric and Natural Gas
Consumer Education Funds to
Universal Service Programs

DEC-2005-LAW-0127
Docket Nos. M-00981036
M-00001326, et al.

STATEMENT OF CHAIRMAN WENDELL F. HOLLAND

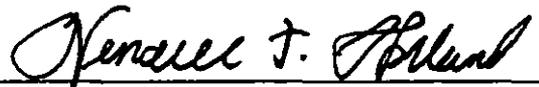
The main the purpose of today's Order, which I support, is to redirect monies from electric and natural gas consumer-education funds, related to electric competition, to their Customer Assistance Programs in order to help the truly needy this winter. That being said, I look forward to genuine coordination between the utility industry and the Commission on a meaningful statewide education campaign to educate consumers about the changes in the law related to cash deposits; reconnection of service; termination of service; payment arrangements; and the filing of termination complaints by residential customers. I refer you to Dollar Energy's excellent comments filed pursuant to this Order, in which the need for specifically tailored information on how Chapter 14 is addressed.

In addition, despite today's influx of funds into Customer Assistance Programs this winter, many Pennsylvanians simply are unaware of CAPs.

To that end, I urge each of our regulated electric and natural gas companies, whether they have unspent consumer-education dollars available or not, to inform the Commission's Office of Communications within five business days as to how much money they are willing to voluntarily contribute to a statewide campaign for this winter focused on educating all Pennsylvanians about the recent changes in the law and the existence and availability of Universal Service Programs.

12.01.05

DATE



WENDELL F. HOLLAND, CHAIRMAN

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125098
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SUITE 1102 COMMERCE BUILDING
300 NORTH SECOND STREET
HARRISBURG PA 17101
OSBA (C0004)

0007

TIM PESCI
598 FRANKLIN ST
FREEPORT PA 16229
SELF (C0005)

0008

X
X
X
CREIGHTON PA 15030
X

0009

ZAIRA TEST
534 W MAHONING ST
PUNXSUTAWNEY PA 15767
SELF (C0006)

0010
THE MATTERHORN COMPANY
402 W MAHONING ST
PUNXSUTAWNEY PA 15767-1934
SELF (C0007)

0011
GRACE E TEST
510 N MAIN ST REAR
PUNXSUTAWNEY PA 15767
SELF (C0008)

0012
FRANK TEST
205 S FINDLEY ST
PUNXSUTAWNEY PA 15767
SELF (C0009)

0013
JOSEPHINE DEMEO
1327 PITTSBURGH STREET
CHESWICK PA 15024
SELF (C0010)

0014
FRANK M TOMINAC
445 PITTSBURGH STREET
SPRINGDALE PA 15144
SELF (C0011)

0015
HONORABLE GUY A TRAVAGLIO JR
HOUSE BOX 202020
HARRISBURG PA 17120-2020
11TH LEGISLATIVE DISTRICT

0016
JEANNE BLYSTONE
103 OVERVIEW DRIVE
SHELOCTA PA 15774
SELF (C0012)

0017
VERNON BLYSTONE
103 OVERVIEW DR
SHELOCTA PA 15774
SELF (C0013)

0018
TWIHA D DRUMMOND
RD 5 BOX 178
PUNXSUTAWNEY PA 15767
SELF (C0014)

0019
LOUISE K FISCUS
360 ARTHUR ST
KITTANNING PA 16201
SELF (C0015)

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HONORABLE GUY A TRAVAGLIO JR
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0021
ARLENE AND DONALD CALDWELL
801 MERWIN RD
NEW KENSINGTON PA 15068
SELVES (C0016)

0022
HOWARD HANNA ALLEMANG REALTY
C/O WILLIAM ALLEMANG-BROKER
232 WEST MAHONING ST
PUNXSUTAWNEY PA 15767
SELF (C0017)

0023
JOHN F FELLABOM DIR REGULATORY AFFAIRS
205 NORTH MAIN STREET
BUTLER PA 16001
T W PHILLIPS GAS AND OIL CO

0024
HONORABLE FRANK LAGROTTA
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CONSTITUENT RUTH EVANS

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HELEN CURRY
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PUNXSUTAWNEY PA 15767
SELF (C0018)

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WAYNE WILLIAMS
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BCS

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PFG GAS INC

0003

PAUL RUSSELL ESQUIRE
PP&L INC
TWO NORTH NINTH STREET
ALLENTOWN PA 18101
PFG GAS INC

0004

DAVID MACGREGOR JOHN ISOM
MORGAN LEWIS & BOCKIUS LLP
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NORTH PENN GAS COMPANY

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PAUL RUSSELL ESQUIRE
PP&L INC
TWO NORTH NINTH STREET
ALLENTOWN PA 18101
NORTH PENN GAS COMPANY

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STEVEN C GRAY ASST SMALL BUSINESS ADVOCAT
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SML CUSTMR MARKETER COALITION-SCMC (POR)

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0016

MARK MORROW ESQ/ACTIVE PARTICIPANT PER
460 NORTH GULPH ROAD/ORD GRNTING INTER-
/VENTION
KING OF PRUSSIA PA 19406
UGI UTILITIES-GAS (POR) (ACTIVE PARTICPNT)

0017

CHARIS BURAK SUSAN BRUCE/ACT PARTICIPANT
JAMES DOUGHERTY/PER ALJ ORDER DTD 1/7/00
100 PINE STREET PO BOX 1166/INTERVENTION
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PENN FUEL TRANSPORTATION CUSTOMERS (POR)

0018

KEITH SAPPENFIELD/ACTIVE PARTICIPANT PER
1111 LOUISIANA 42ND FLOOR/ORD GRANTING
P O BOX 1409 /INTERVENTION
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/GRANTING INTERVENTION
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NAT'L ENERGY MARKETERS ASSN (NEMA) (POR)

0022

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