

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, Pennsylvania 17105-3265

Michael Prendergast  
v.  
Philadelphia Gas Works

Public Meeting: February 20, 2014  
2317187-OSA  
Docket No. F-2012-2317187

**JOINT MOTION OF**  
**COMMISSIONERS JAMES H. CAWLEY AND GLADYS M. BROWN**

Before us is the Complaint of Michael Prendergast (Complainant) filed against Philadelphia Gas Works (PGW) alleging, *inter alia*, that PGW unjustly and unreasonably back-billed him for four years of prior utility service.

We agree with Administrative Law Judge Eranda Vero's holding that, pursuant to 52 Pa. Code § 56.12 (5) (ii), a company is permitted to rebill an account for previously under-billed usage. We further agree with the ALJ's findings that PGW properly calculated the unbilled usage and interest amounts due, which resulted from a meter malfunction. PGW admitted that there was magnetic interference which affected the accuracy of the Encoder Recorder Transmitter (ERT) meter reading device between 2006 and 2012. We further agree that PGW properly billed the Complainant for what he should have been billed over only the permissible previous four years allowed under our regulations. See PGW late-filed Exhibit 10 and 52 Pa. Code §56.14.

The Commission, however, may recognize that between 2006 and 2012 the Complainant was not receiving adequate price signals. Given the totality of the circumstances, including no indication that the Complainant was at fault, as well as the length of time during which this error occurred, he should be awarded a Conservation Credit in the amount of 20% (PGW granted two revenue credit adjustments, which reduced the make-up bill to \$3,183.77, but a Conservation Credit was not awarded). The Commission has approved the implementation of such credits in similar circumstances, and it is appropriate to do so here.

**THEREFORE, WE MOVE THAT** the Office of Special Assistants draft an appropriate Order consistent with this Motion.

DATE: February 20, 2014

  
James H. Cawley

  
Gladys M. Brown