



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

ISSUED: APRIL 3, 2003

IN REPLY PLEASE  
REFER TO OUR FILE

DOCUMENT  
FOLDER

R-00027857  
R-00027857C00014

ALAN KOHLER ESQUIRE  
DANIEL CLEARFIELD ESQUIRE  
WOLF BLOCK SCHORR AND  
SOLIS-COHEN LLP  
212 LOCUST STREET SUITE 300  
HARRISBURG PA 17101

Pennsylvania Public Utility Commission  
CEPA, et al.  
V.  
Philadelphia Gas Works

TO WHOM IT MAY CONCERN:

Enclosed is a copy of the Recommended Decision of Administrative Law Judge Charles E. Rainey, Jr. This decision is being issued and mailed to all parties on the above specified date.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Specifically, an original and nine (9) copies of your signed exceptions MUST BE FILED WITH THE SECRETARY OF THE COMMISSION 2<sup>ND</sup> FLOOR, KEYSTONE BUILDING, 400 NORTH STREET, HARRISBURG, PA OR MAILED TO P.O. BOX 3265, HARRISBURG, PA 17105-3265, within **twenty (20) days** of the issuance date of this letter. The signed exceptions will be deemed filed on the date actually received by the Secretary of the Commission or on the date deposited in the mail as shown on U.S. Postal Service Form 3817 certificate of mailing attached to the cover of the original document (52 Pa. Code §1.11(a)) or on the date deposited with an overnight express package delivery service (52 Pa. Code 1.11(a)(2), (b)). If your exceptions are sent by mail, please use the address shown at the top of this letter. A copy of your exceptions must also be served on each party of record. 52 Pa. Code §1.56(b) cannot be used to extend the prescribed period for the filing of exceptions/reply exceptions. A certificate of service shall be attached to the filed exceptions.

Replies to exceptions, if any, must be served on the Secretary of the Commission, in the manner described above, within **ten (10) days** of the date that the exceptions are due.

Exceptions and reply exceptions shall obey 52 Pa. Code 5.533 and 5.535 particularly the 40-page limit for exceptions and the 25-page limit for replies to exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)". Any reference to specific sections of the Administrative Law Judge's Recommended Decision shall include the page number(s) of the cited section of the decision. All timely filed exceptions and replies thereto will be attached to the decision for consideration at Public Meeting. Late filed exceptions and/or late filed replies might not be considered by the Commission.

Very truly yours,

James J. McNulty  
Secretary

Encls.  
Certified Mail  
Receipt Requested  
FG

See Attached Listing for Additional Parties of Record

R-00027857 Pennsylvania Public Utility Commission v. Philadelphia Gas Works  
Supplement No. 30 to Tariff Gas PA PUC 1

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

|  |   |                 |
|--|---|-----------------|
| Pennsylvania Public Utility Commission | : |                 |
| CEPA, <u>et al.</u>                    | : | Docket Number   |
|  | : |                 |
| v.                                     | : | R-00027857      |
|  | : | R-00027857C0001 |
| Philadelphia Gas Works                 | : |                 |

RECOMMENDED DECISION

Before  
Charles E. Rainey, Jr.  
Administrative Law Judge

HISTORY OF THE PROCEEDING

On October 11, 2002, Philadelphia Gas Works (PGW) filed with the Pennsylvania Public Utility Commission (Commission) Supplement No. 30 to Tariff Gas – Pa. P.U.C. No. 1 (Tariff Supplement) and a “Petition to Permit Effectiveness of Tariff Supplement on Less Than 60 Days Notice” or by October 24, 2002. The Tariff Supplement included modifications to PGW’s existing tariff in regard to customer down payments for restoration of service following termination for non-payment. By Secretarial Letter dated October 28, 2002, the Commission granted PGW’s petition. However, it also directed PGW to file a postponement supplement, postponing the Tariff Supplement until November 8, 2002. PGW complied with the Commission’s directive.

On October 22, 2002, Consumer 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.) filed a complaint against the Tariff Supplement.

By Order entered November 7, 2002, the Commission instituted an investigation into the Tariff Supplement and suspended its effective date until May 8, 2003.

On November 12, 2002, the Office of Consumer Advocate (OCA) filed a complaint against the Tariff Supplement.

On December 27, 2002, PGW filed a petition to further extend the suspension period to July 8, 2003. By Secretarial Letter dated January 8, 2003, the Commission granted PGW's petition.

A prehearing conference was held in regard to the Tariff Supplement on January 10, 2003. A hearing and briefing schedule was established at the prehearing conference. Pre-filed written testimonies were submitted by the parties pursuant to the schedule. An evidentiary hearing was scheduled to be held on March 18, 2003.

On March 17, 2003, PGW filed a letter stating that it was withdrawing the Tariff Supplement. PGW provided the following reason for withdrawing the Tariff Supplement:

Upon review of the status of the continuing litigation of this case, PGW has determined that the cost of pursuing this matter outweighs the potential benefits.


PGW's letter will be construed as a letter petition to withdraw the Tariff Supplement. See, 52 Pa. Code §1.2 (liberal construction). No party has raised any

objection to the withdrawal of the Tariff Supplement. I find it in the public interest to permit PGW to withdraw the Tariff Supplement.

RECOMMENDED ORDER

THEREFORE,  
IT IS ORDERED THAT:

1. The letter petition of Philadelphia Gas Works dated March 17, 2003, requesting withdrawal of Supplement No. 30 to Tariff Gas – Pa. P.U.C. No. 1 is granted.
2. The inquiry and investigation at Docket No. R-00027857 is terminated and the docket marked closed.
3. The complaints of CEPA et al. (R-00027857C0001) and the Office of Consumer Advocate (R-00027858C0002) are dismissed as moot.

  
CHARLES E. RAINEY, JR.  
Administrative Law Judge

Date: March 18, 2003