

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

**Danielle Douglas
v.
Philadelphia Gas Works**

**Public Meeting May 22, 2014
2164009-OSA
Docket No. F-2010-2164009**

**MOTION OF
VICE CHAIRMAN JOHN F. COLEMAN, JR.**

Before the Commission for disposition are the exceptions of Danielle Douglas to the Initial Decision issued in the above-captioned proceeding. The decision sustains the Complaint that the customer was overcharged for gas service provided by Philadelphia Gas Works (PGW) because her gas meter was tested and found to be 2.4% fast. The decision directs PGW to recalculate the customer's bill for gas usage in compliance with Section 59.22(a) of the Commission's regulations and to refund the meter testing fee it charged the customer in compliance with Section 59.21(f)(1) of our regulations.

With meters that are more than 2% fast, Section 59.22(a) of the Commission's regulations requires the utility to refund or credit the customer for the overcharge, based upon what the meter would have registered had it not been fast, for up to a 12-month period. However, if the meter has not been tested in accordance with its regular test schedule,¹ any refund or credit is to include the period for which the meter was in service beyond the regular test period. In light of this rule, the Initial Decision directs PGW to issue the customer a new bill showing the resulting credit adjustment and supporting calculations on which the adjustment was based.

Based upon a review of the record and the applicable law, I agree that the Complainant met the burden of proof that she was overcharged by PGW due to a gas meter that was 2.4% fast. I also agree with the outcome in the decision that PGW should recalculate the customer's credit in accordance with Section 59.22(a) of the Commission's regulations and should refund the meter test fee in accordance with Section 59.21(f)(1) of our regulations.

The Complainant's exceptions challenge the period over which her gas bill credit should be recomputed. Ms. Douglas submits that the credit for the over charge should include the period from 2007 through the date of the meter exchange in 2011 and should include the period for which the meter was in service beyond the regular test period. In reply, PGW asserts that it will research the testing history of the meter in compliance with the decision.

¹ Section 59.21 of the Commission's regulations governs meter tests and contains the standard test schedules for meters, which varies depending on the class of the meter.

I note that the meter in question was on the premises for approximately 11 years and that PGW calculated an initial bill adjustment for the customer of \$71.75 based on 12 months of usage. Nevertheless, the record does not contain certain information needed to recalculate the bill adjustment in compliance with our regulations.

Therefore, within thirty days of the entry of a Tentative Order, PGW shall submit to the Commission the following information: (i) the class of the customer's meter; (ii) when the meter was last tested, (iii) the appropriate billing adjustment done in accordance with Section 59.22(a) of our regulations, and (iv) the supporting calculations of the billing adjustment. The Complainant will then have the opportunity to file a response to PGW's submission within 60 days of the Tentative Order. If the Complainant agrees with or files no responses to PGW's submission, the Tentative Order will become final with no further action by the Commission, and this proceeding shall be marked closed. Otherwise, the Commission will issue a Final Order addressing the Complainant's responses.

Lastly, I note that nothing precludes PGW from contacting the Complainant and attempting to reach an amicable resolution of this matter even at this stage of the proceeding. If PGW is able to reach an amicable resolution with the customer, it can file a certificate of satisfaction to close out this matter in lieu of submitting the aforementioned information. Otherwise, if no certificate of satisfaction is filed, this matter will proceed as set forth in this Motion.

THEREFORE, I move that:

1. The Complainant's exceptions are granted in part, consistent with this Motion.
2. The Initial Decision be modified, consistent with this Motion.
3. The Commission's Office of Special Assistants draft an appropriate Tentative Order consistent with this Motion.

Date: May 22, 2014


JOHN F. COLEMAN, JR.
VICE CHAIRMAN