

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, Pennsylvania 17105-3265

Stephanie M. Sawyer  
v.  
Philadelphia Gas Works

Public Meeting: February 12, 2015  
2392770-ALJ  
Docket Number: F-2013-2392770

**Joint Motion of Commissioners**  
**James H. Cawley and Gladys M. Brown**

Before us is the Complaint of Stephanie M. Sawyer (Complainant) which alleges that Philadelphia Gas Works (PGW) removed her improperly from its Customer Responsibility Program (CRP).

Complainant, a lawyer, operates her legal practice out of her home where she resides with her two children.\* PGW took the position that “if you are operating any type of business out of your home, *no matter what the percentage is*, you’re not eligible for the CRP program.”† Administrative Law Judge Eranda Vero (ALJ) found that Ms. Sawyer’s use of 25% of the service address regularly and exclusively for her law practice rendered her ineligible for participation in the CRP program.‡ The ALJ noted that the CRP program is funded through a universal service surcharge that is passed on to PGW’s other ratepayers, and that Complainant’s business would thus receive an underserved subsidy from those ratepayers. Further, the ALJ concluded that there is nothing in the Public Utility Code or PGW’s Universal Service and Energy Conservation Plan (the Plan) that would provide for the application of CRP to anyone but a residential customer.

Our analysis of the Code, the Plan, and PGW’s tariff leads us to conclude that the Complainant is a residential customer and is eligible for the CRP. Nothing in Chapter 14 of the Code requires a conclusion that Complainant is ineligible for PGW’s CRP. Chapter 14 defines “Customer Assistance Program” as:

A plan or program sponsored by a public utility for the purpose of providing universal service and energy conservation, as defined by section 2202 (relating to definitions) or 2803 (relating to definitions), in which customers make monthly payments based on household income and household size and under which customers must comply with certain responsibilities and restrictions in order to remain eligible for the program.

66 Pa.C.S. § 1402. A “customer” is defined, in pertinent part, as “a natural person in whose name a residential service account is listed...” 66 Pa.C.S. § 1403. PGW’s Plan states simply that “CRP is a low-income payment assistance program available to any residential customer.”

\* See Findings of Fact Nos. 1, 3 and 4, Initial Decision at 2.

† Initial Decision at 10 (emphasis added).

‡ Initial Decision at 14.

Further, PGW's tariff provides the following definition of "residential customer":

Residential Customer – Any Customer in a dwelling (including an apartment) whose primary use of Gas Service is for household purposes such as space heating, air conditioning, cooking, water heating. The term "Residential Customer" shall be used interchangeably with the term "Customer with Residential service". A Residential Customer shall include any adult occupant whose name appears on the mortgage, deed or lease of the property, and any adult occupant who is a tenant in a Residential Building pursuant to an oral agreement for which the residential utility service is provided.

Based on the record, Complainant's primary use of PGW's gas service is for household purposes and she is a residential customer for purposes of PGW's Plan. Therefore, she is eligible for CRP.


We acknowledge that Chapter 14 allows for restrictions. We appreciate the ALJ's desire to protect ratepayers from unfairly subsidizing others through the CRP program, but there are other policy issues that merit consideration in making a determination whether such "mixed use" customers such as Complainant should be eligible for CRP or any other CAP program. For example, customers should not be discouraged from operating a business in their homes to support themselves sufficiently that they have no need for the customer assistance programs. Further, even if the CRP could be read to disallow some portion of a primarily residential property from business use, the CRP contains no standards for determining an inappropriate percentage of business use.

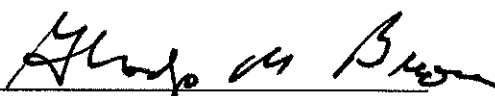
Restrictions on the eligibility of a residential customer for an assistance program should only occur after a thorough Commission analysis with input from knowledgeable state and community organizations. Should PGW desire to restrict the use of its CAP program because of a customer's business use of his or her residence, it can propose an amendment to its Plan so that the Commission and all interested parties can have the opportunity to thoroughly consider and review all relevant issues in an open forum.

**THEREFORE, WE MOVE** that the Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

February 12, 2015

Date

  
James H. Cawley

  
Gladys M. Brown