

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

Stephanie Sawyer v. Philadelphia Gas Works

Public Meeting– February 12, 2015

2392770-ALJ

Docket No. F-2013-2392770

STATEMENT OF
COMMISSIONER PAMELA A. WITMER

Before the Pennsylvania Public Utility Commission (Commission) today for disposition is the Complaint of Stephanie Sawyer (Complainant) that alleged Philadelphia Gas Works (PGW) improperly removed her from its Customer Responsibility Program (CRP) because Ms. Sawyer operates her legal practice out of her home.

I understand the position of the majority today that, in this instance, the combination of Chapter 14's definition of "Customer Assistance Program" in Section 1402 of the Public Utility Code and PGW's tariff definition of "residential customer" precludes the result of the PGW 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." However, I agree with the ALJ that permitting small businesses operating from home to benefit from PGW's CRP on a going forward basis is not the right policy decision.

I agree with ALJ Vero that because PGW's CRP program is funded through a universal service surcharge that is passed onto PGW's other residential ratepayers, the Complainant's business, no matter what percentage of the overall usage in the home, will be receiving a benefit on the backs of other non-commercial customers. I further agree that there is nothing in the Code, PGW's Universal Service and Energy Conservation Plan (USECP) or Chapter 14 that provides for the application of CRPs to anyone other than a residential customer.

As explained in the majority's motion, the ambiguity here lies in the unartful wording of PGW's definition of "residential customer" in its tariff. By having the phrase "primary use of Gas Service for household purposes," PGW's tariff impermissibly contemplates that CRPs can potentially apply to non-residential customers in certain situations. Because of the slippery slope such an interpretation creates and because there is nothing in the Code, PGW's USECP or Chapter 14 that suggests this result, I reluctantly concur in result only in this instance and urge PGW to eliminate any ambiguity going forward by making necessary changes to remove these mixed-use scenarios from being eligible to participate in CRP programs.

DATE: February 12, 2015


PAMELA A. WITMER
COMMISSIONER