



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
January 16, 2003

IN REPLY PLEASE
REFER TO OUR FILE

R-00005619; R-00005654; R-00006042

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DOCKETED

FEB 03 2003

Philadelphia Gas Works Petition for Amendment of Orders Requiring Monthly Reports

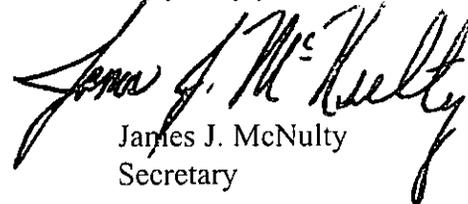
To Whom It May Concern:

DOCUMENT

This is to advise you that the Commission in Public Meeting on January 15, 2003 has adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,



James J. McNulty
Secretary

tab
encls

See Attached List for Additional Parties

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Harrisburg, PA 17105-3265

Public Meeting held January 15, 2003

Commissioners Present:

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Robert K. Bloom, Vice Chairman
Aaron Wilson, Jr.
Terrance J. Fitzpatrick
Kim Pizzingrilli

DOCKETED
FEB 03 2003
DOCUMENT

Philadelphia Gas Works Petition
for Amendment of Orders Requiring
Monthly Reports

Docket Nos. R-00005619;
R-00005654;
R-00006042

ORDER

BY THE COMMISSION:

Before us for consideration is Philadelphia Gas Works' (PGW or Company) Petition for Amendment of Orders Requiring Monthly Reports (Petition for Amendment), filed November 1, 2002, to authorize PGW to discontinue or modify the filing of certain reports and information. In particular, PGW is requesting that the Commission amend its previous orders to eliminate the Gas Cost Rate (GCR) Monthly Report and the Monthly Progress Reports as required by the Commission's November 22, 2000 and February 22, 2001 Orders, respectively.

Background

In accordance with Section 2212 of the Public Utility Code, the Commission assumed jurisdiction of PGW on July 1, 2000. 66 Pa.C.S. §2212(b). Shortly thereafter, or on August 8, 2000, PGW filed a Petition for Establishment of Interim Rate Procedures and for a Declaratory Order. In addressing the Company's August 2000 Petition, the Commission set forth certain conditions to which PGW must comply in its November 22,

2000 Order at Docket No. R-00005654. The Commission required that PGW provide monthly progress reports to the Secretary Bureau's on several issues including management arrangements, billing issues, customer service functions, main replacement, and overall improvement measures implemented by the Company. Also, on November 22, 2000, the Commission issued a separate but related Order at Docket No. R-00005619 addressing PGW's filing of its Gas Cost Recovery Rate. In its GCR Order, the Commission required PGW to report monthly on the management of its gas costs so that the Company can better prepare for future GCR filings and the restructured environment as required by the Public Utility Code at sections 1307(f) and 2212.

In addition, on February 8, 2001, PGW filed a Joint Petition for Full Settlement of the Commission's November 22, 2000 Order at Docket No. R-00005654 and its related appeal. In addressing this petition for settlement, the Commission reiterated the Company's reporting obligations from the November 22, 2000 Orders and ordered that these same conditions remain in effect. Further, the Commission directed PGW to continue to adhere to the commitments and ongoing implementation of the various conditions outlined in the Management Audit process, as well as the interim rate settlement proceeding and 2000-2001 GCR proceeding in its October 4, 2001 Order granting PGW's permanent base rate increase at Docket No. R-00006042.

On November 1, 2002, PGW filed a Petition to amend these previous orders requiring both gas cost rate and progress reports on a monthly basis. PGW states that these reporting requirements should be discontinued and that the Company will submit the relevant information in other reports which they will continue to file as required by the Commission. Petition at 1. PGW submits that these reports, detailing the Company's progress on past conditions and commitments, have served their purpose and are no longer necessary. Petition at 2.

In its petition, the Company states that many of the reporting requirements can continue to be submitted to the Commission on a quarterly basis or through other venues.

PGW indicates that quality of service issues can continue to be monitored and addressed by the Commission through PGW's restructuring proceeding as well as through monthly meetings with the Commission's Bureau of Consumer Services and public advocate representatives. Petition at 2. In addition, nearly all the information required in the GCR Monthly Reports will be provided to the Commission and interested parties in PGW's annual section 1307(f) proceedings. Id.

Further, the Company proposes that certain previous reporting requirements be submitted in other reports to the Commission beginning in January 2003. PGW's proposal is as follows:

Quarterly Progress Report

- Cast iron main replacement program
- Improvements in PGW's customer service functions
- LNG Liquefaction Replacement Program (until project is completed)

Management Audit Progress Report (due April/October)

- PGW's "Transition to Excellence" plan
- Billing System stabilization project plan
- "Best Practices" working group
- Implementation of management audit

Petition at 3. PGW further points out that the Office of Consumer Advocate (OCA) and Consumers Education and Protective Association (CEPA) condition their approval of eliminating the filing of the GCR Monthly Reports on the Company's assurances that the information required by Ordering Paragraph Nos. 2-7¹ will be provided in PGW's annual section 1307(f) proceeding. Also, these same parties condition their acceptance of these

¹ The Commission's November 22, 2000 Order at Docket No. R-00005619 approved an increase in PGW's 2000-2001 GCR contingent upon the Company's acceptance of the following conditions:

2. That PGW define its objectives and procedures for its on-going gas price hedging, including the scope, control and financial exposure aspects of its prospective hedging initiatives.
3. That PGW review storage management transactions to lower costs and working capital requirements.
4. Reexamine its pipeline capacity contracts and seek to eliminate as many fixed demand charges as possible.
5. Proceed with the first phase of its planned Liquefied Natural Gas (LNG) Liquefaction Replacement Program and affirm that the project will not violate any federal regulations or jeopardize the facility's exempt status under 49 C.F.R. Section 193.
6. Seek to determine why the level of unaccounted for gas losses continue to rise.
7. Attempt to gain flexibility by shortening the duration of its supply and capacity contracts and by staggering contract expirations to best match supply and demand in the unbundled gas market.

changes on the Company's assurances that the customer service improvement information will continue to be provided to the Commission in some manner. No other party to these proceedings objects to PGW's proposed changes.

Discussion

Section 703(g) of the Public Utility Code allows the Commission to rescind or amend any of its orders at any time, after notice and opportunity to be heard. 66 Pa.C.S. §703(g)². Also, section 703(g) provides that any order rescinding or amending a prior order shall have the same effect as the original order. Id.

In its petition for amendment, PGW is requesting that the Commission amend its previously mentioned orders in accordance with section 703(g) to modify certain reporting requirements monitoring PGW's overall improvements as it transitioned to Commission regulation and in transitioning to the restructuring process. In its Petition, PGW is requesting both a modification and/or elimination of monthly reporting requirements on its overall progress and GCR. PGW indicates that no party objects to these changes except for the conditions that OCA and CEPA have articulated to the Company. Also, PGW submits that the elimination and/or modification of its previous reporting requirements is in the public interest because it permits the Company to utilize staff more efficiently by allocating and assigning key personnel to PGW's restructuring proceeding. Petition at 10. At the same time, it permits the Company to continue to provide the Commission and interested parties with necessary information as previously required by us. Id.

We agree with PGW that both the Monthly Progress and GCR Reports have served a key function for the Commission to monitor the Company's progress since November 2000 but are no longer necessary on a monthly basis. PGW has fulfilled its

² At the time that PGW filed its petition for amendment, the Company served various parties to the previous proceedings. None of these parties or any other interested parties have filed an answer to PGW's petition.

obligation to report key information to the Commission on a monthly basis in accordance with our several orders from November 2000 through December 2001 at the previously mentioned dockets. During this reporting period, the Commission has been able to monitor PGW's improvements in many areas as it transitioned to regulation by us and as it filed its restructuring proceeding now before us at Docket No. M-00021612.

Also, we agree that much of the information provided in PGW's monthly reports can be provided to the Commission in a quarterly report format or through other proceedings and progress reports. However, we note OCA and CEPA's concerns articulated in PGW's petition for amendment and adopt the Company's proposal to report all gas cost information previously required in its annual section 1307(f) filing. Also, we will direct the Company to file previously required customer information in the monthly Customer Service Initiative (CSI) meetings and on its website as it has proposed in its petition for amendment.

Further, we agree with PGW that it is in the public interest to permit certain information to be reported to the Commission on a quarterly basis or in other proceedings in order for the Company to better focus on its restructuring proceeding. Thus, we grant PGW's petition for amendment with the commitments provided by the Company to meet OCA and CEPA's concerns; **THEREFORE;**

IT IS ORDERED:

1. That the Petition for Amendment filed by Philadelphia Gas Works is granted to the extent consistent with the discussion contained herein.
2. That Philadelphia Gas Works will file all information required by Ordering Paragraph Nos. 2 through 7 of the Commission's November 22, 2000 Order at Docket No. R-00005619 in its annual Gas Cost Recovery Rate filing in accordance with section 1307(f) of the Public Utility Code and our regulations.

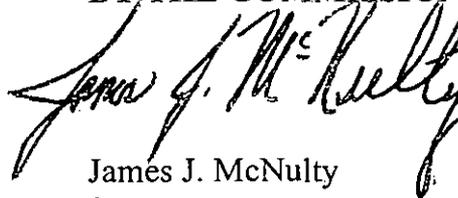
3. That Philadelphia Gas Works will file all information concerning customer service issues in the monthly Customer Service Initiative meetings and on its website as proposed in the Company's petition for amendment commencing in January 2003.

4. That Philadelphia Gas Works will file all information concerning cast iron main replacement, LNG Liquefaction replacement program, and customer service improvement functions in quarterly progress reports to the Commission in the same format as the previously required monthly reports commencing in April 2003.

5. That Philadelphia Gas Works will file all information concerning the Company's "Transition to Excellence" plan, Billing System stabilization project plan, "Best Practices" working group, and implementation of management audit in its Management Audit Progress Reports due in April and October of 2003.

6. That the Secretary's Bureau shall publish this Order in the *Pennsylvania Bulletin* and on the Commission's webpage.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: January 15, 2003

ORDER ENTERED: JAN 16 2003