



OFFICE OF SMALL BUSINESS ADVOCATE  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, Pennsylvania 17101

William R. Lloyd, Jr.  
Small Business Advocate

(717) 783-2525  
(717) 783-2831 (FAX)

March 12, 2007

**HAND DELIVERED**

**ORIGINAL**

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Pennsylvania Public Utility Commission v. Philadelphia Gas Works  
Docket No. R-00072110 COCO**

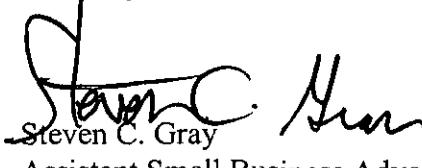
Dear Secretary McNulty:

I am delivering for filing today the original plus three copies of the Complaint, Verification, Public Statement, and Notice of Appearance, on behalf of the Small Business Advocate in the above-captioned matter.

Two copies have been served today on all known parties in this proceeding. A Certificate of Service to that effect is enclosed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Steven C. Gray  
Assistant Small Business Advocate  
Attorney ID No. 77538

**DOCKETED**  
MAR 20 2007

**DOCUMENT  
FOLDER**

Enclosures

cc: Hon. Charles Rainey  
Parties of Record

RECEIVED  
2007 MAR 12 PM 3:36  
PA PUC  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

v.

PHILADELPHIA GAS WORKS

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DOCKET NO. R-00072110 C0001

**COMPLAINT OF THE  
SMALL BUSINESS ADVOCATE**

1. The Complainant is:

William R. Lloyd, Jr.  
Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101  
(717) 783-2525

2. The name and address of the Complainant's attorney is:

Steven C. Gray  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101  
(717) 783-2525

3. The respondent utility is:

Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

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SECRETARY'S BUREAU

**DOCKETED**  
MAR 20 2007

**DOCUMENT  
FOLDER**

4. The Complainant is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission (“Commission”).

5. On February 28, 2007, pursuant to Section 1307(f) of the Public Utility Code, Philadelphia Gas Works (“PGW” or the “Company”) submitted the Company’s definitive annual 2007-2008 Gas Cost Rate (“GCR”) filing.

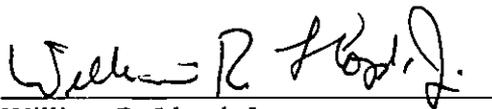
6. Section 1318 of the Public Utility Code, 66 Pa. C.S. § 1318, provides that no rates of a natural gas distribution utility shall be deemed just and reasonable unless the Commission finds that the utility is pursuing a least cost fuel procurement policy, consistent with the obligation to provide safe, adequate and reliable service. The Commission must find, among other things, that the utility has (1) fully and vigorously represented ratepayer interests before the Federal Energy Regulatory Commission; (2) taken all prudent steps to negotiate favorable gas supply contracts and to relieve its obligations under contracts that may be adverse to ratepayer interests; (3) taken all reasonable steps to obtain lower cost gas supplies; and (4) not withheld or caused to be withheld gas supplies that should have been utilized as part of a least cost fuel procurement policy. 66 Pa. C.S. § 1318(a).

7. The OSBA files this Formal Complaint to ensure that the Company’s proposed purchased gas cost rates are consistent with a least cost fuel procurement policy and do not result in rates and charges that are excessive, unjust or unreasonable, discriminatory or otherwise contrary to Commission regulation or policy.

8. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- a. Hold evidentiary hearings in accordance with Section 1307(f) of the Public Utility Code;
- b. Deny any proposed rate changes which are not the result of a least cost fuel procurement policy as defined by the standards set forth in Section 1318 of the Public Utility Code, and as defined by other applicable ratemaking standards;
- c. Ensure that the Company's business customers are not allocated any costs that should not be borne by them;
- d. Deny any rate change that is unjust, unreasonable, unduly discriminatory or contrary to sound ratemaking principles; and
- e. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,



William R. Lloyd, Jr.  
Small Business Advocate  
Attorney ID No. 16452

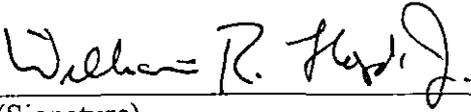
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)

Dated: March 12, 2007

VERIFICATION

I, William R. Lloyd, Jr., hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

Date: March 12, 2007

  
\_\_\_\_\_  
(Signature)

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PA PUC  
SECRETARY'S BUREAU

**PUBLIC STATEMENT OF  
SMALL BUSINESS ADVOCATE  
CONCERNING THE INTEREST  
OF SMALL BUSINESS CONSUMERS  
TO BE PROTECTED BY THE FILING OF A COMPLAINT  
AGAINST THE 2007 GAS COST RATE FILING OF  
PHILADELPHIA GAS WORKS  
DOCKET NO. R-00072110**

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PA.U.C.  
SECRETARY'S BUREAU

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 ("Act"). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by his initiation of or intervention in any proceeding involving those interests before the Public Utility Commission or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of a complaint against the proposed 2007 Gas Cost Rate Filing of Philadelphia Gas Works ("PGW" or the "Company").

The Small Business Advocate files this formal complaint against the Company's proposed gas cost rate in order to protect the interests of the Company's small business customers. A thorough inquiry by the Public Utility Commission into all of the elements of the Company's proposed gas cost rate is necessary to ensure that the utility is pursuing a least cost fuel procurement policy, consistent with the obligation to provide safe, adequate and reliable service.

In view of the foregoing, the Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of the proposed rates in the Company's 2007 Gas Cost Rate Filing. The Small Business Advocate will ask the Commission to deny any proposed rate increase or other changes in the Company's present tariffs that apply to small business customers that are not proven by PGW to be lawful, just, reasonable, and non-discriminatory to all of its customer classes.

Dated: March 12, 2007

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

v.

PHILADELPHIA GAS WORKS

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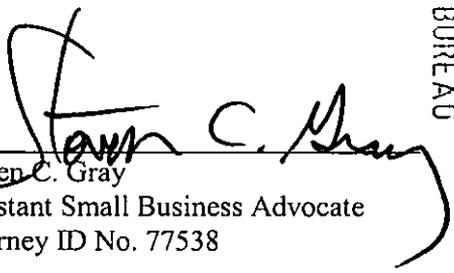
DOCKET NO. R-00072110

NOTICE OF APPEARANCE

The Office of Small Business Advocate, pursuant to 52 Pa. Code § 1.24, hereby enters the appearance of **Steven C. Gray** as counsel of record, in the above-captioned proceeding.

Documents in this proceeding should now be served on the following:

Steven C. Gray  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, Pennsylvania 17101  
(717) 783-2525  
(717) 783-2831  
[sgray@state.pa.us](mailto:sgray@state.pa.us)

  
Steven C. Gray  
Assistant Small Business Advocate  
Attorney ID No. 77538

For:

William R. Lloyd, Jr.  
Small Business Advocate  
Attorney ID No. 16452

Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)

Dated: March 12, 2007

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

v.

PHILADELPHIA GAS WORKS

DOCKET NO. R-00072110

**CERTIFICATE OF SERVICE**

I certify that I am serving two copies of the Complaint, Verification, Public Statement, and Notice of Appearance, on behalf of the Office of Small Business Advocate, by e-mail and first class mail (unless otherwise noted) upon the persons addressed below:

Hon. Charles Rainey  
Administrative Law Judge  
Pa. Public Utility Commission  
1302 Philadelphia State Office Building  
Broad & Spring Garden Streets  
Philadelphia, PA 19130  
(215) 560-2105  
(215) 560-3133 (fax)  
[crainey@state.pa.us](mailto:crainey@state.pa.us)

Daniel Clearfield, Esquire  
Wolf, Block, Schorr & Solis-Cohen  
Locust Court Building, Suite 300  
212 Locust Street  
Harrisburg, PA 17101  
(717) 237-7160  
(717) 237-7161 (fax)  
[dclearfield@wolfblock.com](mailto:dclearfield@wolfblock.com)

Gregory J. Stunder, Esquire  
Philadelphia Gas Works  
900 West Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6878  
(215) 684-6798 (fax)  
[greg.stunder@pgworks.com](mailto:greg.stunder@pgworks.com)

Richard W. LeLash  
18 Seventy Acre Road  
Redding, CT 06896  
(203) 438-4659  
(203) 431-9625 (fax)  
[lelash@sprintmail.com](mailto:lelash@sprintmail.com)

Tanya McCloskey, Esquire  
Office of Consumer Advocate  
555 Walnut Street - 5th Floor  
Harrisburg, PA 17101-1923  
(717) 783-5048  
(717) 783-7152 (fax)  
[Tmccloskey@paoca.org](mailto:Tmccloskey@paoca.org)  
**(E-mail and Hand Delivery)**

Richard A. Kanaskie, Esquire  
Office of Trial Staff  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105  
(717) 787-1976  
(717) 772-2677 (fax)  
[rkanskie@state.pa.us](mailto:rkanskie@state.pa.us)  
**(E-mail and Hand Delivery)**

Charis Mincavage, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
(717) 232-8000  
(717) 237-5300 (fax)  
[cmincavage@mwn.com](mailto:cmincavage@mwn.com)

Phillip Bertocci, Esquire  
Community Legal Services  
1424 Chestnut Street  
Philadelphia, PA 19102  
(215) 981-3702  
(215) 981-0435 (fax)  
**(First class mail only)**

  
\_\_\_\_\_  
Steven C. Gray  
Assistant Small Business Advocate  
Attorney ID No. 77538

Date: March 12, 2007

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

MARCH 21, 2007

GREGORY J. STUNDER, ESQUIRE  
PHILADELPHIA GAS WORKS  
800 WEST MONTGOMERY AVENUE  
PHILADELPHIA PA 19122

RE: PA PUC vs. PHILADELPHIA GAS WORKS  
Docket Number R-00072110C0001

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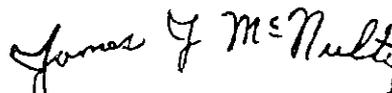
Dear Sir/Madam:

A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by OFFICE OF SMALL BUSINESS ADVOCATE.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

Very truly yours,



James J. McNulty  
Secretary

**DOCKETED**  
MAR 20 2007

(SEAL)

Certified Mail  
Return Receipt Requested

jih

**DOCUMENT  
FOLDER**



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560 (in PA only)

IRWINA. POPOWSKY  
Consumer Advocate

FAX (717) 783-7152  
consumer@paoca.org

March 12, 2007

James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17101-3265

RE: Pennsylvania Public Utility Commission  
v.  
Philadelphia Gas Works  
2007 Purchased Gas Cost Proceeding  
Docket No. R-00072110 C0002

Dear Secretary McNulty:

Enclosed for filing, please find an original and three (3) copies of the Formal Complaint and Public Statement of the Office of Consumer Advocate, in the above-referenced proceeding.

Copies have been served on the parties of record as indicated on the enclosed Certificate of Service.

Sincerely,

Aron J. Beatty  
Assistant Consumer Advocate  
PA Attorney I.D. # 86625

**DOCKETED**  
MAR 20 2007

Enclosures

cc: Office of Special Assistants  
Office of Administrative Law Judge  
Parties of Record

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SECRETARY'S BUREAU

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Pennsylvania Public Utility Commission

Formal Complaint Form

Please Print.

R-00072110C0002

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SECRETARY'S BUREAU

1. Your name, mailing address, telephone number and utility account number:

Name Irwin A. Popowsky, Consumer Advocate

Street/P.O. Box 555 Walnut Street 5<sup>th</sup> Floor Forum Place Apt # \_\_\_\_\_

City Harrisburg State Pennsylvania Zip 17101-1923

County Dauphin

Area Code/Home Phone \_\_\_\_\_ Area Code/Work Phone (717)783-5048

Utility Account Number \_\_\_\_\_

If the above mailing address differs from the address where the utility service is provided, list this information below.

Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

County \_\_\_\_\_

2. Name of utility company your complaint concerns: Philadelphia Gas Works

3. Type of Utility (circle one):

GAS

WATER

MOTOR CARRIER

STEAM HEAT

ELECTRIC

SEWER

TELEPHONE – (LOCAL OR LONG DISTANCE)

**DOCKETED**  
MAR 20 2007

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FOLDER**

4. What is your complaint? (Use additional paper if you need more space and provide copies of any relevant documentation you believe will support your complaint).
- A. On January 31, 2007, pursuant to Sections 1307(f), 1317, 1318 and 2212 of the Public Utility Code, and Sections 53.64 and 53.65 of the Commission's Rules and Regulations, Philadelphia Gas Works (PGW or Company) submitted pre-filed supporting information concerning its annual 2007-2008 Purchased Gas Cost (PGC) Rate filing.
  - B. On February 28, 2007, the Company made its definitive 1307(f) filing, in which it stated that PGW's proposed PGC rate to be effective September 1, 2007 was projected to be \$10.4338/mcf. The Company's PGC rate on September 1, 2006 was \$11.2558. Since that rate became effective, PGW revised its PGC rate to \$10.9119 on December 1, 2006. PGW revised its PGS rate again on March 1, 2007 to \$10.9119, the currently effective rate.
  - C. As can be seen from the Company's PGC rate adjustments of the past twelve months, PGW's customers have been exposed to high natural gas rates, which directly affects their overall gas service.
  - D. The Public Utility Code provides that no rates of a natural gas distribution utility shall be deemed just and reasonable unless the Commission finds that the utility is pursuing a least cost fuel procurement policy, consistent with the utility's obligation to provide safe, adequate and reliable service to customers. 66 Pa. C.S. § 1318. The Commission must find, among other things, that the utility has (1) fully and vigorously represented ratepayer interests before the Federal Energy Regulatory Commission; (2) taken all prudent steps to negotiate favorable gas supply contracts and to relieve its obligations under contracts that may be adverse to ratepayer interests; (3) taken all reasonable steps to obtain lower cost gas supplies; and (4) not withheld or caused to be withheld gas supplies that should have been utilized as part of a least cost fuel procurement policy. 66 Pa. C.S. § 1318(a).
  - E. The Consumer Advocate is empowered to represent the interests of consumers before the Pennsylvania Public Utility Commission, pursuant to Act 1976-161 of the General Assembly, as amended, 71 Pa. Stat. Ann. §§ 309-1 et seq. (Purdon's Supp. 1990).
  - F. After the initial review of PGW's pre-filing and definitive filing, the Consumer Advocate files this Formal Complaint in order to ensure that the Company's proposed purchased gas cost rates are consistent with a least cost fuel procurement policy and do not result in rates and charges that are excessive, unjust or unreasonable, discriminatory or otherwise contrary to Commission regulation or policy.

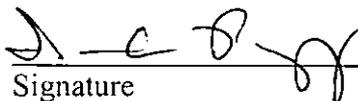
5. What do you want the Public Utility Commission to do about your complaint?  
(Use additional paper if you need more space).

The Consumer Advocate respectfully requests that the Public Utility Commission:

1. Hold evidentiary hearings as mandated by Section 1307(f) of the Public Utility Code;
2. Hold public input hearings in PGW's service territory, if consumer interest arises;
3. Deny any rate or tariff changes which are not the result of a least cost fuel procurement policy as defined by the standards set forth in Section 1318 of the Public Utility Code, and as defined by other applicable ratemaking standards;
4. Ensure that PGW's residential customers are not allocated any costs that should not be borne by them;
5. Deny any rate or tariff change that is unjust, unreasonable, unduly discriminatory or contrary to sound ratemaking principles; and
6. Grant any other relief deemed appropriate.

6. You must sign and date your complaint below.

*The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.*

  
Signature

3/9/07  
Date

7. If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name Aron J. Beatty, (PA. Attorney I.D. 86625) Assistant Consumer Advocate and James A. Mullins, (PA. Attorney I.D. 77066) Assistant Consumer Advocate

Street: 555 Walnut Street, Forum Place 5<sup>th</sup> Floor

City: Harrisburg State: PA Zip: 17109

Area Code/Phone Number 717-783-5048

8. Mail to:

Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

If you have additional questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

PUBLIC STATEMENT OF THE OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(E)

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate (OCA) to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC or Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Formal Complaint and participate in proceedings before the Commission involving Philadelphia Gas Works (PGW or Company).

On January 31, 2007, PGW submitted pre-filed information in support of its annual reconciliation of its purchased gas cost rate (PGC) in accordance with Section 1307(f) of the Public Utility Code. 66 Pa.C.S. §1307(f). On February 28, 2007, the Company made its definitive 1307(f) filing, in which it stated that PGW's proposed PGC rate to be effective September 1, 2007 is \$10.4338

The Consumer Advocate has filed this Complaint with the Commission to ensure that each element of PGW's purchased gas cost rate is scrutinized. A thorough analysis and review are appropriate because Section 1318 of the Public Utility Code mandates that purchased gas costs cannot be determined to be just and reasonable unless such rates result from a least cost fuel procurement policy. That section of the Public Utility Code also specifies certain findings which must be made before such costs are determined to be lawful. The OCA, therefore, will seek to ensure that only those purchased gas costs which meet the requirements of Section 1318 will be paid by PGW's ratepayers.

In addition, the OCA also will seek to ensure that the rates approved by the Commission are otherwise just and reasonable, and not unduly discriminatory or excessive.

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CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission :  
 :  
 v. : Docket No. R-00072110  
 :  
 Philadelphia Gas Works :  
 2007 Purchased Gas Cost Proceeding :

I hereby certify that I have this day served a true copy of the foregoing document, the Formal Complaint and Public Statement of the Office of Consumer Advocate, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 12<sup>th</sup> day of March 2007.

SERVICE BY E-MAIL and INTEROFFICE MAIL

Richard Kanaskie, Esquire  
 Office of Trial Staff  
 Pennsylvania Public Utility Commission  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17105-3265  
 Counsel for: *Office of Trial Staff*

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SERVICE BY E-MAIL and FIRST CLASS MAIL

Gregory Stunder, Esquire  
 Philadelphia Gas Works  
 800 W. Montgomery Avenue  
 Philadelphia, PA 19122  
 Counsel for: *Philadelphia Gas Works*

Daniel Clearfield, Esquire  
 Wolf Block Schorr and Solis-Cohen LLP  
 213 Market Street, 9<sup>th</sup> Floor  
 Harrisburg, PA 17101  
 Counsel for:

Stephen Gray  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101  
Counsel for: *Office of Small Business Advocate*

Robert Knecht  
Industrial Economics, Inc.  
2067 Massachusetts Avenue  
Cambridge, MA 02140  
For: *Office of Small Business Advocate*

Philip Bertocci, Esquire  
Community Legal Services  
1424 Chestnut Street  
Philadelphia, PA 19102  
Counsel for:

Charis Mincavage, Esquire  
McNees, Wallace, & Nurick, LLP  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
Counsel for:



---

Aron J. Beatty  
Assistant Consumer Advocate  
PA Attorney I.D. # 86625  
E-Mail: ABeatty@paoca.org  
James A. Mullins  
Assistant Consumer Advocate  
PA Attorney I.D. # 77066  
E-Mail: JMullins@paoca.org

Counsel for  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

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

MARCH 21, 2007

GREGORY J. STUNDER, ESQUIRE  
PHILADELPHIA GAS WORKS  
800 WEST MONTGOMERY AVENUE  
PHILADELPHIA PA 19122

RE: PA PUC vs. PHILADELPHIA GAS WORKS  
Docket Number R-00072110C0002

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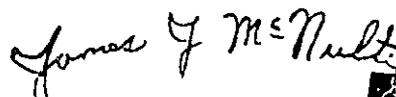
Dear Sir/Madam:

A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by OFFICE OF CONSUMER ADVOCATE.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

Very truly yours,



James J. McNulty  
Secretary

**DOCKETED**  
MAR 20 2007

(SEAL)

Certified Mail  
Return Receipt Requested

jih

**DOCUMENT  
FOLDER**