



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Danielle Leva, Paralegal
Legal Department
Direct Dial: 215-684-6862
FAX: 215-684-6798
E-mail: Danielle.leva@pgworks.com

January 14, 2016

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

Re: Stephanie Sawyer v. PGW, Docket No. C – 2015 – 2504851

Dear Secretary Chiavetta:

Philadelphia Gas Works, the Respondent (PGW) files its Answer to the Motion to Compel in the above captioned proceeding.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in this matter.

Sincerely,


Danielle Leva

Enclosure

cc: Stephanie Sawyer (Fed Ex)
Administrative Law Judge Eranda Vero (Email)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Stephanie Sawyer

v.

Philadelphia Gas Works

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:
:
:
:

Docket No. C - 2015 - 2504851

**ANSWER OF
PHILADELPHIA GAS WORKS
TO THE MOTION OF STEPHANIE SAWYER
TO COMPEL**

The Respondent, the Philadelphia Gas Works (PGW), hereby files its Answer to the Motion to Compel in the above-captioned proceeding.

This matter involves a complaint filed on September 21, 2015, by Stephanie Sawyer (Complainant) alleging that "PGW has not fully complied w/prior PUC Order dated 3/19/15 docket #F-2013-2392770."¹

On November 5, 2013, the Complainant filed a Formal Complaint against PGW under Docket No. F-2013-2392770, alleging that PGW removed her improperly from its Customer Responsibility Program (CRP) program. According to the Complainant, PGW incorrectly treated her business income as her personal income.

On December 5, 2013, PGW filed an Answer denying the material allegations of the Complaint; PGW averred that Ms. Sawyer established service to 6802 Lawnton Avenue, Philadelphia, PA 19126 (Service Address) on June 29, 2007, and that the Complainant enrolled in its CRP program on March 24, 2009, and recertified for the program on April 6, 2011, and March 30, 2012. However, on April 15, 2013, PGW claims it removed her from the program because she reported income over the income guidelines.

On April 1, 2014, a hearing was held in this matter. The Complainant appeared *pro se*, testified on her own behalf, and submitted ten exhibits which were

admitted into the record. PGW was represented by counsel, presented the testimony of one witness, and submitted six exhibits, all of which were admitted into the record. The hearing resulted in a transcript of 104 pages, and the record closed on May 1, 2014.

In the Initial Decision, issued on December 11, 2014, ALJ Vero agreed with the Complainant regarding her income, but dismissed the Complaint, finding that the Complainant's use of twenty-five percent of the Service Address regularly and exclusively for her law practice rendered her ineligible for participation in the program.

The Pennsylvania Public Utility Commission (Commission) exercised its right to review the Initial Decision pursuant to Section 332(h) of the Public Utility Code (Code), 66 Pa. C.S. § 332(h) and, in the Order entered on March 19, 2015, reversed the Initial Decision, stating that "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." The Commission ordered "[t]hat Philadelphia Gas Works is directed to reinstate the Complainant in its Customer Responsibility Program, consistent with this Opinion and Order."

On June 25, 2015, PGW rebilled the Complainant pursuant to the Commission's Order.

On or about September 21, 2015, the Complainant filed the instant complaint, alleging that "PGW has not fully complied w/prior PUC Order dated 3/19/15 docket #F-2013-2392770."

On December 1, 2015, a Hearing Notice was issued by the Commission in this case.

On December 9, 2015, the Complaint sent, via FAX, "Complainant's first set of interrogatories, request for admissions, and production of documents directed to PGW." The FAX cover page asked that responses be served "by or before January 9, 2016," which is attached hereto as Exhibit "A."

¹ Formal Complaint form, p.2

On December 30, 2015, PGW served the Complainant with responses to the interrogatories, the requested documents, and responses to the request for admissions, which are attached hereto as Exhibit "B."

On January 12, 2016, the Complainant sent, via FAX, the instant Motion to Compel. In her Motion, the Complainant alleges that "interrogatories #'s 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 12 (note Complainant mistakenly had two #12's), 13, 15, and 16 remained without any substantive response"² and that "Respondent was not amenable to **any** discussion or compromise but instead simply refused to address the obvious call of the interrogatories."³ Respectfully, Complainant is wrong on both points. The interrogatories that the Complainant states are without "substantive responses" asked for information that PGW simply does not track or compile. PGW substantively answered her interrogatories by informing her of this fact. That the Complainant is not satisfied with the answer is in no way indicative of the answer's lack of substance; the Complainant is in possession of information that she did not have before the interrogatories were answered, to wit, that the information necessary for PGW to "subject[s] its customers to a different level of scrutiny and/or selectively enforces alleged requirements based upon whether or not that customer has availed his or herself to protections offered by complaints to the Public Utility Commission"⁴ isn't even compiled or kept track of by PGW. Moreover, the information the Complainant seeks to back up her conspiracy theories is irrelevant for purposes of her instant complaint, which alleges that PGW failed to comply with a PUC order that referenced only her. The Order in question has nothing to do with any other PGW customer or the administration of the Customer Responsibility Program (CRP) in general, making any information sought that does not pertain to her tenure in CRP, her previous complaint Docket No. F-2013-2392770, or the referenced PUC Order beyond the scope of discovery under 52 Pa. Code §5.321(c), which requires the requested discovery to be "relevant."

² Motion to Compel, paragraph #5

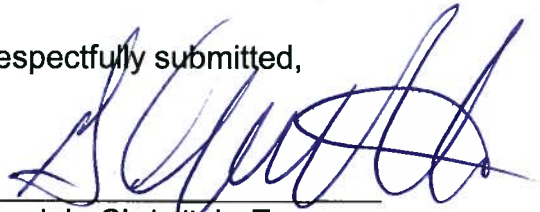
³ Motion to Compel, paragraph #6

⁴ Motion to Compel, paragraph #7

The Complainant's belief that this is a rate case and subject to 52 Pa. Code §5.361(b) is also incorrect. This case does not in any way involve PGW petitioning the PUC for a rate increase.

WHEREFORE, for the reasons set forth above, PGW respectfully requests that the Complainant's Motion to Compel be denied in its entirety.

Respectfully submitted,



Graciela Christlieb, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

January 14, 2016


CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List

Stephanie Sawyer
6802 Lawnton Avenue
Philadelphia, PA 19126

January 14, 2016



Graciela Christlieb, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

STEPHANIE M. SAWYER

6802 Lawnton Avenue
Philadelphia, PA 19126
Tel: (267) 250-9413

FAX COVER SHEET

DATE: December 9, 2015

TO: Graciela Christlieb, Esquire
(215-684-6798)

FROM: Stephanie M. Sawyer

RE: *Sawyer v. PGW - Docket C-2015-2504851*

NO. PAGES: 10 (including cover)

COMMENTS: Pursuant to the relevant rules, kindly serve complete
responses by or before January 9, 2016.

different information from the time the answers are served or documents produced to the time of hearing.

INSTRUCTIONS OF DEFINITIONS

If you cannot respond to any part of the following Interrogatories, Request for Production of Documents and Request for Admissions in full, respond to the extent possible, specifying the reason or reasons for your inability to respond to the remainder of the Interrogatories, Request for Production of Documents and Request for Admissions. State whatever information, knowledge, belief or approximate estimate you have concerning the unanswered portion. If the documents or record cannot be located, describe with particularity the effort(s) made to locate the documents or records and the specific reasons for their disappearance or unavailability. If records or documents exist that are not available to you, state where the documents are located, including the name, title and address of their present custodian to the best of your knowledge.

Please attach a copy of any documents referred to in answers to these Interrogatories. The term "document" includes writings, drawings, graphs, charts, photographs, records, and other data compilations from which information can be obtained, or translated, if necessary, by you through detection devices into reasonably usable form. If any documents referred to in your answers to these Interrogatories, Request Production of Documents and/or Request for Admissions are not in your possession, custody or control, please provide the following information relevant to each document:

- a. The identity of the document including, if appropriate, the date, author, recipient and general subject matter;
- b. The names and addresses of all persons who received or possess copies of the documents;

- c. The present location of the documents; and
- d. The present custodian of the documents.

Where you are requested to identify any person, please provide:

- a. Full and correct name;
- b. Any other names such person uses or is known by;
- c. A description of the type of person(e.g., corporation partnership, individual);
- d. Complete current business address(es) or last known business address(es), or last known home or residential address(es) if current home or residential address is not known;
- e. For an individual, complete current home or residential address(es), or last known home or residential address(es)if current home or residential address is not known;
- f. Current home telephone number(s) and if current home telephone number is not known, last known telephone number; and
- g. For an individual who has been employed by you, the individual last job title, a brief description of his last job duties, and dates of employment.

When you are requested to produce a document, the request seeks all documents within your possession, custody or control. If any document requested is in the possession, custody or control of another person, or information sought is known by another person, state which document or information fits the description and identify the person who has possession of such document or knowledge of such information.

Unless otherwise indicated, all Interrogatories, Request for Production of Documents and Request for Admissions relate to PGW and/or PGW's customers. Unless otherwise indicated the term "Complainant" refers to Stephanie M. Sawyer only.

INTERROGATORIES

1. During the time of Complainant's Customer Responsibility Program (hereinafter "CRP") enrollment and/or Complainant's eligibility for CRP as declared by PUC's Secretary,

Rosemary Chiavetta (March 13, 2009 thru March 19, 2015), please state the number of customers enrolled in PGW's CRP.

2. For those described numerically in response to interrogatory #1, how many of PGW's CRP customers were removed (voluntarily or involuntarily) from PGW's CRP as a result of *anything* discovered *outside* of their respective certification and/or re-certification process?
3. For those, if any, identified numerically in response to interrogatory #2, how many had ever filed a PUC complaint (formal or informal) against PGW?
4. For those described numerically in response to interrogatory #1, how many of PGW's CRP customers were requested by PGW to provide income verification and/or any type of employment and/or income related information *outside* of their respective certification and/or re-certification process?
5. For those, if any, identified numerically in response to interrogatory #4, how many had ever filed a PUC complaint (formal or informal) against PGW?
6. For those, if any, identified numerically in response to interrogatory #4, how many were removed from PGW's CRP for failure to provide the requested employment and/or income information/verification?
7. For those, if any, identified numerically in response to interrogatory #6, how many had ever filed a PUC complaint (formal or informal) against PGW?
8. For those described numerically in response to interrogatory #1, how many submitted (voluntarily or in response to PGW's request) to PGW any income verification and/or any type of employment and/or income related information *outside* of their respective certification and/or re-certification process, irrespective of whatever the applicable PGW policy may have been at the relevant time?

9. For those, if any, identified numerically in response to interrogatory #8, how many were removed from PGW's CRP based upon their submission which was made *outside* of their respective certification and/or re-certification process?
10. For those, if any, identified numerically in response to interrogatory #9, how many had ever filed a PUC complaint (formal or informal) against PGW?
11. In the past ten (10) years, has PGW ever requested or required anything different from any of its CRP customers who filed a PUC complaint against PGW versus PGW's CRP customers who never filed any PUC complaints?
12. If the answer to Interrogatory #11 anything other than an unequivocal negative response, state the following:
 - a. what is the precise reason or reasons that different requirement(s) exist based upon whether or not a PUC complaint (formal or informal) had been filed;
 - b. list and describe each and every requirement a CRP customer who had filed a PUC complaint (formal or informal) was subjected to which differed in any way from those requirements of a CRP customer who had not filed a PUC complaint (formal or informal).
12. Identify by name, address, and phone number any past or present PGW CRP customer who forms PGW's basis for any response other than an unconditional admission to Admission Request # 2.
13. Identify by name, address, and phone number any past or present PGW CRP customer who forms PGW's basis for any response other than an unconditional admission to Admission Request # 3.
14. If PGW fails to unequivocally admit any part of Request for Admission #1, state every fact, procedure and/or policy upon which PGW relies for any such denial.

15. If PGW fails to unequivocally admit any part of Request for Admission #2, state every fact, procedure and/or policy upon which PGW relies for any such denial.
16. If PGW fails to unequivocally admit any part of Request for Admission #3, state every fact, procedure and/or policy upon which PGW relies for any such denial.
17. If PGW fails to unequivocally admit any part of Request for Admission #4, state every fact, procedure and/or policy upon which PGW relies for any such denial.
18. If PGW fails to unequivocally admit any part of Request for Admission #5, state every fact, procedure and/or policy upon which PGW relies for any such denial.
19. If PGW fails to unequivocally admit any part of Request for Admission #6, state every fact, procedure and/or policy upon which PGW relies for any such denial.
20. Describe any and all documents relied upon and/or reviewed in conjunction with answering the instant First Set of Interrogatories, Request for Production of Documents and Request for Admissions

REQUEST FOR PRODUCTION OF DOCUMENT

1. Any and all documents promulgated by and/or for PGW which describe, relate to and/or outline any and all obligations/requirements of those PGW customers enrolled in PGW's CRP program to provide income information and/or verification *outside* of its certification and/or recertification process.
2. Provide an accurate and complete copy of any and all PGW policy and/or procedure which outline, describe and/or relate to the consequences to any PGW CRP customer for failing to provide income information and/or verification *outside* of its certification and/or recertification process.

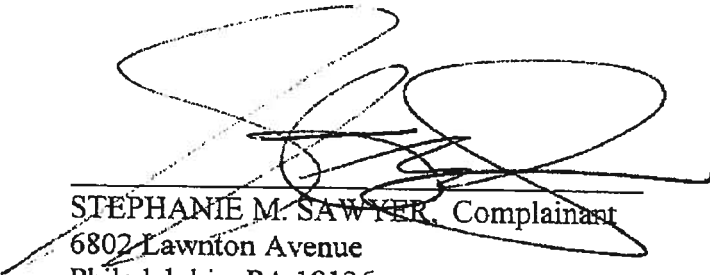
3. Provide any and all documents relied upon and/or reviewed in conjunction with answering the instant First Set Interrogatories, Request for Production of Documents and Request for Admissions *(be sure to identify which document produced in response to the instant request for documents correspond to which discovery answer provided)*.

REQUEST FOR ADMISSIONS

1. Admit that both Administrative Law Judge Eranda Vero and the Pennsylvania Public Utility Commission concluded that Complainant's gross household income for the years 2012 and 2013 did not exceed the threshold for enrollment in PGW's CRP program in 2013 and 2014 (see p. 4 Commission's March 19, 2015 Opinion and Order and p. 12 of ALJ Vero's December 11, 2014 Initial Decision).
2. Admit that PGW has never had a CPR customer who had never been involved in a PUC complaint against PGW removed from CRP unconnected to their certification and/or re-certification process.
3. Admit that PGW has never had a CPR customer removed from CRP unconnected to their respective certification and/or re-certification process.
4. Admit that on or about March 19, 2015 the Pennsylvania Public Utility Commission concluded that Complainant was a residential customer who was eligible for PGW's CPR program (see p. 5 Commission's March 19, 2015 Opinion and Order).
5. Admit that on or about March 19, 2015 the Pennsylvania Public Utility Commission concluded that nothing in Chapter 14 of the Code required a conclusion that the Complainant was ineligible for PGW's CPR program (see p. 5 Commission's March 19, 2015 Opinion and Order).

6. Admit that on or about March 19, 2015 the Pennsylvania Public Utility Commission ordered, *inter alia*, that Philadelphia Gas Works was directed to reinstate the Complainant in its Customer Responsibility Program.

By:



STEPHANIE M. SAWYER, Complainant
6802 Lawnton Avenue
Philadelphia, PA 19126
(267) 250-9413


Date: December 9, 2015

CERTIFICATE OF SERVICE

I, Stephanie M. Sawyer, hereby certify that an accurate copy of Complainant's First Set of Interrogatories, Request for Production and Request for Admissions of in the matter of *Stephanie M. Sawyer vs. PGW* (Docket C-2015-2504851) was served on the below stated date to the below stated party in the manner indicated:

Graciela Christlieb, Esquire
Counsel for PGW
800 W. Montgomery Avenue
Philadelphia, PA 19122
(Via facsimile 215-684-6798)

By:


STEPHANIE M. SAWYER, Complainant

DATE: December 9, 2015



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Danielle Leva, Paralegal
Legal Department
Direct Dial: 215-684-6862
FAX: 215-684-6798
E-mail: danielle.leva@pgworks.com

December 30, 2015

Stephanie Sawyer
6802 Lawnton Avenue
Philadelphia, PA 19126

RE: Stephanie Sawyer v. PGW, Docket No. C – 2015 – 2504851

Dear Ms. Sawyer,

Please find attached Philadelphia Gas Works' responses to the Interrogatories Set I, Nos. 1 through 20, Production of Documents Set I Nos. 1 through 3 and Requests for Admissions Nos. 1 through 6.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads 'Danielle Leva'.

Danielle Leva

Enclosures

CC: Wendy Vacca



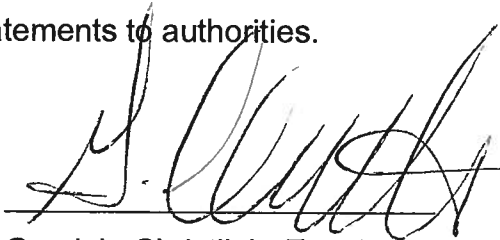
PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

VERIFICATION

I, Graciela Christlieb, hereby declare that I am counsel for the Philadelphia Gas Works. I am authorized to make this verification on its behalf. These responses to the Interrogatories and Requests for Production of Documents are true and correct to best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904, concerning false statements to authorities.

December 30, 2015



Graciela Christlieb, Esquire



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

RE: Stephanie Sawyer v. PGW, Docket No. C – 2015 – 2504851

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF PHILADELPHIA GAS WORKS' RESPONSE TO THE INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, NOS. 1-14 UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Stephanie Sawyer
6802 Lawnton Avenue
Philadelphia, PA 19126

December 30, 2015

A handwritten signature in black ink, appearing to read 'Graciela Christlieb', is written over a horizontal line.

Graciela Christlieb, Esquire
Attorney I.D. 200760
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6164

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

1. During the time of the Complainant's CRP enrollment and/or Complaint's eligibility for CRP as declared by PUC's Secretary Rosemary Chiavetta, please state the number of customers enrolled in PGW's CRP.

RESPONSE:

The number of PGW customers on CRP is a matter of public record; it is reported every year to the Pennsylvania Public Utility Commission and subsequently published in the Report on Universal Service Programs & Collections Performance. The report highlights data submitted by electric distribution companies and natural gas distribution companies in compliance with the Universal Service Reporting Requirements. The reports from 2002 to the present can be viewed in their entirety on the PUC website at http://www.puc.state.pa.us/filing_resources/universal_service_reports.aspx

Participants enrolled as of 12/31/11	80,298
Participants enrolled as of 12/31/12	75,224
Participants enrolled as of 12/31/13	68,458
Participants enrolled as of 12/31/14	61,319

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

2. Of those described in Interrogatory #1, how many were removed from CRP as a result of anything discovered outside of their respective certification and/or recertification process?

RESPONSE:

Removal from CRP for reasons other than a determination of income ineligibility during the certification or recertification process will occur if a customer fails to meet any of the Customer Responsibilities outlined in the PGW Customer Responsibility Program Application/Recertification Form. Data on specific instances of involuntary or voluntary removal from CRP is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

3. Of those described in Interrogatory #2, how many had ever filed a PUC complaint against PGW?

RESPONSE:

This information is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

4. Of those described in Interrogatory #1, how many were requested to provide income verification and/or any type of employment and/or income related information outside of their respective certification and/or recertification process?

RESPONSE:

All customers applying for CRP or attempting to recertify CRP eligibility complete and sign the PGW Customer Responsibility Program Application/Recertification Form through which they agree to report all chanted in household size and income, even if the changes occur before their required annual recertification.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

5. Of those described in Interrogatory #4, how many had ever filed a PUC complaint against PGW?

RESPONSE:

This information is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

6. Of those described in Interrogatory #4, how many were removed from CRP for failure to provide the requested employment and/or income information verification?

RESPONSE:

Pennsylvania Public Utility Commission requirements limit enrollment in CRP to customers who meet the income eligibility; any customer failing to provide the required information regarding income and household size will face removal. Data on specific instances of removal from CRP is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

7. Of those described in Interrogatory #6, how many had ever filed a PUC complaint against PGW?

RESPONSE:

This data is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

8. Of those described in Interrogatory #1, how many submitted to PGW any income verification and/or any type of employment and/or income relation information outside of their respective certification and/or recertification process, irrespective of whatever the applicable PGW policy may have been at the relevant time?

RESPONSE:

This data is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

9. Of those described in Interrogatory #8, how many were removed from CRP based upon their submission which was made outside of their respective certification and/or recertification process?

RESPONSE:

This data is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

10. Of those described in Interrogatory #9, how many had ever filed a PUC complaint against PGW?

RESPONSE:

This data is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

11. In the past 10 years, has PGW ever requested or required anything different from any of its CRP customers who filed a PUC complaint against PGW versus PGW's CRP customers who never filed any PUC complaints?

RESPONSE:

All customers seeking to apply for or remain on CRP are required to submit the same information: household size and income; nothing different is required of any PGW customer.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

12. If the answer to Interrogatory #11 [is] anything other than an unequivocal negative response, state the following:
- a. What is the precise reason for reasons that different requirement exist based upon whether or not a PUC complaint had been filed;
 - b. List and describe each and every requirement a CRP customer who has filed a PUC complaint was subjected to which different in any way from those requirements of a CRP customer who had not filed a PUC complaint.

RESPONSE:

This question is not applicable as the response to Interrogatory #11 was "an unequivocal negative response."

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

12. Identify by name, address, and phone number any past or present PGW CRP customer who forms PGW's basis for any response other than an unconditional admission to Admission Request #2.

RESPONSE:

All customers applying for CRP or attempting to recertify CRP eligibility complete and sign the PGW Customer Responsibility Program Application/Recertification Form through which they agree to report all changes in household size and income, even if the changes occur before their required annual recertification. Data on specific instances of removal from CRP is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

13. Identify by name, address, and phone number any past or present PGW CRP customer who forms PGW's basis for any response other than an unconditional admission to Admission Request #3.

RESPONSE:

All customers applying for CRP or attempting to recertify CRP eligibility complete and sign the PGW Customer Responsibility Program Application/Recertification Form through which they agree to report all changes in household size and income, even if the changes occur before their required annual recertification. Data on specific instances of removal from CRP is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

14. If PGW fails to admit any part of Request for Admission #1, state every fact, procedure, and/or policy upon which PGW relies for any such denial.

RESPONSE:

Request for Admission #1 is Admitted.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

15. If PGW fails to admit any part of Request for Admission #2, state every fact, procedure, and/or policy upon which PGW relies for any such denial.

RESPONSE:

Request for Admission #2 is neither Admitted nor Denied as the data required for an admission or denial is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

16. If PGW fails to admit any part of Request for Admission #3, state every fact, procedure, and/or policy upon which PGW relies for any such denial.

RESPONSE:

Request for Admission #3 is neither Admitted nor Denied as the data required for an admission or denial is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
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17. If PGW fails to admit any part of Request for Admission #4, state every fact, procedure, and/or policy upon which PGW relies for any such denial.

RESPONSE:

Request for Admission #4 is Admitted.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

18. If PGW fails to admit any part of Request for Admission #5, state every fact, procedure, and/or policy upon which PGW relies for any such denial.

RESPONSE:

Request for Admission #5 is Admitted.

This information was prepared by Graciela Christlieb, Esq. – PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

19. If PGW fails to admit any part of Request for Admission #6, state every fact, procedure, and/or policy upon which PGW relies for any such denial.

RESPONSE:

Request for Admission #6 is Admitted.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

20. Describe any and all documents relied upon and/or reviewed in conjunction with answering the instant First Set of Interrogatories, Request for Production of Documents and Request for Admissions.

RESPONSE:

The documents reviewed and/or relied upon include, the Formal Complaint form in the instant matter, the Commission Order dated March 19, 2015, the Report on Universal Service Programs & Collections Performance (2011-2014), and the Philadelphia Gas Works Gas Service Tariff.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

1. Any and all documents promulgated by and/or for PGW which describe, relate to and/or outline any and all obligations/requirements of those PGW customers enrolled in CRP to provide income information and/or verification outside of its certification and/or recertification process.

RESPONSE:

See the attached documents. These are:

- [1] PGW Customer Responsibility Program Application/Recertification Form
- [2] Philadelphia Gas Works Gas Service Tariff § 13.1 relating to the Customer Responsibility Program

This information was prepared by Graciela Christlieb, Esq. – PGW

PGW Customer Responsibility Program (CRP) APPLICATION / RECERTIFICATION FORM

Name: _____

Account Number: _____

Please Check:
<input type="checkbox"/> New Application
<input type="checkbox"/> Recertification

Address: _____

Zip: _____ Phone: (____) _____

Household Information (Please list all children and adults living in your home, starting with yourself)

Last Name	First Name	Relationship	Social Security #	Date of Birth	Under 18 Y/N	(FOR PGW USE ONLY) Average gross monthly inc.
		Self				
(If you need to include more household members, please attach a separate sheet)					Total Average Monthly Household Income	

IMPORTANT: Attach copies of current income documentation for all household members listed above (e.g., all pay stubs within last 30 days, social security letter). PGW will use this documentation to calculate each household member's average gross monthly income, using year-to-date earnings, if necessary. For adults over age 18 who do not have an income, use the lines below to explain their current situation (e.g., "applied for unemployment, but not eligible", "enrolled in high school / college"). Failure to provide this information when you apply may require follow up verification, which will delay processing.

Additional Financial Assistance (to be completed in its entirety and signed by the person providing assistance)

If someone not living in your home provides financial assistance to you or someone else in your home, they must complete the section below and sign where noted. PGW may require verification of the information stated in this section.

Name of person providing assistance: _____ Phone: _____

Address: _____ City: _____ State: _____ Zip: _____

(Signature of person providing assistance) I certify that I provide _____/month in cash assistance to the CRP applicant listed above and I understand that PGW can request verification of this information upon request.

Other Assistance (Yes or No response is required)

Indicate if your household receives the following types of assistance listed below, and the amount received for each (please attach documentation, such as the DPW Letter of Eligibility or a COMPASS printout). PGW does **NOT** include the dollar amount of this assistance as income when determining eligibility for CRP. The purpose for obtaining this information is to reduce the need for follow-up when determining how your household meets basic living expenses.

Food Stamps No Yes If yes, please list amount per month _____

Housing subsidy (e.g., PHA housing, voucher) No Yes If yes, please list amount per month _____

Customer Responsibilities

1. I agree to pay PGW the monthly CRP amount, plus \$5 toward my pre-program arrears (if any), and other additional charges that apply.
2. I understand that I will receive 1/36th forgiveness of pre-program arrears only in months that I pay my total amount due on time and in full.
3. I understand that if I miss one payment, I will be in default, collection activity will begin, and my service may be terminated.
4. I agree to apply for LIHEAP and list PGW as the utility company to which I want payment sent.
5. I agree to recertify each year by submitting a CRP application with updated household information and income documentation.
6. I agree to report all changes in household size and income, even if the changes occur before my required annual recertification.
7. I agree to accept the free services of PGW's conservation programs, if offered to me.
8. I agree to make a significant effort to conserve energy.
9. I hereby authorize PGW to verify information provided on this form through internal and third party sources, including City and State records and to obtain additional information from any source for any review.
10. I agree that if I fail to meet any of the Customer Responsibilities above, PGW may remove me from the Customer Responsibility Program.

Important Notice PUC requirements limit enrollment in CRP to customers who meet the income eligibility. PGW uses internal and third party sources, as well as standard benefit determinations made by the Social Security Administration and the Department of Public Welfare, to routinely audit and assess information and documentation provided by customers who apply for CRP. If through investigation you are found to have provided false information, you will be removed from CRP and may be required to repay the discounts and forgiveness received during the period for which you were ineligible for the program. You may also be subject to criminal prosecution for fraud. By signing below, you acknowledge that you have provided complete and correct information, have read and understand this notice, and agree to the Customer Responsibilities above.

PGW Customer Responsibility Program (CRP)

What is CRP?

- CRP is a customer assistance program that can help low-income customers better afford their PGW bills and keep gas service on.
- CRP provides discounted bills for eligible customers.
- CRP customers pay a budget amount based on their gross household income.

Who is eligible CRP?

- PGW residential customers.
- Gross household income must be at or below 150 percent of the Federal Poverty Level (FPL).

What types of agreements are offered through CRP?

- CRP agreements are based on the number of persons in the household and the total gross household income, plus a \$5 monthly co-pay towards the pre-program debt (the amount the customer owes PGW at the time of enrollment in CRP), if any.
- Poverty guidelines and maximum household income are based on federal figures. The dollar amounts change every year.
- The minimum CRP charge is \$25 per month (plus \$5 co-pay, if applicable).

Percent of Type	Percent of FPL	2015 Maximum Monthly Gross Income per Household Size					Each Additional Person
		1	2	3	4		
8% of income	0-50%	\$ 490	\$ 664	\$ 837	\$1,010	\$173	
9% of income	51-100%	\$ 981	\$ 1,328	\$1,674	\$2,021	\$347	
10% of income	101-150%	\$1,471	\$ 1,991	\$2,511	\$3,031	\$520	





What are the rules for participation?

- Pay your monthly bill on time and in full.
- Apply for LIHEAP each year and assign the grant to PGW.
- Make a significant effort to conserve energy.
- Reapply for CRP each year or when household size or income changes.
- Accept free weatherization services, if offered.

What documentation do I need to apply for CRP?

- Most recent 30 days proof of income for all members of the household who have an income or who receive benefits assistance.
 - Examples: Pay stubs; award letter from the Social Security Administration for Social Security, SSI, or SSDI benefits; documentation from the Department of Public Welfare (DPW) or a My COMPASS printout of the unemployment benefits or cash assistance received by yourself, other adults in your household or children in your household; documentation of child support payments; completed prior tax return forms or quarterly tax returns for self-employed individuals; completed Income Support Document.

How to apply for CRP?

- Print out an application in English or Spanish online at www.pgworks.com.
 - Mail completed application and proof of income for everyone living in the household to:
Philadelphia Gas Works, Customer Responsibility Program,
P.O. Box 3529, Philadelphia, PA 19122-0529.
- or
- Visit one of PGW's Customer Service Centers.
 - Be sure to bring proof of income for everyone living in the household.

What happens to my pre-CRP program arrears?

- PGW will forgive 1/36 of your original pre-CRP debt each month for each bill paid on time and in full.
- Your monthly \$5 co-pay is applied to your pre-CRP debt.

What happens if I don't pay my bills on time?

- PGW will send you a notice informing you that you have 10-days to pay or your gas service could be shut-off.

Could a CRP customer choose a gas supplier other than PGW?

- No, you cannot choose a gas supplier and remain on CRP at the same time.
- CRP will provide greater savings for low-income customers than what will be available from gas suppliers

For more information, contact PGW'S Customer Assistance Hotline at (215) 787-HEAT (4328) or visit www.pgworks.com.

13. Universal Service And Energy Conservation Programs

13.1 CUSTOMER RESPONSIBILITY PROGRAM.

13.1.A. Eligibility and Enrollment. A Customer is eligible for the Customer Responsibility Program if it is determined at the time of application (or recertification) that the Customer's annual household gross income is at or below 150% of the federal poverty level. The Customer shall provide all documentation necessary for PGW to determine the household income including but not limited to proof of household income, verification of family size, and character of service requested (Heating or Non-Heating). PGW has the right to verify a Customer's income by means including but not limited to verification through governmental agency and checking credit reports. Enrollment shall be ongoing and open year-round. Customers selecting Transportation Service will no longer qualify for the CRP Program and will be responsible for the tariffed rates under General Service - Rate GS.

13.1.B. Requirements. A Participant must abide by the following provisions. The failure of a Participant to comply with one of the following could result in dismissal from the CRP Program:

13.1.B.1. A Participant shall make regular monthly Customer Responsibility Payments. Failure to do so may lead to termination of service.

13.1.B.2. A Participant shall recertify annually, based upon the Participant's anniversary date of enrollment.

13.1.B.3. It is the Participant's responsibility to notify PGW when there is a change in the household's income or size. Adjustments to a Participant's bill will be made anytime there is a change in income or family size.

13.1.B.4. When eligible, a Participant must apply for and assign at least one energy assistance grant, such as a LIHEAP grant, to PGW annually.

13.1.B.5. Participants must take the necessary actions to participate in the Conservation Works Program (CWP), the Enhanced Low Income Retrofit Program (ELIRP) or other conservation programs and to abide by established consumption limits.

13.1.B.6. A Participant must allow access to their property for meter readings or for the installation of an AMR. Failure to allow access for four consecutive months will result in dismissal from CRP.

13.1.B.7. A Participant shall be responsible for seeking assistance and guidance from PGW, including budget counseling, in the event that the Participant is unable to meet the above responsibilities.

13.1.C. Applicable Rates. A Participant's CRP Payments will be based upon the Participant's family size and gross household income. A Participant will pay a percentage of his/her gross household income depending on where that Participant falls within the Federal Poverty Guidelines (FPL). Rates are calculated under rate schedule GS, including riders.

13.1.C.1. For payment purposes CRP Participants will be defined as follows:

13.1.C.1.a. Group A: Participants whose gross household income has been verified as being from 0 – and up to and including 50% of FPL.

13.1.C.1.b. Group B: Participants whose gross household income has been verified as being greater than 50% and up to and including – 100% of FPL.

13.1.C.1.c. Group C: Participants whose gross household income has been verified as being greater than 100% – and up to and including 150% of FPL.

13.1.C.2. A CRP Participant will be responsible for paying the following rates for service or \$25 per month, whichever is greater. (C)

13.1.C.2.a. Group A: 8% of gross income.

13.1.C.2.b. Group B: 9% of gross income.

13.1.C.2.c. Group C: 10% of gross income

13.1.D. Arrearages. Participants making regular monthly Customer Responsibility Payments will earn forgiveness on their pre-program Arrearages. The amount of and criteria applicable to Arrearage forgiveness shall be consistent with applicable Commission Orders. Participants choosing an NGS are responsible for all outstanding balances owed to PGW.

13.2. ENHANCED LOW INCOME REDUCTION PROGRAM (ELIRP). PGW shall establish fair, effective and efficient Gas usage reduction programs for low-Income Customers. Such programs are intended to maintain affordable Gas Service and to reduce uncollectible accounts and the collection and termination expenses of PGW by enabling low income Customers to conserve energy and reduce their Gas usage. The Conservation Works Program (CWP) is superceded by and referenced herein as the Enhanced Low Income Reduction Program (ELIRP).

(C) - Change

13.2.A. Eligibility. This program is available to Residential Heating CRP Participants with high usage. PGW shall have access to the Residential Building to determine the most appropriate usage reduction measures. An eligible Customer who is a Tenant shall have an equal opportunity to secure program services if the Landlord has granted written permission to the Tenant for the installation of program measures, and the Landlord agrees, in writing, that rents will not be raised unless the increase is related to matters other than the installation of the usage reduction measures, and the Tenant is not evicted for a stated period of time at least 12 months after the installation of the program measures, if the Tenant complies with ongoing obligations and responsibilities owed the Landlord. A covered utility may seek Landlord contributions as long as the contributions do not prevent an eligible Customer from receiving program services. Contributions from Landlords shall be used by the utility as supplemental to its approved Enhanced Low Income Reduction Program budget.

13.2.B. Enhanced Low Income Reduction Program Funding. Funding for the Enhanced Low Income Reduction Program shall be at least .2% of jurisdictional revenues during each year of operation. In the event that PGW employs independent contractor(s) to manage such program(s), said contractor(s) may spend not more than 15% of program funding for administrative costs and PGW shall not charge any of its expenses for such program(s) to program administration. In all other circumstances, PGW shall spend not more than 15% of its Enhanced Low Income Reduction Program funding for administrative costs.

13.2.C. Integration. PGW shall coordinate its Enhanced Low Income Reduction Program with existing resources in the community, and operate in conjunction with the relevant public or private programs so that Customers experiencing ability-to-pay problems are made aware of the usage reduction program and are referred to public, private, or utility programs that may enhance their ability to pay their utility bills.

13.2.D. Dwelling Repairs. Expenditures on program measures may include energy-related repairs to the dwelling necessary to permit measures that are needed to reduce usage effectively. The cost-effectiveness of such expenditures shall be measured in the same manner as all other expenditures under this program.

13.3. CARES. PGW's CARES is a program designed to assist Customers experiencing temporary hardships affecting their ability to pay his/her Gas bills. Through this program, PGW will assist Customers with referrals to appropriate social service agencies, engage in community outreach as well as consumer education.

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2. Provide and accurate and complete copy of any and all PGW policy and/or procedure which outline, describe, and/or relate to any CRP customer for failing to provide income information and/or verification outside of its certification and/or recertification process.

RESPONSE:

See the documents attached as part of the response to #1 above. These are:

- [1] PGW Customer Responsibility Program Application/Recertification Form
- [2] Philadelphia Gas Works Gas Service Tariff § 13.1 relating to the Customer Responsibility Program

This information was prepared by Graciela Christlieb, Esq. – PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

3. Provide any and all documents relied upon and/or reviewed in conjunction with answering the instant First Set of Interrogatories, Request for Production of Documents and Request for Admissions.

RESPONSE:

See the attached documents. These are:

- [1] Formal Complaint form for instant matter
- [2] Opinion and Order dated March 19, 2015
- [3] Philadelphia Gas Works Gas Service Tariff § 13.1 relating to the Customer Responsibility Program (attached as part of the response to #1 above)
- [4] Report on Universal Service Programs & Collections Performance (2011-2014 available at http://www.puc.state.pa.us/filing_resources/universal_service_reports.aspx)

This information was prepared by Graciela Christlieb, Esq. – PGW

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Stephanie Sawyer

Street/P.O. Box 6802 Lawnton Ave Apt #

City Philadelphia State PA

Zip 19125

County Philadelphia

Telephone Number(s) Where We Can Contact You During the Day:

() N/A (home)

(267) 250-9413 (mobile)

E-mail Address (optional): smsesq7@gmail.com

Utility Account Number (from your bill) 0365737098

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name

Street/P.O. Box

City

State

Zip

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

Philadelphia Gas Works (PGW)

RECEIVED

SEP 21 2015

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC
- GAS
- WATER
- STEAM HEAT
- WASTEWATER/SEWER
- TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- MOTOR CARRIER (e.g. taxi, moving company, limousine)

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
PG&W has not fully complied w/ prior PUC Order dated 3/19/25 docket # F-2013-2392770
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain).

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

Please see attached

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can

order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES
NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES
NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES Multiple times but PGW will
NO not conform to prior order
and has inappropriately turned
off service due to comedy of errors (see attached)

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City

State

Zip

Area Code/Phone Number _____

E-mail Address (if known) _____

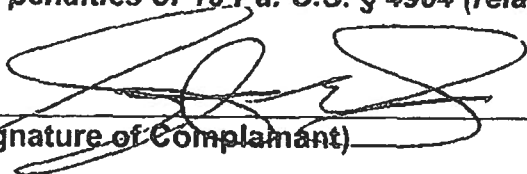
Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

Verification:

I Stephanie Sawyer, hereby state that the facts above set forth are true and correct (or 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).



(Signature of Complainant) 9/21/15 _____
(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. Two Ways to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

Note: Formal Complaints sent by fax or e-mail will **not** be accepted.

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

Keep a copy of your Formal Complaint for your records.

On 3/19/15 an Order and Opinion (docket # F-2013-2392-770) was issued by the PUC against PGW which has not been followed and through a comedy of errors my gas service was shut off on 9/17/15. Specifically, PGW was ordered, inter alia, to reinstate me on CRP because my underlying complaint was sustained. It was further specifically found both from the assigned Administrative Law Judge Vero and this commission that at the relevant time my income qualified me for recertification in BOTH 2013 and 2014. However, since I had a new job in 2015 my income would not (and should not) operate to allow me to be on CRP for 2015.

PGW's error is in failing to grant me forgiveness of balances prior to or during my participation in CRP because if I had never been removed I would have qualified for balance forgiveness associated with continuous participation for 36 months. Therefore, the calculations of what I truly owe PGW were not done despite my repeated request beginning June 2015 until August 27, 2015 when PGW issued me a letter stating that their calculations were correct when in fact they were not. If PGW had acted in good faith and in full compliance with the 3/19/15 order my back balances should have been forgiven; my new balance should have consisted only of CRP rates for 24 months (April, 2013 until April 2015 when recertification was inappropriate) at the relevant times \$225 (\$250 at best) totaling \$5,400.00 (\$6,000.00) less the \$500 a month I paid from October 2014 until March 2015 (\$3,000.00) when the order was received; plus whatever actual usage occurred from April 2015 until present.

Once I realized PGW was trying to come after me for \$10,000.00 instead of the approximately \$3,000.00 I truly owe, I contacted PUC to explain the dispute. I was mistakenly instructed to do an informal complaint dispute which was once again erroneously coded under PECO which led to the 9/17/15 shut off. I now have no way to cook or bathe comfortably for me and my children through a comedy of errors not of my making. Thus, I beg that PUC intervene to both have PGW turn my services back on and properly calculate my balance such that payment can be made placing me back into good standing.

Thank you,

Stephanie Sawyer

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held February 12, 2015

Commissioners Present:

Robert F. Powelson, Chairman
John F. Coleman, Jr., Vice Chairman
James H. Cawley
Pamela A. Witmer, Statement, concurs in result only
Gladys M. Brown

Stephanie M. Sawyer

F-2013-2392770

v.

Philadelphia Gas Works

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Eranda Vero, issued on December 11, 2014, in the above-captioned proceeding. Exceptions have not been filed. However, we have exercised our right to review the Initial Decision pursuant to Section 332(h) of the Public Utility Code (Code), 66 Pa. C.S. § 332(h). For the reasons stated below, we shall reverse the Initial Decision and sustain the Complaint, consistent with this Opinion and Order.

History of the Proceeding

On November 5, 2013, Stephanie M. Sawyer (Complainant or Ms. Sawyer) filed a Formal Complaint (Complaint)¹ against Philadelphia Gas Works (PGW), alleging that PGW removed her improperly from its Customer Responsibility Program (CRP) program. According to the Complainant, PGW incorrectly treated her business income as her personal income and improperly classified her residence as a business because she uses part of the residence as an office for her law practice. As relief, the Complainant requested that the Commission direct PGW to reinstate her in the program. Complaint at 2-3.

On December 5, 2013, PGW filed an Answer denying the material allegations of the Complaint.² PGW averred that Ms. Sawyer established service to 6802 Lawnton Avenue, Philadelphia, PA 19126 (Service Address) on June 29, 2007, and that the Complainant enrolled in its CRP program on March 24, 2009, and recertified for the program on April 6, 2011, and March 30, 2012. However, on April 15, 2013, PGW claims it removed her from the program because she reported income over the income guidelines for a household size of three. Answer at 1-2.

On April 1, 2014, a hearing was held in this matter. The Complainant appeared *pro se*, testified on her own behalf, and submitted ten exhibits which were admitted into the record. PGW was represented by counsel, presented the testimony of one witness, and submitted six exhibits, all of which were admitted into the record. The hearing resulted in a transcript of 104 pages, and the record closed on May 1, 2014.

¹ This Complaint is a timely appeal of the Commission's Bureau of Consumer Services (BCS) informal decision at BCS Case No. 3086683, issued on September 10, 2013.

² The Complaint was served on PGW on November 15, 2013.

In the Initial Decision, issued on December 11, 2014, ALJ Vero dismissed the Complaint in its entirety, stating that PGW acted properly in removing the Complainant from its CRP program and that the Complainant did not meet her burden of proving that PGW violated a Commission Statute, Regulation, or Order when it removed her from the program. I.D. at 15-16.

Discussion

Legal Standards

As the proponent of a rule or order, the Complainant in this proceeding bears the burden of proof pursuant to Section 332(a) of the Code. 66 Pa. C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the Complainant must show that the Company is responsible or accountable for the problem described in the Complaint. *Patterson v. The Bell Telephone Company of Pennsylvania*, 72 Pa. P.U.C. 196 (1990). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. denied*, 529 Pa. 654, 602 A.2d 863 (1992). That is, the Complainant's evidence must be more convincing, by even the smallest amount, than that presented by the Company. *Se-Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950). Additionally, this Commission's decision must be supported by substantial evidence in the record. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980).

The ALJ made twenty-two Findings of Fact and reached nine Conclusions of Law. I.D. at 2-5, 15-16. We shall adopt and incorporate herein by reference the ALJ's Findings of Fact and Conclusions of Law, unless they are reversed or modified by this Opinion and Order, either expressly or by necessary implication.

ALJ's Initial Decision

In this proceeding, the Complainant averred that PGW improperly removed her from its CRP program by alleging that her reported income exceeded the threshold for enrollment in the program and for her use of part of the Service Address for business. The ALJ agreed with the Complainant's argument that her income did not exceed the threshold for enrollment in the program. PGW's CRP program specifically states that it is available to "any residential customer with gross household income at or below 150% of the federal poverty level." I.D. at 13. According to the ALJ, although the Complainant reported gross receipts or sales of \$70,250 and \$153,945 for tax years 2012 and 2013, respectively, after consideration of business-related expenses and other additional expenses or losses, Ms. Sawyer's gross household income was \$27,876 for the tax year 2012 and \$28,119 for the tax year 2013. *Id.* at 11. The ALJ noted that Ms. Sawyer's gross household income of \$27,876 for the tax year 2012 was below 150 percent of the federal poverty level, or \$29,293, for a household of three individuals, which is below the threshold for enrollment in PGW's CRP program. *Id.* (citing 78 FR 5182). Furthermore, the ALJ noted that Ms. Sawyer's gross household income of \$28,119 for the tax year 2013 was below 150 percent of the federal poverty level, or \$29,685, for a household of three individuals in 2013, which is also below the threshold for enrollment in PGW's CRP program in 2014. I.D. at 11 (citing 79 FR 3593). Therefore, the ALJ concluded that Ms. Sawyer's gross household income for the years 2012 and 2013 did not exceed the threshold for enrollment in PGW's CRP program in 2013 and 2014. I.D. at 12.

However, regarding the Complainant's claim that PGW improperly removed her from its CRP program due to her use of the Service Address for business, the ALJ found that PGW's removal of Ms. Sawyer from the program was proper. *Id.* According to the ALJ, PGW's position was that "if you are operating any type of business out of your home, no matter what the percentage is, you are not eligible for the

CRP program.” *Id.* at 10. The ALJ found that the Complainant’s use of twenty-five percent of the Service Address regularly and exclusively for her law practice rendered her ineligible for participation in the program. *Id.* at 14. In addition, 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 the Complainant’s business would thus receive an undeserved subsidy from those ratepayers. *Id.* at 14-15. The ALJ stated that there is nothing in the Code or PGW’s Universal Service and Energy Conservation Plan (the Plan) that would provide for the application of the CRP program to anyone but a residential customer. *Id.* at 13-14.

Consistent with the above findings, the ALJ dismissed the Complaint in its entirety, stating that the Complainant was not eligible for PGW’s CRP program and that PGW’s removal of Ms. Sawyer from its CRP program was proper. *Id.* at 16.

Disposition

Upon consideration of the record evidence, we shall reverse the Initial Decision of ALJ Vero and sustain the Complaint, consistent with the discussion herein. 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 program. Nothing in Chapter 14 of the Code requires a conclusion that the Complainant is ineligible for PGW’s CRP program. Chapter 14 defines “Customer Assistance Program” (CAP) 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. § 1403.

Furthermore, 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 simply states that “CRP is a low-income payment assistance program available to any residential customer.” In addition, PGW’s tariff³ 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.

Hence, based on the record, the Complainant’s primary use of PGW’s gas service is for household purposes, and she is a residential customer for the purposes of PGW’s Plan. Therefore, we are of the opinion that she is eligible for CRP.

Additionally, 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 regarding whether “mixed use” customers such as the Complainant should

³ PGW Gas Service Tariff – Pa P.U.C. No. 2, Supplement No. 21, First Revised Page No. 11 Canceling Original Page No. 11 (Supplement No. 21).

be eligible for CRP or any other CAP program. For instance, customers should not be discouraged from operating a business in their homes to support themselves sufficiently so that they have no need for CAP programs. Furthermore, 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.

Conclusion

Based on our review of the record, the ALJ's Initial Decision, and the applicable law, we shall reverse the ALJ's Initial Decision and sustain the Complaint, consistent with this Opinion and Order; **THEREFORE,**

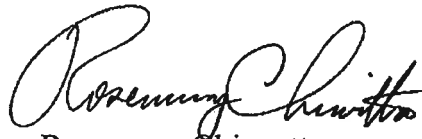
IT IS ORDERED:

1. That the Initial Decision of Administrative Law Judge Eranda Vero, issued December 11, 2014, is reversed, consistent with this Opinion and Order.
2. That the Formal Complaint filed by Stephanie M. Sawyer against Philadelphia Gas Works at Docket No. F-2013-2392770 is sustained, consistent with this Opinion and Order.

3. That Philadelphia Gas Works is directed to reinstate the Complainant in its Customer Responsibility Program, consistent with this Opinion and Order.

4. That the proceeding at Docket No. F-2013-2392770 be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: February 12, 2015

ORDER ENTERED: March 19, 2015

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

1. Admit that both Administrative Law Judge Eranda Vero and the Pennsylvania Public Utility Commission concluded that Complaint's gross household income for the years 2012 and 2013 did not exceed the threshold for enrollment in PGW's CRP program.

RESPONSE:

Admitted.

This information was prepared by Graciela Christlieb, Esq. – PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

2. Admit that PGW has never had a CRP customer who had never been involved in a PUC complain against PGW removed from CRP unconnected to their certification and/or recertification process.

RESPONSE:

Neither Admitted nor Denied as the data required for an admission or denial is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

3. Admit that PGW has never had a CRP customer removed from CRP unconnected to their respective certification and/or recertification process.

RESPONSE:

Neither Admitted nor Denied as the data required for an admission or denial is not compiled or tracked.

This information was prepared by Graciela Christlieb, Esq. - PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

4. Admit that on or about March 19, 2015 the Pennsylvania Public Utility Commission concluded that the Complainant was a residential customer who was eligible for CRP.

RESPONSE:

Admitted.

This information was prepared by Graciela Christlieb, Esq. – PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

5. Admit that on or about March 19, 2015, the Pennsylvania Public Utility Commission concluded that nothing in Chapter 14 of the Code required a conclusion that the Complainant was ineligible for CRP.

RESPONSE:

Admitted.

This information was prepared by Graciela Christlieb, Esq. – PGW

Stephanie Sawyer v. Philadelphia Gas Works
Docket No. C-2015-2504851

Stephanie Sawyer's Interrogatories, Request for Admissions
and Production of Documents
Set 1

6. Admit that on or about March 19, 2015, the Pennsylvania Public Utility Commission ordered PGW to reinstate the Complainant in CRP.

RESPONSE:

Admitted.

This information was prepared by Graciela Christlieb, Esq. – PGW