

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120

Elise Slaughter

v.

Philadelphia Gas Works

Public Meeting March 2, 2017

2541771-ALJ

Docket No. C-2016-2541771

MOTION OF COMMISSIONER JOHN F. COLEMAN, JR.

I agree with the Initial Decision (ID) to dismiss the above-captioned Formal Complaint filed against Philadelphia Gas Works (PGW) for failure to meet the burden of proof. For the reasons set forth at page 12 of the ID, I agree with dismissing the service termination issue that was raised in the Complaint. For the reasons set forth below, I also agree with denying the Complainant's request for a Commission-issued payment arrangement.

According to the record, the Complainant's outstanding PGW account balance at the time of the hearing was \$4,353.50. Of this balance, \$913.00 accumulated while the customer participated in PGW's Customer Responsibility Program (CRP).¹ Consequently, this case involves a mixed arrearage in which the outstanding account balance at issue includes both CRP arrearages and non-CRP arrearages.

Although I agree with the outcome of the ID to dismiss the payment arrangement request, I do not agree with the ID's reliance on *Crawford v. Natural Fuel Gas Distribution Corp.*² to dismiss the request. In *Crawford*, the Commission established a "good faith" payment history requirement when granting Commission-issued payment arrangements to customers whose service has been terminated for non-payment.³ Because the current case does not involve the termination of service,⁴ I do not believe *Crawford* is applicable. Rather, I believe the Complainant's request for a payment arrangement should be dismissed pursuant to our decision in *Hewitt v. PECO*.⁵

In *Hewitt*, the Commission confirmed that it does not have authority to order a payment arrangement for the CAP portion of a mixed arrearage.⁶ Therefore, I agree with the ID that Ms. Slaughter cannot be granted a payment arrangement for the \$913.00 in CRP arrearages.

¹ The CRP is PGW's Customer Assistance Program or CAP.

² *George Crawford v. Natural Fuel Gas Distribution Corp.*, Docket No. C-20066348 (Opinion and Order entered August 3, 2007).

³ *Id.* at 15-16.

⁴ F.F. No. 5.

⁵ *Susan Hewitt v. PECO Energy Company*, Docket No. F-2011-2273271 (Opinion and Order entered September 12, 2013).

⁶ In *Hewitt*, the Commission found that it is prohibited under Section 1405(c) of the Public Utility Code, 66 Pa. C.S. § 1405(c), from ordering a payment arrangement for CAP arrearages. *Id.* at 9-10.

The Commission in *Hewitt* also confirmed that it does have authority to establish a payment arrangement for the non-CAP portion of a mixed arrearage.⁷ However, I do not believe the Commission should exercise such authority here, given the Complainant's poor payment history and her inability to keep prior payment arrangements with PGW. As noted at pages 13-14 of the ID, the record demonstrates that over the last three years, Ms. Slaughter has made only two payments on her bill. Moreover, Ms. Slaughter was required to pay her current gas bills pending the outcome of her Complaint.⁸ But, the record establishes that Ms. Slaughter did not make any payments between the time she filed her Complaint and the hearing. The record further establishes that Ms. Slaughter has defaulted on two payment arrangements extended to her by PGW. For these reasons, I do not support granting a Commission-issued payment arrangement for the non-CRP arrearages either.

THEREFORE, I MOVE THAT:

1. The Initial Decision be modified, consistent with this Motion.
2. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

DATE: March 2, 2017


JOHN F. COLEMAN, JR.
COMMISSIONER

⁷ In *Hewitt*, the Commission concluded that it has the authority to grant a payment arrangement for the non-CAP portion of an arrearage. However, the Commission declined to exercise that authority, based on the customer's poor payment history and her inability to keep company-issued payment arrangements. *Id.* at 10-12.

⁸ 66 Pa. C.S. § 1410(2); 52 Pa. Code § 56.181(2).