



**PHILADELPHIA GAS WORKS**

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April 23, 2018

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

**Re: Mossette Mason v. PGW, Docket No. C-2017-2613650**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.535, the Philadelphia Gas Works ("PGW") hereby files its Exceptions to the February 1, 2018, Initial Decision in the above captioned matter.

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

Sincerely,

  
Graciela Christlieb

cc: Mosette Mason (First Class Mail)  
Marie Charles (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Mossette Mason**

**v.**

**Philadelphia Gas Works**

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**Docket No. C – 2017 – 2613650**

**PHILADELPHIA GAS WORKS’  
REPLY TO COMPLAINANT’S EXCEPTIONS**

Pursuant to 52 Pa. Code §5.535, the Philadelphia Gas Works, (“PGW”) hereby files its Reply to the Complainant’s Exceptions to the Initial Decision issued February 1, 2018, in the above captioned matter (“Initial Decision”).

**I. INTRODUCTION**

On July 10, 2017, the Complainant, Mossette Mason (“Complainant”) filed a formal complaint with the Pennsylvania Public Utility Commission (“Commission”) against PGW wherein she alleged that the PGW had shut off her gas service, that there are incorrect charges on her bill, and that she is having safety and reliability issues with her service. As relief, the Complainant asked the Commission to provide her with a payment arrangement.

On August 1, 2017, PGW filed its Answer wherein it denied the material allegations in the Complaint.

On August 10, 2017, the Commission issued a Hearing Notice indicating that this matter was scheduled for an initial in-person hearing on October 10, 2017 at 10:00 a.m. before Administrative Law Judge Marta Guhl.

The hearing in this matter was convened as scheduled. The Complainant appeared pro se and testified on her own behalf. PGW was represented by counsel and proffered evidence in the form of witness testimony and documents.

On February 1, 2018, Judge Guhl issued her Initial Decision wherein she dismissed the Complaint due to the Complainant’s failure to meet her burden of proof

on any of the matters she raised.

The Complainant filed exceptions to the Initial Decision on February 20, 2018, attached hereto as Exhibit "A," but did not serve PGW until April 12, 2018.

## **II. PGW'S REPLY**

The Complainant's Exceptions fail to address any error in fact or law contained in the Initial Decision refuting the conclusion that the Complainant failed to meet her burden of proving that she is entitled to a payment arrangement from the Commission.

### **Complainant's Exception 1:**

The Complainant avers that Judge Guhl erred in finding that she did not make good faith efforts to pay her utility bills. The Complainant argues that, despite Judge Guhl's finding that the last payment the Complainant made to her account was on September 20, 2013, her determination that the Complainant failed to make a good faith effort to pay her utility bills is contradicted by the record because PGW's Exhibit 2 shows that payments were made on October 29, 2014, October 28, 2015 (two payments), July 6, 2016, October 19, 2016 (two payments).

### **PGW's Reply to Complainant's Exception 1:**

This exception fails to demonstrate that the determination that the Complainant failed to make a good faith effort to pay her utility bill is unsupported by substantial evidence.

The Complainant's argument fails because the record clearly shows that the payments the Complainant is referring to are actually Crisis and LIHEAP grants and not payments made by her in an effort to pay down her utility bill.<sup>1</sup> And even if the Complainant had made each of the payments she references, her argument fails because the record would still support the Court's finding that she made no good faith effort to pay her utility bill. PGW's Exhibit 2 covers the period of time between July 10,

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<sup>1</sup> Transcript at pp. 37-38.

2014 and October 3, 2017; six payments over the course of 39 months completely fails to show a good faith effort to pay her utility bill.

**Complainant's Exception 2:**

The Complainant avers that Judge Guhl erred when she included her SNAP benefits when calculating her monthly income. The Complainant argues that her income is an important part of the analysis in assessing her right to a payment arrangement and that the Court's error distorts her income.

**PGW's Reply to Complainant's Exception 2:**

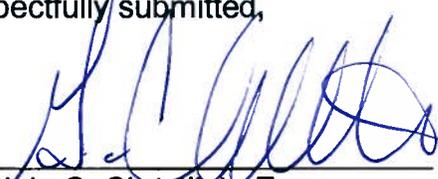
This exception fails to demonstrate that the determination that the Commission should not exercise its authority to issue the Complainant a payment arrangement is unsupported by substantial evidence.

The Complainant is incorrect; her income is not an important factor in assessing her right to a payment arrangement. The Complainant does not have a right to a payment arrangement from the Commission; the Commission is authorized to establish a payment arrangement, but is not obligated to do so. If and when the Commission decides to exercise its authority to issue a payment arrangement, the customer's income is used to determine the length of time covered by the payment arrangement. In this case, the Court determined that, based on her income, the Complainant is a Level 1 customer; this determination would not be altered by the removal of the Complainant's SNAP benefits from the equation. Because the Court's decision not to issue the Complainant a payment arrangement was not based on her income and her income would be the same regardless, the Court's inclusion of the Complainant's SNAP benefits as part of her income is tantamount to harmless error.

**III. CONCLUSION**

For the reasons stated above, the PGW requests that the Commission deny the Complainant's Exceptions and adopt the Initial Decision in this matter as written.

Respectfully submitted,



April 23, 2018

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“A”



**II. SECOND EXCEPTION: The ALJ erred by including Supplemental Nutrition Assistance Program (SNAP) benefits as income. Finding of Fact 15.**

Finding of Fact 15 of the ALJ's decision erroneously includes my SNAP benefits in calculating her monthly income. I.D. at 4. Federal law provides that SNAP benefits are not to be counted as income "for any purpose under any Federal, State, or local laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs, and no participating State or political subdivision thereof shall decrease any assistance otherwise provided an individual or individuals because of the receipt of benefits . . ." 7 U.S. Code § 2017(b). In this case, ALJ Guhl's inclusion of SNAP benefits in my income illegally distorts the depiction of how much income I have available to pay PGW bills. The amount of income available to pay my PGW bills is an important part of the analysis the PUC should consider in assessing my right to a payment agreement. ALJ Guhl did not assess my actual income (nor my actual payments) in concluding that I have not made a good faith effort to pay PGW bills.

I am also concerned by the implications of ALJ Guhl's treatment of SNAP benefits as income. If SNAP benefits were permitted by the PUC to be counted as income for purposes of any CAP program, that would violate Federal law. I believe the PUC should investigate this matter and ensure that the PUC and all utilities properly exclude SNAP benefits from customer income.

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**III. CONCLUSION**

ALJ Guhl made erroneous findings of fact regarding my payment history and impermissibly included SNAP benefits in my income. I respectfully request that the Commission reverse ALJ Guhl's decision and grant me an affordable payment agreement.

Respectfully Submitted,



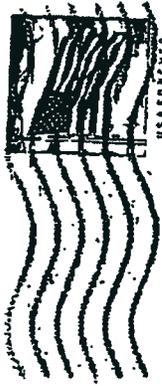
Name: Mossette Mason

Date: 2-14-2018

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SECRETARY'S BUREAU

Mossette Mason  
5914 Spruce St 2FL  
Phila PA 19139

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Bureau



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Secretary Utility Commission  
Pa. Public Box 3265  
HARRISBURG PA 171053265

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Maslette Mason  
5914 Spruce St 2FL  
Phila PA 19139

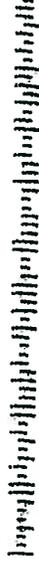


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Graciela Christlieb Esquire  
Philadelphia Gas Works  
800 West Montgomery Ave  
Philadelphia, PA 19139

19122-289899



**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 62 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Ms. Mossette Mason  
5914 Spruce Street, 2 Fl  
Philadelphia, PA 19139

April 23, 2018



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