

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105**

**Amber Cozart
vs.
Philadelphia Gas Works**

**Public Meeting: August 2, 2018
2646671-ALJ
Docket No. C-2018-2646671**

MOTION OF VICE CHAIRMAN ANDREW G. PLACE

Before the Commission today is the Initial Decision of Special Agent Alfonso Arnold III dismissing a request for a second Commission-based payment arrangement. The record indicates that Ms. Cozart requested a payment arrangement after she had declined to join PGW's Customer Responsibility Program (CRP) and defaulted on a Commission-based payment arrangement, her first. The Special Agent's recommendation is to dismiss the complaint requesting a second payment arrangement in the absence of a change in income under Sections 1403 and 1405(d), 66 Pa.C.S. §§ 1403 and 1405(d), of the Public Utility Code.

Though the record correctly reflects that Ms. Cozart has not had a change in income, a customer may qualify for an extension of a payment arrangement under 66 Pa.C.S. § 1405(d) if there is a significant change in circumstance. This definition includes, among others, catastrophic damage to a customer's residence resulting in a significant net loss to the customer's household. In her request, Ms. Cozart indicated that her household suffered a bedbug infestation which resulted in damage to her home and its contents. As the record stands currently, there is not enough information to determine whether the resulting damage was catastrophic and if this is a qualifying event for a payment arrangement extension.

Additionally, I question whether PGW's CRP calculation for Ms. Cozart is in compliance with its Commission approved Universal Service and Energy Conservation Plan (USECP). The record indicates that under PGW's CRP, Ms. Cozart would be required to pay \$107 a month.¹ She declined participation in this program as this amount is only \$2 per month less than the \$109 per month Commission-based payment arrangement she was granted in 2017, which she deemed unaffordable and subsequently upon which she defaulted.² This \$107 a month CRP calculation represents more than 27% of Ms. Cozart's \$402 monthly income for a household of four and leads me to question how this amount was calculated, and whether the calculation is accurate.³ Ms. Cozart's income is 19.2% of the Federal Poverty Income Guidelines and according to PGW's Commission

¹ Initial Decision at.3.

² *Id.* at.7.

³ One issue in need of clarification is whether PGW included the Supplemental Social Security Income received by Ms. Cozart in support of her child, a minor, when calculating her gross monthly household income.

approved USECP for 2017-2020, households enrolled in CRP, that are below 50% of Federal Poverty Income Guidelines are to be charged 8% of income plus an additional \$5 a month toward arrearage forgiveness if applicable.⁴ For Ms. Cozart, this would amount to approximately \$32 in addition to a \$5 arrearage charge for a total of \$37 per month – \$70 less than the \$107 CRP amount included in the record.

As issues of fact remain in this proceeding, I move to remand this case to the Office of Administrative Law Judge for further proceedings as necessary to develop the record regarding the extent and impact of the household's bedbug infestation, to determine how PGW calculates household income, and whether Ms. Cozart's CRP payment amount is consistent with the approved USECP and other rules and precedent as applicable.

I have a keen interest in consumer cases and universal service programs and look forward to reviewing this case when it is concluded and subject to further Commission review.

THEREFORE, I MOVE THAT:

1. This matter be remanded to the Office of Administrative Law Judge to further develop the record in this proceeding as to the issues set forth in this Motion.
2. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.
3. The Initial Decision issued by Special Agent Alfonso Arnold is vacated.

DATE: August 2, 2018



Andrew G. Place, Vice Chairman

⁴ Pg. 6 of Philadelphia Gas Works Second Amended Universal Service and Energy Conservation Plan, Docket No. M-2016-2542415, Order Entered August 31, 2017. <http://www.puc.state.pa.us/pdocs/1535412.pdf>