

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PA 17120**

Calvin E. Hayes

Public Meeting held September 20, 2018

2634526 – ALJ

v.

Docket No. C-2017-2634526

Philadelphia Gas Works

MOTION OF COMMISSIONER DAVID W. SWEET

This case comes to us upon review of the Initial Decision of Deputy Chief Administrative Law Judge Christopher P. Pell (ALJ), which denies the Complaint brought forth by the Complainant, Calvin Hayes, for failure to sustain his burden of demonstrating allegations that there were incorrect charges on his bill, as well as his request to receive a second Commission-issued payment arrangement.

I agree with the ALJ's decision to deny the Complainant's allegations regarding incorrect billing charges, however I believe Mr. Hayes' request to receive a second Commission-issued payment arrangement warrants reconsideration based on the evidence provided in the record.

Regarding the Complainant's request for a second Commission-issued payment arrangement, Chapter 14 of the Public Utility Code provides that "absent a change in income, the commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement."¹ Yet, Chapter 14 allows for a six month extension of a payment arrangement in default if the default was a result of a "significant change in circumstance,"² which is defined as any of the following:

- 1) The onset of a chronic or acute illness resulting in a significant loss in the customer's household income.
- 2) Catastrophic damage to the customer's residence resulting in a significant net cost to the customer's household
- 3) Loss of the customer's residence
- 4) Increase in the customer's number of dependents in the household.³**

The Complainant testified that in October 2017, his then one-person household's gross monthly income was \$1,075.00 when the Bureau of Consumer Services (BCS)

¹ 66 Pa. C.S. § 1405(d)

² 66 Pa. C.S. § 1405(e)

³ 66 Pa. C.S. § 1403 (emphasis added).

granted him a payment arrangement.⁴ However, subsequently after the October 2017 determination from the BCS, Mr. Hayes' son moved in with him. (TR 21). Given the change in household size, the ALJ questioned whether the complainant's gross, monthly household income changed as result, to which Mr. Hayes explained that his monthly household income, solely comprised of his supplement social security benefits, had increased to \$1,093.⁵ In this situation, the ALJ noted that the complainant's income had increased, not decreased and therefore, does not meet the standards as defined in 66 Pa. C.S. § 1405(d).

While I do not disagree with ALJ's determination regarding change of income, I believe that the increased number of dependents in Mr. Hayes' household should not be overlooked as this piece of information meets the "significant change in circumstance" criteria set forth in 66 Pa. C.S. § 1405(e). This significant change in circumstance would trigger the Chapter 14 allowance of a six-month extension of Mr. Hayes' Commission-issued payment arrangement.

THEREFORE,

I MOVE:

1. That the Initial Decision of Deputy Chief Administrative Law Judge Christopher Pell in the case captioned Calvin Hayes v. Philadelphia Gas Works is affirmed in part and reversed in part, consistent with this motion.
2. That, per Section 1405(e) of the Public Utility Code, the Complainant is granted a six-month extension of his initial payment arrangement.
3. That the Office of Special Assistants prepare an Order consistent with this motion.

September 20, 2018

DATE



David W. Sweet

Commissioner

⁴ The Federal Poverty Guidelines for the year 2017 provided that a one-person household with gross-monthly income of \$1,508.00 was at 150% of the federal poverty level. *Federal Register*, Vol. 82, No. 19, January 31, 2017, pp. 8831-8832.

⁵ The Federal Poverty Guidelines for the year 2018 provide that a two-person household with gross-monthly income of \$2,057.50 is a 150% of the federal poverty level. *Federal Register*, Vol. 83, No. 12, January 18, 2018, pp. 2642-2644