

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

**Mosette Mason**  
v.  
**Philadelphia Gas Works**

**Public Meeting: October 4, 2018**  
**2613650-OSA**  
**Docket No. C-2017-2613650**

**STATEMENT OF VICE CHAIRMAN ANDREW G. PLACE**

Before the Commission for consideration are the Exceptions to the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Guhl in the Complaint of Mosette Mason regarding Philadelphia Gas Works (PGW or Company) in the above-captioned proceeding. Ms. Mason filed a formal complaint with the Commission alleging an inability to pay her gas bill along with a reliability, safety, or quality problem with her natural gas service. Ms. Mason specifically stated that PGW had shut off her utility service and as relief she is seeking a payment arrangement. In the I. D., ALJ Guhl dismissed the Complaint on the basis that the Complainant failed to meet the burden of proof that she qualifies for a Commission issued payment arrangement. Ms. Mason filed Exceptions and PGW filed replies to those Exceptions which are before us today.

In the I.D., the ALJ noted that the Complainant had defaulted on one Company-issued payment arrangement and had not made any payments on her account since September 2013, and therefore denied the request for a Commission payment arrangement based on the Complainant's lack of good faith payment history.<sup>1</sup> In Ms. Mason's Exceptions she stated that the ALJ erred in finding that the last payment made to her account was in 2013. The Complainant indicated, and PGW's Hearing Exhibit 2 confirmed, that six additional payments were made to Ms. Mason's account between 2013 and 2016. The Complainant indicates that the exclusion of these payments resulted in the decision to deny the request for a payment arrangement. Ms. Mason averred that when these additional payments are properly considered she now meets the burden of proof for a payment arrangement.

In PGW's Reply Exceptions, the Company indicates that the payments made to Ms. Mason's account after 2013 were Low-Income Home Energy Assistance Program (LIHEAP) grant payments credited to her bill and not payments made by her in an effort to pay down her

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<sup>1</sup> Initial Decision p.7.

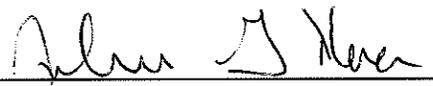
utility bill'.<sup>2</sup> The ALJ agreed with this reasoning and explained that, since these payments were not made directly by the Complainant, they do not count as payments when establishing a record of good faith effort to pay the utility bills.

In the instance of LIHEAP funds, recipients have to actively seek and apply for the grants in order to receive the funds. This includes significant effort on the part of the Complainant to apply for, produce documents in support of and indicate to which utility company these grant payments should be applied. Receipt of a LIHEAP grant is not a process which occurs automatically nor is it guaranteed. Ms. Mason sought out these grants in an effort to pay down her utility debt and as such these payments of more than \$800 in two years should be taken into consideration when evaluating her good faith efforts. I believe that seeking out additional funding sources in lieu of being able to make payments herself represents a good faith effort to pay her bill.

Pursuant to Chapter 14, the Commission can only grant a payment arrangement of up to five years.<sup>3</sup> The record shows that a five-year payment arrangement will be a challenge for this Complainant, but not necessarily impossible. As such, I believe we should have extended our discretion to grant a payment arrangement in this case. Perhaps more fundamentally, I also strongly encourage Philadelphia Gas Works to consider re-enrolling Ms. Mason in the Customer Assistance Program, and any other assistance programs for which she may qualify as this would provide relief to a level of energy burden that someone of Ms. Mason's economic limitations could sustain.

October 4, 2018

**Date**



**Andrew G. Place, Vice Chairman**

<sup>2</sup> Exceptions to Initial Decision p.8

<sup>3</sup> 66 Pa. C.S. § 1405(b).