

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

**Lydia Jackson  
v.  
Philadelphia Gas Works**

**Public Meeting: October 4, 2018  
2646638-ALJ  
Docket No. F-2018-2646638**

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

Before the Commission for consideration is the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Brady in the Complaint of Lydia Jackson regarding Philadelphia Gas Works (PGW or Company) in the above-captioned proceeding. The I.D. denied the Complaint wherein Ms. Jackson sought a Commission payment arrangement for her non-CAP arrearage.

Under the statutory authority of Chapter 14, the Commission has broad authority to issue Commission based payment arrangements. ALJ Brady indicated that, “The Commission may decline to issue a payment arrangement if the Complainant exhibits a poor payment history, inability to pay, and/or likeliness to default.”<sup>1</sup> ALJ Brady indicated that Ms. Jackson made only three payments from February 2015 through April 2018 and he considers this to be a poor payment history.<sup>2</sup> I disagree with the ALJ’s reasoning in this case in regard to both of these matters.

Three separate payments of \$849.23, \$58.26 and \$200 when considering Ms. Jackson’s income of \$1,526.00 per month for a household of four, only 76% of the Federal Poverty Income Guidelines, is significant. And arguing only three payments is disingenuous in that the \$849 payment is a significant amount, and well exceeds even the bounds of a very high monthly payment. That large amount should be taken into consideration and weighted accordingly. Over this three-year period, Ms. Jackson paid over \$1,100 to PGW which averages to around \$30 monthly, which can reasonably be considered a good-faith effort to pay considering her limited income. Additionally, the last payment on her account was paid by Ms. Jackson months after her service was terminated, further indicating a good faith effort to pay on an account that was already in termination status so that she could seek reinstatement of her service.

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<sup>1</sup> Initial Decision p.11.

<sup>2</sup> Initial Decision p.3.

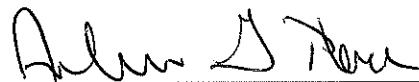
Chapter 14 of the Public Utility Code<sup>3</sup> permits a maximum payment arrangement of five-years (60-months). This 5-year payback period would result in a \$269 monthly repayment schedule, in addition to the amount of her monthly bill. However, in considering Ms. Jackson's current monthly income of \$1,526, ALJ Brady further states that Ms. Jackson would be unable to pay this amount and uses this as part of the reasoning for why her request for a payment arrangement should be denied. In terms of the inability to pay or likeliness to default, those are not standards outlined either in statute or regulation that guide how the Commission decides payment arrangement requests. The Commission cannot prejudge whether a complainant will stay current with a payment arrangement nor should this be a deciding factor in whether or not to award one.

Ms. Jackson has three children under the age of 18 living with her for whom she is financially responsible and has already endured one winter without essential service. Clearly the family is payment trouble and struggling financially. Ms. Jackson has not had a Commission based payment arrangement previously and therefore she is seeking a first Commission ordered payment arrangement to enable her to resume critical service prior to the upcoming winter months. A payment arrangement does not discharge any of her debt or reduce the amount she owes the utility, it merely provides her with an extended length of time to pay back this debt.

For the above reasons I feel strongly, that the Commission should have exercised its authority to issue a payment arrangement in this case. In addition, I would also strongly encourage Philadelphia Gas Works to consider re-enrolling Ms. Jackson into the Customer Assistance Program, and any other assistance programs for which she qualifies.

October 4, 2018

**Date**



Andrew G. Place, Vice Chairman

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<sup>3</sup> 66 Pa. C.S. § 1405