

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG PENNSYLVANIA 17120**

Stephanie Sawyer

Public Meeting held March 14, 2019

v.

2504851-OSA

Philadelphia Gas Works

Docket No. C-2015-2504851

MOTION OF VICE CHAIRMAN DAVID W. SWEET

This matter comes before us on the Exceptions of Complainant Stephanie Sawyer and the Reply Exceptions of Philadelphia Gas Works (PGW) to the Initial Decision (ID) of Administrative Law Judge Eranda Vero (ALJ) in a consumer complaint case alleging that PGW had failed to follow the Commission's directives in a prior complaint case filed by Ms. Sawyer against PGW. Her complaint in the prior case was filed on November 5, 2013 and simply sought reinstatement in PGW's Customer Responsibility Program (CRP). There, by Opinion and Order issued March 25, 2015, the Commission found that the fact that Ms. Sawyer used 25% of her home for her law practice did not bar her from consideration CRP. We directed PGW to reinstate her and to rebill her account at the correct CRP rate.

In the present case, Ms. Sawyer alleged that PGW has not fully complied with the prior Commission order. She claims that the prior case established that she was eligible for CRP in both 2013 and 2014, resulting in CRP rates from April 2013 until April 2015 when recertification was inappropriate due to an increase in income during 2014. She claimed that the billing at the CRP rates would have resulted in full forgiveness of the amount that had been set aside but not yet forgiven.

PGW's rebilling did not occur until June 25, 2015, some ninety days after the issuance of the Commission's order on March 25, 2015, and Ms. Sawyer contacted PGW to dispute the rebill on August 21, 2015. PGW reviewed the matter and determined that its own actions were correct on August 27, 2015, when it closed the dispute. PGW issued a termination notice the next day and terminated service for nonpayment on September 17, 2015. Ms. Sawyer's formal Complaint was filed on September 21, 2015. Service was reinstated due to a medical certification on October 1, 2015.

The ID sustained the Complaint in part, finding that PGW's rebilling was incorrect and that PGW had acted unreasonably in taking 90 days to comply with the Commission's order directing the rebilling, during which time PGW issued a termination notice based upon the higher balance. A civil penalty of \$1,000 was assessed.

Ms. Sawyer filed Exceptions, and PGW filed Reply Exceptions which supported the ID.

Although the document is presented in numbered paragraphs, each of those paragraphs do not represent an Exception. Accordingly, the Exceptions are re-numbered here.

Sawyer Exception 1. The ID erred in finding that the remainder of Ms. Sawyer’s pre-program arrearage should not be forgiven.

Ms. Sawyer presents her argument in terms of the overall number of payments made, when the PGW CRP is designed to forgive 1/36th of the pre-program arrearage every time that a payment is made on time and in full, and where there is no CRP arrearage pending from prior bills that had not been paid on time and in full. After her removal from CRP, she did not make any payment at all from September 2013 until October 2014 because she was unable to address the bill until after obtaining employment.”¹

The Initial Decision found that at the time of Ms. Sawyer’s enrollment in CAP in March 2009, her \$10,000 arrearage was eligible for forgiveness,² and that at the time that PGW removed her on April 15, 2013, the remaining amount was \$1,976.28.³ She also carried \$220 in CRP arrears.⁴ She received debt forgiveness 27 times in the 48 months that she had been on CRP, indicating that her bill was paid in full and on time 27 of the 48 billing cycles. That also means that she did not pay in full and on time 21 of the billing cycles. In addition, she made no payments from September 2013 to October 2014, when her duty to pay the undisputed amount, or her CRP payment, would have been due.⁵ I agree with the ALJ that Ms. Sawyer’s payment history does not support the conclusion that had she been allowed to remain in CRP in April of 2013, she would have earned forgiveness of all of her remaining pre-program arrearage.

Sawyer Exception 2. The ID erred by finding that PGW properly assessed late payment charges in July, August and September of 2015.

Ms. Sawyer claims that PGW’s own error in presenting her with a bill that had not been recalculated and reduced in the spring of 2015 was so inappropriate that late fees would not be justified in the non-payment of the bills in question. There is insufficient record evidence to support Ms. Sawyer’s contention. The record shows that Ms. Sawyer contacted PGW to dispute the rebill on August 21, 2015, PGW closed Ms. Sawyer’s dispute on August 27, 2015, after Ms. Sawyer made no payments on the June and July 2015 bills, and only a partial \$100 payment on the August bill. Ms. Sawyer had a duty to pay the undisputed portion of her bill. During the period from March 2015 to August 2015, the undisputed portion of Ms. Sawyer’s bill consisted of her current charges. I agree with the ALJ that since Ms. Sawyer failed to pay the current charges on her June, July and August 2015 bills, PGW properly assessed late payment charges. There is insufficient record evidence to support Ms. Sawyer’s contention.

Sawyer Exception 3. ALJ Vero’s denial of Ms. Sawyer’s Motion for Disqualification. Ms. Sawyer questions the ALJ’s ability to produce a fair result simply because ALJ Vero dismissed her complaint in the prior case.

It is well known that utilities and even individual complainants appear at this Commission repeatedly, and it is with the full expectation that each case brings its own records and sometimes, Commission directives. ALJ Vero’s order denying the motion for disqualification was thorough and legally sound. Ms. Sawyer did not challenge it in a timely

¹ Exceptions at 5.
² FOF 4.
³ FOF 20.
⁴ FOF. 20.
⁵ 52 Pa. Code § 56.181.

fashion and she failed to provide any evidentiary support for her claim that ALJ Vero would be unable to perform her job duties properly. It would be wholly unsound public policy to grant such motions without good reason as it would open the door to both undue delays and judge-shopping.

All of the Exceptions should be denied.

I also agree with ALJ Vero that PGW's own actions in taking 90 days to conduct the Commission-ordered rebilling was unreasonable, as was PGW's issuance of a shut-off notice during that time, based on a balance that had not yet been reduced by the rebilling. The civil penalty of \$1,000 is appropriate for PGW's actions in providing inadequate service to Ms. Sawyer.

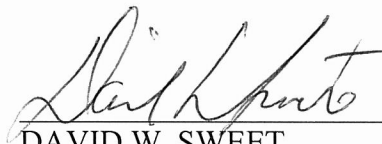
Accordingly, I agree with the Initial Decision of ALJ Vero in this matter.

THEREFORE,

I MOVE:

1. That the Exceptions of Stephanie M. Sawyer filed in the docket are denied.
2. That the Reply Exceptions of Philadelphia Gas Works are granted.
3. That the Initial Decision of Administrative Law Judge Eranda Vero is adopted.
4. That the Office of Special Assistants prepare an appropriate order consistent with this Motion.

March 14, 2019
DATE



DAVID W. SWEET
VICE CHAIRMAN