



December 20, 2021

**Via Electronic Filing**

The Honorable Mark A. Hoyer  
Deputy Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
301 5th Avenue, Suite 220  
Pittsburgh, PA 15222  
[mhoyer@pa.gov](mailto:mhoyer@pa.gov)

The Honorable Emily I. DeVoe  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
301 5th Avenue, Suite 220  
Pittsburgh, PA 15222  
[edevoe@pa.gov](mailto:edevoe@pa.gov)

Re: **Addendum to Philadelphia Gas Work Universal Service and Energy Conservation Plan for 2017-2020, Docket No. M-2016-2542415**

**Petition to Amend Philadelphia Gas Work Universal Service and Energy Conservation Plan for 2017-2020, Docket No. P-2020-3018867**

Dear Judge Hoyer and Judge DeVoe,

Enclosed please find the Prehearing Memorandum of Tenant Union Representative Network in the above-captioned matters. Copies are being served electronically as set forth in the attached Certificate of Service.

Respectfully Submitted,

Kintéschia S. Scott  
*Counsel for TURN*

Cc: Secretary Rosemary Chiavetta  
Service List

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Addendum to Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2020</b>	: : : : :	<b>Docket No. M-2016-2542415</b>
<b>Petition to Amend Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2020</b>	: : : :	<b>Docket No. P-2020-3018867</b>

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of the Tenant Union Representative Network’s Prehearing Memorandum upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54.

**Via Email Only**

The Honorable Mark A. Hoyer  
Deputy Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
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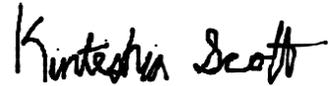
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Respectfully Submitted,

A handwritten signature in black ink that reads "Kinteshia Scott". The signature is written in a cursive, flowing style.

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December 20, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Addendum to Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2020</b>	: : : : : : :	<b>Docket No. M-2016-2542415</b>
<b>Petition to Amend Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2020</b>	: : : : : : :	<b>Docket No. P-2020-3018867</b>

**Prehearing Memorandum of the Tenant Union Representative Network**

On December 14, 2021, Deputy Chief Administrative Law Judge Mark Hoyer and Administrative Law Judge Emily DeVoe issued a Prehearing Conference Order setting a telephonic prehearing conference for Monday, December 20, 2021 at 11:00am, and requiring parties to file a Prehearing Memorandum no later than 9:00 am on Monday, December 20, 2021. In response, the Tenant Union Representative Network (TURN), through its attorneys at Community Legal Services, Inc., hereby files this Prehearing Conference Memorandum.

**I. Background**

On February 24, 2020, PGW filed a Petition for Expedited Approval to Amend its Universal Service and Energy Conservation Plan (USECP) to establish a Pilot Program implementing the Commission’s reduced maximum energy burdens (4% of income for customers at or below 50% Federal Poverty Income Guidelines (FPIG); 6% of income for customers between 51-150% FPIG) in its Customer Responsibility Program (CRP).

On March 2, 2020, TURN, together with Action Alliance of Senior Citizens of Greater Philadelphia and Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (collectively, TURN *et al.*), submitted a Letter in Lieu of Answer to PGW’s

Petition for Expedited Approval, supporting PGW's CRP Pilot Program and requesting Commission approval of PGW's amendment to its USECP.

On March 26, 2020, the Commission granted PGW's Petition, requiring it to implement the CRP Pilot Program utilizing the Commission's reduced maximum energy burdens for CRP customers on or before September 30, 2020.

On April 10, 2020, the Office of Consumer Advocate (OCA) and Office of Small Business Advocate (OSBA) separately filed Petitions for Reconsideration of the Commission's March 26, 2020 Order.

On April 20, 2020, TURN *et al.* filed answers to OCA and OSBA's Petitions for Reconsideration.

At its April 30, 2020 public meeting, the Commission declined to grant OCA's and OSBA's Petitions for Reconsideration. OCA and OSBA appealed to the Commonwealth Court by filing Petitions for Review on May 4, 2020. These appeals were subsequently consolidated on September 15, 2020.

On June 1, 2020, TURN, along with Action Alliance, filed its Notices of Intervention in the Commonwealth Court appeals.

PGW, by status update filed with the Commission on September 25, 2020, reported that implementation of the CRP Pilot Program was completed on September 12, 2020.

OCA filed its brief in Commonwealth Court on January 21, 2021, and OSBA filed its brief on February 26, 2021.

TURN *et al.*, together with Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed their responsive intervenors' brief in Commonwealth Court on April 12, 2021.

OCA and OSBA filed reply briefs in Commonwealth Court on April 26, 2021.

Oral argument was held before the Commonwealth Court, en banc, on May 12, 2021.

On September 29, 2021, the Commonwealth Court issued its unreported memorandum opinion vacating the Commission's March 26 Order and remanding to the Commission for further proceedings.

On October 25, 2021, Philadelphia Gas Works (PGW) filed its Petition for Commission Action, seeking an expedited proceeding to address the use of the revised energy burdens in PGW's Pilot Program (hereinafter "PGW Petition" or "PGW's October 25, 2021 Petition") on remand from the Commonwealth Court of Pennsylvania.

On November 4, 2021, the Tenant Union Representative Network, (TURN) filed a Petition to Intervene in the remanded matter. On that same day, CAUSE-PA also filed a Petition to Intervene in the remanded matter.

On November 15, 2021, TURN filed a Joint Answer with CAUSE-PA to PGW's October 25, 2021 Petition. On that same day, the OCA also filed an Answer to PGW's October 25, 2021 Petition.

On December 7, 2021, the Chief Administrative Law Judge assigned the remanded matter to Deputy Chief Administrative Law Judge Mark Hoyer and Administrative Law Judge Emily DeVoe.

On December 9, 2021, the assigned Administrative Law Judges contacted the parties and instructed the parties to confer and identify a mutually agreeable date and time for a prehearing conference in this remand matter by December 13, 2021. The parties subsequently agreed upon December 20, 2021, at 11:00 a.m.

On December 14, 2021, the Commission issued a notice, scheduling the prehearing conference in the remand matter.

**II. Treatment of PGW's proposed 2023-2027 Universal Services and Energy Conservation Plan and the Remanded Matter**

In regards to the treatment of the PGW's Universal Services and Energy Conservation Plan for 2023-2027, filed at M-2021-3029323, TURN has issued discovery requests in that proceeding to aid in preparation for a hearing and/or submission of comments.

In regards to the remanded matter at this docket, at P-2020-3018867, TURN submits that there are a narrow range of potential issues to explore. However, TURN further submits that irrespective of whether the proceedings are consolidated or not, the process should include adequate time for negotiations between the parties prior to submission of any testimony and/or comments.

As such, TURN is willing and ready to engage in settlement discussions in an attempt to resolve or narrow the issues in these proceedings, with any and all parties, and submits that settlement discussions should be pursued early in the process (regardless of whether the proceedings are consolidated). In the event that settlement cannot be reached, TURN reserves the right to raise any issues it has identified in the Commission-ordered review process, and, in the event evidentiary hearings are necessary, to call witnesses, file testimony, examine witnesses, and submit briefs so as to develop a full record in the proceeding(s).

**III. Discovery**

TURN will work with the parties to develop appropriate modification to discovery rules that support the robust exchange of all relevant information.

#### **IV. Settlement**

TURN is willing and ready to engage in settlement discussions in an attempt to resolve or narrow the issues in this proceeding, with any and all parties, and encourage the parties to engage in settlement early in the process.

#### **V. Issues to be Presented**

TURN has reviewed PGW's Petition for Commission Action and, in response, subsequently filed a Joint Answer with CAUSE-PA. In accordance with said Joint Answer, and as set forth below, TURN has preliminarily identified the following issues:

1. The extent to which PGW's Customer Responsibility Program (CRP) participants are benefitting from increased affordability of gas bills due to implementation of the Commission's revised energy burdens in PGW's CRP Pilot Program.
2. The extent to which PGW's Universal Services program costs may have increased since implementation of the Commission's revised energy burdens in PGW's CRP Pilot Program, including during the period in which enrollment in CRP has increased.
3. Whether any cost increase is attributable to the Pilot Program, otherwise appropriate, warranted, or consistent with Commission policy, and/or supported by economic, public health, social, racial and equitable considerations particular to PGW's service territory.
4. The extent to which PGW's low-income customers have come to rely upon CRP to deliver affordable gas bills, consistent with Commission policy, and the adverse economic, health, comfort and safety impacts that increasing CRP bills would have on program participants and others.

5. The extent to which PGW's CRP participants would face unaffordable bills if the CRP energy burdens were increased, and the increased difficulty participants would have paying such unaffordable bills due to the continuing spread of COVID-19 and slow economic recovery.
6. The administrative burden and cost to PGW of modifying the energy burdens used in its CRP program.
7. Any associated burden and cost that might be created by customer confusion and complaints regarding a change in energy burdens in excess of the standards adopted by the Commission in its current CAP Policy Statement.
8. Any outstanding issues and/or modifications as identified in PGW's January 6, 2020 filed Addendum to its 2017-2020 USECP located at docket P-2020-3018867, including, but not limited to, issues regarding the development of a Consumer Education and Outreach Plan, and imposition of PGW's consumption limit pilot.

In addition, TURN reserves the right to evaluate any other issues identified in the course of these proceedings, including those issues raised by other participants. Additionally, TURN has set forth in its Petition to Intervene in PGW's Universal Services and Energy Conservation Plan for 2023-2027 its interest in examining the policies, procedures, terms and conditions of PGW's universal service program offerings, included but not limited to PGW's Customer Assistance Program (CAP), Low Income Usage Reduction Program (LIURP), and Hardship Funds.

## **VI. Evidentiary Hearings**

TURN submits that to the extent evidentiary hearings are or become necessary in this proceeding(s), such hearings should be held telephonically.

**VII. Witnesses and Testimony**

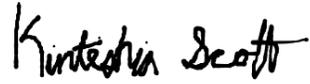
TURN has not yet identified a witness for this proceeding as of the date of this memorandum. TURN continues to evaluate possible witnesses in this proceeding and reserves the right to call witnesses with proper notice to Your Honors and the parties.

**VIII. Proposed Schedule**

TURN has been in discussions with the parties regarding a schedule for this proceeding. TURN submits that settlement discussions should precede filing of testimony and/or comments, in furtherance of the goal of narrowing and resolving issues and reaching consensus and/or compromise among the participants. TURN is willing to continue discussions with Your Honors and the parties to establish a reasonable schedule for this proceeding and/or a consolidated proceeding addressing PGW's USECP in addition to its Pilot Program. TURN notes that it is in support of PGW's October 25, 2021 Petition for Commission Action, where PGW requested that the Commission issue an order directing PGW to maintain its existing CRP Pilot Program on a temporary basis, including use of the revised energy burdens until the Commission issues a final order in the proceeding on remand. However, TURN avers that any modification to CRP can only be made after evidentiary proceedings and a new decision consistent with the Commonwealth Court's Order.

WHEREFORE, TURN respectfully submit this Prehearing Conference Memorandum.

Respectfully submitted,



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December 20, 2021

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