

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held August 25, 2022

Commissioners Present:

Gladys Brown Dutrieuille, Chairman  
John F. Coleman, Jr., Vice Chairman  
Ralph V. Yanora

Peoples Natural Gas Company LLC Universal Service and Energy Conservation Plan for 2019-2024	M-2018-3003177
Peoples Gas Company LLC Universal and Energy Conservation Plan for 2019-2024	M-2020-3021343
Amendment to Peoples Natural Gas Company LLC Universal Service and Energy Conservation Plan for 2015-2018	P-2020-3017641
Peoples Natural Gas Company LLC Universal Service and Energy Conservation Plan for 2015-2018	M-2014-2432515

**ORDER**

**BY THE COMMISSION:**

On July 20, 2022, Peoples Natural Gas Company LLC and Peoples Gas Company LLC (collectively, Peoples Companies), filed a Petition for Reconsideration (July 20 Petition) related to the Pennsylvania Public Utility Commission (Commission) Order filed on May 12, 2022,<sup>1</sup> (May 12 Order) approving the Peoples Companies' Universal Service and Energy Conservation Plan for 2019-2024 (2019 USECP) (subject to approval

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<sup>1</sup> Available at <https://www.puc.pa.gov/pcdocs/1743990.pdf>.

of compliance filing), and the Secretarial Letter filed June 30, 2022,<sup>2</sup> (June 30 Secretarial Letter) in the above noted M-dockets.

The Peoples Companies request reconsideration<sup>3</sup> of the timeframe in the May 12 Order for (1) offering a paper application for their Customer Assistance Program (CAP);<sup>4</sup> (2) implementing CAP final bill modifications; and (3) eliminating the \$5 monthly pre-program arrearage (PPA) co-payment for CAP customers. July 20 Petition at 5-7.

There is no opposition to granting the requested extensions. This Order grants the Peoples Companies' Petition consistent with this Order.

## **BACKGROUND**

The Commission approved the 2019 USECP conditioned upon the Peoples Companies making the changes approved or directed in the May 12 Order. These changes included: (1) offering a paper CAP application;<sup>5</sup> (2) charging CAP customers no more than the prorated CAP billing amount for usage incurred during their final billing period;<sup>6</sup> and (3) eliminating the CAP \$5 monthly PPA co-payment.<sup>7</sup> The Commission

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<sup>2</sup> Available at <https://www.puc.pa.gov/pdocs/1750453.pdf>.

<sup>3</sup> Subsection 5.572(c), 52 Pa. Code § 5.572, provided that petitions “for reconsideration, rehearing, reargument, clarification, supersedeas or others shall be filed within 15 days after the Commission order involved is entered or otherwise becomes final.” Subsection 5.572(d), 52 Pa. Code § 5.572(d), provides that petitions “for rescission or amendment may be filed at any time according to the requirements of section 703(g) of the act (relating to fixing of hearings).” While the Peoples Companies have described their July 20 Petition as one for reconsideration, we shall consider it as a request for amendment of their approved 2019 USECP.

<sup>4</sup> The Peoples Companies offer CAP to eligible households that have income at or below 150% of the Federal Poverty Income Guidelines (FPIG). They also offer an Extended CAP (E-CAP) pilot program for households with income between 151%-200% of FPIG. The changes and proposed implementation timeframes discussed in this Order impact both CAP and E-CAP customers. References herein to “CAP applications,” “CAP final billing,” and “\$5 co-payments for CAP customers” refer to both CAP and E-CAP.

<sup>5</sup> May 12 Order at 59, 91, OP#5(m).

<sup>6</sup> May 12 Order at 61, 91, OP#5(n).

<sup>7</sup> May 12 Order at 35.

directed the Peoples Companies to implement the changes approved or directed in the May 12 Order within 90 days (*i.e.*, by August 10, 2022). May 12 Order at 93-94, OP#10.

In the May 12 Order, the Commission also directed the Peoples Companies to, *inter alia*, submit a revised 2019 USECP within 30 days reflecting changes approved or directed in the Order. May 12 Order at 89, OP#2. On June 13, 2022, the Peoples Companies filed clean and redlined versions of their revised 2019 USECP (June 13 Compliance Filing). The cover letter to the June 13 Compliance Filing proposed a revised implementation schedule for some of the changes approved or directed in the May 12 Order. June 13 Compliance Filing Cover Letter at 1.

The Commission's Bureau of Consumer Services (BCS) reviewed the June 13 Compliance Filing and identified three areas where the proposed implementation schedule was not in compliance with the May 12 Order. In the June 30 Secretarial Letter, BCS directed the Peoples Companies to implement the changes to the 2019 USECP within the timeframe specified in the Commission's May 12 Order or to file a petition requesting an alternate implementation schedule. June 30 Secretarial Letter at 2. The Peoples Companies filed the July 20 Petition seeking an alternate implementation schedule.

**STANDARD FOR PETITIONS FOR REHEARING, REARGUMENT,  
RECONSIDERATION, CLARIFICATION, RESCISSION, AMENDMENT,  
SUPERSEDEAS, OR THE LIKE**

Petitions such as the Peoples Companies' July 20 Petition are reviewed pursuant to 66 Pa. C.S. § 703(g), relating to rescission and amendment of orders,<sup>8</sup> and 52 Pa. Code

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<sup>8</sup> Section 703(g), 66 Pa. C.S. § 703(g), provides that “[t]he commission may, at any time, after notice and after opportunity to be heard as provided in this chapter, rescind or amend any order made by it. Any order rescinding or amending a prior order shall, when served upon the person, corporation, or municipal corporation affected, and after notice thereof is given to the other parties to the proceedings, have the same effect as is herein provided for original orders.”

§ 5.572, relating to petitions for relief.<sup>9</sup> *Duick v. PGW*, 56 Pa. P.U.C. 553 (1982), (*Duick*) elaborates on the application of Section 703(g) and Section 5.572. “A petition for reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion . . . to rescind or amend a prior order in whole or in part.” A party may not raise the same questions in a petition for reconsideration that were raised in a prior pleading. Such questions raised ought to be those that “appear to have been overlooked or not addressed by the Commission.” If “new and novel” questions are not raised, a party will not succeed in persuading the Commission that the “initial decision on a matter or issue was either unwise or in error.” *Duick* at 558.

## **JULY 2022 PETITION**

In the July 2022 Petition, the Peoples Companies’ request that the Commission grant a revision to the approved implementation timeframe for (1) offering a paper CAP application; (2) making CAP final bill modifications; and (3) eliminating the \$5 PPA co-payment for customers in CAP. July 20 Petition at 5-7. We shall review each requested new timeframe in turn.

### *Paper CAP Application*

The Peoples Companies state that they must work with the Dollar Energy Fund (DEF) to develop a paper CAP application which requires various steps.

The process to implement the paper application requires, amongst other matters: (1) identifying the pathways for customers to obtain a paper application such as through the Peoples call center, Dollar Energy Fund’s

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<sup>9</sup> Section 5.572(a), 52 Pa. Code § 5.572(a), provides that “[p]etitions for rehearing, reargument, reconsideration, clarification, rescission, amendment, supersedeas or the like must be in writing and specify, in numbered paragraphs, the findings or orders involved, and the points relied upon by petitioner, with appropriate record references and specific requests for the findings or orders desired.”

call center and the Peoples website, (2) ensuring that the paper application and the cover letter or instruction sheet are developed using Plain Language best practices, and (3) discussion with key stakeholders in the Universal Service Advisory Group in order to gain feedback on how best to launch this additional application method.

July 20 Petition at 5.

The Peoples Companies state that they will use the feedback gained from their stakeholders to support full implementation of a paper CAP application by October 1, 2022. July 20 Petition at 5.

#### *CAP Final Bill*

The Peoples Companies report that an extension to the implementation of the CAP final billing change until December 1, 2022, is necessary because the change requires substantial modifications to their billing system, which includes both the calculation and bill format. The Peoples Companies state that they have moved this change ahead of other planned IT projects as well as added additional resources to the IT team so that they can implement this change prior to the winter heating season. They report that this will benefit CAP customers receiving final bills during the winter as usage bills are typically higher than CAP payments at that time. July 20 Petition at 6.

#### *Elimination of \$5 PPA Co-Payment*

The Peoples Companies assert that the change to eliminate the \$5 PPA co-payment would take approximately seven months past the required 90-day period given in the May 12 Order to implement (*i.e.*, by March 31, 2023). They explain that this change requires substantial modifications to their internal billing system and includes considerable testing to ensure the accuracy of the modifications as well as ensuring that

no unintended changes have taken place to other billing program aspects. July 20 Petition at 6.

## **STAKEHOLDER RESPONSE**

On August 1, 2022, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) and the Office of Consumer Advocate (OCA) filed Answers to the July 2022 Petition. CAUSE-PA supports granting the requested implementation extensions but recommends that the Peoples Companies issue a credit for each \$5 PPA monthly co-payment charged during the seven-month extension, for a maximum of a \$35 credit issued to each impacted CAP customer when the co-payment is eliminated. CAUSE-PA reports that it has discussed this recommendation with OCA and the Peoples Companies and that OCA and the Peoples Companies support issuing such credits. OCA expressed support for granting the Peoples Companies' implementation extensions and confirmed its support for CAUSE-PA's recommendation. CAUSE-PA at 4-5; OCA Letter at 2.

## **DISCUSSION**

We are satisfied with the Peoples Companies' justifications for extending the implementation timeframes for developing a paper CAP application, implementing the CAP final bill modifications, and eliminating the \$5 monthly PPA co-payment. We also find it reasonable and in the public interest to approve the recommendation of CAUSE-PA to have the Peoples Companies issue reimbursement credits to CAP customers who are billed \$5 monthly PPA co-payment charges during this extension, for a maximum of \$35 in credits issued per customer if the implementation of the plan to eliminate the PPA co-payment charges requires the full seven months. There is no stakeholder opposition to granting either proposal.

## CONCLUSION

Accordingly, the Commission hereby approves the Peoples Companies' request for extensions of the implementation timeframes specified in the May 12 Order and confirmed in the June 20 Secretarial Letter. The Peoples Companies shall offer a paper CAP application by or before October 1, 2022, implement CAP final billing changes by or before December 1, 2022, and eliminate the \$5 PPA co-payment by or before March 31, 2023. The Peoples Companies shall also file and serve a letter when each of these changes is implemented at Docket Nos. M-2018-3003177, M-2020-3021343, and P-2020-3017641. Furthermore, the Commission hereby approves granting reimbursement credits, up to a maximum of \$35 per account,<sup>10</sup> for customers charged the \$5 monthly PPA co-payment extension after August 2022; **THEREFORE,**

### **IT IS ORDERED:**

1. That the Petition for Reconsideration pursuant to 66 Pa. C.S. § 703(g) and 52 Pa. Code § 5.572 filed by Peoples Natural Gas Company and Peoples Gas Company on July 20, 2022, is granted to amend their approved 2019-2024 Universal Service and Energy Conservation Plan consistent with this Order.
2. That Peoples Natural Gas Company and Peoples Gas Company shall implement the following universal service changes by or before the dates listed below:
  - a. October 1, 2022: Implementation of a paper application for CAP enrollment.
  - b. December 1, 2022: Implementation of changes to CAP Final Billing.
  - c. March 31, 2023: Elimination of the monthly \$5 pre-program co-payment.

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<sup>10</sup> The maximum applies only if the change is completed within the specified seven-month extension.

3. That Peoples Natural Gas Company and Peoples Gas Company shall issue a credit to CAP customer accounts for each month the \$5 monthly pre-program co-payment is charged after August 2022, up to a maximum of \$35 in credits per customer, so long as the co-payment is eliminated by March 31, 2023. These credits must be applied to impacted customer accounts within two billing cycles after the \$5 pre-program co-payment is eliminated.

4. That the Peoples Natural Gas Company LLC and Peoples Gas Company LLC shall file and serve a letter indicating when each of these changes is implemented at Docket Nos. M-2018-3003177, M-2020-3021343, and P-2020-3017641.

5. That this matter is closed relative to Peoples Natural Gas Company LLC Universal Service and Energy Conservation Plan for 2015-2018, Docket No. M-2014-2432515.

**BY THE COMMISSION,**



Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: August 25, 2022

ORDER ENTERED: August 25, 2022