



VIA EFILE

September 13, 2022

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

RE: Petition of Philadelphia Gas Works for Approval on Less Than Statutory Notice of Tariff
Supplement Revising Weather Normalization Adjustment
Docket No. P-2022-3034264

Supplement No. 152 to Gas Service Tariff – Pa. P.U.C. of Philadelphia Gas Works
Docket No. R-2022-3034229

Petition of Philadelphia Gas Works for Emergency Order; Investigation Report
Docket No. P-2022-3033477

***Joint Letter of the Low Income Advocates in Response to PGW's September 9, 2022
Letter***

Dear Secretary Chiavetta,

This letter is submitted in response to Philadelphia Gas Works' September 9, 2022 letter, which was filed at the above noted dockets in response to the Petitions to Intervene of the Tenant Union Representative Network (TURN) and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) (collectively, the Low Income Advocates).

In its Letter, PGW acknowledges the propriety of the Low Income Advocates' participation in this matter, and indicates its non-objection our intervention. We do not object to these aspects of PGW's Letter. Nevertheless, PGW's commentary regarding the scope of the Commission's review in this proceeding should be disregarded in its entirety. PGW's filing amounts to an improper pleading which prematurely and erroneously seeks to limit the scope of the Commission's inquiry into the justness and reasonableness of PGW's WNA.

Through its Letter, PGW submits that this proceeding is limited to considering the “justness and reasonableness of Supplement No. 52, constituting the proposed 25% cap on WNA charges and credits.” PGW argues, in essence, that the Commission is limited to an up or down vote on this proposal: Either the Commission accepts PGW’s proposal, or the WNA must continue unchanged. PGW asserts that any other modification of its WNA would impinge on PGW’s due process rights and, thus, would require initiation of a separate proceeding. PGW provides no support for this proposition, which is counter to the Commission’s statutory obligation to ensure that every rate and charge imposed by PGW is just and reasonable. 66 Pa. C.S. §1301.

This is not how the Commission reviews tariff proposals, and there is simply no credence to PGW’s due process claims. While the burden may shift through the course of a proceeding, the parties to a proceeding are properly afforded the opportunity to review a utility proposal and make alternative proposals.

Indeed, the entire basis for PGW’s petition is consideration of the justness and reasonableness of its WNA. As OCA previously submitted, “the WNA formula contained in PGW’s tariff can no longer be deemed to produce just and reasonable rates.”¹ Whether that formula changes in the manner PGW has proposed, or in some other manner, is not PGW’s decision to make – it is the Commission’s. PGW’s proposal to cap its WNA credits and charges at 25% necessarily raises the question of whether a different cap, elimination of the WNA, or some other modification to the WNA is the most appropriate way to ensure that customers do not experience unjust and unreasonable rates, such as those WNA charges PGW billed for May 2022. In order for the Commission to review the justness and reasonableness of PGW’s proposal, it must necessarily consider the evidence before it – including any recommendations advanced by the parties which may be presented through the course of the proceeding.

Finally, the Low Income Advocates question the procedural appropriateness of PGW’s Letter seeking to preemptively limit the scope of evidence in this proceeding. PGW’s Letter ostensibly amounts to a procedurally defective motion *in limine*, which deprives the Low Income Advocates of the right and opportunity to file a formal response. While the Commission has discretion to waive procedural defects, that discretion is limited to “an error or defect of procedure which does not affect the substantive rights of the parties.”² PGW’s attempt to limit the scope of this proceeding by filing an informal letter with the Commission would substantially affect the substantive rights of the Low Income Advocates and should be denied.

Should PGW desire to argue, at some time in the future, that proposals submitted or positions advanced by non-PGW parties should be subject to such limitation, it would be within PGW’s right to file an appropriate motion pursuant to the Commission’s regulations. But at this stage, such a filing is premature, as no formal proposals have been made and no evidence has been proposed for admission to the record in this proceeding.

¹ OCA July 1, 2022 Answer to PGW’s Petition for Emergency Order, Docket No. P-2022-3033477.

² 52 Pa. Code § 1.2(a).

For the foregoing reasons, the Low Income Advocates submit that the Commission should disregard PGW's Letter, and refer this matter to the Office of Administrative Law Judge for further proceedings.

Respectfully Submitted,

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CC: *Certificate of Service*

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Report of Philadelphia Gas Works on Weather Normalization Adjustment : Docket No. P-2022-3033477
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Petition of Philadelphia Gas Works for Approval On Less than Statutory Notice Of Tariff Supplement Revising Weather Normalization Adjustment : Docket No. P-2022-3034264
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Certificate of Service

I hereby certify that I have this day served copies of the **Joint Letter of the Low Income Advocates** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54.

VIA Email

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Respectfully Submitted,
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A handwritten signature in blue ink, appearing to read "Elizabeth R. Marx". The signature is written in a cursive style with a prominent initial "E".

Elizabeth R. Marx, Esq., PA ID 309014