


COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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September 13, 2022

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
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-2022-3034264~~

R-2022-3034229-AEL-9/15/22

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

Dear Secretary Chiavetta:

This letter is filed on behalf of the Office of Consumer Advocate (OCA) to address the September 9, 2022 letter filed by Philadelphia Gas Works (PGW) in regard to the above-referenced dockets. In its September 9 filing, PGW states that it does not oppose the intervention of the Collation for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) and the Tenant Union Representative Network (TURN). The OCA fully supports the participation of the low-income advocates in these proceedings.

PGW's September 9, 2022 letter claims to be a response to CAUSE-PA and TURN's properly filed Petition to Intervene dated September 6, 2022 in Docket No. P-2022-3034264. In its letter, however, PGW also argues against the OCA's Answer to the WNA Cap Petition in that same docket. PGW further argues against the Comments submitted by the OCA as permitted by the Commission's Ratification Order at Docket No. P-2022-3033477.

PGW's response to the OCA's Comments in a filing identified as non-opposition to CAUSE-PA and TURN's Petition to Intervene is procedurally inappropriate. The Commission's Ratification Order permitted the Company an opportunity to file an Investigation Report, which it filed on August 12, 2022, and for other interested parties to file Comments, which the OCA filed September 1, 2022. The Ratification Order did not provide an opportunity for "Reply Comments" to the OCA's submission. Likewise, the Company's Response to the OCA's Answer to the WNA Cap Petition is procedurally suspect, as there is no provision for an "Answer to an Answer" in the Commission's Regulations. As such, the OCA requests that the Commission disregard PGW's September 9 letter-filing insofar as it addresses substantive matters before the Commission.

The OCA submits that PGW's letter seeks to prematurely limit the scope of the proceeding in contravention of Commission rules and regulations. The scope of the instant proceedings should be properly determined by the Commission or the Office of Administrative Law Judge in accordance with Commission rules and regulations.

If the Commission accepts PGW's letter-filing, it must recognize that the arguments pursued by the Company are incorrect regarding the proper scope of the proceeding. PGW has proposed to modify its Weather Normalization Adjustment, both through its emergency petition and its WNA Cap proposal. Both dockets are open and properly before the Commission. PGW cannot now attempt to limit party responses and review to simply be an "up or down" vote on PGW's filings. Indeed, the Commission initiated an investigation of the WNA in response to the Company's Emergency Petition that is ongoing. Certainly the Commission is not restricted to such terms as proposed by PGW. With regard to the WNA 25% Cap Petition, the Company has sought to modify operation of the WNA on its own terms.

Having opened the door to a review and modifications of the WNA, PGW does not have the authority to limit the responses of others. The OCA has filed an Answer and Notice of Intervention in the WNA Cap Petition docket to ensure that the WNA operates on terms that are just and reasonable, and non-discriminatory. See, OCA August 22, 2022 Answer at P-2022-3034264 and OCA's September 1, 2022 Comments at P-2022-3033477 (where the OCA submits the WNA should be suspended until the identified flaws are corrected). The OCA requests that the Commission move forward with its review in those two proceedings and reject the Company's letter-filing at this time except insofar as the letter indicates that PGW does not object to the participation in these matters by CAUSE-PA and TURN.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Aron J. Beatty
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Enclosures:
cc: Certificate of Service
*335301

CERTIFICATE OF SERVICE

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
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I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Letter, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 13th day of September 2022.

SERVICE BY E-MAIL ONLY

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Dated: September 13, 2022