



November 14, 2022

**VIA E-File**

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

**Re: Pennsylvania Public Utility Commission v. Philadelphia Gas Works,  
Docket No. R-2022-3034229, P-2022-3034264**

Dear Secretary Chiavetta:

Please find the attached **Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) to the Motion of PGW to Hold Procedural Schedule in Abeyance** in the above noted proceeding.

As indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully Submitted,



John W. Sweet, Esq.  
*Counsel for CAUSE-PA*

CC: Administrative Law Judge Marta Guhl, [mguhl@pa.gov](mailto:mguhl@pa.gov)  
Certificate of Service

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:		
	:		
v.	:	Docket No.	R-2022-3034229
	:		P- 2022-3034264
Philadelphia Gas Works	:		

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**ANSWER OF THE COALITION FOR AFFORDABLE UTILITY SERVICES  
AND ENERGY EFFICIENCY IN PENNSYLVANIA  
TO  
THE MOTION OF PHILADELPHIA GAS WORKS  
TO HOLD PROCEDURAL SCHEDULE IN ABEYANCE**

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Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (PUC or Commission), 52 Pa. Code §§ 5.61-5.62, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), through its counsel at the Pennsylvania Utility Law Project, hereby files this Answer to the Motion of PGW to Hold Procedural Schedule in Abeyance in the above noted proceeding.

**I. Background**

1. On June 30, 2022, Philadelphia Gas Works (PGW) filed a Petition for Emergency Order (Emergency Petition), Docket No. P-2022-3033477, with the Pennsylvania Public Utility Commission (Commission). PGW’s Emergency Petition requested that the Commission approve tariff modifications designed to suspend operation of its Weather Normalization Adjustment (WNA) for May 2022 because its application of the WNA during that month resulted in rate shock for customers – imposing charges in that month totaling more than \$11.3 Million.

2. On July 1, 2022, the Office of Consumer Advocate (OCA) filed an Answer to the Emergency Petition supporting the suspension of the WNA and urging the Commission to open an investigation and suspend the WNA until it can be thoroughly evaluated. Also on July 1, 2022, Chairman Brown Dutrieuille issued an Emergency Order granting PGW's requested relief. The Commission ratified Chairman Brown Dutrieuille's order at its July 14, 2022, Public Meeting, and further ordered PGW to conduct an investigation into the failure of the WNA mechanism and provide a report with its findings by August 15, 2022. On July 14, 2022, the Commission issued a Ratification Order requiring PGW to file a report with the Commission.
3. On August 2, 2022, PGW, filed Supplement No. 152 to Gas Service Tariff - Pa. P.U.C. No. 2 to become effective October 1, 2022, and a Petition for Approval on Less than Statutory Notice of Tariff Supplement Revising Weather Normalization Adjustment. The tariff supplement proposed changes would add a control cap to PGW's WNA Clause so that its customers would not be billed a WNA charge or credit greater than 25% of total delivery charge excluding the WNA.
4. On August 12, 2022, PGW filed its Weather Normalization Report in response to the Ratification Order explaining that, in May 2022, mid to late month warm weather variance compared resulted in large WNA charges. However, PGW could not identify any misapplication or error in applying the WNA formula. PGW proposed to impose a "cap" on the maximum charge or credit that can be imposed by the WNA at 25% if the consumer's underlying bill.
5. On August 22, 2022, the OCA filed an Answer to PGW's filings. The OCA stated that PGW did not provide evidence as to how it determined that a 25% cap was the appropriate

level of protection for customers. The OCA also stated that the only reasonable approach is to suspend the WNA mechanism until a revised formula, free from its current defects, can be developed.

6. On September 1, 2022, the OCA filed Comments in response to PGW's investigation explaining that a 25% rate cap may not be sufficient to protect PGW's customers from future rate shock and recommending total suspension of the WNA pending an investigation by the Commission and a revision of the WNA formula. On September 6, 2022, CAUSE-PA and Tenant Union Representative Network (TURN) each individually filed Petitions to Intervene, requesting full intervenor status as an active party to the proceeding. On the same day CAUSE-PA and TURN also filed Joint Comments supporting OCA's recommendation that PGW's WNA remain suspended until the Commission's investigation is complete.
7. On September 15, 2022, the Commission suspended the proceedings until April 1, 2023, and sent the matter to the Office of Administrative Law Judge for evidentiary hearings and a Recommended Decision.
8. On November 8, 2022, PGW filed a Petition for Leave to Withdraw, requesting leave to withdraw Supplement No. 152 to Gas Service Tariff – Pa. P.U.C. No. 2 and the Petition for Approval on Less than Statutory Notice of Tariff Supplement Revising Weather Normalization Adjustment.
9. Also on November 8, 2022, PGW filed a Motion to Hold Procedural Schedule in Abeyance, requesting that the litigation schedule in this proceeding be held in abeyance pending a decision on its Withdrawal Petition.

## **II. Discussion**

10. CAUSE-PA opposes PGW's motion to hold the current litigation schedule in abeyance to the extent that it would prevent implementation of a resolution to PGW's WNA bill spike issue in advance of the 2023-2024 heating season or would otherwise impact the parties' ability to conduct discovery.
11. CAUSE-PA remains concerned that the continuation of PGW's current WNA billing method, without safeguards, increases the chances of another rate spike impacting residential customers. While CAUSE-PA is not opposed to a brief abeyance of the procedural schedule pending a decision on PGW's Petition to Withdraw, and is willing to agree to reasonable amendments to the current schedule to provide PGW with additional time to prepare testimony, we submit that any such abeyance should not delay the current schedule beyond the point that the Commission could enter a decision prior to the 2023-2024 heating season.
12. Furthermore, if the Commission grants PGW's Motion to Hold the Procedural Schedule in Abeyance, CAUSE-PA urges the Commission to nevertheless permit the parties to continue to conduct discovery while the Petition for Leave to Withdraw remains pending. The ongoing discovery process is critical to understanding and evaluating the causes of PGW's WNA billing spike and delaying this process will detrimentally impact the ability of the parties to present their case if the Commission ultimately denies PGW's Petition to Withdraw.

### III. Conclusion

WHEREFORE, CAUSE-PA respectfully requests that the Commission ensure that any abeyance of the current procedural schedule not cause undue delay to resolution of this pressing matter and not impact the ability of the parties to conduct discovery.

Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



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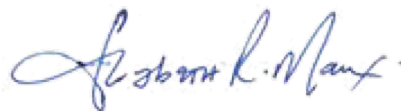
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Date: November 14, 2022

**Verification**

I, **Elizabeth R. Marx**, legal counsel for the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), hereby states that the facts contained in the foregoing pleadings are true and correct to the best of my knowledge, information, and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



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Elizabeth R. Marx, Esq.  
*On behalf of the Coalition for Affordable Utility  
Services and Energy Efficiency in Pennsylvania*

Dated: November 14, 2022

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:		
	:		
v.	:	Docket No.	R-2022-3034229
	:		P- 2022-3034264
Philadelphia Gas Works	:		

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**Certificate of Service**

I hereby certify that I have this day served copies of the **Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) to the Motion of PGW to Hold Procedural Schedule in Abeyance** 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,  
**PENNSYLVANIA UTILITY LAW PROJECT**  
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A handwritten signature in black ink, appearing to read "John W. Sweet", written over a horizontal line.

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