

COMMONWEALTH OF PENNSYLVANIA



PATRICK M. CICERO  
Consumer Advocate

OFFICE OF CONSUMER ADVOCATE  
555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
(800) 684-6560

 @pa\_oca  
 /pennoca  
FAX (717) 783-7152  
consumer@paoca.org  
www.oca.pa.gov

February 6, 2023

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

Re: Philadelphia Gas Works Universal  
Service and Energy Conservation Plan  
for 2023-2027  
Docket No. M-2021 -3029323

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Answer in Response to PGW's Petition for Reconsideration and/or Clarification in the above-referenced proceeding. As required under the Commission's regulations, the Office of Consumer Advocate's Answer is accompanied by a verification in accordance with 52 Pa. Code Section 1.36.

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

Respectfully submitted,

/s/ Christy M. Appleby  
Christy M. Appleby  
Assistant Consumer Advocate  
PA Attorney I.D. # 85824  
E-Mail: CAappleby@paoca.org

Enclosures:

cc: The Honorable Charles E. Rainey, Jr. (**email only:** crainey@pa.gov)  
Paul Diskin, TUS (**email only:** pdiskin@pa.gov)  
Office of Special Assistants (**email only:** ra-OSA@pa.gov)  
Certificate of Service

\*340580

CERTIFICATE OF SERVICE

Philadelphia Gas Works Universal :  
Service and Energy Conservation Plan : Docket No. M-2021-3029323  
for 2023-2027 :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Answer in Response to PGW's Petition for Reconsideration and/or Clarification, 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 6<sup>th</sup> day of February 2023.

**SERVICE BY E-MAIL ONLY**

Richard A. Kanaskie, Esquire  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120  
[rkanaskie@pa.gov](mailto:rkanaskie@pa.gov)

Sharon E. Webb, Esquire  
Office of Small Business Advocate  
555 Walnut Street  
1<sup>st</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
[swebb@pa.gov](mailto:swebb@pa.gov)

Elizabeth R. Marx, Esquire  
Lauren N. Berman, Esquire  
Ria M. Pereira, Esquire  
John W. Sweet, Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

Robert W. Ballenger, Esquire  
Joline R. Price, Esquire  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102  
[rballenger@clsphila.org](mailto:rballenger@clsphila.org)  
[jprice@clsphila.org](mailto:jprice@clsphila.org)

Craig W. Berry, Esquire  
Philadelphia Gas Works  
800 West Montgomery Avenue  
Philadelphia, PA 19122  
[craig.berry@pgworks.com](mailto:craig.berry@pgworks.com)

Devin McDougall, Esquire  
POWER Interfaith  
1617 John F. Kennedy Blvd., Suite 1130  
Philadelphia, PA 19103  
[dmcdougall@earthjustice.org](mailto:dmcdougall@earthjustice.org)

/s/ Christy M. Appleby  
Christy M. Appleby  
Assistant Consumer Advocate  
PA Attorney I.D. # 85824  
E-Mail: [CAAppleby@paoca.org](mailto:CAAppleby@paoca.org)

Counsel for:  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152  
Dated: February 6, 2023  
\*340849

Darryl A. Lawrence  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 93682  
E-Mail: [DLawrence@paoca.org](mailto:DLawrence@paoca.org)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Philadelphia Gas Works	:		
Universal Service and Energy Conservation	:	Docket No.	M-2021-3029323
Plan Submitted in Compliance with	:		
52 Pa. Code § 62.4	:		

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ANSWER OF THE OFFICE OF CONSUMER  
ADVOCATE IN RESPONSE TO PGW'S  
PETITION FOR RECONSIDERATION  
AND/OR CLARIFICATION

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In accordance with 52 Pa. Code Section 5.572(e) of the Commission's regulations, the Office of Consumer Advocate files this Answer in response to the Petition for Reconsideration and/or Clarification filed by Philadelphia Gas Works (PGW) on January 27, 2023 in the above-referenced docket.

**I. INTRODUCTION**

On January 27, 2023, PGW filed its Petition for Reconsideration and/or Clarification (Petition). In its Petition, PGW requested that the Commission reconsider and/or clarify six areas of its determinations in its January 12, 2023 Order.<sup>1</sup> PGW requests that the following determinations be reconsidered and/or clarified: (1) certain compliance times set forth in the Commission's Order are not consistent with PGW's CIS implementation process; (2) PGW should not be required to incorporate Settlement terms or Orders from other proceedings into its USECP; (3) PGW should not be directed to calculate a prorated bill when determining a CRP customer's final bill; (4) the Order's security deposit requirements are administratively burdensome and will increase program costs; (5) the Order's removal of the requirement for CRP

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<sup>1</sup> *Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2023-2027 Submitted in Compliance with 52 Pa. Code § 62.4*, Docket No. M-2021-3029323, Order (Jan. 12, 2022)(*January 12 Order*).

customers to apply for LIHEAP and assign the grant to PGW will increase program costs; and (6) PGW should be permitted to consider unearned income for minors in order to determine household income for CRP eligibility.

As discussed below, the OCA does not generally oppose PGW's request for an extension of time to implement the directives identified in the Commission's *January 12 Order*, but does believe that some reasonable implementation timeline should be established. However, as to PGW's other requests, the OCA respectfully requests that PGW's additional five requests for reconsideration be denied for the reasons set forth below.

## **II. LEGAL STANDARD FOR REVIEW**

As set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553 (1985), the standards for granting a petition for reconsideration are as follows:

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 under this code section to rescind or amend a prior order in whole or in part. In this regard we agree with the Court in the Pennsylvania Railroad case, wherein it stated that “[p]arties...cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them...” What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission. Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issues was either unwise or in error.

*Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. at 599, (quoting *Pennsylvania R.R. Co. v. Pa. P.U.C.*, 118 Pa. Super. 180 (1935)).

Through its Petition, as noted above, PGW raises six areas of the Commission's January 12, 2023 Order that the Company requests the Commission reconsider and/or clarify. For the reasons set forth below and in PGW's Petition, the OCA does not oppose PGW's request to extend the timelines set forth in the Commission's Order to be consistent with the Company's

CIS implementation timeline so long as a clear and measurable timeline for implementation is established. For the reasons set forth below, however, the OCA submits that PGW has not met the *Duick* standard for reconsideration and PGW's additional requests for reconsideration and/or clarification should be denied.

### **III. ANSWER**

#### **A. Compliance Timeframes**

In its Petition, PGW raises concerns that certain of the Order's directed compliance timelines are not compatible with PGW's CIS implementation process. Petition at ¶ 1. PGW states in its Petition that the Company is currently in the process of implementing its CIS and that the system replacement limits the Company's ability to implement system changes until after the system replacement is completed. *Id.* PGW claims that it anticipates that the CIS replacement project will be completed in the fall/winter 2023 with the possibility that the timeline may need to be extended. Petition at ¶ 2. Several of the Commission's Ordering Paragraphs identify a timeline of six months to complete and PGW claims that the proposed implementation needs to be delayed until after implementation of the new CIS. PGW argues that the Commission has overlooked the "practical and technical ability to implement these changes within the specified time." *Id.* PGW identifies the following Ordering Paragraphs as impacted: 5 (c), (d), (h), (o), (p); 8; 9; and 15. Petition at ¶ 3. PGW requests that the Company be permitted to provide updates on the timeline for implementation in its compliance reports and proposes to submit an update on the compliance timeline by December 31, 2023, and every six months thereafter until compliance is reached. Petition at ¶ 4. In its Petition, PGW also requests that the Company be permitted to provide the report on the implementation by January 6, 2024 "(and

thereafter at 3-month deadlines, each a “Compliance Report”) until compliance has been achieved. Petition at ¶ 5.

The OCA does not oppose PGW’s request for an extension to implement the directives in the Commission’s Order. PGW’s arguments to align the proposed technical changes with the implementation of the changes to the CIS would make sense. The OCA notes, however, that PGW appears to have proposed two different compliance update timelines in its Petition Paragraphs 4 and 5. Paragraph 4 references a timeline of December 31, 2023 to provide an update and every six months thereafter, and Paragraph 5 references a January 6, 2024 Compliance Report timeline and thereafter 3-month deadlines. Petition at 4-5. It is not clear to the OCA what the difference in the timelines might be. The OCA respectfully requests that if PGW’s request for an extension of the compliance timelines is granted, that the Commission direct PGW to provide its first Compliance Report by January 6, 2024, and every three months thereafter as identified in Petition Paragraph 5. In addition, because of the critical importance of the revisions to CRP, the OCA respectfully requests that the Commission maintain its six-month implementation requirement, but that requirement be shifted to accommodate the completion of PGW’s CIS such that PGW be required to completely implement all changes ordered by the Commission by no later than 6 months from the date its CIS is completed.

B. Inclusion of Settlement Terms from Other Proceedings and Orders into its USECP

In Ordering Paragraphs 5(a) and 5(b) of the Commission’s January 12, 2023 Order, the Commission directed the following:

That Philadelphia Gas Works shall incorporate the changes, as directed or identified herein, to its Revised 2023-2027 Universal Service and Energy Conservation Plan, including:

a. Identify all universal service stipulations approved by the Commission in its November 19, 2020 Order at Docket No. R-2020-3017206.

b. Identify all universal service stipulations approved by the Commission in its October 27, 2022 Order at Docket No. P-2020-3018867.

*January 12 Order*, Ordering Paragraphs 5(a), (b).

In its Petition, PGW argues that the Settlement agreement terms were negotiated as a part of separate proceedings and that inclusion of the terms in the Revised USECP may create confusion as to their current status or required obligations. Petition at ¶ 6. PGW also claims that inclusion in the revised USECP may extend or modify those terms as originally proposed, and that due process would be impacted. Petition at ¶ 7. PGW argues that the timelines from the 2020 rate case and the 2017-2022 USECP had their own compliance and implementation timelines that may differ and that many of the stipulations have been completed. Petition at ¶ 7.

The OCA respectfully requests that PGW's request for reconsideration be denied. Inclusion of the applicable Settlement terms from PGW's 2020 base rate proceeding and its Petition proceeding at Docket No. P-2020-3018867 provides helpful information for understanding the Revised USECP. A reference to the proceedings and Settlements in the respective proceedings does not consolidate those proceedings with the instant proceeding. Contrary to PGW's arguments, there is no due process issue because PGW's and other parties' procedural rights are not impacted by inclusion of the terms in the USECP. The inclusion of these terms is for clarity and the underlying settlement terms and settlement dockets – including any and all applicable deadlines – remain a part of those proceedings. Any issue involving implementation or operation of the Settlement terms should be appropriately addressed in the underlying respective proceedings and not in this proceeding. Instead, the Settlement terms provide helpful information regarding how certain Settlement terms may impact the Revised

USECP. In particular, elements of the Settlement in Docket No. P-2020-3018867 have a direct overlapping impact on the Revised USECP.

PGW identifies a concern that certain timelines may not extend throughout the full plan. Petition at ¶ 8. The terms, however, may impact a portion of the Plan's duration. For that reason and the potential impact on the Plan, the terms should be included in the Revised Plan as a reference point. Inclusion of the terms identifies and acknowledges the impact of the other proceedings on the Revised USECP. The OCA submits that the timelines set forth in the respective Settlements are what they are and would not be extended for the breadth of the 2023-2027 Plan.

With respect to the impact of the terms of the 2020 base rate proceeding Settlement, the OCA notes that the Commission's *Order Directing Supplemental Order and Establishing Comment Period*<sup>2</sup> identified the relevant terms of the base rate proceeding Settlement and their impact on the USECP. *Order Directing Supplemental Order and Establishing Comment Period* at 8-9. Inclusion in the Revised USECP would have no different impact than the Commission identifying them in its *Order Directing Supplemental Order and Establishing Comment Period*. The inclusion of the information is simply designed to inform the reader of impacts of other proceedings on the USECP. As discussed above, the same is true for reference to the Settlement terms in Docket No. P-2020-3018867. For the reasons set forth above, the OCA respectfully requests that PGW's request for reconsideration be denied.

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<sup>2</sup> *Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2023-2027 Submitted in Compliance with 52 Pa. Code § 62.4*, Docket No. M-2021-3029323, Order Directing Supplemental Information and Establishing Comment Period (June 16, 2022) (*Order Directing Supplemental Information and Establishing Comment Period*).

C. Proration of Final CRP Bills

In Ordering Paragraph 5(e), the Commission directs PGW to amend its final billing policy to charge customers no more than their prorated CRP billing amount for usage. *January 12 Order* at 23-25. In its Petition, PGW argues that the Commission overlooked that this is not technically feasible for the Company to implement in its current system. Petition at § 9. PGW also erroneously claims that “prorating the CRP final bill was not raised in this proceeding prior to the Order, and as a result, PGW did not have the opportunity to explain any concerns or examine the cost and feasibility of modifications required.” PGW Petition at ¶ 9. PGW also argues that there may be “significant costs” associated with implementing this requirement. *Id.* PGW requests that the Commission “clarify its Order and direct PGW to apply either the CRP rate or the tariff rate to the final bill, whichever is lower, but to remove the requirement that PGW prorate the CRP bill.” Petition at ¶ 10.

The OCA respectfully submits that PGW’s request for reconsideration does not meet the *Duick* standard and should be denied. The *Duick* standard allows for reconsideration where there is a new or novel argument or the Commission has overlooked an argument. For the reasons set forth below, PGW has not met the standard for reconsideration in this proceeding.

PGW’s argument that the issue of prorating CRP bills was not raised prior to the final Order is in error. The Commission’s *Order Directing Supplemental Order and Establishing Comment Period* specifically quoted and italicized language from the CAP billing Order regarding proration of CAP bills. *Order Directing Supplemental Order and Establishing Comment Period* at 21-22. The *Order Directing Supplemental Order and Establishing Comment Period* stated:

Section 1303, 66 Pa. C.S. § 1303, provides that public utilities must bill their customers for service rendered. Section 56.11(a) of Commission regulations, 52

Pa. Code § 56.11(a), require that a public utility render bills every billing period. Utilities are henceforth on notice that these statutory and regulatory provisions will be applied to the facts in all matters wherein we are called upon to review specific final CAP bills or recovery of universal service costs. Further, Section 1303 provides that public utilities are to compute bills under the rate most beneficial to the customer. *Generally speaking, it would appear that the starting point for any specific inquiry regarding the bill for usage in a partial final billing period as a CAP participant should be a comparison between a residential tariff rate calculation for energy consumed and **the CAP price prorated for the number of days of service in the billing period.*** The other items on a bill such as true-ups, arrears, arrearage forgiveness, third-party assistance such as LIHEAP, and CAP credits and limits are separate considerations dependent on the customer's payment history and the utility's CAP provisions. We shall address how the energy utilities describe their final billing practices for CAP customers in utility-specific proceedings.

*Order Directing Supplemental Order and Establishing Comment Period* at 21-22 (italics in original, bolding added), citing *Staff Review of Customer Assistance Program Final Billing Methods*, Docket No. M-2019-3010190, Order at 22 (March 12, 2020) (*CAP Final Billing Order*).

It is PGW, and not the Commission, who has overlooked the Commission's concern that CRP participants would not be charged the prorated CRP bill. PGW's argument overlooks that the plain language of the Commission's *Order Directing Supplemental Order and Establishing Comment Period* specifically identified a concern with a comparison of the CRP customer being charged the full tariffed rate versus the prorated CRP bill. The *Order Directing Supplemental Order and Establishing Comment Period* stated:

[w]e are not opposed to PGW's practice of charging the residential rate for usage in a final bill in circumstances when the tariff rate is less than the **prorated CRP billing price**. However, we are concerned that customers enrolled in CRP up until the date of service termination or discontinuance may be charged more than their **prorated CRP billing price** for usage incurred during their final billing period.

*Order Directing Supplemental Order and Establishing Comment Period* at 22 (emphasis added); *see also, Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2023-*

2027 Submitted in Compliance with 52 Pa. Code § 62.4, Docket No. M-2021-3029323 OCA Comments at 8-9 (Aug. 30, 2022) (*OCA Comments*), quoting the Commission Order language. PGW had every opportunity to identify in this proceeding why the Company did not believe that proration of a CRP bill was appropriate.

For the reasons set forth above, the OCA respectfully requests that PGW's request for reconsideration does not meet the *Duick* standard for reconsideration and should be denied.

D. Security Deposits

In its Petition, PGW seeks reconsideration of the Commission's requirements that PGW be directed to refund security deposits, with applicable interest, collected from customers that are income-eligible for CRP and whether the customer wants the funds paid to them directly. Petition at ¶ 11; *see January 12 Order* at 25-28. PGW argues that the Commission may have overlooked how PGW handles security deposits or the impact the change will have on costs of the program. Petition at ¶ 11. PGW argues that it screens customers who provide information that they are low-income but the Order directs them to return a security deposit if the customer later becomes low-income. Petition at ¶ 12. In its Petition, PGW claims that since the initial collection of the security deposit was "consistent with Chapter 14, and application of the deposit should also be done consistent with Chapter 14." *Id.* PGW further argues that the proposal will significantly increase the cost of the program because customers will be offered the opportunity to receive back the security deposit instead of benefiting other ratepayers by applying it to the arrearage. Petition at ¶ 13. PGW states that "it is unnecessarily costly to ask each customer whether they want the funds back to use for other (non-heat) spending." *Id.* In the alternative, PGW requests that PGW be permitted to assume that the customer wants the deposit returned

instead of the administrative costs of asking if the customer wants the check mailed to them. Petition at ¶ 15.

As the Commission's *Order Directing Supplemental Order and Establishing Comment Period* identifies, the statute and the Commission's regulations prohibit requiring a cash deposit for utility service from customers who are CAP- eligible. *Order Directing Supplemental Order and Establishing Comment Period* at 23, citing 66 Pa. C.S. Section 1404 (a)(1) and 52 Pa. Code Section 56.32(e). The Commission regulations also require refund of a deposit within 60 days of determining that the customer from whom the deposit was collected is not subject to the deposit requirements. *Order Directing Supplemental Order and Establishing Comment Period* at 23, citing 52 Pa. Code Section 56.53(f).

In its Comments, the OCA agreed with the Commission's concern about PGW's treatment of security deposits and the requirements of the statute and Commission's regulations. OCA Comments at 14-15. The OCA's Comments were also concerned with PGW's treatment of the security deposit if the deposit is determined by PGW to be "on-hand." *Id.* Under PGW's interpretation, the customer is not entitled to the security deposit refund until the customer becomes a CRP participant. When the customer becomes a CRP participant, however, they are entitled to forgiveness of their pre-program arrears. PGW's actions are leveraging the technicality that the customer has not yet been activated as a CRP participant in order to apply the deposit to the pre-program balance. If PGW applies the deposit plus accrued interest to the account pre-CRP activation, the deposit is being used to reduce the pre-program arrears without the customer's explicit consent or understanding that the balance will otherwise be reduced with monthly CRP payments.

PGW's arguments in its Reply Comments and in its Petition overlook the fact that the security deposit does not belong to other ratepayers to offset the costs of CRP. The security deposit is the customer's funds that should not have been charged to a CRP-eligible household, and the customer should be given the ability to direct where and how he or she wants the money refunded. Before applying the balance to pre-CRP arrears, a customer should be provided the informed choice to receive a refund of the security deposit or to allocate it towards the back balance. The customer also should be informed that with timely monthly payments, a portion of the pre-program balance will be forgiven as a part of PGW's CRP.

Contrary to PGW's arguments in its Petition, PGW's current practice of using the security deposit to reduce the pre-program arrears is not a waiver or refund of the deposits consistent with the Public Utility Code or the Commission's regulations. 66 Pa. C.S. § 1404(a)(1) and 52 Pa. Code § 56.32(e). It is simply redirecting the deposit to be applied against the customer's account to reduce the arrears that would otherwise be subject to forgiveness under the CRP. While the OCA recommended in this proceeding that customers be given the opportunity to choose whether to direct the deposit to arrears or to receive the dollars in a refund, the OCA does not oppose PGW alternative proposal to send the security deposit directly back to customers. *See* Petition at ¶ 15. For the reasons set forth above, the OCA respectfully requests that PGW's request for reconsideration does not meet the *Duick* standard for reconsideration and should be denied.

E. Requirement to Apply for LIHEAP

In its Petition, PGW seeks reconsideration of the Commission's Ordering Paragraph 5(g) that directs PGW to remove the program requirement for CRP customers to be required to apply for LIHEAP and assign the grant to PGW. Petition at ¶ 16. PGW claims that "this change is

unnecessary and inconsistent with the concept of requiring CAP participants to bear certain responsibilities, such as paying the CAP bill.” *Id.* PGW argues that the change may significantly increase the costs of the program for non-CAP ratepayers. *Id.* PGW requests clarification that the Commission fully considered the potential cost implications of its decision. *Id.*

The OCA submits that PGW’s arguments do not meet the standard for *Duick* for reconsideration. The Commission has already considered and denied PGW’s similar arguments. The OCA addressed the identified requirement to apply for LIHEAP in its Comments, and the Commission’s Order agreed with the OCA. *See* OCA Comments at 14-15; Order at 29. The OCA does not believe that it is appropriate for PGW to present misleading and incorrect information in its Plan. PGW’s rationale presented in its Supplemental Information and in its Petition is not an adequate reason for inclusion of erroneous information in the Company’s USECP. A CRP participant should be encouraged to apply for LIHEAP. However, they may decide that it is better for their grant to be provided to their PECO electric bill rather than their PGW bill. A customer should not be penalized for choosing to apply the LIHEAP to the electric vendor. PGW fails to consider that such a policy may put the customer between a rock and two competing utilities. PGW also does not appear to have considered that a customer may decide not to apply for CRP because they have read their rules and chosen to allocate their LIHEAP grant to another utility and thus do not think they are eligible for CRP. The fact that PGW does not enforce this provision does not save it as there is no basis in the law or the Commission’s regulations to include a provision that PGW acknowledges it will never enforce.

For the reasons set forth above, the OCA respectfully requests that PGW’s request for reconsideration or clarification does not meet the *Duick* standard for reconsideration and should be denied.

F. Inclusion of Unearned Income of Minors

In its Order, the Commission directed PGW to exclude the unearned income for minors when determining household income for CRP eligibility and benefits. *January 12 Order* at 34. PGW argues that the Commission has not fully considered the reasons behind the current practice or the cost implications of the change. Petition at ¶ 17. PGW states that the Company does not consider earned income and only considers unearned income.

The OCA submits that PGW's argument does not meet the *Duick* standard for reconsideration. The arguments raised by PGW are the same arguments that PGW raised in its Reply Comments on this issue and reconsideration is not necessary. The Commission directly addressed PGW's arguments related to this issue.

As the OCA discussed in its Comments and the Commission affirmed in its Order, inclusion of the income of minors, whether earned or unearned, is a direct violation of Section 1403 of the Public Utility Code and the conclusions of the *Final CAP Policy Statement Order*. See OCA Comments at 17-18. The Public Utility Code specifically defines household income as "the combined gross income of all adults in a residential household who benefit from public utility service." *PGW 2023-2027 USECP Order* at 26-27, citing 66 Pa. C.S. § 1403. The Commission's *Final CAP Policy Statement Order* adopted this definition for household income. *Final CAP Policy Statement Order* at 79. As the Commission's *Order Directing Supplemental Order and Establishing Comment Period* notes, the *Final CAP Policy Statement Order* provides:

[a]dopting the Chapter 14 definition will provide a single definition to be used by both the Commission and the energy utilities and should facilitate greater consistency among the utilities in determining and documenting household income. This should work towards eliminating disparate parameters of CAP qualifications among EDCs and NGDCs with the goal of fostering more uniformity in program implementation.

*Final CAP Policy Statement Order* at 79; *see also Order Directing Supplemental Order and Establishing Comment Period* at 27. The Commission also noted that Section 1403 is used to establish Commission payment arrangements and that the same definition should be used to calculate CAP household income. *Order Directing Supplemental Order and Establishing Comment Period* at 27, citing *Final CAP Policy Statement Order* at 79 and 66 Pa. C.S. § 1403. The Commission requested clarification in this proceeding regarding whether PGW's CRP eligibility is based on the combined gross income of all adult household members and if PGW intends to continue to exclude a minor's earned income, but include the unearned income of a minor, when determining household income. PGW provided that clarification that the CRP eligibility includes unearned income of minors, and PGW's definition of household income is inconsistent with the controlling definition included in Section 1403 of the Public Utility Code.

PGW argues that the Commission has overlooked or failed to consider the sizable cost of this change and that for many customers the change will result in the customers receiving a zero income bill. Petition at ¶ 18. PGW argues that the "non-binding" guidance of the Commission's CAP Policy Statement should not apply. *Id.* PGW also argues that the Chapter 14 definition of household income is not applicable to the USECP context. Petition at ¶ 19.

The OCA submits that PGW misinterprets the requirements of Section 1403. There are not two separate definitions of calculating household income. Section 1403 is used as the criterion to establish a customer's household income, including for a low-income customer, and is used to calculate the term length for a payment arrangement under Chapter 14. The plain language of household income, however, applies to *any* context in which a utility uses household income. 66 Pa. C.S. § 1403. Moreover, under PGW's argument, a separate calculation of income would be required for a low-income customer asking for a payment arrangement versus applying

for CRP. It would be an absurd result to calculate a customer's household income as low-income for purposes of a payment arrangement, but then to argue that the customer is over-income for its low-income assistance program, CRP.

The CAP Policy Statement appropriately combines these definitions and implements the definition of household income in Section 1403. PGW is bound to adhere to Section 1403 definition of household income and the definition is not limited to application to payment arrangements. Moreover, the OCA notes that PGW made similar arguments in its Reply Comments about why its definition of household income was appropriate and the Commission specifically addressed and denied those arguments in its Order.

For the reasons set forth above, the OCA respectfully requests that PGW's request for reconsideration does not meet the *Duick* standard for reconsideration and should be denied.

#### IV. CONCLUSION

WHEREFORE, the Office of Consumer Advocate respectfully submits that the OCA does not oppose PGW's request for additional time to address the Commission's directives in Ordering Paragraphs 5(c), (d), (h), (o), (p); 8; 9; and 15. For the reasons set forth above, the OCA respectfully requests that all other PGW requests for reconsideration be denied.

Respectfully Submitted,

*/s/ Christy M. Appleby*

Christy M. Appleby  
Assistant Consumer Advocate  
PA Attorney I.D. # 85824  
E-Mail: [CAappleby@paoca.org](mailto:CAappleby@paoca.org)

Darryl A. Lawrence  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 93682  
E-Mail: [DLawrence@paoca.org](mailto:DLawrence@paoca.org)

Counsel for:  
Patrick M. Cicero  
Consumer Advocate

Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152  
DATE: February 6, 2023

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Philadelphia Gas Works Universal :  
Service and Energy Conservation Plan : Docket No. M-2021-3029323  
for 2023-2027 :

VERIFICATION

I, Patrick M. Cicero, hereby state that the facts set forth in the Office of Consumer Advocate's Answer in Response to PGW's Petition for Reconsideration and/or Clarification, are true and correct (or are true and correct to the best of my knowledge, information, and belief) 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).

DATED: February 6, 2023  
\*340851

Signature:   
Patrick M. Cicero  
Consumer Advocate

Address: Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923