



April 17, 2023

**Via eFiling**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Docket No. P-2022-3032929**  
**Petition Requesting Initiation of a Proceeding on Federal Funding Opportunities**  
**for Utilities Under the Infrastructure Investment and Jobs Act**  
**EAP Letter in Support of the UGI Utilities Inc. Petition for Clarification**

Dear Secretary Chiavetta,

The Energy Association of Pennsylvania (“EAP”) files this letter on behalf of its natural gas and electric distribution company members<sup>1</sup> in support of the Petition of UGI Utilities Inc., - Electric and Gas Divisions’ (“UGI”) Petition for Clarification (“Clarification Petition”) of the Pennsylvania Public Utility Commission’s (“Commission”) March 21, 2023 Order addressing the Petition of the Office of Consumer Advocate, Office of Small Business Advocate, and the Pennsylvania Utility Law Project at the above-referenced docket.

Pursuant to 52 Pa. Code §5.502(e), EAP submits this letter in the nature of an amicus filing for the purpose of providing the Commission additional insight regarding the impact of the Order and requests that the Commission grant the relief requested by UGI. As regulated entities, EAP’s members are equally impacted by the questions raised by UGI’s Clarification Petition and would benefit from additional direction.

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<sup>1</sup> Hereinafter referred to as NGDCs and EDCs, respectively. Members of EAP include Columbia Gas of Pennsylvania, Inc.; Pike County Light & Power Company; National Fuel Gas Distribution Corp.; PECO Energy Company; Peoples Natural Gas Company LLC; Philadelphia Gas Works.; UGI Utilities, Inc. – Gas Division; UGI Utilities Inc., -- Electric Division; Valley Energy Inc.; Citizens’ Electric Company; Duquesne Light Company; Metropolitan Edison Company; Pennsylvania Electric Company; Pennsylvania Power Company; PPL Electric Utilities; Wellsboro Electric Company; and West Penn Power Company.

As outlined by UGI in its Petition, the Commission, in its Order, encouraged Pennsylvania's public utilities to avail themselves of the historic and singular availability of federal funding for infrastructure projects via the Infrastructure Investment and Jobs Act ("IIJA"). While acknowledging that any individual utility may choose not to pursue this funding for any myriad of valid reasons, the Commission nonetheless granted the initial Petition, in part, by requiring utilities to file annual reports regarding any monies received by a utility pursuant to the IIJA; further, the Commission directed any utility that receives IIJA funding to prepare to include testimony during the course of a rate case explaining the accounting treatment of these funds.

Such direct encouragement on the part of the Commission, via this Order, to pursue the available federal funding should come with the requested clarification sought by UGI as to how the Commission intends to account for the increased cost associated with seeking these funds. As UGI notes in its Petition, any utility that elects to apply for these funds will need to call upon additional resources to do so successfully, i.e., additional staff time and expense or the hiring of outside consultants with expertise in navigating the federal grants process. In addition, UGI points out that a successful grant award may come with a matching funds requirement. Pennsylvania utilities of all sizes and types would benefit from further clarification from the Commission on an express allowance to treat these costs as a regulatory asset.

In addition, UGI requests the Commission affirm it will engage with partner utilities across the Commonwealth to the extent the Commission itself seeks funding as an eligible entity under the IIJA. This clarification would inure to the benefit of all Pennsylvania utilities as potential projects could impact any of those overseen by the Commission.

As these questions have impacts on and across the regulated community, the Energy Association of Pennsylvania respectfully requests that the Commission offer the clarification requested by UGI in its Petition.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Donna M.J. Clark".

Donna M.J. Clark  
Vice President & General Counsel

CC: See Service List