

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17120**

**Asia West vs. Philadelphia Gas Works**

**Public Meeting held April 20, 2023**  
**3034727-ALJ**  
**Docket No. F-2022-3034727**

**MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE**

Before the Commission for consideration is the Initial Decision dated March 1, 2023, in the above-captioned proceeding. This decision denies the Formal Complaint filed by Complainant Asia West upon the presiding Administrative Law Judge's determination that the record evidence does not support the grant of a payment arrangement to Complainant.

By way of background, on August 25, 2022, Ms. West filed a Formal Complaint against PGW requesting a payment arrangement. On September 19, 2022, PGW filed an Answer to Ms. West's Formal Complaint. On November 30, 2022, a telephonic hearing was held. At the time of the hearing, Complainant West's outstanding balance to PGW was \$5974.75. The record also indicates that, at the time of the hearing, Complainant's current total household income was approximately \$2600 per month and Complainant's usage bills averaged \$274 per month.

From August 29, 2019, through November 22, 2022, Complainant made one payment to PGW and, on June 29, 2021, Ms. West was provided a PGW-issued payment arrangement upon which she subsequently defaulted.

I submit this Motion to amend the Initial Decision because Complainant was eligible for a Commission payment arrangement, yet one was not awarded. In denying Ms. West's request for a Commission payment arrangement, the ALJ relies on several Commission decisions to conclude that the Commission's discretion should be exercised very judiciously and that the Commission should not award a Commission-issued payment arrangement when the Complainant has a poor payment history or an inability to pay.<sup>1</sup> However, these cases involve a request for a second Commission-issued payment arrangement or customers with "mixed" arrearages, i.e., arrearages including both CAP and non-CAP arrearages. I am not discounting the record evidence that Complainant's lack of payments has resulted in an account balance totaling nearly \$6,000. The size of the arrearage will present a challenge. However, as Complainant has not defaulted on a Commission payment arrangement, she should be afforded this final opportunity to pay down the subject arrearages over the applicable number of months in accordance with Section 1405 of the Public Utility Code. Thus, this Motion seeks to ensure

---

<sup>1</sup> See, *Hayes v. Phila. Gas Works*, Docket No. C-2017-2634526 (Opinion and Order entered Oct. 1, 2018); *Hewitt v. PECO Energy Co.*, Docket No. F-2011-2273271 (Opinion and Order entered Sept. 12, 2013).

that this Complainant is afforded a payment arrangement opportunity akin to similarly-situated ratepayers in arrears on utility balances.

Since the Complainant's income falls between 150% and 250% of the Federal Poverty Level Guidelines for a household size of one, the Complainant is eligible for a three-year payment agreement to address her outstanding balance. 66 Pa.C.S. § 1405(b)(2). Therefore, beginning with the first bill following the Commission's Final Order in this case, the Complainant is required to pay her current bill plus an amount equal to one thirty-sixth ( $1/36^{\text{th}}$ ) of the balance accrued on her account.

I caution the Complainant to adhere to this payment arrangement because it is the best arrangement the Commission can grant under Chapter 14. I also anticipate PGW timely utilizing all available collection methods available to the Company pursuant to Section 1405 of the Public Utility Code and Section 56.81 of the Commission's regulations if the Complainant fails to adhere to this payment arrangement. I would also like to reiterate that, pursuant to Section 1405(f) of the Code, regulated utilities retain their authority to pursue payment of any portions of a customer's bill which is not in dispute pending the outcome of a complaint filed with the Commission.

**THEREFORE, I MOVE THAT:**

1. The Initial Decision dated March 1, 2023 is amended to grant the Complainant's request for a payment arrangement.
2. The Complainant shall make monthly payments consisting of her current bill plus one thirty-sixth ( $1/36^{\text{th}}$ ) of the balance accrued on her account, beginning with the first billing due date following the entry of a final Commission Order in this case.
3. As long as the Complainant keeps the payment schedule stated herein, Philadelphia Gas Works shall not suspend or terminate her utility service except for valid safety or emergency reasons or assess late payment or finance charges against her account.
4. If the Complainant does not keep the payment schedule stated herein, Philadelphia Gas Works is authorized to suspend or terminate her utility service in accordance with the Commission's statute and regulations.
5. The Office of Special Assistants shall prepare an opinion and order consistent with this Motion.

**April 20, 2023**  
**DATE:**



---

**Gladys Brown Dutrieuille, Chairman**