



April 24, 2023

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

Re: **Pa. PUC v. Philadelphia Gas Works, Docket No. R-2023-3037933**

Dear Secretary Chiavetta,

Attached for filing please find the Tenant Union Representative Network's (TURN) Petition to Intervene in the above captioned proceeding. Copies are being served per the attached Certificate of Service.

Respectfully submitted,

/s/ Robert W. Ballenger
Robert W. Ballenger

On behalf of TURN

Cc. Service list
Encl.



Pennsylvania Public Utility Commission : R-2023-3037933
v. :
Philadelphia Gas Works :

Certificate of Service

I hereby certify that I have this day served copies of the **Petition to Intervene of Tenant Union Representative Network** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54 in the manner and upon the persons listed below.

VIA FIRST CLASS MAIL

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April 24, 2023

Pennsylvania Public Utility Commission : R-2023-3037933
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**PETITION TO INTERVENE OF
TENANT UNION REPRESENTATIVE NETWORK**

Tenant Union Representative Network (TURN), through its counsel Community Legal Services of Philadelphia, hereby petitions the Pennsylvania Public Utility Commission to intervene in the above-captioned proceeding pursuant to the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (PUC or Commission), 52 Pa. Code §§ 5.61-5.76, and in support, state as follows:

1. On February 27, 2023, PGW filed a request with the PUC to increase the distribution base rates charged to PGW’s residential, commercial and industrial customers. In its filing, PGW proposes to increase its distribution rates by approximately \$85.8 million per year, or 10.3%, effective April 28, 2023. PGW’s proposed rates and other changes are set forth in Supplement No. 159 to PGW’s Gas Service Tariff – Pa. PUC No. 2 (Tariff No. 2).

2. The Commission’s Regulations provide that “a petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.” 52 Pa. Code § 5.72(a).

3. The Commission’s Regulations permit intervention by persons claiming “an interest

which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.”
52 Pa. Code § 5.72(a)(2).

4. In Pennsylvania, an association may have standing as a representative of its members, provided the organization has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action. PPL Electric Utilities Corporation’s Universal Service and Energy Conservation Plan for 2011-2013, Docket No. M-2010-2179796 (internal citations omitted). The Commission has previously determined that a not-for-profit organization may have standing in a representational capacity, including both associations and not-for-profit corporations. PPL Electric Utilities Corporation’s Universal Service and Energy Conservation Plan for 2011-2013, Docket No. M-2010-2179796, Opinion and Order dated May 5, 2011 at 11.

5. Petitioner TURN is a not-for-profit advocacy organization composed of moderate and low income tenants, a substantial number of whom are customers of PGW or dependent on PGW natural gas service and all residing in Philadelphia.

6. TURN was a party to PGW’s last filed rate case at Docket No. R-2020-3017206.

7. TURN is a party to PGW’s ongoing Weather Normalization Adjustment (WNA) at Dockets No. R-2022-3034229 and P-2022-3034264.

8. TURN is a party to PGW’s most recent Universal Service and Energy Conservation Plan proceedings at Docket No. M-2021-3029323.

9. TURN has been party to prior Commission proceedings involving PGW, including, but not limited to, the following:

a. Petition of Philadelphia Gas Works for Approval of Demand-Side Management Plan for FY 2016-2020 and Philadelphia Gas Works Universal Service and

Energy Conservation Plan for 2014-2016 52 Pa Code § 62.4 – Request for Waivers, Docket No. P-2014-2459362;

b. Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2014-2016 Submitted in Compliance with 52 Pa. Code § 62.4, Docket No. M-2013-2366301.

10. PGW proposes to increase revenues from distribution base rates by \$85.8 million per year. This includes a proposal to increase the fixed residential customer charge to \$19.50 per month. If authorized, PGW submits that average residential customer bills would increase approximately 9.9% above present rates.

11. PGW alleges that its need for additional revenues is driven by a number of factors, including increased expenses and capital expenditures, forthcoming long term debt issuance, and projected levels of cash and liquidity.

12. PGW's general base rate filing is of critical importance to the low income PGW residential tenants who are members of TURN, who stand to benefit from affordable natural gas service and who, due to limited income, may be harmed disproportionately by the imposition of unjust or unreasonable rates. The petitioners therefore have interests in this proceeding, which may be directly affected, and which are not adequately represented by other participants, and as to which the petitioners may be bound by the action of the Commission in this proceeding.

13. TURN has preliminarily reviewed PGW's rate filing, and has tentatively identified the following issues:

- a. Whether a rate increase will result in unjust and unreasonable costs for Philadelphia's low-income residential tenants, directly through rates and charges or indirectly through rent obligations, based on all relevant factors;
- b. Whether PGW's proposal to increase its residential customer charge to \$19.50 is just and reasonable;

- c. Whether PGW's proposal to increase the residential volumetric charge is just and reasonable;
- d. Whether PGW's proposal to increase the average residential heating customer bill by 9.9% is just and reasonable;
- e. Whether a rate increase is justified given the quality of PGW's customer service;
- f. Whether PGW's universal service program rules, policies and practices have been successful in mitigating the impact of PGW's high rates on low-income customers; and
- g. Whether PGW's customer application policies, termination practices, payment agreement requirements, collections policies, or other policies and practices have impeded access to service and/or contributed to reduced revenue or lost opportunities for revenue growth.

14. TURN reserves the right to examine any other issues that arise in the course of this proceeding.

15. Petitioners are represented by:

Robert W. Ballenger, Esquire (Attorney ID: 93434)
Joline R. Price, Esquire (Attorney ID: 315405)
Daniela E. Rakhlina-Powsner (Attorney ID: 332206)

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16. Counsel for TURN consent to the service of documents by electronic mail to the email addresses of counsel listed above, as provide for in 52 Pa. Code §1.54(b)(3).

WHEREFORE, TURN respectfully requests that the Commission enter an order granting TURN full status as intervenors in this proceeding with active party status.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R.W. Ballenger', with a long horizontal line extending to the right.

Robert W. Ballenger, Esquire (Attorney ID: 93434)
Joline R. Price, Esquire (Attorney ID: 315405)
Daniela E. Rakhlina-Powsner (Attorney ID: 332206)

Attorneys for TURN

COMMUNITY LEGAL SERVICES, INC.
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Telephone: 215-981-3700
Facsimile: 267-765-6481

Date: April 24, 2023

VERIFICATION

I, Robert Ballenger, counsel for Tenant Union Representative Network (TURN), hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 10 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: April 24, 2023

A handwritten signature in black ink, appearing to read 'R. W. Ballenger', with a long horizontal stroke extending to the right.

Robert W. Ballenger, PA ID 93434
Counsel for TURN