

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

- - - - - :
 ELIOT PRESENT : DOCKET NO.:
 : F-2023-3040472
 v. :
 :
 PHILADELPHIA GAS WORKS :
 :
 Initial Telephonic Call In Hearing :
 - - - - - :

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Judge's Chambers
 State Office Building
 801 Market Street
 Philadelphia, Pennsylvania 19107

Tuesday, August 8, 2023
 Commencing at 1:30 p.m.

BEFORE:

F. JOSEPH BRADY, Administrative Law Judge

REPORTER:

Colleen J. Fila, RPR

APPEARANCES:

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JUDGE ARNOLD (observing)

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COMPLAINANT

IDENTIFIED/ADMITTED

(None marked.)

RESPONDENT

IDENTIFIED/ADMITTED

PGW Exhibit No. 1

PGW bill - 12/29/22 - 1/30/23

21

58

PGW Exhibit No. 2

PGW bill - 1/30/23 - 2/27/23

27

58

1 THE COURT: Please note, this
2 hearing is being recorded. I'm
3 Administrative Law Judge Joseph Brady. I've
4 been appointed by the Pennsylvania Public
5 Utility Commission to preside over this
6 hearing.

7 Today's date is August 8th, 2023,
8 and the time is 1:32 p.m. This is the time
9 and place that the Commission has set for a
10 hearing on the case caption, Eliot Present
11 versus Philadelphia Gas Works at Docket No.
12 F-2023-3040472.

13 Appearing as the complainant is
14 Mr. Eliot Present.

15 (Mr. Eliot Present was duly sworn by
16 the Administrative Law Judge.)

17 THE COURT: Please state and spell
18 your full name.

19 COMPLAINANT PRESENT: Eliot,
20 E-l-i-o-t; Present, P-r-e-s-e-n-t.

21 THE COURT: We also have counsel
22 appearing for the respondent, Philadelphia
23 Gas Works. Please identify yourself.

24 ATTORNEY CHRISTLIEB: This is
25 Graciela Christlieb for Philadelphia Gas

1 Works.

2 THE COURT: And do you have any
3 witnesses that you are presenting today?

4 ATTORNEY CHRISTLIEB: I have
5 Ms. Jessica Glace here.

6 THE COURT: All right. The way this
7 works, Mr. Present, is as the complainant,
8 you have the burden of proof, so you'll go
9 first. You'll get to present your case.
10 When you're done presenting your case, then
11 Attorney Christlieb may ask you some
12 questions. I may ask some questions
13 throughout the hearing just to make sure we
14 have an accurate record.

15 When you're done presenting your
16 case, Attorney Christlieb will present PGW's
17 case, call their witnesses. And when she's
18 done asking questions of their witnesses,
19 you may ask them questions.

20 So I'll get you started. The issue
21 in this case is a billing issue -- is that
22 correct? -- that you're alleging that you
23 were billed incorrectly?

24 COMPLAINANT PRESENT: That is true.
25 For two months that include -- I believe the

1 two months are March and either February or
2 April. I think it's February and March.

3 THE COURT: In your complaint, you
4 listed February of 2023 and March of 2023.

5 COMPLAINANT PRESENT: That's
6 correct.

7 THE COURT: Okay. Where is your
8 current address that you reside?

9 COMPLAINANT PRESENT: It's 474
10 Aurania, A-u-r-a-n-i-a, Street, and that's
11 in Philadelphia.

12 THE COURT: And is that the address
13 where you're having an issue with your
14 billing?

15 COMPLAINANT PRESENT: That's
16 correct.

17 THE COURT: Okay. When did you
18 first begin receiving service from
19 Philadelphia Gas Works?

20 COMPLAINANT PRESENT: Um, well, at
21 this house, it was in 1987. But I lived in
22 an apartment for, I guess, nine years before
23 that that I also received a bill from PGW
24 from 1978 to 1987.

25 THE COURT: Okay. All right. This

1 is your portion to present your case and why
2 you filed the complaint, so you may begin.

3 OPENING STATEMENT

4 BY COMPLAINANT PRESENT:

5 It's my position that, at least when I spoke
6 to representatives of PGW and from what other things
7 that I've gathered, that the normalization rate, at
8 least according to the PGW website --

9 (Reporter clarification.)

10 Well, I'll repeat what I had to say. I
11 said, it's an adjustment approved by PUC as a way PGW
12 -- to help PGW stabilize its income and operate in an
13 efficient way within budget during the heating season.

14 And the -- and I understand that this
15 particular position of PGW is something that has been
16 adopted by the PUC and adopted by the -- the state
17 legislature in Pennsylvania. However, at least I've
18 been told when I spoke to representatives of PGW, that
19 the amount of any weather normalization rate could not
20 exceed 25 percent of the distribution charge, and my
21 charge for the month of February was \$52.59.

22 It's my position that the distribution
23 charge for that same month was simply a hundred fifty,
24 I think, three dollars, so that -- this was in excess
25 of that particular charge.

1 I also would like to -- it was \$154.00,
2 actually, so it's almost a third of that particular
3 charge. And I also was charged thirty-one seventy-two
4 from a distribution charge of a hundred thirty-eight
5 fifty-one for the month of March. And I've been a
6 customer for -- I guess the total amount of time from
7 1978 -- well, the weather normalization rate has only
8 been in effect since 2002, and during all that time, I
9 have never been more than \$16 and some change for the
10 weather normalization rate.

11 So my feeling was that this was excessive
12 and that, you know, I don't feel that it's right that a
13 customer has to take almost \$85, \$90 that doesn't
14 really pay for anything except to keep PGW in its
15 budget. And so it seemed like an extreme amount to me
16 to charge me for those two months.

17 I have looked at my bills since I started
18 being a customer in 1978 -- and also since 2002 when
19 the weather normalization was implemented -- and I've
20 never gotten any kind of bill over the last 22 years --
21 I guess it is or almost 23 years -- that was higher
22 than \$16. So to me, this was over -- over what they
23 should be requiring me to pay extra in order to balance
24 their budget.

25 You know, I'm on a budget, as well, you

1 know, and it's my position that I was overcharged on
2 those two months and that the amount should be
3 modified.

4 THE COURT: Okay. Do you have any
5 witnesses you would like to present?

6 COMPLAINANT PRESENT: No. I -- I --
7 I doubt -- I don't have any experts in terms
8 of PGW's billing or the actual statute to
9 present. I can just tell you that -- that
10 -- you know, that some of the things that I
11 believe the PGW witness is going to speak
12 about are not things that consumers like
13 myself are made aware of or that I
14 necessarily agree with.

15 And I guess I'll -- any
16 cross-examination I have of Ms. Glace might
17 bring out some of those facts, but I feel
18 like I was overcharged.

19 THE COURT: Okay. Attorney
20 Christlieb, do you have any questions for
21 Mr. Present?

22 ATTORNEY CHRISTLIEB: No, Your
23 Honor.

24 THE COURT: Mr. Present, you
25 mentioned that someone told you your bill

1 can't exceed 25 percent of the distribution
2 charge.

3 Do you have any citations, any law
4 or anything that says that, or is that just
5 something you think you heard?

6 COMPLAINANT PRESENT: No. It was
7 something that was told to me by a PGW
8 representative. And I think I also saw it
9 in a letter that the CEO wrote to affected
10 customers when there was a controversy over
11 some other customers being charged way more
12 than I was for their -- for a particular
13 month services, in terms of normal
14 weatherization adjustment.

15 THE COURT: Do you have a copy of
16 that letter?

17 COMPLAINANT PRESENT: No. I -- you
18 could -- I think -- I do not have a copy of
19 the letter. I just saw it when that
20 controversy started. And I think the man's
21 name was Shapiro that wrote the letter to
22 affected customers, because there was a
23 controversy much bigger than mine regarding
24 people being charged, you know, over a
25 thousand dollars extra for a month's heat

1 and -- and that was where I read that.

2 THE COURT: Okay. Any documentation
3 that you would like to place into the
4 record?

5 COMPLAINANT PRESENT: Well, you
6 know, I had asked Attorney Christlieb to
7 deliver me both my distribution charge and
8 my weather normalization adjustment from the
9 last 24 months. She simply sent me my -- my
10 billing records, which shows that all my
11 bills have been paid and they've been paid
12 in a timely fashion for the last two years.

13 She suggested that I go on the
14 portal at PGW. But I did go on that portal,
15 and from what I could figure out, there was
16 no way -- at least that I could figure out
17 -- that I could go back and show, you know,
18 my -- find my other bills.

19 But I can tell you, based on my
20 review of every bill that I've gotten, which
21 -- and this goes back longer than the last
22 two years -- I've never been charged, as far
23 as I remember, any more than some \$16 and
24 some change for the weather normalization
25 adjustment. And most of the time it was

1 less than that, so I was --

2 THE COURT: Were you able to get
3 copies of all those bills?

4 COMPLAINANT PRESENT: No. I don't
5 have all of them, but I -- I'm using my
6 memory to tell you the -- the rest, because
7 I do review every bill when I get it.

8 THE COURT: Okay. But this is a
9 formal hearing.

10 COMPLAINANT PRESENT: I understand
11 that. Well, my memory is what I say and
12 what I -- what I -- what I, you know, talk
13 about is coming from my memory. And I
14 think, you know, my words can certainly be
15 testimony that's admissible in any kind of
16 hearing, as well.

17 I mean, whether or not I produce the
18 documents, if -- if Attorney Christlieb can
19 rebut that --

20 THE COURT: Your testimony is
21 admissible, but do you think your testimony
22 alone is substantial to support your burden
23 of proof?

24 COMPLAINANT PRESENT: Sure. I -- I
25 -- I've told you --

1 THE COURT: Okay.

2 COMPLAINANT PRESENT: -- as much as
3 I know about it and -- and I --

4 THE COURT: That's fine, Mr.
5 Present. That's fine, Mr. Present. You
6 answered my question. That's fine.

7 Anything else that you would like to
8 add?

9 COMPLAINANT PRESENT: No. But I may
10 have some questions on cross-examination if
11 you permit this case to get that far, and I
12 will bring out some points that I think are
13 relevant.

14 THE COURT: Okay.

15 ATTORNEY CHRISTLIEB: Your Honor, if
16 I may respond, because Mr. Present did bring
17 up something regarding discovery.

18 THE COURT: Go ahead.

19 ATTORNEY CHRISTLIEB: Thank you.

20 As we stated before going on the
21 record, PGW, myself specifically, has
22 discussed this matter prior to today's date
23 with Mr. Present. At that time, Mr. Present
24 asked for a statement of his accounting,
25 which I was able to provide.

1 It was not until Sunday of this week
2 that I received -- Sunday afternoon,
3 actually, that I received an e-mail to my
4 work e-mail address, which I saw on Monday,
5 yesterday, asking specifically for the last
6 24 months of a distribution charge,
7 specifically in the last 24 months of his
8 weather normalization charge specifically.
9 I made it clear to him that I don't have
10 that information in a document to produce to
11 him.

12 And as an attorney who has been
13 practicing for 45 years, Mr. Present is
14 aware of discovery being a request for
15 documents. I'm not required to produce
16 documents for Mr. Present or for any other
17 party that don't already exist as PGW
18 records. And I made clear to him that that
19 does not exist. What he was asking for does
20 not exist as a PGW record. Certainly not in
21 such a short time frame could it even be
22 produced for him. However, I did point out
23 to him that the information that he was
24 seeking is broken down on each one of his
25 bills and that he can access his bills

1 online through the customer portal. We did
2 make sure that all of his bills are up
3 online and he has access to them.

4 So Mr. Present has been aware since
5 yesterday morning that he has access to all
6 of the information that he was requesting
7 from PGW. It's not information that is in
8 PGW's sole custody. If he wants to break
9 down his bill and analyze it for the
10 purposes of creating the arguments for his
11 case, he certainly had that ability to do so
12 before today's date.

13 COMPLAINANT PRESENT: In any event,
14 my recollection of my request is different
15 from Ms. Christlieb's. I believe that I
16 asked for all of the weather normalization
17 adjustments, at least when we first spoke,
18 for the last two years. And I understand we
19 have different recollections of the
20 conversation, but it wasn't -- at least as
21 far as I remember -- just this past Monday
22 in response to that.

23 THE COURT: Okay. Well, as
24 attorneys, that's why we try to do
25 everything in writing.

1 COMPLAINANT PRESENT: I understand
2 that, but I --

3 THE COURT: Did you make the request
4 in writing, Mr. Present?

5 COMPLAINANT PRESENT: I did when I
6 looked over the documents that she sent,
7 which I did not have time to do until Sunday
8 morning.

9 And then when I saw that it did not
10 -- the documents that she sent me did not
11 have those things that I believe I asked
12 for, I immediately sent an e-mail on Sunday
13 asking her for those things. And she
14 referred me to the portal, which I went on
15 and couldn't even open up my -- my current
16 bill, let alone past bills, as well.

17 So I did attempt to do what she
18 asked me to do and was unable to do it.

19 THE COURT: Okay.

20 ATTORNEY CHRISTLIEB: Your Honor, I
21 do have some cross-examination just with
22 respect to what was just testified to, if I
23 may.

24 THE COURT: You may. Go ahead.

25 CROSS-EXAMINATION

1 BY ATTORNEY CHRISTLIEB:

2 Q. Mr. Present, is it true that you are a
3 currently barred and active status attorney in
4 Pennsylvania?

5 A. That's true.

6 Q. And have you been practicing for
7 approximately 45 years?

8 A. Probably longer than that.

9 Q. Okay. And in some capacity during that
10 time, you have practiced in administrative law court.
11 Correct?

12 A. Yes. But it was not in -- it was years ago,
13 and it was not like this. This was -- it was a court
14 where I represented clients that were being accused of
15 something by the Department of Public Welfare. So it
16 wasn't exactly over bills.

17 Q. Okay. And during the course of this
18 proceeding, specifically, did you receive the hearing
19 notice in this case?

20 A. I did.

21 Q. And were you able to review it?

22 A. Yes, I did. I reviewed the entire hearing
23 notice.

24 Q. Okay. And were you able to receive the
25 pre-hearing order?

1 A. Yes. I got the pre-hearing order, and then
2 I received an e-mail from you on August the 1st, which
3 was, I guess, approximately a week ago, regarding this
4 case, which I did not have a chance to --

5 Q. Okay.

6 A. -- work obligations -- to review until
7 Sunday.

8 Q. And in the course of your law career, have
9 you ever requested discovery from another party?

10 A. Yes. And I -- I believe that I had asked
11 you for that information when we first spoke, that I
12 had tried to track down all my bills and only could
13 find some of them and -- and so, I had asked you to
14 send me two years of records of my weather
15 normalization rate and the distribution charge because
16 of what I was led to believe about the way the -- the
17 WNA's formulated.

18 Q. And was the request that you're stating you
19 made orally or in writing, initially?

20 A. Orally, when we were talking on the phone.
21 But I --

22 Q. When we were --

23 A. Yes.

24 Q. Would you agree with me that we were talking
25 on the phone about this last week?

1 A. It -- it might have been before that when we
2 first spoke, but you called me back at one point, and
3 we had about an hour conversation. I can check on my
4 phone as to when it was, but I think it was before the
5 first. It might have been about two -- it might have
6 been about two or three weeks ago when -- when we --

7 THE COURT: Two or three what ago?

8 I'm sorry. Two or three what?

9 COMPLAINANT PRESENT: Weeks. Weeks.
10 Weeks. It may have been. I don't remember
11 the exact -- but --

12 THE COURT: It's fine. I'm going to
13 stop this right now, because I'm not even
14 entirely sure this is relevant to the
15 hearing today.

16 ATTORNEY CHRISTLIEB: Yes, Your
17 Honor.

18 THE COURT: We can revisit it at the
19 end of the hearing if it becomes more
20 relevant.

21 ATTORNEY CHRISTLIEB: Yes, Your
22 Honor.

23 THE COURT: All right. Attorney
24 Christlieb, you may present your first
25 witness.

1 ATTORNEY CHRISTLIEB: Yes, Your
2 Honor. At this time, I would call
3 Ms. Jessica Glace.

4 MS. GLACE: Good afternoon.

5 (Ms. Jessica Glace was duly sworn by
6 the Administrative Law Judge.)

7 THE COURT: Please state and spell
8 your full name.

9 THE WITNESS: Jessica,
10 J-e-s-s-i-c-a; Glace, G-l-a-c-e.

11 THE COURT: Where are you currently
12 employed?

13 THE WITNESS: Philadelphia Gas
14 Works.

15 THE COURT: And what is your title?

16 THE WITNESS: I'm the manager of the
17 Customer Review Unit.

18 THE COURT: All right.

19 Your witness, Attorney Christlieb.

20 J E S S I C A G L A C E,
21 was called as a witness, and after having been duly
22 sworn, according to the law, was examined and testified
23 as follows:

24 DIRECT EXAMINATION

25 BY ATTORNEY CHRISTLIEB:

1 Q. Ms. Glace, as the manager of the Customer
2 Review Unit, did you have an opportunity -- could you
3 please state what your duties entail?

4 A. Yes. I handle and investigate formal
5 complaints filed by the customer to the Public Utility
6 Commission.

7 Q. And did you have an opportunity to
8 investigate this complaint that was filed here today?

9 A. Yes.

10 Q. And did you have an opportunity to check the
11 accounting of the two weather normalization charges
12 that are in dispute here today?

13 A. Yes.

14 Q. And what is PGW's position with respect to
15 the calculation of those weather normalization charges?

16 A. They are correct.

17 (PGW Exhibits 1 and 2 were marked
18 for identification.)

19 BY ATTORNEY CHRISTLIEB:

20 Q. Okay. I'm going to draw your attention to
21 what's been marked as PGW Exhibits 1 and 2.

22 Do you have those exhibits?

23 A. Yes.

24 Q. Okay. I'm now going to ask what PGW Exhibit
25 1 is.

1 THE COURT: Hold on one for second.
2 Mr. Present, do you have Exhibit 1
3 in front of you?

4 COMPLAINANT PRESENT: I'm looking at
5 the documents I have here. There's --
6 there's two pages, one that has just two
7 blocks with numbers in it and one that says:
8 "February 2023 WNA charge, PGW Exhibit 1."

9 Are those the ones you're talking
10 about?

11 THE COURT: Yes. Okay.

12 You may proceed, Attorney
13 Christlieb.

14 COMPLAINANT PRESENT: I have another
15 one from March. I have similar exhibits
16 from March, as well.

17 THE COURT: Okay.

18 COMPLAINANT PRESENT: Sorry.

19 THE COURT: Okay.

20 BY ATTORNEY CHRISTLIEB:

21 Q. And Ms. Glace, do Exhibits 1 and 2 represent
22 the two months that Mr. Present is contesting here
23 today?

24 A. Yes.

25 Q. Okay. I'm going to draw your attention

1 specifically to PGW Exhibit 1. Could you please state
2 what pages 1 through 3 of PGW Exhibit 1 is?

3 A. Yes. This is a bill that was issued.

4 Q. Okay. Could you please state for the record
5 what the billing service dates are?

6 A. Yes. This bill represents service from
7 December 29th, 2022, through January 30th, 2023.

8 Q. Okay. I'm drawing your attention to PGW
9 Exhibit 1, page 3. On this page, can we find what the
10 weather normalization adjustment was for this time
11 frame?

12 A. Yes.

13 Q. And what was it?

14 A. \$52.59.

15 Q. And is that your understanding of what is
16 being contested with respect to this bill?

17 A. Yes.

18 Q. And as you stated, the weather normalization
19 charge calculation has been checked and seemed to be
20 correct; is that correct?

21 A. Yes.

22 Q. Could you please state for the record what
23 is contained in PGW Exhibit 1, page 4?

24 A. Yes. This is the approved calculation for
25 the WNA.

1 Q. Okay. And is this the actual WNA equation?

2 A. Yes.

3 Q. And is this the equation with the relevant
4 information that has been put in?

5 A. Yes.

6 Q. Okay. And could you please state for the
7 record what PGW Exhibit 1, page 5 is?

8 A. Yes. This is the terminology assigned --
9 the assigned values that correspond to the billing for
10 the WNA charge.

11 Q. Okay. Is it fair to say that this is a
12 breakdown?

13 A. Yes.

14 Q. Okay. I'm going to draw your attention to
15 the top of PGW Exhibit 1, page 5. Could you please
16 state where the -- the first line that's "Total Usage,"
17 do you see that?

18 A. Yes.

19 Q. Is that information that can be found on the
20 bill that is also included in PGW Exhibit 1?

21 A. Yes.

22 Q. Okay. And No. 2, could you please state
23 what the base load is? There's a footnote.

24 A. Yes. It's "Usage per day for non-heating
25 purposes; unique to the customer and revised annually"

1 --

2 (Reporter clarification.)

3 A. -- "based on usage in July and August."

4 Q. And No. 3, Roman numeral iii, is that a
5 billing cycle?

6 A. Yes.

7 Q. I'm sorry. Not Roman numeral. The
8 lowercase numeral iii, that's a billing cycle.
9 Correct?

10 A. That's correct.

11 Q. Is that information that's also found on the
12 bill?

13 A. Yes.

14 Q. Okay. And that also is shown in the billing
15 period. Correct?

16 A. That's correct.

17 Q. Okay. And the "Normal Heating Degree Days,"
18 could you please state for the record what that is?
19 There is also a footnote.

20 A. Yes. That is "The 20-year average of the
21 AHDD for that period of time," which the "AHDD" stands
22 for Actual Heating Degree Days.

23 Q. And is the 20-year average what is approved
24 in PGW's tariff?

25 A. Yes.

1 Q. And, in fact, let me just clarify now. Is
2 this entire equation and how it's broken down here an
3 approved part of PGW's tariff?

4 A. Yes.

5 Q. And the information on the normal heating
6 degree days, where does PGW obtain that information?

7 A. It's obtained from the National Oceanic and
8 Atmospheric Administration.

9 Q. And is that where PGW also gets the actual
10 heating degree days?

11 A. Yes.

12 Q. Do the actual heating degree days also
13 appear on PGW's Statement of Accounts that it produces
14 for customers upon request?

15 A. Yes.

16 Q. Okay. And the delivery charge, where is
17 that found?

18 A. In the tariff.

19 Q. And steps 1 through 5, do those break down
20 the individual parts of the equation --

21 A. Yes.

22 Q. -- with the information that was provided in
23 i through vii above?

24 A. Yes.

25 Q. And at the end of that breakdown, on No. 5,

1 could you please state for the record what the actual
2 WNA is?

3 A. Yes. It's \$52.59.

4 Q. And is that the same amount of the WNA that
5 was shown on the bill for that month?

6 A. Yes.

7 Q. Okay. Now, we've broken down this manually
8 for the customer; however, is this done systematically
9 on every bill?

10 A. No.

11 Q. I'm sorry. Not the breakdown specifically,
12 but is the equation applied to every bill -- does each
13 customer's WNA reflect what their WNA should be?

14 A. Yes. Absolutely.

15 Q. So we've really just broken it down here
16 manually for purposes of this hearing.

17 A. That's correct.

18 Q. Was the same done for the other month that
19 was being contested by Mr. Present?

20 A. It was.

21 Q. Okay. And is that what's contained in PGW
22 Exhibit 2?

23 A. Yes.

24 Q. And on pages 1 through 3, could you please
25 state for the record what PGW Exhibit 2 is?

1 A. It's the breakdown of the WNA.

2 Q. I'm sorry. Specifically what pages 1
3 through 3 are of the exhibit.

4 A. The bill.

5 Q. And what is the service dates for that bill?

6 A. It's January 30th, 2023, through February
7 27th, 2023.

8 Q. And specifically on page 3, is that where we
9 can find what the normal weatherization charge was for
10 that month?

11 A. Yes.

12 Q. And what was it for that month?

13 A. \$31.72.

14 Q. And did PGW, again, run a manual calculation
15 to verify that that amount was correct?

16 A. Yes.

17 Q. And is the physical representation of that
18 equation what is on PGW Exhibit 2, page 4?

19 A. Yes.

20 Q. And is the actual step-by-step breakdown
21 what is contained in PGW Exhibit 2, page 5?

22 A. Yes.

23 Q. And at the bottom of PGW Exhibit 2, page 5,
24 No. 5, what is the WNA that was the result of the
25 breakdown of the calculation?

1 A. \$31.72.

2 Q. And is that the same WNA that was reflected
3 on the contested bill?

4 A. Yes.

5 Q. Okay.

6 ATTORNEY CHRISTLIEB: I have no
7 further questions, Your Honor.

8 CROSS-EXAMINATION

9 BY COMPLAINANT PRESENT:

10 Q. Miss Glace, good afternoon. How are you?

11 A. Fine. Thank you.

12 Q. I'm Eliot Present and I'm the complainant in
13 this case, the one that's contesting the bill. I do
14 have some questions for you.

15 Would you agree with me, if you did not work
16 for PGW and handle these matters on a routine basis,
17 you'd have no way to understand these numbers in this
18 form; is that correct?

19 ATTORNEY CHRISTLIEB: Objection,
20 Your Honor. This complaint is solely about
21 whether or not the calculations are correct,
22 not whether Ms. Glace can understand other
23 people's billing calculations or not.

24 COMPLAINANT PRESENT: I think as the
25 person that was billed, I can cross-examine

1 on this issue.

2 ATTORNEY CHRISTLIEB: It doesn't go
3 to whether the calculation is correct.

4 COMPLAINANT PRESENT: Well, Your
5 Honor, are you going to not permit me to ask
6 the question, then?

7 (At which time, a discussion was
8 held off the record.)

9 THE COURT: I apologize to everyone.
10 I'm sorry. I was on mute. I accidentally
11 hit it.

12 So the objection is to relevance,
13 Mr. Present? So what is the relevance of
14 this line of questioning?

15 COMPLAINANT PRESENT: Just that this
16 formulary that they sent me these pages on,
17 you know, a normal citizen that is not
18 trained in this formulary would have no way
19 of understanding what these numbers mean.

20 THE COURT: And how does that affect
21 this complaint?

22 COMPLAINANT PRESENT: Well, I -- I
23 guess I will get -- I think it's relevant
24 that they're sending me things that I have
25 no way of figuring out are accurate or not.

1 I have to hire an expert, which would cost
2 me more than the amount of bill I'm
3 contesting to talk about these particular
4 numbers or even understand them.

5 But if you don't want me to -- if
6 you don't think it's relevant, I'll withdraw
7 the question, and I'll move on to another
8 issue.

9 THE COURT: Okay. Please move on.

10 COMPLAINANT PRESENT: Okay.

11 BY COMPLAINANT PRESENT:

12 Q. Ms. Glace, the weather normalization rate
13 adjustment is based on unusual temperature changes that
14 -- that -- that require PGW to not charge as much for
15 heating as they normally would have to. It has
16 something to do with -- with how the weather might
17 affect a customer's usage of PGW's product; is that
18 correct?

19 A. Can you rephrase the question, please?

20 Q. I'm saying this whole formulary is based on
21 the fact that the weather and its effect on the
22 customer's use of your product, that this particular
23 rate is based on whether or not there are certain
24 temperatures in the atmosphere that would make a
25 customer not use as much heat as they normally might

1 during a typical winter.

2 ATTORNEY CHRISTLIEB: Objection,
3 Your Honor. Again, this is not relevant for
4 purposes of this complaint.

5 As we clarified at the beginning of
6 this hearing, the complaint was about
7 whether or not these specific calculations
8 are correct or incorrect. Mr. Present is
9 trying to get into the reason why the rate
10 exists, and the Commission has already
11 determined that the rate exists for whatever
12 reason it exists and has approved it.

13 At this point, Mr. --

14 THE COURT: Hold on. Hold on.

15 ATTORNEY CHRISTLIEB: -- Present is
16 trying to contest the rate itself.

17 COMPLAINANT PRESENT: I am -- I am
18 asking about whether or not my
19 interpretation of the weather normalization
20 rate is accurate; that when the weather
21 changes, PGW gets the bill -- gets to bill a
22 customer for a higher weatherization rate if
23 the temperatures don't fall within a
24 standard range. And I think it's relevant.
25 It's part of their formula.

1 THE COURT: It sounds like you're
2 questioning whether the weather
3 normalization adjustment is affected by the
4 weather. Is that your question?

5 COMPLAINANT PRESENT: Basically,
6 yes. It's a fairly simple question.

7 THE COURT: I think we can all
8 stipulate that the weather normalization
9 adjustment is dependent on the weather.

10 COMPLAINANT PRESENT: Okay.

11 BY COMPLAINANT PRESENT:

12 Q. And Ms. Glace, you would agree that your
13 company, you know, produces natural gas, which it sells
14 to the public -- is that right? -- in Philadelphia, at
15 least. Am I correct, Ms. Glace?

16 A. Yes. We are the gas company for
17 Philadelphia.

18 Q. Okay. And -- and do you also agree that
19 your -- the natural gas, the component of the natural
20 gas, which is produced by PGW is methane? You would
21 agree with me --

22 ATTORNEY CHRISTLIEB: Objection,
23 Your Honor.

24 THE COURT: Hold on. It's fine.
25 You don't need to object.

1 Where are we going with this, Mr.
2 Present? This complaint is about your
3 bills, February and March. Can we get down
4 to your bills in February and March? Can
5 you ask the questions about those?

6 COMPLAINANT PRESENT: Your Honor, I
7 guess the point I'm trying to make is that
8 this -- this -- this calculation that's
9 being made to increase my bill is based on
10 climate change, which I guess most people
11 agree is happening, and that one of the
12 components that they sell is actually a
13 course of the climate change -- or at least
14 according to things that I've read. And so,
15 you know, it -- it creates, you know, sort
16 of like -- it's a dynamic that I think is
17 relevant to why I'm being charged.

18 They can produce a product that
19 affects the climate and then charge the
20 customers more money when that particular
21 event happens and then --

22 THE COURT: Okay. That's not -- Mr.
23 Present, hold on. That is not what this
24 hearing is about. Okay? I cannot address
25 whether you should or should not be charged

1 the weather normalization adjustment.
2 That's in the tariff. We're not addressing
3 that.

4 COMPLAINANT PRESENT: Okay.

5 THE COURT: The only thing we're
6 addressing is whether they applied it to you
7 in accordance with that tariff. So did they
8 file their own formula and charge you
9 correctly.

10 COMPLAINANT PRESENT: Okay. I'll
11 move on to that issue, then.

12 BY COMPLAINANT PRESENT:

13 Q. The formulary -- Ms. Glace, the formulary
14 that you use for the weather normalization rate, was
15 that one that PGW wrote up and proposed to the PUC
16 before they accepted it?

17 THE COURT: Again, they already
18 answered that. The rate that they submitted
19 as an exhibit is the rate that exists in the
20 tariff.

21 COMPLAINANT PRESENT: I understand
22 that. I'm just curious as to whether or not
23 they wrote up the proposed tariff to the PUC
24 before it was adopted by them, that -- that
25 the actual company created the formulary for

1 the tariff before it was adopted back in --

2 THE COURT: Okay. I don't know how
3 many times I can tell you: We're not
4 addressing or relitigating the tariff. The
5 tariff was approved by the Commission. How
6 that was approved or what was submitted
7 prior to it being approved, what was
8 approved in the negotiations and the rate
9 case is not relevant to this hearing today.

10 COMPLAINANT PRESENT: Okay. Okay.
11 I'll move on to another question, then.

12 BY COMPLAINANT PRESENT:

13 Q. Ms. Glace, with respect to this billing for
14 January -- December 29th to the end of January from my
15 February 2023 bill, the fifty-two fifty-nine that you
16 mentioned -- you know what I'm speaking about?

17 A. I do.

18 Q. Have you reviewed other bills of mine over
19 the course of the history of my account?

20 A. Briefly.

21 Q. Okay. And would you agree with me that this
22 is the, you know, highest weather normalization
23 adjustment that I've ever been charged in the history
24 of me being a customer with PGW since they started this
25 weather normalization adjustment in 2002? I think it

1 was.

2 A. Unfortunately, I can't answer that. I
3 didn't review each bill back to 2002, so I can't say
4 for sure.

5 Q. So you would answer me the same way about
6 the bill for thirty-one seventy-two -- is that correct?
7 -- the one from the next month, for February?

8 A. I --

9 Q. You can't tell me -- yes. You can't tell me
10 whether that's the second highest charge that I've ever
11 received during my time as a customer with PGW?

12 A. Again, I can't say exactly that that's the
13 second one. I didn't read -- I didn't review each and
14 every individual bill.

15 Q. Can you tell me -- can you explain to me the
16 -- how -- what this formulary in -- in variation and
17 weather means, this -- this NHDD 1 percent equals 995,
18 equals 995? And then it gets finally to a number of
19 1.452876.

20 Can you explain to me how -- what those
21 numbers mean and how that was calculated?

22 A. The calculation is on the form. I didn't
23 make the equation. We provide the numbers for the
24 equation to be determined.

25 Q. So you don't -- you don't know what any of

1 these numbers on this exhibit mean, then, in terms of
2 No. 2, the variation in weather that forms PGW Exhibit
3 1, page 5 of 5 from February 2023? You can't explain
4 those numbers to me?

5 A. No, sir. I didn't say I didn't know what
6 the numbers meant. I'm just saying I didn't formulate
7 the equation.

8 Q. All right. What do the numbers mean, then?
9 That's what I'm asking.

10 ATTORNEY CHRISTLIEB: Objection,
11 Your Honor. This was asked and answered. I
12 went through the numbers at the top of the
13 exhibit and where they came from. So could
14 he please specify what numbers he's saying
15 he doesn't understand?

16 COMPLAINANT PRESENT: I don't
17 understand the numbers from the variation in
18 weather, and I don't believe that was gone
19 over in detail by the witness. They just
20 said that these are the correct numbers, but
21 I want to know what they mean.

22 THE COURT: I'm not following your
23 question.

24 COMPLAINANT PRESENT: Okay. I don't
25 understand what this formula means in terms

1 of how they came up with a particular
2 variation in weather calculation. So I --
3 since this is the witness that's being
4 presented to talk about these numbers and
5 this form -- and this number was correct --
6 I would think they should be able to explain
7 to me what these numbers mean. She said she
8 --

9 THE COURT: You just keep -- you
10 keep saying "what these numbers mean," and
11 that's where you're losing me. I don't
12 follow -- I don't understand what your
13 question is.

14 If you look at Exhibit 1, page 5 of
15 5, you're talking about variation in
16 weather.

17 COMPLAINANT PRESENT: Yes. Number
18 --

19 THE COURT: Right. Okay. So it
20 describes how variation in weather is
21 calculated, and it shows you where the
22 numbers come from. So I don't -- when you
23 say, "I don't know what these numbers mean,"
24 the numbers -- they show you where each
25 number comes from used in the calculation.

1 That's what they mean.

2 COMPLAINANT PRESENT: Okay. I see.

3 BY COMPLAINANT PRESENT:

4 Q. Well, so, can you explain to me what the
5 NHDD of 856 and the AHDD of 791 with a margin of dead
6 band of 1 percent means? Can you explain that to me?

7 THE COURT: Let me just interrupt,
8 because I want to have a clear record. I
9 want to make sure everyone's on the same
10 page.

11 ATTORNEY CHRISTLIEB: Your Honor, if
12 I could just clarify. The explanation for
13 his question is footnote No. 4.

14 THE COURT: Okay. I don't think
15 that's going to answer the question.

16 Are you asking what NHDD means?

17 COMPLAINANT PRESENT: Yes. I was
18 asking what these terms actually mean,
19 because I -- before I got these -- these
20 exhibits on August 1st, I had never -- I've
21 never been familiar with -- I see here that
22 it's -- it's got titles of "Normal Heating
23 Degree Days of 995" and "Actual Heating
24 Degree Days of 678," but I don't understand
25 what those calculations mean or how they got

1 to them.

2 So I was asking her, since she's the
3 witness that's being presented, to explain
4 what -- what influence PGW, in terms of this
5 formulary, to give me a bill of \$52.59, if
6 she can explain to me how that whole 995 and
7 678 and --

8 THE COURT: Okay. Okay, Mr.
9 Present. Okay, Mr. Present. But she did do
10 that in her direct testimony, the first time
11 she testified, and this exhibit does the
12 same.

13 COMPLAINANT PRESENT: Okay. Well --

14 THE COURT: So that explains -- it
15 explains what an actual heating degree day
16 is. Okay? You look at footnote No. 3, and
17 it explains what AHDD is. Okay? And then
18 if you look at footnote No. 2, that explains
19 what a normal heating degree day is.

20 COMPLAINANT PRESENT: No. No. I
21 understand that. I just don't understand
22 the way the calculations were determined,
23 and that's what I was hoping that the
24 witness could try to explain to me.

25 ATTORNEY CHRISTLIEB: Your Honor --

1 Your Honor, I'm going to interrupt here,
2 because it might just be easier to have
3 Ms. Glace walk through the actual
4 calculation so that there's no confusion.
5 May I be permitted to do that?

6 THE COURT: Hold on, because I don't
7 think that's the issue.

8 Mr. Present, are you -- you don't
9 understand the numbers, the multiplication
10 and division of how the calculation was done
11 -- performed -- or are you saying you're
12 looking for where this formula came from?

13 COMPLAINANT PRESENT: No. No. I --
14 I -- I am under the impression that PGW came
15 up with this formula that was recommended to
16 the PUC and -- and that they adopted it, and
17 then the legislature passed it and the --
18 and it's all been done so that their budget
19 can be balanced.

20 But I don't understand exactly how
21 they've reached these numbers and what they
22 mean by actually implementing the formula.
23 And I was -- since she's the witness that's
24 being -- the manager of the Customer Review
25 Unit and since she's the witness that has

1 been offered to break down this formula and
2 talk about it, I wanted to know -- and I
3 don't -- at least from my recollection of
4 testimony, I don't know that I got a clear
5 explanation; otherwise, I wouldn't be asking
6 this, as to how this is all figured out,
7 so --

8 THE COURT: It sounds like you're
9 asking for where the formula came from
10 again.

11 COMPLAINANT PRESENT: No. No.

12 THE COURT: The formula is part of
13 the tariff. The only question here is: Are
14 they applying the formula correctly?

15 COMPLAINANT PRESENT: Right. And
16 so, if I don't understand how the formula is
17 used, then that's just -- I'm -- I can't --
18 I can't ask questions about that. I see --

19 THE COURT: I don't follow that
20 statement. It sounds like every -- you keep
21 trying to rephrase it. But your basic
22 question is: You don't agree with the
23 formula, or you don't agree how they came up
24 with the formula --

25 COMPLAINANT PRESENT: Well --

1 THE COURT: -- and we're not
2 addressing that in today's hearing.

3 COMPLAINANT PRESENT: No. I
4 understand that. I guess I'm just asking
5 this witness -- since this is the witness
6 that's being proffered -- and if you're not
7 going to permit her to testify about it --
8 can explain to me, you know, how this
9 formula got to the numbers of fifty-two
10 fifty-nine for me, and so, I certainly can't
11 understand it, just because --

12 THE COURT: Okay. She did that.
13 She did that. Do you want her to run
14 through the numbers again? The numbers are
15 broken down. She did that.

16 COMPLAINANT PRESENT: Okay. Well,
17 then, maybe I didn't hear it correctly,
18 'cause I don't -- I do not get the sense
19 that -- all she did was say, "This is the
20 first number we got; this is the second
21 number we got; and then that was all in the
22 weatherization adjustment of fifty-two
23 fifty-nine."

24 So I was just trying to delve a
25 little bit deeper and see if I could reach

1 some understanding about what each
2 calculation means.

3 THE COURT: But you added that
4 "means" to the end. That's not what we're
5 doing here. Okay? She can explain where
6 the numbers came from. They take the
7 numbers and then plug them into this
8 formula.

9 COMPLAINANT PRESENT: Okay. Well --

10 THE COURT: The first numbers they
11 plug into the formula is total usage, right,
12 and they use 164. Do you follow that?

13 COMPLAINANT PRESENT: I see that. I
14 see that, yes.

15 THE COURT: Okay. Do you have a
16 question of what that means? Do you
17 understand what that means? It means you
18 used 164 cubic feet of gas.

19 COMPLAINANT PRESENT: Right.

20 THE COURT: Okay.

21 COMPLAINANT PRESENT: I do
22 understand.

23 THE COURT: Do you follow?

24 COMPLAINANT PRESENT: I do follow.

25 THE COURT: How about the base load?

1 Do you understand the base load?

2 COMPLAINANT PRESENT: No, I do not
3 know what "base load" means.

4 THE COURT: Okay. So Ms. Glace, can
5 you explain what base load is?

6 THE WITNESS: Yes. It's the usage
7 per day for non-heating purposes. It's
8 unique to the customer and revised annually
9 based on usage in July and August.

10 COMPLAINANT PRESENT: I certainly
11 understand the billing cycle and the bill
12 period. And I guess this is a -- some years
13 of normal heating degrees and actual heating
14 degree days that they've averaged out and
15 then a delivery charge, which is part of the
16 calculation, as well. I guess I do
17 understand that.

18 BY COMPLAINANT PRESENT:

19 Q. Ms. Glace, can you tell me how the delivery
20 charge is used and why it's used and how it's used to
21 come up with the final calculation, Ms. Glace?

22 A. The delivery charge is -- the delivery
23 charge is incorporated with the formula by calculating
24 the adjustment for weather normalization charge, which
25 is No. 5.

1 Q. And this delivery charge, where does that
2 come from, that number, that 72955? Where does this
3 number come from?

4 A. That's obtained in the tariff. All rates
5 are located in the tariff.

6 Q. I see. So that's a standard rate, then? Is
7 that what you're telling me?

8 A. It fluctuates, depending on when the rates
9 fluctuate. But at the time of your billing, that's
10 what the charge was, yes.

11 Q. Would you agree with me -- I know -- how --
12 you've been with PGW for how many years?

13 A. Sixteen.

14 Q. And you'd agree with me that to a normal
15 layperson like myself, that this is somewhat
16 complicated, would you not? Or do you not --

17 ATTORNEY CHRISTLIEB: Objection,
18 Your Honor, relevance, what Ms. Glace does
19 or does not find complicated. She's also
20 not qualified to speak on what anyone else
21 may or may not find complicated.

22 THE COURT: Maybe I can go about
23 this a different way, Mr. Present. I
24 understand you don't agree with the weather
25 normalization charge.

1 COMPLAINANT PRESENT: Not for those
2 two months.

3 (Reporter clarification.)

4 THE COURT: We're not addressing the
5 charge, in general. It's part of the
6 tariff. We're just not going to address it
7 in general. And if your argument is you
8 shouldn't be charged this because you don't
9 understand the formula, that's not a
10 relevant argument for this proceeding.

11 COMPLAINANT PRESENT: Okay.

12 ATTORNEY CHRISTLIEB: Your Honor, if
13 I may? During the course of this
14 conversation or during the course of the
15 hearing -- and this may help clarify some of
16 Mr. Present's confusion -- I did see that
17 there were errors in the verbiage of No. 1
18 and No. 2 on PGW Exhibit 1, page 5, and PGW
19 Exhibit 2, page 5.

20 There seems -- they seem to be
21 earlier drafts that were sent out that have
22 artifacts from other calculations. The
23 actual calculation in each page is correct,
24 but like I stated, the verbiage has numbers
25 that are incorrect.

1 So in the time that we have been
2 speaking, I have sent the most recent copies
3 of PGW Exhibit 1, page 5, and PGW Exhibit 2,
4 page 5, to both Your Honor and Mr. Present.
5 And perhaps that clarifies the matter, as
6 No. 1 on PGW Exhibit 1, page 5, now reads:
7 "Non-heating gas usage is calculated by
8 multiplying the BL of 0.15 cf per day by the
9 BC of 32 days and subtracting that from the
10 TU of 164, which reflects the numbers that
11 are listed above in lowercase i through
12 vii."

13 Additionally, the numbers in the
14 verbiage in paragraph 2 are changed from 856
15 to 995 and 791 to 678, which, again,
16 reflects the numbers above. And on PGW
17 Exhibit 2, page 5, the same thing was done.

18 The updated No. 1 includes the
19 numbers 0.15, 28, and 147, as is listed in
20 the explanation above. And No. 2, the
21 verbiage now includes 813 instead of 918 and
22 617 instead of 706.

23 So perhaps that's where some of the
24 confusion that Mr. Eliot was experiencing
25 was coming from, and I do apologize for

1 that. However, both Your Honor and Mr.
2 Eliot should now have clean, updated copies
3 that show the correct numbers.

4 Still, the highlighted numbers on
5 all four -- I'm sorry -- on all five of the
6 steps in both pages is correct, as are the
7 actual equations and the numbers in the
8 actual equations on both pages.

9 THE COURT: Okay. Mr. Present, do
10 you understand the explanation?

11 COMPLAINANT PRESENT: In part, Your
12 Honor. This is -- I know you probably have
13 had hearings on issues in the past and might
14 have a better understanding of this
15 formulary than I do; but, you know, this is
16 not something that I'm familiar with before
17 reviewing these documents. And, you know,
18 now there's some errors on the document.

19 But you know what? I -- I don't
20 think that further questioning of Ms. Glace
21 is going to be fruitful to my cause, so I'm
22 -- I don't have any further questions at
23 this point.

24 THE COURT: All right. Let me ask
25 you this: Ms. Glace, do you have the

1 ability to pull up the bill for Mr. Present
2 for February of 2022?

3 THE WITNESS: Yes.

4 THE COURT: Can you do that?

5 ATTORNEY CHRISTLIEB: Your Honor, do
6 you want us to do that right now?

7 THE COURT: Is that possible?

8 ATTORNEY CHRISTLIEB: Give me one
9 second and I'll see if we can get online.
10 One moment.

11 COMPLAINANT PRESENT: I don't have
12 my January bill from 2022, but I do have --
13 my February bill, but I do have my January
14 bill from 2022 that I was able to find.

15 ATTORNEY CHRISTLIEB: Your Honor, we
16 were able to pull the January 2022 bill.

17 COMPLAINANT PRESENT: Okay. I have
18 that one here, actually.

19 THE COURT: But I was looking for
20 the February so we can match up the years --
21 the month.

22 COMPLAINANT PRESENT: That's fine
23 too.

24 ATTORNEY CHRISTLIEB: Well, Your
25 Honor, this one covers roughly the same

1 period of time. It's from December to
2 January.

3 THE COURT: Okay, that's fine. As
4 long as we're covering the same period of
5 time.

6 What is the weather normalization
7 adjustment on that bill?

8 THE WITNESS: \$35.25.

9 THE COURT: Okay. Ms. Glace, is
10 there any way you can look at that bill and
11 explain the different charges between that
12 bill and the 2023 bill?

13 THE WITNESS: Can you elaborate on
14 the different -- I'm not understanding what
15 you're asking.

16 THE COURT: Well, there's a reason
17 that bill was different from the -- there's
18 a reason the 2022 bill is different from the
19 2023 bill, and I think that's what Mr.
20 Present is asking. Why does it change?

21 THE WITNESS: Well, it would
22 fluctuate or change because all of the
23 charges are different, as well. Like, the
24 total usage is different. The normal
25 heating degree days would be different. The

1 actual heating degree days would be
2 different. The billing cycle is different.
3 The delivery charge could be different.

4 THE COURT: Okay. Can you look at
5 -- let's just go through the different items
6 that get included in the charge.

7 ATTORNEY CHRISTLIEB: From that
8 bill, Your Honor?

9 THE COURT: Yes.

10 ATTORNEY CHRISTLIEB: Well, Your
11 Honor, we wouldn't have that information
12 because we haven't pulled the normal heating
13 degree days for that period of time from
14 NOAA, and we don't have the actual heating
15 degree days from that period of time in
16 front of us.

17 I also don't know what the delivery
18 charge is from that period of time, because
19 we would need to look up from that tariff
20 supplement what the delivery charge was at
21 that time. But we don't have those numbers
22 in front of us.

23 THE COURT: Am I correct, Mr.
24 Present? Is that kind of what you're
25 looking for? You're wondering why your bill

1 is different?

2 COMPLAINANT PRESENT: No. No. I --
3 I -- listen, I -- I was extremely shocked
4 and surprised to see that I was, you know,
5 paying so much more for this adjustment in
6 those two months than, at least I remember
7 seeing, over the period of time that I've
8 been a customer and -- so that's why I filed
9 the case to start with, because I just felt
10 -- I believe, at least in the community, I'm
11 not the only one that does not understand
12 these adjustments.

13 And certainly, I will freely admit
14 that I -- looking at these things, I cannot
15 -- I cannot possibly go through these
16 calculations and -- you know, and figure out
17 how they come to this number.

18 And, you know, maybe I'm not a math
19 whiz, but, you know, I -- I would suspect
20 that possibly some of the legislators that
21 passed this legislation might not have even
22 looked at the formulary or understood it
23 either.

24 But, you know, you and Ms. Glace and
25 counsel for PGW all have been familiarized

1 with this -- this material on many different
2 occasions through -- going through these
3 cases. So I'm sure I'm not the first person
4 that's filed a case to protest against the
5 particular rate that they were charged on a
6 PGW bill.

7 THE COURT: Okay. I'm going to stop
8 you, Mr. Present. I'm going to stop you,
9 okay, 'cause you say you don't want to, but
10 you keep trying to go back and file an
11 appeal against the rate itself, against the
12 tariff.

13 COMPLAINANT PRESENT: No. I
14 understand --

15 THE COURT: We're not doing that.

16 COMPLAINANT PRESENT: I can't change
17 --

18 THE COURT: Okay. Okay. So all I
19 can do is try and explain to you why you
20 were charged this amount.

21 COMPLAINANT PRESENT: And I
22 appreciate the fact that you're trying to
23 help do that, Your Honor. I do appreciate
24 --

25 THE COURT: Okay. Mr. Present,

1 stop. That's not an opening for you to
2 argue against the rate. Okay? I'm just
3 trying to explain to you why you were
4 charged this rate as opposed to the rate in
5 other months.

6 COMPLAINT PRESENT: I understand
7 that and I appreciate it.

8 THE COURT: Okay. All right. And
9 just based on that, that charge --

10 I believe, Ms. Glace, you said the
11 charge last year in 2022 was \$37.00; isn't
12 that correct?

13 THE WITNESS: It was thirty-five
14 twenty-five.

15 THE COURT: Thirty-five twenty-five.

16 COMPLAINT PRESENT: I --

17 THE COURT: So Mr. Present, the
18 \$31.00 you were charged in March is not the
19 highest you've ever been charged.

20 COMPLAINT PRESENT: No. The
21 fifty-two fifty-nine was, but I did not
22 remember -- maybe I didn't carefully look at
23 that bill, but I didn't remember ever being
24 charged -- at least the bills that I was
25 able to find and review, the highest charge

1 that I could find was \$16.

2 THE COURT: Okay. Well, there's a
3 charge for \$35.00. All right?

4 COMPLAINANT PRESENT: I heard that.
5 I heard her testify to that.

6 THE COURT: Okay. So you have no
7 more questions for Ms. Glace?

8 COMPLAINANT PRESENT: No.

9 THE COURT: Okay. Do you have any
10 other witnesses, Attorney Christlieb?

11 ATTORNEY CHRISTLIEB: No, Your
12 Honor, PGW has no other witnesses. I would
13 rest for purposes of this hearing.

14 I do ask that PGW Exhibits 1 and 2
15 -- with the substitution of page 5 for each
16 of those two exhibits that I sent during the
17 course of this hearing -- be admitted into
18 the record.

19 THE COURT: Any objections, Mr.
20 Present?

21 COMPLAINANT PRESENT: Just because I
22 wasn't provided with those, you know -- you
23 know, before this date, I would object,
24 because, you know, I was given incorrect
25 documents -- not that I understood them that

1 well anyway, but I was given incorrect
2 documents and -- you know, to have the
3 correct ones given to me on the day of the
4 hearing is -- is a bit of -- you know, it's
5 late notice, as far as I'm concerned. So
6 that's my objection --

7 ATTORNEY CHRISTLIEB: And, Your
8 Honor --

9 COMPLAINANT PRESENT: -- and so --

10 ATTORNEY CHRISTLIEB: -- the errors
11 were in the nature of typographical errors
12 and that the actual information contained in
13 the documents was correct, I would ask that
14 you overrule the objection and admit the
15 exhibits.

16 THE COURT: The objection is noted.
17 It's overruled. The exhibits will be
18 admitted.

19 (PGW Exhibit Nos. 1 and 2 were
20 admitted into evidence.)

21 COMPLAINANT PRESENT: All right.
22 And -- well, would you like to hear anything
23 else from either party?

24 THE COURT: Just give me one second.
25 At this portion, I do grant each

1 party a chance to make closing arguments.
2 We are keeping a transcript, so I don't need
3 you to restate everything that was said here
4 today, but if you would like to summarize
5 your position, this is your time to do so.

6 And we'll begin with you, Mr.

7 Present.

8 CLOSING STATEMENT

9 BY COMPLAINANT PRESENT:

10 Well, Your Honor, I'm -- I'm objecting to
11 the formulary based on an understanding the app, which
12 I think Attorney Christlieb is trying to tell me is
13 incorrect, that the weather normalization rate would
14 never be more than 25 percent of the distribution
15 charge.

16 So, you know, if my understanding is based
17 on something that I read that's mistaken, then, you
18 know, I -- I can't, you know, legitimately make that
19 argument about the rate.

20 I do think both charges are excessive. I
21 think that with something like climate change, this is
22 just going to keep getting higher and higher as time
23 goes by so that they can continue to operate with this
24 budget. But that's more of an argument about the
25 actual tariff and legislature itself, but it's how I

1 feel.

2 And Your Honor is either going to, you know,
3 go along with PGW's position or modify the rate that I
4 was charged. And I trust that to your judgment and
5 leave it up to you, but I've -- I've done the best I
6 can to put my position out there.

7 THE COURT: All right. Thank you,
8 Mr. Present.

9 Attorney Christlieb.

10 ATTORNEY CHRISTLIEB: Yes, Your
11 Honor.

12 CLOSING STATEMENT

13 BY ATTORNEY CHRISTLIEB:

14 PGW has established through its testimony
15 and through its exhibits that the two contested months
16 of rates are, in fact, calculated correctly, given the
17 PUC-approved equation that is in PGW's tariff.

18 And while I understand that Mr. Eliot
19 doesn't know how the equation works or may not agree
20 with the implementation of the equation by the state
21 legislature, the rate is what it is. And not being
22 able to wrap your head around what the rate is or how
23 it's calculated is not a valid reason to not pay it,
24 and it's not a valid reason to ask that it be altered,
25 Your Honor.

1 The rates actually, as Your Honor knows, get
2 a lot of deliberation from a lot of legislators, from a
3 lot of PUC staff, from a lot of administrative law
4 judges. Rates are not just thrown together. We have
5 long, long proceedings for rate cases that includes all
6 of the different rates that go into PGW's bills. Just
7 like every utility bill, the amount of oversight is
8 such that there are lots of stakeholders that put their
9 two cents in. There are lots of parties that have a
10 say and a seat at the table, and if Mr. Present feels
11 that there's something wrong with how the rates are
12 calculated or whether or not the rates are fair or
13 just, there are avenues to do that and to have his
14 voice heard. But just filing a complaint and saying
15 that your two months of a particular rate are incorrect
16 just because you don't like the calculation or how it
17 was -- how the equation was devised or how the
18 legislature may or may not have been presented with the
19 equation, this isn't the forum for it, and it isn't a
20 valid reason to challenge the amount that was charged
21 on that particular bill, Your Honor.

22 I get what Mr. Eliot is saying, but I also
23 know -- and I know that he knows because he's an
24 attorney -- that there are proper forums to do things,
25 and this isn't that forum.

1 This was a complaint that was couched in
2 terms of two particular months' worth of calculations
3 being incorrect, and we've established that they are,
4 in fact, correct.

5 THE COURT: All right. I'll issue a
6 decision once I receive a copy of the
7 transcript. I have 90 days to issue the
8 decision from receipt of the transcript. I
9 tell you that not because it'll necessarily
10 take me 90 days, but do not expect the
11 decision within the next couple weeks.

12 The time is --

13 COMPLAINANT PRESENT: I --

14 THE COURT: Go ahead, Mr. Present.
15 Did you want to say something?

16 COMPLAINANT PRESENT: No. I -- I --
17 I do appreciate the time and the effort
18 you're putting into my complaint and I --
19 and I guess I will get it by e-mail, the way
20 I've gotten most of the other documents in
21 this matter. Am I correct about that?

22 THE COURT: Did you sign up for
23 eService?

24 COMPLAINANT PRESENT: Well, I got
25 the -- I got the -- I got the order, the

1 pre-trial order, via e-mail. So I imagine
2 that this decision will come through e-mail,
3 as well, either granting or denying my
4 request that these two months be adjusted?

5 THE COURT: You will receive a
6 decision; however, if you signed up for
7 eService, then you'll receive an e-mail. If
8 not, then you'll receive it in regular mail.
9 But you will receive the decision from me.

10 COMPLAINANT PRESENT: Okay. Well, I
11 appreciate your paying attention to my
12 complaint.

13 THE COURT: All right. The time is
14 2:59 p.m. This hearing is adjourned.

15 Thank you, everyone.

16 COMPLAINANT PRESENT: Thank you.


17 ATTORNEY CHRISTLIEB: Thank you,
18 Your Honor.

19 (Proceedings concluded at 2:59 p.m.)
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C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me via remote teleconference, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.



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