



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

IN REPLY PLEASE
REFER TO OUR FILE

M-2021-3029323
P-2024-3048856

May 7, 2024

Karen O. Moury, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market St. 8th Floor
Harrisburg, PA 17101

Re: Docket No. M-2021-3029323; PGW 2023 USECP
Docket No. P-2024-3048856; Petition for Emergency or Expedited Order
Approving Temporary Modifications to PGW's 2023 USECP

Ms. Moury:

On May 3, 2024, Philadelphia Gas Works (PGW) filed a Petition for Emergency or Expedited Order Approving Temporary Modifications to Hardship Funds Program in Universal Service and Energy Conservation Plan For 2023-2027 (Petition). PGW requested, *inter alia*, an *ex parte* emergency order approving temporary modifications to its 2023-2027 Universal Service and Energy Conservation Plan (2023 USECP).¹ In the alternative, PGW requested that a comment period be established ending May 7, 2024, and that the Commission expedite an order to the May 9, 2024 Public Meeting.

PGW asserts that the situation leading to the filing of the Petition meets the requirements of the PUC's regulations given the importance of ensuring that qualifying customers have access to available Hardship Funds to either avoid termination of service or to have service restored. Petition at ¶10.

For the reasons expressed below, the Commission hereby denies the request for *ex parte* emergency order and the request for a two-day comment period. As set forth in the Commission's regulations at 52 Pa. Code §§ 3.1–3.4, emergency relief is granted in situations that present a clear and present danger to life or property or which are uncontested and require action prior to the next scheduled meeting.² A petition for emergency order must be supported by a verified statement of facts that establish the existence of an emergency and the following:

¹ The modifications relate to PGW's Hardship Fund, which is one of the universal service programs mandated by the Natural Gas Choice and Competition Act. 66 Pa.C.S. §§ 2202 and 2203.

² See definition for "emergency" at 52 Pa. Code § 3.1 (relating to definitions).

- (1) The petitioner's right to relief is clear.
- (2) The need for relief is immediate.
- (3) The injury would be irreparable if relief is not granted.
- (4) The relief requested is not injurious to the public interest.³

Upon review, the Commission finds that PGW failed to present facts demonstrating an uncontested issue or a clear and present danger to life or property requiring action prior to the next scheduled meeting. Furthermore, the Commission finds that PGW failed to present facts demonstrating its clear right to the requested relief, the need for immediate relief, the irreparability of its alleged injury if relief is not granted, or that the requested relief is not injurious to the public interest.

In its Petition at ¶9, PGW asserts that:

PGW discovered that although PGW's [Utility Emergency Service Fund (UESF)⁴] approved 344 customers for Hardship Funds in the amount of \$142,199.01 during calendar year 2023, UESF has not paid these grants to customers. As a result, the matching grants that would have been distributed by PGW have likewise not been paid to customers. PGW has placed a blocker on each of these accounts to ensure they are not terminated. Moreover, recently [PGW] has become aware that UESF is no longer accepting grant applications from potentially eligible PGW customers.

PGW further asserts that it had previously anticipated a resolution of this issue with UESF but that such resolution has not occurred and that there is no current expectation of having this situation resolved. However, PGW is keeping open the option for UESF to resume its administrator and grant payor role in the future. Petition at ¶11.

PGW has indicated that it has known for some undisclosed period of time that UESF was not dispensing 2023 Hardship Funds and that it has been in negotiation with UESF seeking a resolution. During the time that UESF was not dispensing 2023 Hardship Funds, PGW has not been distributing matching bill credits. Furthermore, PGW indicates that it has put blockers to prevent termination on accounts that have not received the undistributed Hardship Funds. PGW has not asserted or provided sufficient facts showing whether any customers face immediate termination or are unable to reconnect due to its inability to immediately implement its proposed temporary change or until the Petition can be considered on its merits after all stakeholders have been given

³ 52 Pa. Code § 3.2(b) (relating to petitions for issuance of emergency orders).

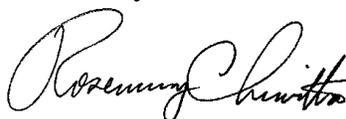
⁴ PGW's 2023 USECP provides that Hardship Funds are to be distributed to qualifying customers with income at or below 175% the Federal Poverty Guidelines through grants paid by UESF, with matching funds provided by PGW. The matching funds are not recovered from PGW ratepayers.

notice and an opportunity to be heard. As such, the Commission finds that PGW has failed to present facts demonstrating clear and present danger to life or property. Furthermore, the Commission finds that PGW has failed to present facts demonstrating that the need for relief is immediate, that the potential injury will be irreparable if the requested relief is not granted, or that the request does not injure the public interest. Accordingly, the request for emergency relief pursuant to 52 Pa. Code §§ 3.1–3.4 is denied.

Additionally, while PGW contacted and served some of the stakeholders participating in PGW’s 2023 USECP, PGW did not serve all the parties of record. This Secretarial Letter is being served on all parties of record to the 2023 USECP.

Please direct any questions to Louise Fink Smith, Assistant Counsel, Law Bureau, at 717-787-8866 or finksmith@pa.gov, and Scott Thomas, Assistant Counsel, Law Bureau, at 717-783-2812 or sjthomas@pa.gov.

Sincerely,



Rosemary Chiavetta

cc: Parties of Record (Docket No. M-2021-3029323)
Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Ralph V. Yanora, Commissioner
Kathryn L. Zerfuss, Commissioner
John F. Coleman, Jr., Commissioner
Jennifer L. Berrier, Executive Director
David E. Screven, Chief Counsel
Joseph Magee, Bureau of Consumer Services
Kriss E. Brown, Deputy Chief Counsel
Louise Fink Smith, Assistant Counsel
Scott J. Thomas, Assistant Counsel