

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17120**

**Joesph Hinton**

v.

**Philadelphia Gas Works**

**Public Meeting of May 9, 2024  
3042481-ALJ  
Docket No. C-2023-3042481**

**STATEMENT OF CHAIRMAN STEPHEN M. DeFRANK**

Today I am voting in support of issuing a second Commission-approved payment arrangement to Mr. Hinton because he met his burden in proving that his household experienced a change in income. Chapter 14 defines “change in income” as a decrease in household income of 20% or more if the consumer’s household income level exceeds 200% of the Federal poverty level, or a decrease in household income of 10% or more if the consumer’s household income level is 200% or less of the Federal poverty level.<sup>1</sup> At the time of the hearing in November 2023, Mr. Hinton’s household size was five people – consisting of 4 adults and one child, and his household income fell between 100% and 125% of the Federal poverty level.<sup>2</sup> Mr. Hinton demonstrated at hearing that his household experienced a 66% decrease in income from the time that he received a prior Commission-issued payment arrangement in July of 2022. Mr. Hinton is clearly eligible for another payment arrangement under Chapter 14.

My vote today is consistent with my treatment and the overall Commission’s recent treatment of awarding a payment arrangement when a customer has proven that he or she is eligible for one under Chapter 14.<sup>3</sup> I acknowledge that this case presents a request for a second Commission-approved payment arrangement while the cases highlighted herein pertain to initial Commission-approved payment arrangements. Mr. Hinton’s case should not be treated differently on this basis since he demonstrated that he is still eligible for a Commission-approved payment arrangement under Chapter 14.

---

<sup>1</sup> 66 Pa.C.S. § 1403.

<sup>2</sup> See Federal Poverty Guidelines, 88 Fed. Reg. 3424 (January 19, 2023); <https://aspe.hhs.gov/sites/default/files/documents/1c92a9207f3ed5915ca020d58fe77696/detailed-guidelines-2023.pdf>

<sup>3</sup> 66 Pa.C.S. §§ 1401-1419 (Related to Responsibility Utility Customer Protection). See *Robert Reddinger and Patsy Reddinger v. Pennsylvania Electric Company*, Docket No. F-2022-3032104 (Order entered February 28, 2023) (Amending the Initial Decision to grant a payment arrangement, overruling the administrative law judge’s denial of a payment arrangement based on payment history and an alleged inability to keep a payment arrangement). See also *Asia West v. Philadelphia Gas Works*, Docket No. F-2022-3034727 (Order entered May 23, 2023) (Amending the Initial Decision to grant a payment arrangement, overruling the administrative law judge’s denial of a payment arrangement based on payment history and an alleged inability or unwillingness to comply with a payment arrangement). See also *Darlo Bongiorno v. West Penn Power Company*, Docket No. F-2022-3035093 (Order entered June 5, 2023) (Amending the Initial Decision to grant a payment arrangement, overruling the Initial Decision’s determination to deny a payment arrangement based on a perceived likeliness to default).

I am not discounting the record evidence that the Complainant's lack of payments has resulted in an account balance totaling \$7,437.11 as of the date of the hearing on November 28, 2023. The size of the arrearage will present a challenge given the household income. However, as Mr. Hinton established that his household experienced a change in income as defined in Chapter 14, he should be afforded the opportunity to pay down the arrearages over the applicable number of months pursuant to 66 Pa.C.S. § 1405.

I caution Mr. Hinton to adhere to this payment arrangement because it is the best arrangement that the Commission can grant under Chapter 14. Because the arrearage is large, I also anticipate that Philadelphia Gas Works will timely utilize all available collection methods if Mr. Hinton fails to adhere to the payment arrangement.

May 9, 2024  
Date

  
\_\_\_\_\_  
Stephen M. DeFrank  
Chairman