

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Joseph Hinton
vs.
Philadelphia Gas Works

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

JOINT MOTION OF VICE CHAIR KIMBERLY BARROW
AND COMMISSIONER KATHRYN L. ZERFUSS

The matter before us for disposition involves a request for a Commission-issued payment arrangement by Mr. Joseph Hinton due to a change in income.¹ Administrative Law Judge (ALJ) Arlene Ashton's March 14, 2024 Initial Decision denies the Formal Complaint, holding that Mr. Hinton failed to carry his burden of proof in proving that he is eligible for a subsequent Commission-issued payment arrangement. Specifically, while the ALJ found that Mr. Hinton proved that he experienced a significant change in household income, the ALJ nevertheless denied the request after determining that Mr. Hinton is highly unlikely to make the payments under a subsequent Commission-issued payment arrangement and that he has a poor payment history.

After viewing the record, we disagree with the ALJ's decision to deny Mr. Hinton a subsequent Commission-issued payment arrangement in the instant matter. The record reflects that Mr. Hinton requested a payment arrangement in 2022, reporting a household size of five adults and one child and a monthly income of \$9,836.67.² Mr. Hinton was awarded a Level 3 payment arrangement with a total monthly payment of \$741.00 to begin in August 2022.³ At the November 28, 2023 evidentiary hearing, Mr. Hinton reported a household size of four adults and one child and a monthly income of \$3,300.00, noting that his son's current employment is seasonal and will end in December, and that his wife and daughter are unemployed.⁴

Mr. Hinton's reported monthly income in 2022 in comparison to 2023 represents a decrease of \$6,536.67, an approximate 66% decrease in income. A combined household income of \$3,300 for a household of five falls between 100%-125% of the Federal poverty guidelines.⁵

¹ ("Absent a change in income, the commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a commission order or decision.") 66 Pa.C.S. § 1405(d). A change in income is defined as "a decrease in household income of 20% or more if the customer's household income level exceeds 200% of the Federal poverty level or a decrease in household income of 10% or more if the customer's household income level is 200% or less of the Federal poverty level." 66 Pa.C.S. § 1403.

² Hearing Transcript, pgs. 37-39, 50-51 (November 28, 2023); PGW Exhibit 3.

³ Hearing Transcript, pgs. 39-40 (November 28, 2023); PGW Exhibit 3.

⁴ Hearing Transcript, pgs. 22-27, 52 (November 28, 2023).

⁵ See Federal poverty guidelines, 88 Fed. Reg. 3424 (January 19, 2023). Also available at <http://aspe.hhs.gov/poverty>.

Accordingly, Mr. Hinton has met his burden of proving that he is eligible for a subsequent Commission-issued payment arrangement.

THEREFORE, WE MOVE THAT:

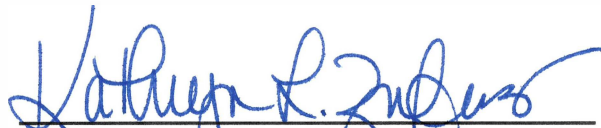
1. The Initial Decision of Administrative Law Judge Arlene Ashton, issued on March 14, 2024, is reversed, consistent with this Joint Motion.
2. The Formal Complaint of Joseph Hinton v. Philadelphia Gas Works at Docket No. C-2023-3042481 is sustained, consistent with this Joint Motion.
3. The Office of Special Assistants prepare an Opinion and Order consistent with this Joint Motion.

May 9, 2024



Kimberly Barrow, Vice Chair

May 9, 2024



Kathryn L. Zerfuss, Commissioner