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EXCEPTIONS OF  
***Marisa Diaz-Willis***  
***v. Philadelphia Gas Works***

**PUC File Number:** F-2023-3045048

I, Marisa Diaz, the complainant, am filing Exceptions to the PUC decision.

**Page 6 – Account Transfer** - My mother passed on 8/16/19 and on 8/19/19, as I started the process of managing my mother's affairs, I contacted PGW customer service. I stated my situation and after holding the line for several minutes, the representative on the phone returned and then communicated that I was responsible for my mother's past bill. She didn't disclose how this decision was made. I questioned the validity of the decision which she confirmed and informed me of the required deposit to take over this account.

In the PGW's Preliminary Objections, I read for the first time how that the decision was made based upon the listing of the property address in my credit report. Addresses, phone numbers, employment etc. are often generalized information and in my case, PGW's application of this information was incorrect. The service address was my childhood family home since 1964. I moved out of the home when I left for college in 1977. I never moved back into my family home until after my mother's passing on August 16, 2019. My husband and I rented and lived in other properties during those decades. My name was not financially linked to the service address in 1989.

I do not work for PGW, nor is there any written documentation that states how they decide that a descendant will be liable for their dead relative's outstanding bill. So I decided to file a complaint with the PUC – case # 3743236. PGW Council Graciela Christlieb included it in Schedule A of PGW's Answer with New Matter filed on 1/10/24.

**Page 8** – The Commission states “Ms. Diaz- Willis does not deny the date which liability arose, instead, she finds the process in which liability was placed on her unfair (via credit report).” This is an inaccurate description of my complaint as it isn’t the process of using people’s credit reports, the problem is that the information they used to determine my liability was incorrect. The Commission is disregarding this procedural error which has directly affected my substantive rights.

**Page 7** – The PUC in its decision states, “Because Complainant had an opportunity to respond to the New Matter and Preliminary Objections, did respond to the New Matter and Preliminary Objections, and was provided the opportunity to address this matter prior to the start of the hearing, I will treat the Preliminary Objections as a Motion to Dismiss the balance transfer claim.”

This is incorrect. When I read PGW’s Preliminary Objections, that is the first time that I was only then privy to the details as to how PGW made the determination that I was responsible for my deceased mother’s balance. I did not have access to this information, nor was it ever disclosed prior to my receiving the Preliminary Objections.

Upon learning of this procedural error, I filed a New Matter, which was separate from the Preliminary Objections and Answers filed by PGW and myself. The PUC received the filing of my New Matter so the statement that “I did not respond to the New Matter and Preliminary Objections and was provided the opportunity to address this matter prior to the start of the hearing,” is inaccurate. Therefore, I state that the Statute of limitations, 66 Pa.C.S. § 3314 is not applicable to this situation. I don’t know what I don’t know, and this was clearly an error on PGW’s part. The information that I needed to file a complaint within the period of the Statute of Limitations was withheld from me until the 1/10/24, when PGW filed their Compliant. You cannot withhold critical details of a process on which decisions are made, and then when it is finally disclosed to the customer years later, you invoke the statute of limitations. It was PGW’s responsibility to inform me how the decision was made, giving me the opportunity to challenge the information or provide file a timely compliant. I don’t believe that is the spirit of which Statute of limitations at 66 Pa.C.S. § 3314 was crafted.

Foot Note <sup>3</sup> - While the statute of limitations renders the discussion moot, I do point out that since Complainant purchased the property on November 12, 2008, and as owner of the property, she is connected to the property since that date and ultimately liable for any arrearages that arose since that date.

This is also incorrect. My mother’s PGW balance was carried over from 2001. She carried that balance forward as she was on the CRP program for over 10 years. This balance was not accumulated after I purchased the property.

**Page 8 - High Bill Dispute** – The Commission states, “In cases of alleged high billing, the Commission applies the *Waldron* rule, which provides that to establish a *prima facie* case of overbilling, a complainant must show: (1) that the number of occupants in the household has not changed, (2) that the potential for energy utilization was low and (3) that the complainant’s billing history shows no prior abnormalities.”

I testified during the hearing, multiple times, that there were no changes to occupants or usage in my household that would account for the significant increase in our bills from year to year, during the same months.

The Commission also states, “the *Waldron* Rule allows a complainant to establish a *prima facie* case in a “high bill” complaint by showing that the disputed bill is abnormally high when compared to prior usage patterns and his or her pattern of usage has not *changed or by providing other relevant evidence showing that the disputed bill is unreasonably high*. In evaluating a “high bill” complaint, the Commission may consider such evidence as “the billing history of the account, any change in usage patterns (such as a change in the number of occupants residing in the household or potential energy utilization), *and any other relevant facts or circumstances that come to light during the proceeding.*”

I provided a detailed Excel spreadsheet of our billing history for three years, that showed the increase in usage per year for the same month. The Commission mentions the size of my house, but the size remains constant, so it is not a factor or considered an abnormality. This spreadsheet, for which the data was not challenged or disputed, satisfies the *prima facie*.

2021 – Jan \$561.69 / Feb \$580.47 / Mar \$304.51  
2022 – Jan \$868.05 / Feb \$736.71 / Mar \$463.42  
2023 – Jan \$910.44 / Feb \$739.58 / Mar \$526.97  
2024 – Jan \$686.07 / Feb \$547.12 / Mar \$384.27

There clearly is a substantial increase in the high usage months that cannot be attributed to any anomaly. From 2021 to 2023, the bills almost double. My house only has a gas heater and gas range.

In 2024, after the replacement of the meter in October of 2023, the bills return to 2021 rates.

The Commission states, “Instead, the chart above shows steady CCF usage in conjunction with the degree days along with a fluctuation in that actual price of gas, i.e. the gas usage compared to how cold it was outside was similar but PGW’s rates were higher. Comparing the February 4, 2022 bill (covering the January 2022 billing period) and the February 1, 2023 bill (covering the

January 2023 billing period) it shows that the bill February 1, 2023 bill is higher although less gas was used. PGW Ex. 7a; Compl. Ex. 1. Further, the meter was replaced in October 2023, and the usage after the change remained consistent. Any price reduction after the meter exchange was due to reduced gas costs. *See* Compl. Ex. 1. Finally, the total gas used per year from April 2020 through April 2024, is consistent. *See* PGW Ex. 4 at 5.

This is inaccurate. The usage remains relatively consistent when comparing the same months – i.e., Jan 2021, 2022, 2023 and 2024, but the bill increase is significant. The analysis has to be of the same months for each year. The size of the house didn't change nor my family members. It is impossible for us to increase our bill from \$561 in Jan 2021 to \$910 in Jan 2023 and \$580 om Feb 2021 to \$739 in Feb 2023, in spite of the minor changes in the CCF for those months. The Commission contradicts itself by admitting that the bills in 2024 return to a low consistent rate after the meter was changed, but then also states that the meter was not responsible for any increases.

The Commission also refers to a reduction in gas costs attributing to the decrease in my bill after the meter was changes, but the PGW website doesn't back up that claim.

As per the PGW website regarding the stated reduced gas costs states:

**(PHILADELPHIA, PA – February 27, 2023)** – Philadelphia Gas Works (PGW) announced today that it has filed a base rate case with the Pennsylvania Public Utility Commission (PUC). The filing requests permission to increase rates by \$85.8 million per year. If the request is granted, the bill for the average residential customer using 71 thousand cubic feet (Mcf) of natural gas per year would increase by about \$3 a week or \$12 a month.

PGW's natural gas rates are made up of two main components: a delivery charge (or base rate) and a commodity charge (gas cost). The **base rate** reflects the cost of delivering natural gas to the customer's residence, distribution system maintenance and customer billing costs. The **gas cost** is what PGW pays for natural gas and is passed on to the customer without markup.

Juxtaposed with today's base rate filing, PGW filed a Gas Cost Rate (GCR) adjustment last week (Feb. 24), which will dramatically decrease the amount PGW customers pay for natural gas by 15.9% or \$238.92 annually. All customers will see those savings effective March 1, 2023.

This minor change does not coincide with the rate decrease in my bills from 2021 – 2023 to rates in 2024.

Commission also states, "Complainant has not shown a change in usage patterns or provided any other evidence showing that she was incorrectly billed and therefore has failed to present a

*prima facie* case of overbilling. Accordingly, I conclude that Complainant has not proven the allegation of overbilling by a preponderance of the evidence.”

It is exactly the opposite. I have stated that there hasn't been any change in usage patterns therefore there isn't any justification for the drastic increase in my bill from year to year comparing the same months. The Commission admitted to a reduction in the bills after the change of the meter but won't address the overage because of the meter. Providing the actual billing clearly presents a *prima facie* case of over billing.

**Page 14 & 15 – Reinstatement of Prior Payment Arrangement** - Commission states “Ms. Diaz-Willis testified that the October 2019 PAR was broken due to loss of income during the COVID-19 Pandemic. Tr. 39. Complainant did not allege that she lost income due to becoming ill with COVID-19. There was no evidence presented regarding whether Complainant qualified for any of the other significant changes in circumstances. Therefore, the Code, as written, does not permit the Commission to reinstate the October 2019 PAR. Accordingly, the Complainant's request for a Commission-issued payment arrangement will be denied and the Complaint will be dismissed.

This is inaccurate. During the hearing, I clearly explained to the Commission that my family's income was greatly reduced by the pandemic's impact on our small business. Most businesses suffered a major loss of income or closed during this difficult period. I also explained that our payment plan which started in 10/2019, and we defaulted in 10/2020 was due to the loss of income during the pandemic. October 2020 was at the height of the pandemic and most businesses didn't even begin to recover until 2022. I believe that the financial hardship that my family suffered because of the pandemic can clearly be classified as a “Significant Change in Circumstances.” A pandemic is not listed in the 66 Pa.C.S. § 1405(e) code, as when this code was written, I'm sure it was not a consideration, but the spirit of the code certainly applies. It is a great financial loss of income that is due to circumstances outside of my control.

Whether or not I was sick isn't relevant unless I stated that I was incapacitated and unable to work because of Covid. I was also not asked if I or my family personally had Covid during the hearing. I would have disclosed that everyone in my family had Covid but because of vaccinations, we recovered from our exposure. Since I wasn't making that claim, I didn't provide any medical records. Therefore, I am asking for reconsideration of the reinstatement of the 10/2019 PAR.

**Page 5** – The PUC Commission's decision must be supported by substantial evidence. The PUC has not fulfilled this requirement as nowhere in this decision are supported by substantial evidence. Various PUC codes and laws are cited by they do not apply to the specific circumstances surrounding the details of my complaint