



August 22, 2024

Via E-Mail Only

Jeffrey A. Watson, Administrative Law Judge
Pennsylvania Public Utility Commission
301 Fifth Avenue, Suite 220,
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**Re: Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.
Docket No. R-2024-3046519**

CAUSE-PA Main Brief

Your Honor:

Attached, please find the *Main Brief of The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)* in the above referenced proceeding.

As indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "John W. Sweet".

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CC: Secretary Rosemary Chiavetta (via E-file)
Mary Swarner, Legal Assistant, msswarner@pa.gov (via E-mail)
Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
 :
 v. : Docket No. R-2024-3046519
 :
 Columbia Gas of Pennsylvania, Inc. :

Certificate of Service

I hereby certify that I have this day served copies of the **Main Brief of The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54.

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
 :
 v. : Docket No. R-2024-3046519
 :
 Columbia Gas of Pennsylvania, Inc. :

**MAIN BRIEF OF THE
COALITION FOR AFFORDABLE UTILITY SERVICES AND ENERGY EFFICIENCY IN
PENNSYLVANIA**

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TABLE OF CONTENTS

I. INTRODUCTION..... 1
II. SUMMARY OF ARGUMENT..... 5
III. ALTERNATIVE RATEMAKING: MUNICIPAL LEVELIZATION CHARGE..... 5
IV. CONCLUSION 12

APPENDIX A: Proposed Findings of Fact

APPENDIX B: Proposed Conclusions of Law

APPENDIX C: Proposed Ordering Paragraphs

TABLE OF AUTHORITIES

Cases

Lloyd v. Pa. PUC, 904 A.2d 1010 (Pa. Commw. Ct. 2006)..... 4, 7
NRG Energy, Inc. v. Pa. PUC, 233 A.3d 936 (Pa. Commw. Ct. 2020)..... 4
Pa. Elec. Co. v. Pa. PUC, 502 A.2d 130 (Pa. 1985). 4
Pa. PUC v. Pa. Gas & Water Co., 424 A.2d 1213 (Pa. 1980). 4
Pa. PUC v. Philadelphia Electric Co., 561 A.2d 1224 (Pa. 1989). 4
Popowsky v. PUC, 665 A.2d 808 (Pa. 1995)..... 4
U.S. Steel Corp. v. Pa. PUC, 390 A.2d 849 (Pa. Commw. Ct. 1978)..... 7

Statutes

66 Pa. C.S. § 1301..... 4
66 Pa. C.S. § 1304..... 4, 5, 6, 7
66 Pa. C.S. § 1308..... 3, 4, 1
66 Pa. C.S. § 315..... 3, 4

Regulations

52 Pa. Code § 69.3302 6, 7, 11

I. INTRODUCTION

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), through its counsel at the Pennsylvania Utility Law Project (PULP), files this Main Brief in opposition to the Municipal Levelization Charge (MLC) proposed by Columbia Gas of Pennsylvania's (Columbia, CPA, or the Company) as part of its proposed rate increase filing. The Company has entered into a Partial Settlement with several other parties to resolve all other issues in the case. While CAUSE-PA has formally taken a position of non-opposition to the Partial Settlement, we nonetheless affirmatively support the provisions designed to improve to Columbia's low income programming and residential customer service standards contained in that settlement.

The purpose of this Main Brief is to address the remaining litigated issue in this case regarding Columbia's proposed MLC. This alternative rate mechanism would inequitably shift costs from one group of residential customers to another based solely on their geographical location. Specifically, the MLC would assess additional charges on customers who reside in the City of Pittsburgh and Perryopolis and would use that money to decrease the bills for residents of Roscoe Borough and New Sewickley. The record in this proceeding demonstrates that the proposed MLC creates both geographic and interclass rate discrimination, and is particularly inequitable considering the cumulative impact of multiple utility rate increases and housing affordability struggles of Pittsburgh residents, especially those with low income. Thus, CAUSE-PA respectfully urges the Honorable Administrative Law Judge Jeffrey A. Watson (ALJ) and the Public Utility Commission (Commission) to reject Columbia's proposed MLC.

a. Procedural History

On March 15, 2024, Columbia Gas of Pennsylvania, Inc. (“Columbia” or the “Company”) submitted a rate filing, Supplement No. 373 to Tariff Gas Pa. P.U.C. No. 9 (“Supplement No. 337”) which proposes to increase overall rates by approximately \$124.1 million per year. According to the Company, the total bill for a residential customer who purchases 70 therms of gas from Columbia per month, would increase from \$118.16 to \$136.92 per month, or by 15.88 percent.¹

On April 4, 2024, the Commission issued an Order suspending Columbia’s Supplement No. 374 by operation of law until December 14, 2024., the Office of Consumer Advocate filed a Formal Complaint (Complaint) at Docket No. C-2024-3047675.

Also, on April 4, 2024, CAUSE-PA filed a Petition to Intervene and Answer explaining that Columbia’s proposed rates would impose hardship on low and moderate income residential customers, and requesting that the Commission enter an order granting CAUSE-PA active party status. On April 15, CAUSE-PA submitted a Prehearing Memorandum explaining its concerns about (1) the conformity to law and the effect of Columbia Gas’s rate filing and proposed rate increase on low income households; (2) the effect of Columbia proposal to increase its monthly residential customer charge, including the effect of this proposed increase on low income households, and on the ability to achieve appreciable bill savings through adoption of energy efficiency measures.; and (3) the effect of Columbia Gas’s rate filing and proposed rate increase on low income households enrolled in or eligible for the Company’s Universal Service and Energy

¹ CPA Rate Filing Cover Ltr. at 1-2.

Conservation Programs, and the continued adequacy of those programs in delivering universally accessible service.²

On April 18, 2024, the ALJ entered a Prehearing Order that, among other things, adopted discovery deadlines and a litigation schedule and granted CAUSE-PA's Petition to Intervene. According to the litigation schedule, evidentiary hearings were to begin July 31, 2024, main briefs and the filing of any settlements were due August 20, 2024, and reply briefs and responses or objections to settlements were due August 30, 2024.

On July 31, 2024, a Hearing Cancellation Notice was issued cancelling that day's hearing. On August 1, 2024, the evidentiary hearing was held during which several parties submitted testimony and exhibits.

On August 13, 2024, the parties informed ALJ Watson that a partial, unopposed settlement had been reached and requested additional time to submit the partial settlement and main briefs. On August 14, ALJ Watson granted the parties' request to extend the due date for the settlement and main briefs to August 22, 2024.

b. Burden of Proof

In any rate case filed pursuant to section 1308 of the Public Utility Code, such as the current case filed by Columbia, the burden of proof is on the public utility.³

Public Utility Code § 315(a) (66 Pa.C.S. § 315(a)) states that in any proceeding upon the motion of the Pennsylvania Public Utility Commission, involving any proposed or existing rate of any public utility, or in any proceedings upon complaint involving any proposed increase in rates, the burden of proof to show that the rate involved is just and reasonable shall be upon the public utility. The public utility must satisfy its burden of proof by a preponderance of the evidence, which means

² CAUSE-PA Prehearing Memo at 2.

³ 66 Pa. C.S. §§ 315(a), 1308(a).

only that one party has presented evidence that is more convincing, by even the smallest amount, than the evidence presented by the other party.⁴

As the MLC constitutes a separate rate applicable to certain Columbia customers, the utility bears the burden of proof to establish the justness and reasonableness of every element of its requested rate proposal.⁵

c. Legal Standard

Pursuant to section 1301 of the Public Utility Code, the Commission has a “duty to set ‘just and reasonable’ rates, reflecting a ‘balance of consumer and investor interests.’”⁶ In determining just and reasonable rates, the PUC must determine the proper balance between interests of ratepayers and utilities.⁷ “[T]he PUC is obliged to consider broad public interests in the rate-making process.”⁸ Section 1304 of the Public Utility Code states, “No public utility shall establish or maintain any unreasonable difference as to rates, either as between localities or as between classes of service.”⁹ Cost of service principles are a polestar of utility ratemaking.¹⁰

In order for a rate differential to survive a challenge brought under 66 Pa. Cons. Stat. § 1304, the utility must show that the differential can be justified by the difference in costs required to deliver service to each class. The rate cannot be illegally high for one class and illegally low for another. The rate differentials must advance efficient and satisfactory service to the greatest number at the lowest overall charge.¹¹

⁴ NRG Energy, Inc. v. Pa. PUC, 233 A.3d 936, 939 (Pa. Commw. Ct. 2020).

⁵ 66 Pa. C.S. §§ 315(a), 1308(d).

⁶ Popowsky v. PUC, 665 A.2d 808, 811 (Pa. 1995); 66 Pa. C.S. § 1301.

⁷ Popowsky v. PUC, 665 A.2d 808, 811 (Pa. 1995) citing Pa. PUC v. Philadelphia Electric Co., 561 A.2d 1224, 1226 (Pa. 1989); Pa. PUC v. Pa. Gas & Water Co., 424 A.2d 1213, 1219 (Pa. 1980), cert. denied, 454 U.S. 824, 102 S. Ct. 112, 70 L. Ed. 2d 97 (1981).

⁸ Popowsky v. PUC, 665 A.2d 808, 812 (Pa. 1995) citing Pa. Elec. Co. v. Pa. PUC, 502 A.2d 130, 134 (Pa. 1985).

⁹ 66 Pa. C.S. § 1304.

¹⁰ Lloyd v. Pennsylvania Public Utility Com'n, 904 A.2d 1010 (Pa. Commw. Ct. 2006).

¹¹ Id.

II. SUMMARY OF ARGUMENT

Columbia's MLC is unjust and unreasonable and should be rejected. Columbia has failed to carry its burden to show that the MLC would provide just and reasonable rates. The MLC disregards cost causation principles and creates improper geographic and interclass rate discrimination by shifting additional costs onto residential customers in Pittsburgh and Perryopolis based solely on their municipality and without regard to rate classification. The results of this improper cost shifting would detrimentally impact the ability of low income customers in Pittsburgh and Perryopolis, which would, in turn, cause additional strain on Columbia's customer assistance programs. For these reasons, the MLC should be rejected.

III. ALTERNATIVE RATEMAKING: MUNICIPAL LEVELIZATION CHARGE

- a. **Columbia's proposed Municipal Levelization Charge (MLC) is unjust and unreasonable because it would result in rate discrimination and improper cost shifting.¹²**

As part of its filing, Columbia has proposed an experimental Municipal Levelization Charge ("MLC") that it asserts will address the differences between paving and restoration requirements for infrastructure replacement projects.¹³ The MLC would assess charges to customers residing in municipalities with requirements that exceed Pennsylvania Department of Transportation requirements and providing a credit to certain municipalities with less stringent requirements.¹⁴ The MLC would charge residents of Pittsburgh (Allegheny County) and

¹² 66 Pa. C.S. § 1304.

¹³ CPA St. 9 at 16.

¹⁴ Id. at 16.

Perryopolis (Fayette County) an additional \$.70 per bill and would credit customers in Roscoe Borough (Washington County) and New Sewickley Township (Beaver County) \$7.44 per bill (\$89.28 annually) regardless of customer class and based solely on their municipality.¹⁵ The MLC will not assess charges or credits to customers residing in any other municipality served by Columbia, despite that those customers also pay for the paving and restoration costs for Pittsburgh, Perryopolis, Roscoe Borough, and New Sewickley through base rates.¹⁶

The Company asserts that the MLC is designed to address the difference in paving and restoration requirements for infrastructure replacement projects that exceed the costs incurred by Columbia in other municipalities.¹⁷ However, Columbia's proposed MLC would create impermissible cost shifting by inequitably charging additional fees to some customers based solely on their location and using that money to provide substantial credits to other customers based solely on their location.¹⁸ This cost shifting would result in unreasonable and inequitable geographic rate discrimination between these two groups of customers.¹⁹ Further, even if the Commission were to ignore the geographic rate discrimination, the MLC would still create impermissible interclass subsidies between residential and commercial customers by charging residential customers more than their fair share and crediting commercial customers more than their fair share.²⁰

¹⁵ Id. at 19.

¹⁶ See OCA St. 5 at 30; OCA St. 5-SR at 38; CPA St. 6-R at 54.

¹⁷ CPA St. 1 at 9.

¹⁸ OCA St. 5-SR at 38; see 52 Pa. Code § 69.3302(a)(4) (When evaluating alternative ratemaking mechanisms, the Commission considers how the ratemaking mechanism and rate design limit or eliminate interclass and intraclass cost shifting.).

¹⁹ 66 Pa. C.S. § 1304.

²⁰ OCA St. 5-SR at 38-39.

The Public Utility Code recognizes that classification of customers based on a variety of circumstances can justify the establishment of different rates and charges.²¹ Indeed, the Commonwealth Court has held that customer classifications and attending rate differences may be justified by a variety of considerations, including quantity of service used, nature of use, time of use, pattern of use, differences of conditions of service, public purpose costs, or cost of service.²² However, the Public Utility Code prohibits the establishment of rates or charges which subject any person to unreasonable prejudice or disadvantage, “either as between localities or as between classes of service.”²³

CAUSE-PA respectfully asserts that it is unjust and unreasonable to assess additional charges on over 22,000 residential customers, largely urban residents of the city Pittsburgh, based solely on the municipality in which they reside.²⁴ This inequity is further compounded by Columbia’s attempt to direct those funds specifically to benefit 2,116 customers – again based solely on their locality, despite that the cost of paving and restoration costs are reflected in rates for all Columbia customers through base rates.²⁵

As explained by OCA witness Jerome D. Mierzwa, “the MLC violates the cost causation principle (because the customers did not cause these higher costs) and is fundamentally unfair to consumers to whom the MLC will apply.”²⁶ While there are many costs embedded in rates that may vary based on geographic region, the MLC cherry picks a single component of the cost of

²¹ 66 Pa. C.S. § 1304.

²² U.S. Steel Corp. v. Pa. PUC, 390 A.2d 849 (Pa. Commw. Ct. 1978); Lloyd v. Pa. PUC, 904 A.2d 1010 (Pa. Commw. Ct. 2006).

²³ 66 Pa. C.S. § 1304.

²⁴ OCA St. 5 at 30.

²⁵ Id.

²⁶ OCA St. 5-SR at 39-40; see 52 Pa. Code § 69.3302(a)(1) (When evaluating alternative ratemaking mechanisms, the Commission considers how the ratemaking mechanism and rate design align revenues with cost causation principles.).

service that differs between municipalities (i.e. municipal paving and restoration requirements), which accounts for “less than 1% difference in the cost of serving customers in different municipalities and ignores cost differences which may exist for the remaining 99% of the cost of service.”²⁷ Mr. Mierzwa pointed out that there are other differences in cost of service not accounted for by the MLC:

For example, to serve the City of Pittsburgh, Columbia has installed an average of 54 feet of distribution main per customer. To serve New Sewickley Township, Columbia has installed an average of 142 feet of distribution main per customer. Under the MLC, City of Pittsburgh customers would be assessed an additional charge even though based on the distribution main footage installed to serve City of Pittsburgh customers, the cost of serving City of Pittsburgh customers is less than the cost of serving New Sewickley Township customers, but New Sewickley Township customer would receive a credit under the MLC.²⁸

Columbia witness Kevin Johnson admits that paving and restoration requirements are already included in the Company’s cost of service, and reflected in the base rates of all Columbia customers.²⁹ Mr. Mierzwa explained that, in addition to the unfairness of the MLC charge itself, it is also unfair and unreasonable that *only* the 2,116 customers in New Sewickley Township and Roscoe Borough would receive the MLC credit when the additional paving and restoration costs incurred in Pittsburgh and Perryopolis are charged to *all* Columbia customers through base rates.³⁰

In addition to improper geographic rate discrimination, the proposed MLC would also create unjustified and unreasonable rate subsidization across rate classes.³¹ Mr. Mierzwa explained that the MLC does not recognize differences in the costs associated with serving different customer

²⁷ OCA St. 5-SR at 38.

²⁸ OCA St. 5 at 29.

²⁹ CPA St. 6-R at 54.

³⁰ OCA St. 5-SR at 38.

³¹ 66 Pa. C.S. § 1304.

classes.³² In Columbia witness Johnson’s rebuttal testimony, he included a chart showing the MLC charges and credits based on the Company’s Peak and Average cost allocation study.³³

Table 1: Municipal Levelization Charge based on Peak and Average cost allocation.³⁴

	<u>RSS/RDS</u>	<u>SDS/LGSS</u>	<u>SGS/DS-1</u>	<u>SGS/DS-2</u>	<u>Total</u>
Municipal Levelization Charge	\$0.46	\$182.19	\$1.67	\$14.45	\$0.70
Municipal Levelization Credit	\$(4.88)	\$(1,639.67)	\$(22.84)	\$(190.04)	\$(7.44)

The table shows that, if allocated according to the Company’s allocation study based on distribution mains related costs, residential customers in Pittsburgh and Perryopolis would be assessed only a \$0.46 MLC charge. However, the Company instead elected to allocate the charge on a \$0.70 per bill basis regardless of rate class, resulting in an additional 52% of the MLC charge being assessed residential customers in Pittsburgh and Perryopolis.³⁵

Thus, the MLC would create a dual inequity of geographic rate discrimination against Pittsburgh residents and interclass subsidization - pushing additional costs onto Pittsburgh’s residential customers, worsening the affordability struggles faced by these consumers. As OCA witness Roger Colton explained, Pittsburgh residents are already facing cumulative impacts of multiple utility rate increases that overlap in their service territory:³⁶

- Pennsylvania American Water Company (PAWC) has filed a rate case that would increase typical residential water bills by 24.9%, or \$17.59 per month

³² OCA St. 5 at 30.

³³ CPA St. 6-R at 55.

³⁴ Id., Table KLJ-5R.

³⁵ Id.

³⁶ OCA St. 6 at 27-29.

(\$211.08 per year), not including the additional rate hikes sought for sewer bills.³⁷

- Duquesne Light Company (DLC) has also filed a rate case that would increase typical residential bills by \$8.43 per month (\$101.16 per year).³⁸
- The Pittsburgh Water and Sewer Authority (PWSA) requested an overall rate increase that would increase the total bill for water, wastewater, and stormwater for a typical residential customer from \$86.43 to \$103.41 per month or by 19.6% in 2024. It would increase from \$103.41 to \$123.55 or by 19.5% in 2025 and increase from \$123.55 to \$146.12 or 18.3% in 2026.³⁹

These cumulative rate increases, on top of Columbia's requested rate increase would drastically increase total utility bills for Pittsburgh residential customers who reside in the overlapping service territories.⁴⁰ Mr. Colton explained that these customers facing these overlapping rate increases would not be able to absorb these additional financial obligations given local wages.⁴¹ These additional utility rate increases compound the housing affordability crisis in Pittsburgh, falling disproportionately hard on low income households.⁴² As Mr. Colton explained:

Given the utility rate increases sought in 2024, in other words, residents seeking rental units in Pittsburgh and/or in Allegheny County would need an additional income of \$1,791 each year. At the mean renter wage in Pittsburgh, just to pay the increased utility bills being sought, these renters would need to work an additional 2¼ work weeks (89 hours) above and beyond what they already work to afford their housing, while needing to work nearly an additional two full work weeks in Allegheny County. In Pittsburgh and Allegheny County, renters (at the mean renter wage) are already required to work nearly a fulltime job (40 hours/week x 52 weeks per year) in order to afford a one-bedroom unit, and required to work more than a fulltime job in order to afford either a two-bedroom or three-bedroom unit. Any other increase in the cost of living would be in addition to this need to increase the renter work week.⁴³

³⁷ OCA St. 6 at 28.

³⁸ Id.

³⁹ Id.

⁴⁰ OCA St. 6 at 28-30.

⁴¹ Id. at 29.

⁴² Id.

⁴³ Id. at 30.

The additional costs levied through the MLC are inequitable and would further compound the struggles of Pittsburgh residents. These affordability struggles are worse for low income and other vulnerable households. Mr. Colton explained, “Columbia’s low-income customers are facing increasingly unaffordable heating burdens given the Company’s ongoing rate increases.”⁴⁴ He further explained that low income customers face heating burdens far above the Commission’s standards for affordability and have been disproportionately impacted by inflation by goods and services.⁴⁵

Further, while customers enrolled in Columbia’s customer assistance program (CAP) would be partially insulated from the impact of the MLC, Mr. Colton pointed out that Columbia has only enrolled roughly 25% of its estimated low-income customer population into CAP.⁴⁶ Further, the MLC would still be assessed to customers who are enrolled in CAP and reside in the affected geographic areas within Columbia’s service territory, thus increasing the cost of CAP.⁴⁷ Notably, Columbia failed to provide any analysis of the impact of the MLC on universal service programming.⁴⁸

Columbia has failed to meet its burden to demonstrate that the proposed experimental MLC would provide just and reasonable rates. The MLC disregards cost causation principles, would create impermissible geographic rate discrimination and interclass cost shifting, and would have a negative impact on affordability for low income Pittsburgh residents and increase the cost of CAP. Thus, the MLC should be denied.

⁴⁴ Id. at 11.

⁴⁵ Id. at 15-17, 21-25.

⁴⁶ OCA St. 6 at 18-19.

⁴⁷ CPA Proposed Tariff p. 144.

⁴⁸ See 52 Pa. Code § 69.3302 (a)(7) (When evaluating alternative ratemaking mechanisms, the Commission considers the effect on low income customers and customer assistance programs).

IV. CONCLUSION

As set forth herein, Columbia has failed to carry its burden of proving that its MLC can produce just and reasonable rates for customers. A proper review of Columbia's proposed MLC demonstrates the experimental proposed charge should be denied. Thus, CAUSE-PA respectfully urges the Honorable ALJ Jeffrey A. Watson and the Commission to reject the proposed MLC.

Respectfully Submitted,

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APPENDIX A: PROPOSED FINDINGS OF FACT

1. The MLC would charge residents of Pittsburgh (Allegheny County) and Perryopolis (Fayette County) an additional \$.70 per bill and would credit customers in Roscoe Borough (Washington County) and New Sewickley Township (Beaver County) \$7.44 per bill regardless of customer class and based solely on their municipality.⁴⁹
2. Columbia's proposed MLC would create impermissible cost shifting by inequitably charging additional fees to some customers based solely on their location and using that money to provide substantial credits to other customers based solely on their location.
3. The MLC isolates a single component of the cost of service that differs between municipalities (i.e. municipal paving and restoration requirements), which accounts for "less than 1% difference in the cost of serving customers in different municipalities and ignores cost differences which may exist for the remaining 99% of the cost of service."⁵⁰
4. To serve the City of Pittsburgh, Columbia has installed an average of 54 feet of distribution main per customer. To serve New Sewickley Township, Columbia has installed an average of 142 feet of distribution main per customer. Under the MLC, City of Pittsburgh customers would be assessed an additional charge even though based on the distribution main footage installed to serve City of Pittsburgh customers, the cost of serving City of Pittsburgh customers is less than the cost of serving New Sewickley Township customers, but New Sewickley Township customer would receive a credit under the MLC.⁵¹

⁴⁹ CPA St. 9 at 19.

⁵⁰ OCA St. 5-SR at 38.

⁵¹ OCA St. 5 at 29.

5. Paving and restoration requirements are already included in the Company's cost of service, reflected the base rates of all Columbia customers.⁵²
6. Pittsburgh residents are already facing cumulative impacts of multiple utility rate increases that overlap in their service territory.⁵³
7. The cumulative rate increases, on top of Columbia's requested rate increase would drastically increase total utility bills for Pittsburgh residential customers who live in the overlapping service territories.⁵⁴
8. Columbia's low income customers who reside in the affected geographic areas are likely unable to absorb these additional financial obligations given local wages.⁵⁵
9. Columbia's low-income customers are facing increasingly unaffordable heating burdens given the Company's ongoing rate increases.⁵⁶
10. Columbia's low income customers, the vast majority of which are not enrolled in CAP, face heating burdens far above the Commission's standards for affordability and have been disproportionately impacted by inflation.⁵⁷
11. While customers enrolled in Columbia's customer assistance program (CAP) would be partially insulated from the impact of the MLC, Columbia has only enrolled roughly 25% of its estimated low-income customer population into CAP.⁵⁸

⁵² CPA St. 6-R at 54.

⁵³ OCA St. 6 at 27-29.

⁵⁴ Id. at 28-30.

⁵⁵ Id. at 29.

⁵⁶ Id. at 11.

⁵⁷ Id. at 15-17, 21-25.

⁵⁸ Id. at 18-19.

12. The MLC would still be assessed to customers who are enrolled in CAP, thus increasing the cost of CAP.⁵⁹

⁵⁹ CPA Proposed Tariff p. 144

APPENDIX B: PROPOSED CONCLUSIONS OF LAW

1. In any rate case filed pursuant to section 1308 of the Public Utility Code, such as the current case filed by Columbia, the burden of proof is on the public utility.⁶⁰
2. As the MLC constitutes a separate rate applicable to certain Columbia customers, the utility bears the burden of proof to establish the justness and reasonableness of every element of its requested rate proposal.⁶¹
3. Pursuant to section 1301 of the Public Utility Code, the Commission has a “duty to set ‘just and reasonable’ rates, reflecting a ‘balance of consumer and investor interests.’”⁶²
4. In determining just and reasonable rates, the PUC has discretion to determine the proper balance between interests of ratepayers and utilities.⁶³
5. “[T]he PUC is obliged to consider broad public interests in the rate-making process.”⁶⁴
6. The MLC violates cost causation principles.⁶⁵
7. The MLC would create impermissible geographic rate discrimination and interclass cost shifting.⁶⁶
8. The MLC would negatively impact low income customers and customer assistance programs.⁶⁷

⁶⁰ 66 Pa. C.S. §§ 315(a), 1308(a).

⁶¹ 66 Pa. C.S. §§ 315(a), 1308(d).

⁶² Popowsky v. PUC, 665 A.2d 808, 811 (Pa. 1995); 66 Pa. C.S. § 1301.

⁶³ Popowsky v. PUC, 665 A.2d 808, 811 (Pa. 1995) citing Pa. PUC v. Philadelphia Electric Co., 561 A.2d 1224, 1226 (Pa. 1989); Pa. PUC v. Pa. Gas & Water Co., 424 A.2d 1213, 1219 (Pa. 1980), cert. denied, 454 U.S. 824, 102 S. Ct. 112, 70 L. Ed. 2d 97 (1981).

⁶⁴ Popowsky v. PUC, 665 A.2d 808, 812 (Pa. 1995) citing Pa. Elec. Co. v. Pa. PUC, 502 A.2d 130, 134 (Pa. 1985).

⁶⁵ OCA St. 5-SR at 39-40.

⁶⁶ 66 Pa. C.S. § 1304; see also OCA St. 5 at 29; OCA St. 5-SR at 38.

⁶⁷ See 52 Pa. Code § 69.3302 (a)(7).

9. The MLC is unjust and unreasonable.⁶⁸

10. Columbia has failed to meet its burden to demonstrate that the MLC should be approved.⁶⁹

⁶⁸ 66 Pa. C.S. 1301.

⁶⁹ 66 Pa. C.S. §§ 315(a), 1308(a).

APPENDIX C: PROPOSED ORDERING PARAGRAPHS

It is hereby ORDERED THAT:

1. Columbia's proposed Municipal Levelization Charge is rejected.