

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17120**

**BLR Properties LLC c/o Reginald Bell**  
**vs.**  
**Philadelphia Gas Works**

**Public Meeting held September 26, 2024**  
**3046024-ALJ**  
**Docket No. F-2024-3046024**

**STATEMENT OF VICE CHAIR KIMBERLY BARROW**

On January 29, 2024, BLR Properties LLC c/o Reginald Bell (BLR Properties) filed a Formal Complaint against Philadelphia Gas Works (PGW) requesting a payment arrangement and explaining that PGW terminated BLR Properties' tenant's gas service for non-payment and later removed the meter after unauthorized use of service was discovered. BLR Properties also included references and averments relating to PGW's Landlord Cooperation Program (LCP).<sup>1</sup>

At the evidentiary hearing held on April 10, 2024, PGW made an oral motion to dismiss and preclude any issues raised relating to the LCP, arguing that the Commission does not have jurisdiction over the program. The ALJ instructed PGW to file preliminary objections, which PGW completed on April 12, 2024.

Of note, during the evidentiary hearing, PGW presented evidence to show that gas was turned off at the curb on April 10, 2019, due to non-payment. The evidence also showed that PGW did not complete a curb valve safety check until May 2, 2022, approximately three years after turning off service.<sup>2</sup> On May 2, 2022, the PGW technician turned off the valve and installed an anti-theft device.<sup>3</sup> When PGW visited the address again on October 6, 2022, it discovered that the meter had been tampered with and removed it.<sup>4</sup> PGW did not provide any notice to BLR Properties prior to terminating service or removing the meter from the property.<sup>5</sup>

An Initial Decision was issued on July 30, 2024, granting PGW's Preliminary Objections regarding the LCP and dismissing the Formal Complaint on all issues raised.

I disagree with the ALJ's conclusion that because the LCP is a contract for private services, the Commission has no jurisdiction over the program. The allegation in the Formal Complaint regarding the LCP should not have been dismissed on Preliminary Objections. On the contrary, I

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<sup>1</sup> The LCP allows residential rental property owners to avoid the imposition of gas liens on their registered properties, to help PGW with necessary meter access "for any reason, including but not limited to shutoff or turn-on of service, meter maintenance, performance of a leak survey, or for other safety or operational reasons," and to assist PGW in the timely collection of payment for its services. See <http://www.pgworks.com/lcp>; [http://www.pgworks.com/files/pdfs/LCP\\_TermsConditions.pdf](http://www.pgworks.com/files/pdfs/LCP_TermsConditions.pdf). Although not tariffed, the LCP and many of its features relating to failure to pay accounts, access to meters, meter maintenance, and leak survey access are inextricably intertwined with the provision of PGW's utility service.

<sup>2</sup> Hearing Transcript pg. 36; PGW Exhibit 1.

<sup>3</sup> Hearing Transcript pgs. 38-39; PGW Exhibit 2.

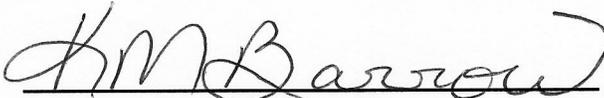
<sup>4</sup> Hearing Transcript pgs. 40, 44-45; PGW Exhibits 3 and 4.

<sup>5</sup> Hearing Transcript pgs. 56-60, 64-67.

believe that the LCP, a service voluntarily provided to benefit landlords who are PGW customers, falls within the ambit of Section 1501 of the Public Utility Code, 66 Pa. C.S. § 1501, which requires public utilities to provide reasonable service.<sup>6</sup> As such, a fact finding regarding PGW's LCP obligations was merited.

Additionally, I wish to emphasize to PGW and all natural gas distribution companies the importance of routinely monitoring their facilities to deter occurrences of theft of service. This includes dormant accounts. To the extent that our utilities have not already done so, I strongly recommend that they establish an internal policy to effectively monitor dormant accounts for unauthorized use. Theft of gas service not only hurts the companies and ratepayers financially, it poses a danger to the public at large due to the likelihood of gas leaks. I believe that under Section 1501 of the Public Utility Code and Section 59.33 of the Commission's Regulations, our natural gas distribution companies have a duty to monitor their distribution facilities regardless of whether there is an active account attached to them.<sup>7</sup> Here, the dormant account and curb valve was left unchecked for approximately 3 years, which is unacceptable.

**September 26, 2024**

  
**Kimberly Barrow, Vice Chair**

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<sup>6</sup> See 66 Pa.C.S. § 102 which defines "service" as:

Used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities, or contract carriers by motor vehicle, in the performance of their duties under this part to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them . . . .

See also *Emerald Housing Resources v. Philadelphia Gas Works*, Docket No. C-2015-2475950 (Final Order without Commission Action on August 7, 2015)(Initial Decision dated June 4, 2015).

<sup>7</sup> 66 Pa.C.S. § 1501; 52 Pa. Code § 59.33.