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October 17, 2024

*Via Efiling*

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2023-2027 Submitted in Compliance with 52 Pa. Code § 62.4, Docket No. M-2021-3029323**

**Philadelphia Gas Works Petition for Modifications to the Hardship Funds Program in its Universal Service and Energy Conservation Plan for 2023-2027**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the **Answer of the Tenant Union Representative Network and Coalition for Affordable Utility Services and Energy Conservation in Pennsylvania to PGW's Petition for Modifications** in the above captioned matter.

A copy of these Comments is being served via email, as indicated on the attached Certificate of Service.

Sincerely,

/s/ Robert W. Ballenger

Robert W. Ballenger, Esq.  
Community Legal Services, Inc.

*Counsel for Tenant Union Representative Network*

Encl.

Cc. Certificate of Service



**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Philadelphia Gas Works Universal Service	:	
And Energy Conservation Plan for 2023-2027	:	Docket No. M-2021-3029323
Submitted in Compliance with 52 Pa. Code	:	
§ 62.4	:	
	:	
	:	
Petition for Emergency or Expedited Order	:	Docket No. P-2024-3048856
Approving Temporary Modifications to the	:	
Universal Service and Energy Conservation	:	
Plan for 2023-2027	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have, on this day, served copies of the **Answer of the Tenant Union Representative Network and Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania to PGW’s Petition for Modifications** in the above captioned matter upon the following persons and in accordance with the requirements of 52 Pa. Code § 1.54.

**SERVICE BY EMAIL ONLY**

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Respectfully submitted,

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October 17, 2024

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**JOINT ANSWER OF  
TENANT UNION REPRESENTATIVE NETWORK AND  
THE COALITION FOR AFFORDABLE UTILITY SERVICES  
AND ENERGY EFFICIENCY IN PENNSYLVANIA  
TO PHILADELPHIA GAS WORKS PETITION FOR MODIFICATIONS TO THE  
HARDSHIP FUNDS PROGRAM IN ITS UNIVERSAL SERVICE AND ENERGY  
CONSERVATION PLAN FOR 2023-2027**

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**COMMUNITY LEGAL SERVICES, INC.**

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**October 17, 2024**

## **I. INTRODUCTION**

On May 3, 2024, Philadelphia Gas Works (PGW) filed a Petition for Emergency or Expedited Order Approving Temporary Modifications to the Hardship Fund Program (May 3 Petition) in its Universal Service and Energy Conservation Plan for 2023-2027 (USECP). PGW's May 3 Petition was intended to provide PGW the short-term capability to utilize a different third-party administrator for its hardship fund program. The Commission approved PGW's May 3 Petition on May 9, 2024, by Tentative Order. Prior to approving PGW's May 3 Petition, the Utility Emergency Services Fund (UESF) served as PGW's hardship fund administrator. After approval of PGW's May 3 Petition, PGW began using the Energy Coordinating Agency (ECA) as its temporary hardship fund administrator.

The instant Petition for Modification to PGW's Hardship Funds Program (Petition) seeks to modify PGW's USECP to permit it to retain a long-term hardship fund administrator via a request for proposals (RFP) procurement process. The Tenant Union Representative Network (TURN), and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), collectively referred to herein as "TURN/CAUSE-PA," submit this answer in opposition to PGW's Petition, which seeks authorization to significantly reduce (by 50%) the annual assistance available through PGW's hardship program for the duration of PGW's USECP.

## **II. ANSWER TO PETITION**

By its Petition, PGW seeks permission to modify its USECP to utilize the winning bidder selected through an RFP process as its long-term hardship fund program administrator. PGW's Petition provides no information regarding the criteria PGW would utilize in selecting a winning

bidder. Although TURN/CAUSE-PA did not oppose PGW's May 3 Petition,<sup>1</sup> such non-opposition was premised upon the need to quickly resume issuance of hardship fund grants after UESF experienced significant operational delays and stopped accepting applications for PGW's hardship fund. The Commission's grant of PGW's May 3 Petition allowed PGW to reopen its hardship fund program and provide qualified customers with financial assistance, albeit at a reduced maximum amount of \$750 due to the unavailability of UESF funds.<sup>2</sup> PGW's Petition seeks approval to modify the total budget for PGW's hardship fund by removing UESF funds entirely from PGW's 2023-2027 USECP.<sup>3</sup> TURN/CAUSE-PA oppose this modification and instead aver that every effort should be made to ensure that the maximum grant amount of \$1500, as set forth in PGW's current USECP, is again available.

PGW's Petition proposes to modify its USECP to continue the practices in place pursuant to the May 3 Petition, whereby PGW customers would only be eligible for a maximum hardship fund grant of \$750. As set forth in the Petition, PGW's contribution and pilot program expense total \$795,500 in ratepayer funds.<sup>4</sup> PGW's Petition removes from the proposed budget \$795,500 in non-ratepayer funding previously designated as "UESF grants."<sup>5</sup> Accordingly, PGW's Petition proposes an annual budget of \$1,057,649, reflecting a \$795,500 reduction to the USECP's \$1,853,149 annual budget. Correspondingly, PGW's Petition assumes a reduced estimate of the number of customers who will receive grants.<sup>6</sup> If allowed to proceed, PGW's

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<sup>1</sup> TURN/CAUSE-PA informed PGW of their non-opposition in advance of PGW's filing of the May 3 Petition. See May 3 Petition at 2-3.

<sup>2</sup> In contrast, PGW's USECP plainly states that hardship funds are available in maximum grant amounts of \$1,500 per customer. USECP at 30 ("The combination of UESF grant and the PGW matching credit cannot exceed \$1500.").

<sup>3</sup> Petition at ¶8.

<sup>4</sup> Petition at ¶15, Appendix O.

<sup>5</sup> PGW USECP at 33.

<sup>6</sup> Compare PGW Petition ¶15 with USECP at 33.

“matching funds” or “matching bill credits,” as they are described in the Petition, would no longer have a counterpart of financial assistance to “match.” In other words, PGW’s ratepayer funded hardship assistance would stand alone, without the historic level of contribution from the City of Philadelphia that has been available, on an annual basis, through UESF.<sup>7</sup>

TURN/CAUSE-PA submit that PGW’s Petition assumes an annual reduction in overall hardship fund assistance of \$795,000 per year. This represents a loss in non-ratepayer revenues to PGW, as well as a 50% reduction in the overall assistance available to low-income customers experiencing financial hardship. As PGW’s USECP currently provides, PGW’s matching assistance funds are dependent on the funding provided by its hardship fund administrator, historically UESF.<sup>8</sup> PGW provides no explanation for why its hardship fund administrator going forward would be incapable of obtaining the same or similar funding, presumably from the City of Philadelphia, in the same or similar fashion that UESF has done for many years. Furthermore, PGW does not provide any information about steps it has taken to secure non-ratepayer funds for its administrator and instead asks the Commission to absolve PGW of responsibility to ensure that its customers have continued access to assistance at the rate provided in its USECP. As discussed above, PGW also provides no information regarding how it will evaluate bids to administer its hardship funds going forward, including whether the choice of administrator will materially affect the level of hardship funds received by PGW’s low-income customers.

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<sup>7</sup> Counsel for TURN/CAUSE-PA have sought, through informal conversations with PGW’s counsel, to obtain more information regarding the source of the City’s contribution to UESF in order to determine whether such funding would be available to the successful bidder in PGW’s RFP process, even if such bidder is not UESF. As of our latest correspondence, our understanding is that PGW has been unable to secure any commitments from the City to continue funding its hardship program pursuant to the Petition.

<sup>8</sup> USECP at 32.

PGW's Petition to amend its USECP to eliminate a significant and longstanding source of hardship funds that benefit PGW's ratepayers, should not be approved. Instead, PGW's Petition should be referred to the Office of Administrative Law Judge (OALJ) for full consideration and a determination as to whether, on the basis of substantial record evidence, such Petition should be granted. Factors to consider in that process include whether the reduction in available hardship fund assistance for PGW's low-income ratepayers is necessary, appropriate and in the best interests of PGW and its customers or whether the level of funding currently provided for in PGW's USECP should be maintained. Furthermore, in light of the operational challenges that resulted in PGW's filing of the May 3 Petition, TURN/CAUSE-PA submit that further review is required to evaluate how the proposed RFP process and selection of a hardship fund administrator may incorporate safeguards to avoid future disruption in program administration.

### III. CONCLUSION

For the foregoing reasons, TURN/CAUSE-PA respectfully request that the Commission deny PGW's Petition and refer this matter to the OALJ for further proceedings.

Respectfully Submitted,

*Counsel for TURN*



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VERIFICATION

I, Robert W. Ballenger, hereby state that the facts set forth in the Answer of TURN and CAUSE-PA to PGW’s Petition for Modifications to the Hardship Funds Program in its Universal Service and Energy Conservation Plan for 2023-2027 are true and correct (or are true and correct to the extent of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).



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Robert W. Ballenger

*Counsel for TURN*

October 17, 2024