



January 30, 2025

Via Electronic Filing

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 Petition to Modify the April 25, 2024 Order Regarding Customer Responsibility Program Recertifications

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the **Joint Answer of the Tenant Union Representative Network and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania to PGW's Petition to Modify** 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/ Benjamin Clark

Benjamin Clark, 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 :

CERTIFICATE OF SERVICE

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

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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 THE PETITION OF
PHILADELPHIA GAS WORKS TO MODIFY
THE APRIL 25, 2024 ORDER REGARDING
CUSTOMER RESPONSIBILITY PROGRAM RECERTIFICATIONS**

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January 30, 2025

THE PENNSYLVANIA UTILITY LAW PROJECT

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I. INTRODUCTION

On January 10, 2025, Philadelphia Gas Works (PGW) filed a Petition to Modify the Public Utility Commission’s (PUC) April 25, 2024 Order Regarding Customer Responsibility Program Recertifications (Petition). PGW requests the Commission’s permission to allow PGW to restart recertifications for CRP participants in the spring of 2025, despite continued delays in the implementation of its updated Customer Information System (CIS).

The Commission approved PGW’s current Universal Service and Energy Conservation Plan for 2023-2027 (USECP) on January 12, 2023.¹ Relevant to the instant Petition, the new USECP required PGW to change the frequency of recertifications for non-Low Income Home Energy Assistance Program (LIHEAP) Customer Responsibility Program (CRP) participants from every year to every two years.

Immediately following approval of its new USECP, PGW requested extended timeframes to meet several deadlines to make changes required by the USECP, including the recertification changes. On January 27, 2023, PGW filed a petition for reconsideration stating that it was implementing a new CIS and that certain “system changes . . . cannot be made until after the CIS replacement is complete.”² PGW asked that implementation of the recertification changes be pushed back until after the new CIS has been implemented. At that time, PGW anticipated that “the CIS replacement project will be completed by fall/winter 2023.”³ On March 16, 2023, the PUC issued an Order granting PGW’s petition in part and requiring that PGW file an implementation timeline for the changes to CRP before December 31, 2023, and implement

¹ 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, Order (Jan. 12, 2023).

² 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, PGW Petition for Reconsideration at 10 (Jan. 27, 2023) (hereinafter, January 27, 2023 PGW Petition for Reconsideration).

³ *Id.* at 7.

those changes within six months of filing that implementation timeline, by June 30, 2024, at the latest.⁴

Delays in CIS implementation led PGW to once again petition the Commission on December 28, 2023 to extend its deadlines to make the recertification change and other changes required by its USECP.⁵ In response to PGW's request for an extended timeline to alter its recertification protocols, and out of concern for CRP customers who might inadvertently be removed from the program, on April 25, 2024, the Commission directed PGW to temporarily pause CRP recertifications until the new CIS is implemented.⁶

PGW now requests permission to move forward with recertifications, despite continued delays in launching its new CIS. 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 would resume CRP recertifications in the middle of a system overhaul as PGW continues to troubleshoot the rollout of its CIS platform. PGW proposes to resume recertifications claiming its intent is to avoid customer confusion. However, subjecting CRP customers to interim recertification procedures for an uncertain period of time will only cause more confusion and create unnecessary costs.

⁴ 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, Order (Mar. 16, 2023).

⁵ See 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 Extension of Implementation Timelines (Dec. 28, 2023) (hereinafter December 2023 Petition for Extension of Timelines). TURN/CAUSE-PA filed an Answer to that Petition on January 18, 2024. In that Petition, PGW proposed pausing recertifications as an alternative implementation, and TURN/CAUSE-PA supported that proposal. See 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, TURN/CAUSE-PA Joint Answer to PGW Petition for Extension of Implementation Timelines (Jan. 18, 2024) at 8.

⁶ 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, Order (Apr. 25, 2024) (hereinafter April 25 Order).

II. ANSWER TO PETITION

PGW's Petition to resume recertifications before launching its new CIS fails to adequately address concerns about customer impacts that PGW itself raised in earlier filings. In its January Reconsideration Petition, PGW noted that implementing the new two-year recertification timeframe would "require system changes that cannot be made until after the CIS replacement is complete."⁷ Eleven months later, PGW stressed that implementing any "interim and temporary solution" regarding recertifications before the launch of its new CIS would create logistical difficulties, strain fiscal resources, and negatively impact consumers:

Requiring PGW to develop an interim and temporary solution via the current system pending final CIS installation would be extremely costly, inefficient, and time consuming for staff on a daily basis who will already be inundated with the training and learning that necessarily goes along with installation of a new CIS. Also, and just as importantly, attempting to implement a "work around" within the current system on an interim basis would create significant room for error, particularly for the quarterly review and final bill changes, as well as significant confusion for consumers.⁸

Even PGW's instant Petition recognizes that "such changes are normally very inadvisable or impossible during a CIS implementation."⁹ Yet, PGW seeks to adopt precisely such an interim and temporary recertification process that it has claimed to be impossible, or at best, inadvisable. For two years, PGW's stance has been the same: initiating new CRP recertification procedures or adopting interim measures before the implementation of CIS would be costly for PGW and confusing for consumers.

It was in response to these concerns that the Commission ordered PGW to suspend all CRP recertifications until the new CIS was implemented.¹⁰ The Commission deemed it "reasonable and in the public interest," given the ongoing uncertainties with the CIS timeline, to

⁷ See January 27, 2023 PGW Petition for Reconsideration at ¶ 4.

⁸ December 2023 PGW Petition for Extension of Timelines at 2.

⁹ Petition at 2.

¹⁰ See April 25 Order at 5.

suspend recertifications rather than risk unnecessarily removing eligible customers from the program.¹¹ This decision reflected a careful balancing of operational challenges with the need to protect vulnerable customers as PGW implements its “total system replacement” software.¹² Both TURN/CAUSE-PA and the Office of Consumer Advocate supported this approach, which also prescribed a staggered recertification timeline post-CIS implementation to minimize customer confusion.¹³

TURN/CAUSE-PA submit that the procedures outlined in the Commission’s April 25 Order remain the most prudent course of action. Deviating from this established framework risks introducing operational chaos, harming customers reliant on the CRP program, and unnecessarily wasting additional ratepayer resources while PGW’s CIS project expenditures to date comprise at least 250% of the initially approved budget.¹⁴

However, PGW now claims that “concern for its customers” drives it to the opposite result: resuming CRP recertifications in spring 2025, using interim measures prior to rolling out the new CIS.¹⁵ The Petition fails to justify this departure from PGW’s previous positions or the Commission’s past decisions. PGW has provided no evidence to support its claims that restarting recertifications is necessary, nor does it provide any data or information as to the cost of implementing an interim process prior to rolling out its long-awaited CIS.

¹¹ *Id.*

¹² See January 27, 2023 PGW Petition for Reconsideration at ¶ 4.

¹³ April 25 Order at 5; *id.* at Ordering Para. 3-5.

¹⁴ In its January 21, 2025, Quarterly Status Report to the Philadelphia Gas Commission, PGW reported that total capital expenditures on its CIS through November 30, 2024 (expiration of its first quarter of FY 2025) were \$82,438,745. PGW’s approved Capital Budget for CIS was \$32,662,000, and PGW projected finalizing the project in June 2022. See Direct Testimony of Michael A. Bleiweis on behalf of the Public Advocate, In the Matter of the Proposed FY 2020 Capital Budget Proceeding, before the Philadelphia Gas Commission, at 31-35 (February 13, 2019).

¹⁵ See Petition at 2.

In its Petition, PGW relies on two primary arguments for resuming CRP recertifications prior to the implementation of the new CIS. First, PGW claims that continuing to pause recertifications will cause customers to become unfamiliar with the process, potentially resulting in loss of benefits if customers fail to recertify after PGW’s CIS project is concluded.¹⁶ Second, PGW submits that non-CRP customers may bear costs for customers who no longer qualify but remain on CRP because they have not been asked to recertify.¹⁷ These allegations are speculative, unsupported, and wholly fail to address the cost concerns PGW has itself repeatedly raised when asserting it could not change recertification procedures before its CIS was implemented.

PGW asserts that its proposal will “avoid potential customer confusion from restarting recertifications at the same time as the new CIS implementation after a very long hiatus.”¹⁸ But the April 25 Order set forth a staggered recertification timeline meant to mitigate precisely this confusion.¹⁹ PGW has not provided any evidence to demonstrate that resuming recertifications with an interim process would reduce confusion rather than exacerbate it, as PGW previously claimed. Nor has PGW addressed other potential mechanisms to avoid customer confusion after a recertification hiatus, such as a public information campaign or outreach to CRP customers during the pause. PGW offers no evidence to suggest that customers would be more likely to recertify now, but “not recertify when asked”²⁰ if made to wait until the CIS is implemented this year or next. Instead, PGW would have customers face the challenge of adapting to an interim process, only to later transition to a theoretically entirely different system under the new CIS.

¹⁶ *Id.* at ¶¶ 13-14.

¹⁷ *Id.*

¹⁸ *Id.* at ¶ 13.

¹⁹ April 25 Order at 5; April 25 Order at Ordering Para. 3-5.

²⁰ *See* Petition at ¶ 15.

PGW's proposal would further increase the potential for disruption and misunderstanding. These continual changes increase the risk that otherwise eligible customers may be unnecessarily removed from the program.

PGW baldly asserts – without evidence – that the pause in recertifications has driven increased costs to non-CRP customers, because some portion of households might remain on CRP despite no longer qualifying.²¹ PGW makes the unsubstantiated claim that CRP enrollment has been “significantly increasing due to the lack of recertifications,” as the number of CRP customers increased from 55,636 in April 2024 to 64,841 in December 2024.²² However, PGW provides no evidence that increased enrollment in CRP is driven by a lack of recertifications. Indeed, pausing recertification does not cause increased enrollment in CRP. Rather, increased enrollment reflects that *new customers* have entered the program. In its Petition, however, PGW seems to suggest that the total number of CRP customers is high only because some customers – 9,000, by their calculations – should theoretically have been removed for failure to recertify but haven't been. New CRP enrollment may be caused by any number of external factors: greater public awareness of utility assistance programs could be driving this increase, just as more families may be income-eligible due to difficult economic conditions. In fact, the Commission has specifically encouraged policies, such as LIHEAP data sharing, to ensure that eligible customers are not removed from assistance programs simply for failure to recertify.²³ In any event, PGW provides neither numbers with which to evaluate its suppositions about CRP enrollment nor data to compare current enrollment to hypothetical levels under a scenario in

²¹ *Id.* at ¶ 14.

²² *Id.* at ¶ 14.

²³ *See, e.g.*, 2023 Review of All Jurisdictional Fixed Utilities' Universal Service Programs, Docket No. M-2023-3038944, Order (Jun. 13, 2024).

which PGW did not pause recertification. Without this data, PGW’s argument that the pause in recertifications has driven increased CRP enrollment is merely speculative.

PGW’s professed concern regarding increased costs for non-CRP customers is fundamentally an issue of program administration, which PGW must manage within the constraints of its Commission-approved USECP.²⁴ The Commission’s April 25 Order explicitly concluded that temporarily pausing recertifications was “reasonable and in the public interest” to prevent eligible customers from losing benefits unnecessarily.²⁵ The burden of program cost management falls on PGW and should not override the need for a consistent and effective recertification process. PGW has provided no data or evidence to show why an interim process is now necessary, contrary to its own arguments over the past two years. And despite its repeated and unsubstantiated claims that further recertification delay will cause increased program costs, PGW has provided no information regarding the cost of implementing an interim process.

While TURN/CAUSE-PA recognize that some flexibility may be required for implementation timelines,²⁶ it must not come at the expense of stability for customers who rely on CRP to receive affordable gas service. Without a clear and comprehensive plan for ensuring smooth recertification under the current system, PGW’s proposal introduces unnecessary risk and uncertainty. As PGW itself has previously acknowledged, temporary solutions during the CIS transition pose substantial logistical and monetary challenges that could outweigh any perceived benefits of early recertification. PGW’s Petition fails to provide compelling evidence – or any evidence at all – that resuming recertifications in the spring of 2025 will achieve the intended

²⁴ Indeed, PGW does not explain how continued delays in CIS implementation may themselves be responsible for increased costs to its customers rather than expansion of CRP enrollment. Neither CRP nor non-CRP customers should have to suffer because of PGW’s failure to timely implement its CIS.

²⁵ See April 25 Order at 5.

²⁶ See Petition at ¶ 11.

goals of reducing customer confusion or ensuring program cost fairness. Instead, the approach set forth in the April 25 Order – a staggered resumption of recertifications after the CIS is implemented – remains the most prudent course to avoid disruptions, minimize customer harm, and maintain program integrity.

III. CONCLUSION

For the foregoing reasons, TURN/CAUSE-PA respectfully request that the Commission deny PGW’s Petition. The temporary pause on CRP recertifications as set forth in the Commission’s April 25 Order remains the most reasonable approach to safeguard customers and ensure a smooth transition to the updated CIS. Alternatively, prior to permitting PGW to implement this interim process, TURN/CAUSE-PA recommend that the Commission refer this matter to the Office of Administrative Law Judge for further proceedings to assess the possible costs and benefits and ensure PGW moves forward prudently to minimize customer harm and maintain program integrity.

Respectfully Submitted,

Counsel for TURN



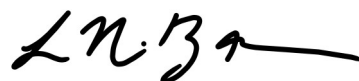
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VERIFICATION

I, Benjamin Clark, hereby state that the facts set forth in the Joint Answer of TURN/CAUSE-PA to PGW’s Petition to Modify the April 25, 2024 Order Regarding Customer Responsibility Program Recertifications 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).



Benjamin Clark, Esq.

Counsel for TURN

January 30, 2025