

COMMONWEALTH OF PENNSYLVANIA



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February 7, 2025

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Philadelphia Gas Works 2024-2025
Gas Cost Rate Filing 1307(f),
Docket No. R-2025-3053241

Dear Secretary Chiavetta:

Attached for electronic filing, please find the Office of Consumer Advocate's Formal Complaint and Public Statement in this proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Harrison W. Breitman
Harrison W. Breitman
Assistant Consumer Advocate
PA Attorney I.D. # 320580
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Enclosures

cc: The Honorable Charles E. Rainey, Jr. (email only: crainey@pa.gov)
Office of Special Assistants (email only: ra-OSA@pa.gov)
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Paul Zander, TUS (email only: pzander@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Philadelphia Gas Works 2024-2025 Gas Cost
Rate Filing 1307(f)

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Docket No. R-2025-3053241

I hereby certify that I have this day filed electronically on the Commission’s electronic filing system and served a true copy of the following document, the Office of Consumer Advocate’s Formal Complaint and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 7th day of February 2025.

SERVICE BY E-MAIL ONLY

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/s/ Ryan Morden
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Assistant Consumer Advocate
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Dated: February 7, 2025

Counsel for:
Darryl Lawrence
Interim Acting Consumer Advocate

Pennsylvania Public Utility Commission

Formal Complaint Form

1. COMPLAINANT

Darryl A. Lawrence, Interim Acting Consumer Advocate

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Dauphin County

Phone: (717) 783-5048

Facsimile: (717) 783-7152

2. RESPONDENT

Philadelphia Gas Works, Docket No. R-2025-3053241

3. TYPE OF UTILITY

Gas

4. COMPLAINT

- A. On January 31, 2025, Philadelphia Gas Works (PGW or the Company), submitted its pre-filing information in support of its annual reconciliation of purchased gas cost (PGC) rates, pursuant to Sections 53.64 and 53.65 of the Commission's Rules and Regulations. 52 Pa. Code §§ 53.64-65.
- B. In its pre-filed material, PGW indicated that on or before March 1, 2025, the Company will make its definitive annual PGC filing pursuant to Section 1307(f) of the Public Utility Code, 66 Pa. C.S. § 1307(f).
- C. PGW provides service to natural gas customers within the City of Philadelphia.
- D. The Public Utility Code provides that no rates of a natural gas distribution utility shall be deemed just and reasonable unless the Commission finds that the utility is pursuing a least cost fuel procurement policy, consistent with the utility's obligation to provide safe, adequate and reliable service. 66 Pa. C.S. § 1318. The Commission must find, among other things, that the utility has: (1) fully and vigorously represented ratepayer interests before the Federal Energy Regulatory Commission; (2) taken all prudent steps to negotiate favorable gas supply contracts and to relieve its obligations under contracts that may be adverse to ratepayer interests; (3) taken all reasonable steps to obtain lower cost gas supplies; and (4) not withheld or caused

to be withheld gas supplies that should have been utilized as part of a least cost fuel procurement policy. 66 Pa. C.S. § 1318(a)(1-4).

- E.** The Consumer Advocate is empowered to represent the interests of Pennsylvania consumers before the Pennsylvania Public Utility Commission (the “Commission”) pursuant to Act 1976-161 of the General Assembly, as amended. 71 Pa. Stat. Ann. §§309-1, *et seq.*
- F.** After initial review of PGW’s filing information, the Interim Acting Consumer Advocate files this Formal Complaint in order to ensure that the Company’s proposed PGC rate is consistent with a least cost fuel procurement policy and does not result in rates or charges that are excessive, unjust or unreasonable, discriminatory or otherwise contrary to Commission Regulations or policy.

5. RELIEF

The Interim Acting Consumer Advocate respectfully requests that the Commission:

- A.** Hold evidentiary hearings before the Office of Administrative Law Judge, as mandated by Section 1307(f) of the Public Utility Code;
- B.** Deny any rate or tariff changes, which are not the result of a least cost fuel procurement policy as defined by the standards set forth in Section 1318 of the Public Utility Code, 66 Pa. C.S. § 1318, and as defined by other applicable ratemaking standards;
- C.** Ensure that the Company’s PGC customers are only allocated those costs that should be borne by them;
- D.** Deny any rate or tariff that is unjust, unreasonable, unduly discriminatory or contrary to sound ratemaking principles; and;
- E.** Grant such other relief that the Commission may deem to be necessary, just or proper.

6. VERIFICATION

Verification:

I, Darryl A. Lawrence, Interim Acting Consumer Advocate, hereby state that the facts above set forth are true and correct (or are true and correct to the best 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).

/s/Darryl A. Lawrence

(Signature)

2/7/2025

(Date)

7. LEGAL REPRESENTATION

Harrison W. Breitman, Assistant Consumer Advocate, PA Bar No. 320580

Ryan Morden, Assistant Consumer Advocate, PA Bar No. 335679

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**PUBLIC STATEMENT OF THE OFFICE OF CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(e)**

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Formal Complaint in the proceedings before the Commission involving the proposed purchased gas cost rate change by Philadelphia Gas Works (PGW or the Company) at Docket No. R-2025-3053112.

On January 31, 2025, pursuant to Sections 53.64 and 53.65 of the Commission's Rules and Regulations, 52 Pa. Code §§ 53.64-65, PGW submitted its pre-filing information in support of its annual reconciliation of purchased gas cost (PGC) rates. On or about March 1, 2025, PGW will submit its definitive annual PGC filing to the Commission pursuant to Section 1307(f) of the Public Utility Code. 66 Pa. C.S. § 1307(f).

The Office of Consumer Advocate has filed this Formal Complaint to ensure that the Commission examines PGW's PGC filing and that any implemented PGC rate is consistent with the least cost fuel procurement obligation under the Public Utility Code. A thorough analysis and review are appropriate because Section 1318 of the Public Utility Code mandates that purchased gas costs cannot be determined to be just and reasonable unless such rates result from a least cost fuel procurement policy. 66 Pa. C.S. §1318(a). The OCA will seek to ensure that only those purchased gas costs which meet the requirements of Section 1318 will be paid by PGW ratepayers. The OCA will also seek to ensure that the rates approved by the Commission are otherwise just and reasonable, and not unduly discriminatory or excessive.