



January 16, 2026

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: **Pa. PUC v. Philadelphia Gas Works, Docket No. R-2023-3037933**

Dear Secretary Homsher,

Attached for filing please find the Tenant Union Representative Network's (TURN) Prehearing Memorandum in the above captioned proceeding. Copies are being served per the attached Certificate of Service.

Respectfully submitted,

/s/ Robert W. Ballenger
Robert W. Ballenger

On behalf of TURN

Cc. Service list
Encl.



Pennsylvania Public Utility Commission : R-2023-3037933
v. :
Philadelphia Gas Works :

Certificate of Service

I hereby certify that I have this day served copies of the **Prehearing Memorandum of Tenant Union Representative Network** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54 in the manner and upon the persons listed below.

VIA ESERVICE EXCEPT AS IDENTIFIED BELOW

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January 16, 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	R-2023-3037933
v.	:	
	:	
Philadelphia Gas Works	:	

Pre-Hearing Memorandum of Tenant Union Representative Network

Tenant Union Representative Network (TURN), through counsel Community Legal Services, Inc., hereby submits the following Pre-Hearing Memorandum pursuant to the Prehearing Conference Order of December 12, 2025 (as updated on December 30, 2025). Robert W. Ballenger will be the primary speaker for TURN at the January 22, 2026, prehearing conference.

TURN will be represented in this proceeding by the attorneys listed below, who will accept electronic delivery of documents.

Robert W. Ballenger, Esquire (Attorney ID: 93434)
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I. History of the Proceeding.

On February 27, 2023, PGW filed a request with the PUC to increase the distribution base rates charged to PGW’s residential, commercial and industrial customers. Administrative Law Judges Eranda Vero and Arlene D. Ashton (ALJs) were assigned to the proceeding. Four

Public Input Hearings were held; two in person on May 23, 2023, and two telephonic on May 24, 2024. Evidentiary hearings were held on July 11 and July 12, 2023. Main Briefs were submitted on July 27, 2023 and Reply Briefs were submitted on August 7, 2023. The record of the proceeding closed with the submission of Reply Briefs.

The ALJs Recommended Decision, issued on September 5, 2023 (RD), recommended a substantial reduction to PGW's requested revenue requirements and, as pertinent hereto, adopted PGW's proposal to allocate excess capacity distribution costs to Rate IT (Interruptible Transmission) customers as though such customers were "firm" and not interruptible.

Multiple parties filed exceptions and reply exceptions to the RD. The Philadelphia Industrial and Commercial Gas User Group (PICGUG) also filed a Motion to Strike concerning legal argument presented for the first time in other parties' Reply Exceptions. The Commission, by Order entered November 9, 2023, addressed and disposed of all filed exceptions and granted PICGUG's Motion to Strike. The Commission maintained the cost allocation recommended by the ALJs.

Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. (collectively, Vicinity) filed a Petition for Clarification on November 20, 2023, and PGW filed a Petition for Reconsideration on November 27, 2023. On December 7, 2023, the Commission granted Vicinity's Petition for Clarification and PGW's Petition for Reconsideration. On December 11, 2023, PICGUG filed a Petition for Review of the Commission's November 9, 2023, Order. PGW, on December 15, 2023, likewise filed a cross Petition for Review on December 22, 2023. Both Petitions for Review were stricken by the Commonwealth Court on January 8, 2024, pursuant to Pa. R.A.P. 1701(b)(3).

On January 18, 2024, the Commission, by Opinion and Order, disposed of the issues raised by PGW and Vicinity. On February 14, 2024, PICGUG renewed its Petition for Review in the Commonwealth Court concerning the allocation of extra capacity distribution costs to Rate IT customers. The Office of Consumer Advocate (OCA) and PGW intervened. PICGUG filed its Brief and Reproduced Record on July 2, 2024. The Commission, PGW and OCA filed their Briefs on September 6, 2024. PICGUG filed its Reply Brief on September 20, 2024. Oral argument was held on December 9, 2024. A panel of Commonwealth Court judges (by 2-to-1 vote) vacated the Commission's January 18, 2024, Opinion and Order regarding cost allocation to Rate IT customers and remanded to the Commission for further proceedings.

II. Identification of Issues

TURN has reviewed the Commonwealth Court's Decision and generally intends to examine the justness and reasonableness of the excess capacity distribution cost allocation underlying PGW rates and charges that were effective from December 1, 2023, through November 30, 2025, as well as any potential modifications to such allocation.¹ This includes consideration of any potential or proposed reallocation of such costs to non-Rate IT customers, whether on a retroactive or going-forward basis, especially to the extent such action could reallocate excess capacity distribution costs to low-income Philadelphia tenants who are members of TURN.

¹ The Commission subsequently approved increased PGW rates and charges, as well as a number of service improvements and commitments on October 9, 2025. See PUC v. PGW, Docket No. R-2025-3053112. No appeal was taken from the Commission's October 9, 2025 Order.

Although TURN submits that this proceeding is narrow in scope, and limited to consideration of the allocation of excess capacity distribution costs, TURN nonetheless reserves the right to examine any other issues that arise in the course of this proceeding.

III. Proposed Plan and Schedule of Discovery

TURN anticipates working with the parties regarding any proposed discovery schedule and/or modifications that may be appropriate for this proceeding.

IV. Proposed Witnesses and Subject Matter

TURN has not yet identified witness(es) to present testimony in this matter. TURN will inform the parties and Your Honors in the event TURN intends to introduce witness testimony, including whether such witness testimony will be sponsored by any other party to these proceedings.

V. Proposed Litigation Schedule

TURN has engaged in discussions with the other parties and does not oppose the litigation schedule proposed by PGW.

VI. Conclusion

TURN respectfully requests that this memorandum be entered into the record of this proceeding.

Respectfully submitted,

/s/ Robert W. Ballenger

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