



3161

PHILADELPHIA GAS WORKS

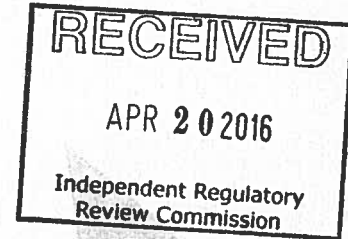
800 West Montgomery Avenue • Philadelphia, PA 19122

Brandon J. Pierce, Esq.
Senior Attorney | Legal Department
Direct Dial: 215-684-6219
E-mail: Brandon.Pierce@pgworks.com

April 19, 2017

Via E-Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, 1 North
400 North Street
Harrisburg, PA 17120



Re: Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Amended Provisions of 66 Pa. C.S. Chapter 14
Docket No. L-2015-2508421

Dear Secretary Chiavetta:

On behalf of Philadelphia Gas Works ("PGW"), enclosed for filing are PGW's Comments in the above-referenced matter. Please contact me if you have questions.

Respectfully,

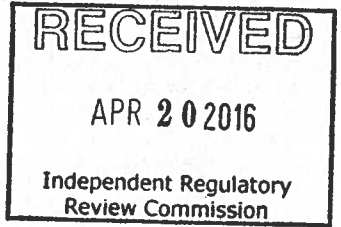
Brandon J. Pierce, Esquire

Enclosure

cc: Daniel Mumford, Office of Competitive Market Oversight (dmumford@pa.gov)
Matthew Hrivnak, Bureau of Consumer Services (mhrivnak@pa.gov)
Patricia T. Wiedt, Law Bureau (pwiedt@pa.gov)

3161

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**



Rulemaking to Amend the Provisions of :
52 Pa. Code, Chapter 56 to Comply with the : Docket No. L-2015-2508421
Amended Provisions of 66 Pa. C.S. Chapter 14 :
:

COMMENTS OF PHILADELPHIA GAS WORKS

Dated: April 19, 2017

Brandon J. Pierce, Esquire
Senior Attorney
Philadelphia Gas Works
800 West Montgomery Ave
Philadelphia, PA 19122

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	COMMENTS.....	2
	A. Notification for 10-Day Termination Notices.....	2
	B. Section 56.97(a)(3): Definition of Company’s Universal Service Administrator	2
	C. Medical Certifications.....	3
	1. Section 56.111 General Provisions	3
	2. Section 56.113 Availability of Medical Certificate Form	5
	3. Section 56.113 Adding Medical Professional’s License Number	5
	4. Appendix A: Medical Emergency Notice.....	6
	D. Section 56.163: Providing Redacted Company Documents to Complainants Upon Request in Response to Informal Complaint	6
	E. Section 56.231: Remove CAP Customers From the \$10,000 Reporting.....	8
III.	CONCLUSION	9

I. INTRODUCTION

By Notice of Proposed Rulemaking Order (“NOPR”) entered July 21, 2016, the Commission set forth its proposal to amend its existing Chapter 56 regulations to incorporate the amended statutory provisions that became effective on December 22, 2014, known as Act 155 of 2014, which reauthorized and amended Chapter 14 of the Public Utility Code (“Code”).¹ As set forth in the NOPR, the purpose of Chapter 14 is intended to protect responsible bill paying customers from rate increases attributable to the uncollectible accounts of customers and provides public utilities with collection mechanisms and procedures to promote timelier collections, while protecting vulnerable customers by ensuring that utility service remains available to all customers on reasonable terms and conditions. The NOPR was published in the *Pennsylvania Bulletin* on February 18, 2017, and permitted the filing of comments by interested parties within 60 days.

Philadelphia Gas Works (“PGW”) is a municipal natural gas utility that provides natural gas service to approximately 500,000 customers within the city of Philadelphia and is the only utility distributing natural gas within the city of Philadelphia. Effective July 2000, the Commission was given the statutory authority to regulate PGW.² PGW has been an active participant in many proceedings regarding the Commission’s Chapter 56 regulations and appreciates the opportunity to provide these comments.

¹ 66 Pa. C.S. §§ 1401-1419 (hereinafter referred to as “Chapter 14”).

² 66 Pa. C.S. § 2212.

II. COMMENTS

A. Notification for 10-Day Termination Notices

Pursuant to Section 56.11(b)(3), the Commission allows the electronic transmission of termination notices when the customer has affirmatively consented to this method of delivery. In the NOPR Section 56.93, the Commission proposes to add language recognizing the availability of electronic notice and to add a new Section 56.93(a)(3) to provide further information about the permissible electronic notice options.³ However, PGW believes further additional clarification is appropriate. Specifically, Section 56.91 – which addresses the initial 10-day notices – does not reference the availability of electronic notices. To ensure that all language pertaining to the termination notification process is captured under the Notice Procedures Prior to Termination, PGW recommends that the Commission consider one of two options: (i) add language referencing Section 56.11(a)(3) into Section 56.91(a); or, (ii) add language from the newly proposed Section 56.93(a)(3) into Section 56.91.

B. Section 56.97(a)(3): Definition of Company’s Universal Service Administrator

In newly proposed Section 56.97(a)(3), and consistent with the statutory language, the Commission proposes to require the public utility to refer a customer to “the universal service program administrator” for purposes of determining eligibility for a program and to apply for enrollment.⁴ PGW requests that the Commission add additional definitional language regarding who can act as a company’s universal service program administrator so as to better serve customers. PGW provides extensive training to its customer service representatives on universal

³ NOPR, Annex A at 20.

⁴ NOPR, Annex A at 22.

service programs, and they are able to determine eligibility and provide information on enrollment to a customer on contact prior to termination. To ensure that these representatives are able to satisfy the requirements of this section, PGW suggests that the following language be added at the end of this section:

For the purposes of this section, a company's universal service administrator is defined as any employee or representative of the utility who is trained to determine program eligibility and provide information on enrollment.

Providing this clarification will better enable PGW to more efficiently and timely determine eligibility and handle the provision of this information.

C. Medical Certifications

1. Section 56.111 General Provisions

In Section 56.111, the NOPR proposes to delete current language requiring a licensed physician or nurse practitioner to certify the medical condition of a person seeking restoration of service and replace it with more broad language prohibiting the utility from terminating service or refusing to restore service upon submission of a medical certificate.⁵ According to the NOPR, the change is appropriate because Act 155 includes a definition of medical certificate.⁶ While PGW recognizes the intent of the Commission in proposing to eliminate this language, doing so removes some clarity from the regulation and could have a broader negative implication.

First, the elimination of the language arguably removes the tying of the medical condition to "the customer's or applicant's household" at which the utility is seeking to terminate or refusing to restore service. The language as it currently exists states that the utility may not

⁵ NOPR, Annex A at 24-25.

⁶ NOPR, Attachment One at 5, referencing 66 Pa. C.S. § 1403.

terminate or refuse to restore service “to a premises when” a medical professional has certified that “the customer or applicant seeking the restoration,” or a member of the household, satisfies the medical condition requirement.⁷ It is clearly the intent of the Commission that the customer with the medical condition reside at the premises for which the utility is seeking to terminate service or refusing to restore service. Maintaining the current language would clearly uphold this requirement.

Another concern with the removal of the current language is that it eliminates the requirement that the health practitioner must verify the condition.⁸ The language that the Commission proposes to remove specifically states that that the termination stops when a qualifying professional verifies that the customer or applicant satisfies the medical emergency requirements. Removing this language and replacing it with the language as proposed in the NOPR could be read to mean that upon the production of a medical certificate to the utility, it is prohibited from terminating service or refusing to restore service. However, an incomplete medical certification or one not certified by the qualifying professional should not require the utility to forestall an otherwise valid termination of service.

For purposes of clarity, PGW supports maintaining the current language of Section 56.111 as written, with only “physician’s assistant” being added to the list of providers who can certify that the customer or applicant satisfies the medical emergency criteria.

⁷ 52 Pa. Code § 56.111.

⁸ 66 Pa. C.S. §1406(f) (“The customer shall obtain a medical certificate verifying the condition...”)(emphasis added).

2. Section 56.113 Availability of Medical Certificate Form

In the NOPR, the Commission proposes to require that the public utility make its medical certificate form readily available and placed on its website.⁹ PGW supports the intent of the Commission to provide easy accessibility to a utility's medical certification form but does not support the requirement that the utility place the form on its website. PGW is concerned about the potential for fraud that could occur by making its medical certification form generally available. PGW's current practice is to provide its medical form to medical practitioners upon request and PGW has not experienced any complaints with this current process. Importantly, the medical form is designed for the convenience of medical professionals, not for the public at large, and maintaining this current process protects against fraud. PGW believes that the current process strikes the appropriate balance of serving the purpose of the medical certification and ensuring that medical practitioners can easily obtain the form without opening the process to potential fraud and abuse.

3. Section 56.113 Adding Medical Professional's License Number

The Commission specifically invited comments from parties about requiring the medical professional's license number to be included as a required element on the medical certificate.¹⁰ PGW fully supports this requirement as it is an intricate part of the medical certificate validation process and assists utilities with preventing fraud. Being able to validate the veracity of a medical certification ensures that only those customers or applicants who qualify for a medical certification receive the benefits of such certification. In addition, a medical professional should easily have a record of their license number so this requirement is not likely to be burdensome.

⁹ NOPR, Annex A at 25.

¹⁰ NOPR, Attachment One at 8-9.

4. Appendix A: Medical Emergency Notice

The NOPR proposes to revise the Medical Emergency Notice to include references to physician assistants.¹¹ In addition to this revision, PGW recommends that the Commission also revise the notice to remove the 7-day and verbal certification language to be consistent with the new prohibitions that the Commission is proposing to incorporate in Section 56.113.¹²

D. Section 56.163: Providing Redacted Company Documents to Complainants Upon Request in Response to Informal Complaint

In its NOPR, the Commission proposes to add language to Section 56.163 to permit an informal complainant to receive a copy of the documents the utility provides Commission staff in response to an informal complaint.¹³ The Commission also states that “there may be some relatively rare instances in which these documents may refer to parties other than the complainant,” and proposes to address this by directing the utility to redact any information that may compromise the privacy or personal security of a third party.¹⁴ PGW is concerned about this newly proposed requirement and urges the Commission to reconsider it – particularly in light of issues that could arise in a Protection from Abuse case or similar instances.¹⁵

The Commission’s proposed requirement places an unreasonable burden on the utility to consider every data point that is being provided to Commission staff and to somehow make a determination whether it “would possibly” impact a person’s privacy or physical security. A

¹¹ NOPR, Attachment One at 23; Annex A at 84-85.

¹² NOPR, Attachment One at 6-7, Annex A at 25-

¹³ NOPR, Attachment One at 9, Annex A at 28-29.

¹⁴ NOPR, Attachment One at 9.

¹⁵ PGW is a local agency subject to the Right-to-Know Law (“RTKL”). 65 P.S. § 67.302. Pursuant to RTKL, all information related to a noncriminal complaint filed by an agency is exempt from disclosure – even to the person making a complaint. 65 P.S. § 67.708(b)(17); In The Matter of Sandra Kline, Requester v. Pennsylvania State Police, OOR Docket No.: AP 2017-0068, Final Determination Issued and Mailed March 16, 2017.

minor error in this determination could have a significant impact on a person's life. PGW's responses to informal complaints often contain sensitive data about a customer's credit, medical certificates, PFAs, landlords, other customers at the premise, grants, payment documents and other internal Company records that would not otherwise be provided to a complaining party. Currently, in the informal process, PGW is able to gather this data and provide it to Staff to enable a full evaluation of the case without factoring into the disclosure whether or not information might need to be redacted. Requiring PGW to factor that into this process will require additional Company resources to review every response and make a determination about each fact that is being provided. This will unnecessarily slow down a process that is working now.

In addition, it is worth noting that in a formal complaint process, complainants are able to avail themselves of the Commission's discovery process to receive data from utilities. Through this process, a utility is able to object to data requests or require that they be disclosed on a confidential basis. No such mechanisms are available in the informal processes.

If, however, the Commission elects to pursue this process, then PGW urges the Commission to make clear that the complaint must be filed by the customer of record or customer-authorized person only so that the information being provided is only related to the person filing the complaint. This change would also be consistent with the language in Section 56.163, which states that "parties may represent themselves or be represented by counsel or **other person of their choice. . .**" This language should also be tied into the Commission's privacy guidelines, as it will be difficult for utilities to protect the interest of customers and their information if their personal information is able to be disseminated to other individuals who would not normally be privy to such information if they were to contact the utility themselves.

E. Section 56.231: Remove CAP Customers From the \$10,000 Reporting

In the NOPR, the Commission proposes new Section 56.231(c)(1) to implement the reporting requirements regarding “any account with an arrearage at or exceeding \$10,000 as of December 31 of the calendar year.”¹⁶ The Commission makes this proposal consistent with 66 Pa. C.S. § 1410.1(3) which requires utilities to “report to the commission annually residential customers accounts which have accumulated \$10,000 or more in arrearages.”¹⁷ Although parties have previously recommended that customer assistance program (“CAP”) accounts be excluded from this reporting requirement, the Commission proposes to include these accounts in the NOPR on the basis that the “various collection methods available” for specific customers is not relevant to this reporting requirement.¹⁸

PGW respectfully requests that the Commission reconsider this determination and exclude CAP customers’ frozen arrearages from the \$10,000 reporting requirements. The reason for this request is because of the nature of the uncollectible amounts associated with CAP customers (in contrast to non-CAP residential customers). For CAP customers, pre-program arrears are essentially “frozen” with a fraction of the arrears being forgiven for every timely CAP payment. Thus, for CAP customers in good standing, PGW has no “collection” tools available for these amounts that will be forgiven over time and they are truly uncollectible. For non-CAP customers, however, PGW does not foresee forgiving debts on these accounts – they remain outstanding and collectible. Including both collectible and non-collectible amounts will not present an accurate picture of PGW’s collection practices or its accounts.

¹⁶ NOPR, Annex A at 34-35.

¹⁷ 66 Pa. C.S. § 1410.1(3).

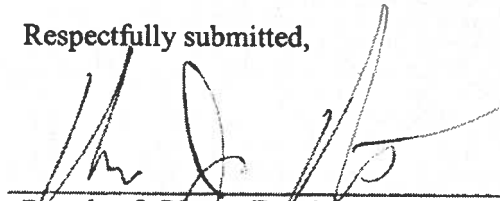
¹⁸ NOPR, Attachment One at 15.

In conclusion, although Section 1410.1 indicates there is an affirmative responsibility “to attempt to collect payment on an overdue account” for CAP customers in good standing, the utility is not able to “attempt to collect payment” for that overdue pre-CAP arrearage. Therefore, excluding CAP customers’ pre-CAP arrearages from this reporting is consistent with the intent of Section 1410.1. It is also consistent with the data that is currently reported for the Universal Services Reporting Requirements, as well as the remaining Section 56.231 reporting requirements.

III. CONCLUSION

PGW appreciates the opportunity to provide these comments and looks forward to continuing to work with the Commission and its staff on these important issues.

Respectfully submitted,



Brandon J. Pierce, Esquire
Senior Attorney
Philadelphia Gas Works
800 West Montgomery Ave
Philadelphia, PA 19122

Date: April 19, 2017

Attorney for Philadelphia Gas Works