

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

**Pennsylvania Public Utility
Commission v. Equitable Gas
Company, LLC, a Subsidiary of EQT
Corporation f/k/a Equitable
Resources, Inc.**

**Public Meeting – May 6, 2010
1505395-OSA
Docket No. M-2009-1505395**

DISSENT IN PART OF VICE CHAIRMAN TYRONE J. CHRISTY

During my tenure at the Commission I consistently have advocated that, in lieu of imposing civil penalties on utilities involving violations, or alleged violations, of the Public Utility Code or the Commission's Regulations, the greater public good is served by applying these dollar amounts elsewhere. These monies should be directed toward deserving utility related social agencies and programs, thereby positively affecting those truly in need. I will continue to advocate for applying these monies to well run programs such as the Dollar Energy Fund and other related programs.

Today the Commission considered the Settlement Agreement (Settlement) filed on May 11, 2009, by the Commission's Law Bureau Prosecutory Staff (LBPS) and Equitable Gas Company, LLC a subsidiary of EQT Corporation (Equitable).¹ In addition, the Commission considered comments regarding a modification to the Settlement as set forth in its Opinion and Order entered November 25, 2009 (November 25 Order).

In its November 25 Order, the Commission: (1) modified the Settlement by requiring Equitable to pay \$65,000 as a civil penalty pursuant to 66 Pa. C.S. § 3301; and (2) solicited comments from interested parties with respect to the modifications consistent with 52 Pa. Code § 3.113(b)(3). This civil penalty is in addition to the \$65,000 contribution to Equitable's Hardship Repair Fund. In a Joint Dissenting Statement with Commissioner Kim Pizzingrilli dated October 8, 2009, we opposed the imposition of a \$65,000 civil penalty. We stated, "The uncertainty created by the trend of Commission modification of these settlements may also result in more protracted litigation and delayed implementation of remedial measures."

¹ Pursuant to the terms of the Settlement, Equitable has agreed to a \$65,000 contribution to its Hardship Repair Fund which is used to help low income customers with house line, service line, and furnace repairs and replacements as well as to help with the installation of thermostats for the visually impaired. Additionally, Equitable has agreed to develop new written procedures on a variety of safety matters; to retrain all employees and contractors consistent with these new procedures; to update its distribution system maps; and to ensure that all applicable safety standards are met. The Settlement required that Equitable document the changes to these procedures prior to the filing of the Settlement with the Commission, and our Gas Safety Division confirms that this has been done.

I am in the minority today regarding the majority's decision to modify the Settlement by imposing an additional \$65,000 civil penalty. I support approving the Settlement without modification; consequently, I respectfully dissent from this decision to the extent, and for the reasons, discussed above.

DATE

TYRONE J. CHRISTY, VICE CHAIRMAN