

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

**Pennsylvania Public Utility
Commission, Law Bureau Prosecutory
Staff v. Aqua Pennsylvania, Inc.**

**Public Meeting – October 14, 2010
2155842-OSA
Docket No. M-2010-2155842**

STATEMENT OF VICE CHAIRMAN TYRONE J. CHRISTY

I have consistently advocated that, in lieu of imposing civil penalties on utilities in proceedings 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.

During my tenure at the Commission, we have approved and directed over \$4.5 million to various Low-Income Universal Service programs, including Hardship Funds, Low Income Usage Reduction Programs, Customer Assistance Programs, and the Dollar Energy Fund. The source of these funds includes civil penalties from jurisdictional utilities that otherwise would have gone to the General Fund, as well as refunds to jurisdictional natural gas distribution utilities from interstate pipelines. Assuming an average contribution to customers of \$300, these past Commission actions have provided assistance to approximately 15,000 needy low-income households, have minimized customer hardship by making customer bills more affordable and have helped customers maintain essential utility service. Unfortunately, during this same time frame, \$261,500 in civil penalties associated with the provision of less than acceptable service to energy customers has been paid to the General Fund. Had this money been directed to Low-Income Universal Service programs instead of the General Fund, over 700 additional need households could have received assistance.

Today, the Commission is seeking comments from interested parties regarding the Settlement Agreement (Settlement) filed on July 30, 2010, by Aqua Pennsylvania, Inc. (Aqua) and the Commission's Law Bureau Prosecutory Staff. The investigation involves excavation incidents involving a new water installation request and a water service transfer. The Settlement, among other things, provides for the imposition of a civil penalty of \$15,000¹ and a \$10,000 contribution to Aqua's Helping Hand fund.

I request that interested parties who submit comments on this Settlement address the appropriateness of directing \$15,000 to Aqua's Helping Hand fund in lieu of imposing a \$15,000 civil penalty. This action would benefit numerous low-income customers. I believe that

¹ In addition, Aqua will make a number of internal changes to its operations and training procedures to ensure that the errors which gave rise to this proceeding will not be repeated.

providing additional assistance to low-income customers is an important consideration, particularly during these tough economic times in which many individuals are being forced to choose between paying for utility service and buying food for their families.

DATE

TYRONE J. CHRISTY, VICE CHAIRMAN