


COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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April 20, 2020

Via Electronic Mail Only

The Honorable Marta Guhl
The Honorable Darlene Heep
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street
Suite 4063
Philadelphia, PA 19107

Re: Pennsylvania Public Utility Commission
v.
Philadelphia Gas Works
Docket No. R-2020-3017206

Dear Judge Guhl and Judge Heep:

Enclosed please find copies of the Office of Consumer Advocate's Motion to Compel Answers to OCA Set III Interrogatories, Nos. 2-11, 13-14, 18-22, 24, 29, 37-38, 40-41, 44 and 54-66 in the above-referenced proceeding.

The original has been electronically filed with the Secretary's Office and copies have been served upon the parties as evidenced by the attached Certificate of Service.

Respectfully submitted,

/s/ Darryl A. Lawrence
Darryl A. Lawrence
Senior Assistant Consumer Advocate
PA Attorney I.D. # 93682
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Enclosures:

cc: Rosemary Chiavetta, PUC Secretary
Certificate of Service

*286679

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission :
v. : Docket No. R-2020-3017206
Philadelphia Gas Works :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Motion to Compel Answers to OCA Set III Interrogatories, Nos. 2-11, 13-14, 18-22, 24, 29, 37-38, 40-41, 44 and 54-66, 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 20th day of April 2020.

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Dated: April 20, 2020
*286678

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,	:	
	:	
v.	:	Docket No. R-2020-3017206
	:	
Philadelphia Gas Works	:	

MOTION OF THE OFFICE OF CONSUMER ADVOCATE
TO DISMISS OBJECTIONS AND TO COMPEL
PHILADELPHIA GAS WORKS TO ANSWER INTERROGATORIES

Pursuant to 52 Pa. Code Section 5.342, the Pennsylvania Office of Consumer Advocate (OCA) hereby respectfully requests that the Administrative Law Judge dismiss the objections of Philadelphia Gas Works, and Order the Companies to timely reply to OCA Set III Interrogatories, Nos. 2-11, 13-14, 18-22, 24, 29, 37-38, 40-41, 44, and 54-66 in the above-referenced proceedings. The OCA and the Company have discussed the objections, and the OCA has agreed to withdraw Set III, numbers 12, 26 (discussed as a part of the Company’s Objection No. 1 and Objection No. 4), number 30 (discussed as a part of the Company’s Objection No. 6), numbers 32-33 (discussed as a part of the Company’s Objection No. 9), and number 39 (discussed as a part of the Company’s Objection No. 8).¹ The OCA is working with the Company to resolve the Company’s Objection No. 11 to OCA Set III, No. 42. The unresolved objections to interrogatories in Set III, Nos. 2-11, 13 and 14 (Objection Nos. 1, 2 and 3), 18 (Objection Nos. 3), 19-22 (Objection No. 9), 24 (Objection No. 9), 29 (Objection No. 5), 37-38 (Objection No. 1), 40-41 (Objection No. 10), 44

¹ The OCA specifically notes that its withdrawal of the attached interrogatories at this time should not be considered agreement with the Company’s Objections. The OCA does not agree with the Company’s Objections, but in the interests of compromise, the OCA has agreed to withdraw these interrogatories.

(Objection No. 1), and 54-66 (Objection No. 12), as served, are attached as Appendix A. In support of its Motion, the OCA sets forth the following:

I. INTRODUCTION

On February 28, 2020, Philadelphia Gas Works (PGW) filed for a \$70 million rate increase to distribution revenues. Included within the Company's filing are proposed increased costs for customers, the surcharge for the Universal Service and Energy Cost rider, and a proposed increase in the residential customer charge from \$13.75 to \$19.50. In its filing, related to universal service cost allocation, the Company also provided data pursuant to the Company's 2017 base rate proceeding at Docket No. R-2017-2586783. See, PGW St. 6 at 9-10.

On March 10, 2020, the OCA filed its Formal Complaint. The OCA has initiated an extensive review process to ensure that any increases in rates, and any proposed changes in tariff design and policies contained in the filings, are just and reasonable and otherwise consistent with Pennsylvania law. In pursuit of these ends, the OCA served OCA Set III on March 31, 2020. On April 9, 2020, the Company filed its Objections.²

The interrogatories relevant to this Motion have been attached as Appendix A. Accordingly, the OCA submits this Motion to Compel to require PGW to provide answers to the following interrogatories: OCA Set III, Nos. 2-11, 13-14, 18-22, 24, 29, 37-38, 40-41, 44, and 54-66.

II. LEGAL STANDARD

The burden is placed on the party objecting to discovery to establish that the information

² The OCA notes that on Friday, April 17, 2020, the Company served answers with objections to the following objected to interrogatories: OCA Set III, Nos. 19-24, 29.

requested is not relevant or discoverable. See Petition of the Borough of Cornwall for a Declaratory Order that the Provision of Water Service to Isolated Customers Adjoining its Boundaries Does Not Constitute Provision of Public Utility Service Under 66 Pa.C.S. § 102, Docket No. P-2015-2476211, (Order issued September 11, 2015) citing Koken v. One Beacon Insurance Company, 911 A.2d 1021, 1025 (Pa. Commw. Ct. 2006). Relevancy depends upon the nature and facts of the individual case, and any doubts are to be resolved in favor of relevancy and permitting discovery. Id. For information to be relevant it must either tend to establish a material fact, tend to make a fact at issue more or less probable, or support a reasonable inference or presumptions regarding a material fact. Id. at 9-10, citing Smith v. Morrision, 47 A.3d 1311 (Pa. Super 2012), alloc. Denied, 57 A.3d 71 (Pa. 2012).

Section 5.321(c) of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.321(c), specifically provides that "a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action." Discovery is permitted regardless of whether the information sought "relates to the claim or defense of the party seeking discovery or to the claim or defense of another party or participant." Id. Information may be discoverable, even if it would be inadmissible at a hearing. "It is not grounds for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." Id.

The Commission has held that, "[t]he touchstone as to a discoverable matter under the Commission's Regulations is that it be relevant to the subject matter involved in the pending action, or reasonably calculated to lead to the discovery of admissible evidence, and not privileged." Rahn et al. v. Pennsylvania-American Water Co., Docket No. C-20054919 (June 6, 2006 Order Granting Motion To Compel); see also, J3 Energy Group, Inc. v. West Penn Power Company and UGI

Development Company, Indispensable Party, 2014 Pa. PUC LEXIS 406 (Pa. PUC 2014), Docket No. C-2011-2219920 Order Denying Motion to Compel at *7 (August 21, 2014) (finding that “The material sought to be discovered need not be admissible. Rather, it must be reasonably expected to lead to the discovery of admissible evidence.”) Consistently, the Commission has allowed participants wide latitude in discovery matters. Application of Nabil Nasr and Wael Hafez, 2012 Pa. PUC LEXIS 1849 (Pa. PUC 2012), A-2012-2295813, Initial Decision Dismissing Application at *12 (November 28, 2012); Pa. P.U.C. v. The Peoples Natural Gas Company, 62 Pa. P.U.C. 56 (August 26, 1986); and Pa. P.U.C. v. Equitable Gas Company, 61 Pa. P.U.C. 468 (May 16, 1986).

The Commission has stated that the relevancy test should be liberally applied when considering data requests. Pa. P.U.C. v. Equitable Gas Co., 61 Pa. P.U.C. at 477. The scope of discovery includes information that relates to any arguments that the OCA or other parties may present in support of their positions in this proceeding. The information sought here is discoverable within the Regulations and Commission practice, and is required to be provided to the OCA pursuant to applicable discovery rules.

III. MOTION TO COMPEL

A. Introduction

OCA Set III is designed to assist OCA witness Roger Colton’s investigation into the Company’s claimed expense for universal service programs and the operation of the proposed universal service surcharge mechanism. The purpose of these questions is to gain a more complete understanding of the Company’s rate filing as it will impact residential customers who are being assessed these costs through the Universal Service and Energy Conservation Rider. In this case, the Company has included the Universal Service and Energy Conservation Rider as a part of its tariff filing, has proposed a significant increase in the customer charge that will have a

disproportionate impact on low-income customers, and was ordered as a part of its 2017 base rate proceeding to provide information in this docket regarding the universal service cost allocation. The OCA is reviewing whether the components of those filings are appropriate and justified and whether the resulting rates are just and reasonable. Set III Interrogatories are necessary to obtain the data and information for this review. It is important to note at the outset that the OCA is not inquiring into program design elements but is inquiring into information necessary to evaluate the cost claims proposed by the Company.

B. In Objection No. 1, PGW Has Not Met Its Burden Because The Referenced Interrogatories Are Within The Scope Of This Proceeding And Are Relevant.

PGW argues that OCA Set III, Nos. 2-11, 13-14, 18-22, 37-39, and 44 are beyond the scope of this proceeding and are not relevant.³ PGW Objections at 1-3. PGW also argues that the OCA is attempting to re-litigate issues raised in the Company's Universal Service and Energy Conservation proceeding at Docket Nos. M-2016-2542415, P-2020-3018867. The OCA submits that PGW has incorrectly characterized the basis for the OCA's questions. The OCA is not addressing issues raised in the Universal Service and Energy Conservation proceeding. The OCA's interrogatories are directly within the scope of the instant proceeding and related to the proposed costs to be recovered from ratepayers.

PGW has proposed an increase to its customer charge from \$13.75 to \$19.25, or an increase of \$5.50. The proposed increase will have a disproportionate impact on low-income customers, particularly low-income customers who are not enrolled in the Company's Customer Responsibility Program. The OCA has requested information in OCA Set III, Nos. 2-3, 19-22, and 37-39 in order to evaluate the impact of the increased customer charge cost on low-income

³ The OCA has withdrawn the referenced question numbers 26, 30, and 32 and therefore, has excluded them from the above list.

customers. The OCA has requested the information in OCA Set III, No. 5-11, 13-14, 18 and 44 in order to evaluate the impact of the base rate proceeding on the universal service costs.

PGW argues that the Company has not raised issues with respect to universal service or low-income customers, and therefore, the issues are outside the scope of the proceeding and are not relevant. The OCA submits that PGW's characterization of the law is inaccurate. PGW's arguments are inconsistent with the Commission's Policy Statement on Cash Flow Ratemaking. In the Policy Statement, the Commission has specifically identified that as a part of the use of the cash flow rate making methodology, the Company should evaluate the following factors:

(a) In determining just and reasonable rate levels for PGW, the Commission will consider, among other relevant factors:

(1) PGW's test year-end and (as a check) projected future levels of non-borrowed year-end cash.

(2) Available short term borrowing capacity and internal generation of funds to fund construction.

(3) Debt to equity ratios and financial performance of similarly situated utility enterprises

(4) Level of operating and other expenses in comparison to similarly situated enterprises.

(5) Level of financial performance needed to maintain or improve PGW's bond rating thereby permitting PGW to access the capital markets at the lowest reasonable costs to customers over time.

(6) PGW's management quality, efficiency and effectiveness.

(7) Service quality and reliability.

(8) Effect on universal service.

52 Pa. Code § 69.2703 (emphasis added).

PGW has, in fact, relied upon this Policy Statement as a part of its Exhibit No.II.A.4 for the Company's Revenue Bond, Fifteenth Series. The Company's bond series specifically identify the elements that will be considered as a part of the Company's base rate proceeding:

In determining just and reasonable rate levels for PGW, the PUC will consider, among other relevant factors: (1) PGW's test year-end and (as a check) projected future levels of non -borrowed year-end cash, (2) available short term borrowing capacity and internal generation of funds to fund construction, (3) debt to equity ratios and financial performance of similarly situated utility enterprises, (4) level of

operating and other expenses in comparison to similarly situated utility enterprises, (5) level of financial performance needed to maintain or improve PGW's bond rating thereby permitting PGW to access the capital markets at the lowest reasonable costs to customers over time, (6) PGW's management quality, efficiency and effectiveness, (7) service quality and reliability and (8) **the effect on universal service**. See "GAS SERVICE TARIFF AND RATES -Rates - Ratemaking Methodology to Account for Bond Covenants."

See, PGW Gas Works Revenue Bonds, Fifteenth Series, PGW Filing Exhibit II.A.4 at 4 (emphasis added).

PGW argues that no modifications to the Universal Service and Energy Conservation rider have been proposed in this proceeding, and therefore, the questions are not relevant to this proceeding. PGW also argues that the questions do not relate to the Company's rates or tariff, but the OCA submits that they do, in fact, relate to the Company's rates and tariff. PGW Objections at 3. The OCA's Set III interrogatories, Nos. 2-4, 32-33, 37-39 address issues related to the Company's universal service costs to be recovered through the Universal Service and Energy Conservation rider which is included as a part of the Company's existing and proposed tariff. The costs of the Universal Service and Energy Conservation rider are allocated to firm service customers in this proceeding. The OCA may examine the costs to be recovered from ratepayers through a surcharge included in the Company's cost of service to firm service customers and existing and proposed tariff.

The legal standard for raising an issue in a base rate proceeding is not whether the Company has raised the issue in its filing or has made a modification. The Universal Service and Energy Conservation program and Universal Service and Energy Conservation Rider are included as parts of the Company's existing and proposed tariff. As the Commission's April 16, 2020 Suspension Order identified "[t]hat this investigation shall include consideration of the lawfulness, justness, and reasonableness of the Philadelphia Gas Works' existing rates, rules, and regulations." Pa.

PUC v. PGW, Docket No. R-2020-3017206, Suspension Order at 3 (April 16, 2020). Pursuant to the Commission's Suspension Order in this matter, issues included in the Company's existing tariff, including costs recovered through the Universal Service and Energy Conservation Rider may be addressed as a part of this proceeding.

Moreover, in FirstEnergy's 2014 base rate proceeding, the Companies objected to similar universal service interrogatories on the basis that the issues raised are addressed in the context of the universal service proceedings. The ALJ's Order in that proceeding compelled the production of the requested information and accepted the OCA's similar arguments that the requested information was to evaluate the impact on residential ratepayers, in particular low-income customers. Pa. PUC v. Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power Company, Docket Nos. R-2014-2428742, Prehearing Order Granting The Motion To Compel By The Office of Consumer Advocate at 5 (Oct. 30, 2014).

PGW has not met its burden to demonstrate that the requested information is outside the scope of the proceeding and is not relevant. The OCA submits that the interrogatories are within the scope of this proceeding, relevant and the Company should be compelled to provide responses to OCA Set III, Nos. 2-11, 13-14, 18-22, 37-39, and 44.

C. In Objection No. 3, PGW Has Not Met Its Burden To Demonstrate That The OCA's Interrogatories Set III, Nos. 6-11 Are Not Relevant And Overly Burdensome.

PGW objects to OCA Set III, Nos. 6-11 and argues that the request is not relevant and overly burdensome. The OCA submits that the interrogatories directly address the costs of the universal service program that are being recovered from ratepayers through the Universal Service and Energy Conservation rider. As discussed in Section B above regarding similar interrogatories,

the OCA submits that OCA Set III, Nos. 6-11 are relevant and incorporates by reference the arguments made above in Section B.

PGW also argues that the OCA's interrogatories would be overly burdensome and would require a special study. PGW Objections at 3. While the OCA asks for detailed information in its questions, the OCA's request does not necessarily require the Company to present a special study. To the extent that the Company does not have the requested data available, PGW may identify in its response that the Company does not have the requested data available. The Company, however, should be required to provide the data that the Company does have available. The information requested is designed to elicit a better understanding of the costs to be recovered from firm service customers through the Universal Service and Energy Conservation Rider.

For the reasons set forth above in response to PGW Objection No. 1, the OCA submits that the requested information is relevant to this proceeding. The OCA submits that the Administrative Law Judge should compel the Company to provide the requested data that the Company has available in response to the interrogatories.

D. In Objection No. 3, PGW Has Not Met Its Burden To Demonstrate That The Information Requested In OCA Set III, Nos. 13, 14, and 18 Are Overbroad And Unreasonably Burdensome.

PGW argues that the information requested in the OCA's interrogatories OCA Set III, Nos. 13-14 and 18 are overbroad or unreasonably burdensome. PGW Objections at 3-4. The OCA has requested that the Company provide any studies or analyses that PGW has in its possession regarding the demographics of its low-income population and the impact of economic trends on the low-income population. The OCA is requesting that the Company provide the data that it has knowledge of and available regarding the demographics of its low-income population and the impact of economic trends on that population. Of particular importance would be any data or

analyses that the Company has more recently compiled. The OCA does not have knowledge of when the Company might have completed such a study, whether it would have been last year or ten years ago. The OCA submits that the Company should not be permitted to evade the OCA's interrogatories because the OCA requested information dating to January 1, 2009. To the extent that the Company is aware of any recent studies within the last several years, the Company should still be required to provide such data and information. The OCA submits that in the current economic environment and the impact of COVID-19, it is particularly important to understand the ability of low-income customers to pay increased rates, and the Company should be required to provide this information.

The OCA submits that PGW's Objection No. 3 to OCA Set III, Nos. 13-14 and 18 should be denied, and the Administrative Law Judge should compel the Company to provide the requested data that the Company has available in response to the interrogatories.

E. PGW Has Not Met Its Burden To Demonstrate That the OCA's Set III, No. 29 Is Overly Broad And Burdensome.

PGW objects to the OCA's Set III, No. 29 as overly broad and burdensome.⁴ PGW Objections at 5-6. In OCA Set III, No. 29, the OCA has requested information that the Company possesses in which the Company has linked income and consumption. The requested information is particularly important and relevant because the OCA is examining the impact of the proposed \$5.50 increase in the customer charge on lower income consumers. To the extent the Company has completed such an analysis, PGW should be required to provide the information in response to the discovery request.

⁴ The OCA notes that on Friday, April 17, 2020, the Company served answers with objections to the following objected to interrogatories: OCA Set III, No. 29.

The Company, in particular, appears to object to the OCA's use of the term documents "of any nature" and argues that the request is overly broad. The purpose of the OCA's use of the term documents "of any nature" is that such an analysis may have many names. For example, a document discussing the interrelationship of income and consumption may be called a study, evaluation, analysis, or report. The Company should not be permitted to evade providing information related to the question because the OCA has limited its request as an evaluation and the Company has actually termed it a study. The purpose of the broad use "of any nature" is to capture the different nomenclatures that may have been used to describe the document. The OCA submits that the Company should provide the relevant information in its possession in response to the interrogatory.

PGW's argument that "to the extent that any such documents exist and are publicly available they can be accessed by OCA directly" is without merit and is not a basis for objection under the rules. PGW Objections at 6. The Company has much more insight into the documents that PGW has filed publicly than the OCA, and the OCA should not be required to search public databases in order to determine whether or not the Company has filed information that may address the OCA's interrogatory. The purpose of discovery is for the Company to provide information within its knowledge in the proceeding.

The OCA submits that PGW's Objection No. 5 to OCA Set III, No. 29 should be denied, and the Company should be compelled to respond with the data and information that the Company has knowledge of and available.

- F. PGW's Objection Number 9 Should Be Denied Because The Requested Information Is Important Information To Understand The Impact Of A Rate Increase On Philadelphia Citizens.

PGW objects to OCA Set No. III, Nos. 19, 20, 21, 22 and 24.⁵ PGW Objections at 6. The Company argues that the OCA's request is unreasonably burdensome and overly broad. The OCA requests information in the Company's possession linking PGW and the economic health of Philadelphia.

The OCA is requesting that the Company provide the data that it has knowledge of and available regarding analyses completed regarding linking PGW and the economic health of the City. Of particular importance would be any data or analyses that the Company has more recently compiled. The OCA does not have knowledge of when the Company might have completed such analysis, whether it would have been last year or ten years ago. The OCA submits that the Company should not be permitted to evade the OCA's interrogatories because the OCA requested information dating to January 1, 2009.⁶

For example, the OCA has requested in OCA Set III, No. 24 "a single copy of each securities prospectus released or issued by PGW since January 2009 which contained a discussion of the economic health of the PGW service territory and/or the City of Philadelphia." The Company should still be required to provide a security prospectus from 2019 that the Company knows contains the related information even if the Company is not able to ascertain if a security prospectus from 2009 contained the relevant information. To the extent that the Company is aware of any recent studies within the last several years, the Company should still be required to provide such data and information. The OCA submits that in the current economic environment and the

⁵ The OCA notes that on Friday, April 17, 2020, the Company served answers with objections to the following objected to interrogatories: OCA Set III, Nos. 19-24.

⁶ The reason that the OCA utilized January 1, 2009 as the start date for this interrogatory is because 2009 is the year that PGW filed its last emergency base rate proceeding. The economic health of the Company and the City were both examined in the context of the emergency base rate proceeding.

impact of COVID-19, it is particularly important to understand any analyses that the Company has completed which analyze this impact.

The OCA submits that PGW's Objection No. 9 to OCA Set III, No. 19, 20, 21, 22 and 24 should be denied, and the Company should be compelled to respond with the data and information that the Company has knowledge of and available.

G. The Company's Objection Number 11 Should Be Denied Because The Requested Customer Satisfaction Survey Are Not Overbroad Or Burdensome.

PGW objects to OCA Set No. III, Nos 40-41 because the interrogatories are overbroad and burdensome. PGW Objections at 6-7. In OCA Set No. III, Nos. 40-41, the OCA has requested customer satisfaction surveys and "point of contact" customer satisfaction surveys since January 1, 2014. The Company argues that these interrogatories should be denied because they request information for three years prior to the Company's last base rate proceeding. PGW Objections at 6-7. The OCA submits that the purpose of the requested information is to compare the Company's quality of service before the last base rate proceeding and after the Company's last base rate proceeding.

Quality of service must be evaluated as a part of the Company's base rate proceeding. See, 52 Pa. Code § 69.2703(a)(6). Customer satisfaction surveys provide information related to the customer's experience with the Company's quality of service. The OCA submits the scope of the interrogatories are designed to allow the OCA to evaluate whether the Company's quality of service has improved, deteriorated, or remained the same since the last base rate proceeding. Moreover, PGW has not provided any reason why the interrogatory request would be burdensome. The OCA submits that PGW's Objection No. 10 to OCA Set III, Nos. 40-41 should be denied, and the Company should be compelled to respond.

H. In Objection No. 12, PGW Has Not Met Its Burden To Demonstrate That The Requested Information Is Outside The Scope Of The Proceeding.

PGW has objected to OCA Set No. III, Nos. 54-66 as beyond the scope of the proceeding. PGW Objections at 7-9. PGW specifically argues that the interrogatories are beyond the scope of the proceeding because municipal liens may not be investigated as a part of this proceeding. PGW Objections at 8. PGW misunderstands the purpose of the OCA's interrogatories. The purpose of the OCA's interrogatories are not to investigate municipal liens as a part of this proceeding. Each of the identified interrogatories address how municipal liens are *recovered* through the arrearage forgiveness charge. The arrearage forgiveness rider forgives a portion of the CRP customer's arrearages, and the costs of the arrearage forgiveness are recovered through the Company's Universal Service and Energy Conservation rider.

The Universal Service and Energy Conservation rider is a part of the Company's current and proposed tariff in this proceeding. The costs recovered through the Universal Service and Energy Conservation Rider are both relevant and within the scope of this proceeding. The OCA submits that PGW's Objection No. 12 to OCA Set III, Nos. 54-66 should be denied, and the Company should be compelled to respond.

IV. CONCLUSION

The OCA's Set III Interrogatories identified in the Company's Objections are directly relevant to the proposed rate design and tariff modifications contained in the Company's filing and within the scope of this proceeding. The information sought is reasonably calculated to lead to admissible evidence. These interrogatories seek information on costs of the Company's Universal Service Programs that are appropriate and necessary to examine in the context of this proceeding. Additionally, without access to the requested information, the OCA will be unable to fully investigate significant issues included in the Company's filing, resulting in the OCA being denied an opportunity to be heard on these issues. For the reasons discussed above, the OCA respectfully requests that the Administrative Law Judge dismiss the Company's objections and grant this Motion and Compel PGW to provide complete and timely responses to the OCA discovery at issue here.

Respectfully Submitted,

/s/ Darryl Lawrence

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DATE: April 20, 2020
*286733

APPENDIX A

2. Please provide, for LIHEAP program years 2018 to present inclusive, the following data regarding PGW's LIHEAP recipients (disaggregated by heating and non-heating customers if reasonably available):
 - a. The number of customers receiving a LIHEAP basic cash grant;
 - b. The dollars of LIHEAP basic cash grant received;
 - c. The average LIHEAP basic cash grant received;
 - d. The number of customers receiving a LIHEAP crisis grant;
 - e. The dollars of LIHEAP crisis grants received;
 - f. The average LIHEAP crisis grant received.
3. Please provide the LIHEAP cash grants received in \$50 increments, by Federal Poverty Level, for program year 2018 to the present:
 - a. For all LIHEAP recipients;
 - b. For LIHEAP recipients who are also CRP participants.
4. Please provide the dollars of LIHEAP grants refunded to the state by month since October 2017, by Federal Poverty Level:
 - a. For all LIHEAP recipients;
 - b. For LIHEAP recipients who are also CRP participants.
5. Please provide the number of accounts for which LIHEAP funds were refunded to the state by month since October 2017, by Federal Poverty Level:
 - a. For all LIHEAP recipients;
 - b. For all LIHEAP recipients who are also CRP participants.
6. Please provide, by month since October 2017, by Federal Poverty Level:
 - a. The number of LIHEAP-only (no CRP) accounts with a bill credit;
 - b. The number of CRP-only (no LIHEAP) accounts with a bill credit;
 - c. The number of CRP plus LIHEAP accounts with a bill credit.
7. Please provide the average bill credit for accounts having bill credits by month since October 2017, by Federal Poverty Level:
 - a. For LIHEAP-only (no CRP) accounts;
 - b. For CRP-only (no LIHEAP) accounts;
 - c. For CRP plus LIHEAP accounts.
8. Qualitatively, based on the changes, if any, in CRP burdens in response to the Pennsylvania PUC's September 2019 Final Order in Docket M-2019-3012559 would PGW expect such changes to increase, decrease, or have no impact on:
 - a. The total numbers of CRP customers receiving LIHEAP;

- b. The total dollars of LIHEAP received by CRP customers;
 - c. The average dollars of LIHEAP received by CRP customers;
 - d. The total dollars of LIHEAP to be refunded to the state from CRP customer accounts;
 - e. The number of CRP customer accounts for which LIHEAP is refunded to the state;
 - f. The number of CRP customers receiving LIHEAP who have a bill credit in one or more months.
9. By year, for each year 2018 to present inclusive (year to date 2020), please provide, by Federal Poverty Level if available (if not, for total CRP):
- a. The number of CRP participants with wage/salary income for all or part of their income;
 - b. The number of CRP participants with no wage/salary income for all or part of their income;
 - c. The number of CRP participants with only public assistance as income.
10. By year, for each year 2018 to present inclusive (year to date 2020), please provide, by Federal Poverty Level if available (if not, for total LIURP):
- a. The number of LIURP participants with wage/salary income for all or part of their income;
 - b. The number of LIURP participants with no wage/salary income for all or part of their income;
 - c. The number of LIURP participants with only public assistance as income.
11. By year, for each year 2018 to present, by Federal Poverty Level (if available, if not, for total program), please provide the average income for all participants with wage/salary income for:
- a. CRP;
 - b. LIURP.
13. Please provide a single copy of all demographic studies of CRP and/or LIURP participants performed for PGW since January 1, 2009.
14. Please provide a single copy of all demographic data on CRP and/or LIURP participants reported to the Pennsylvania PUC since January 1, 2009.
18. Please provide all studies (analyses, memos, evaluations, or other written document) of the relationship between CRP enrollment and economic trends (e.g., unemployment, housing starts, income, consumer expenditures) since January 2009.
19. Please provide all studies of the economic health of the PGW service territory and/or the City of Philadelphia prepared by or for PGW, or utilized by PGW even if prepared by someone else, since January 2009.

20. Please identify all metrics of economic health of the PGW service territory and/or the City of Philadelphia tracked by PGW or used or reported by PGW since January 2009.
21. Please provide a single copy of all reports (analyses, memos, evaluations, or other written document) in which PGW utilized the metrics identified immediately above since January 2009.
22. Please provide a single copy of all reports or discussions of the economic health of the PGW service territory and/or the City of Philadelphia provided to PGW management, Board or bond-holders since January 2009.
24. Please provide a single copy of each securities prospectus released or issued by PGW since January 2009 which contained a discussion of the economic health of the PGW service territory and/or the City of Philadelphia.
29. Please provide all studies, reports, evaluations, or other written document of any nature, in the custody or control of PGW, whether or not prepared for PGW, prepared on or subsequent to January 1, 2014, that assesses, studies, or otherwise discusses the relationship, if any, between income and consumption.
37. In Excel format, provide a list of each zip code served by PGW. For each zip code, provide:
- a. The number of residential customers in that zip code;
 - b. The number of confirmed low-income customers in that zip code; and
 - c. The number of CRP participants served in that zip code.
38. Please provide for each zip code served by PGW, the mean and median usage by month for the most recent 24 months available:
- a. For residential customers as a whole;
 - b. For confirmed low-income customers;
 - c. For CRP participants.
40. Please provide a single copy of all “customer satisfaction” surveys prepared for PGW on or subsequent to January 1, 2014.
41. Please provide a single copy of all “point of contact” (e.g., responding to shutoff notice, negotiating payment plan, enrolling in CRP) customer satisfaction surveys prepared for PGW on or subsequent to January 1, 2014.

44. Please provide all monthly tracking reports (or tracking reports for other periods if a period other than a month is used), for the most recent 36 months available, whether or not filed with the Commission, which track:

- a. Enrollment in CRP;
- b. Payments by participants enrolled in CRP;
- c. Arrears incurred by participants in CRP subsequent to enrollment in CRP (i.e., in-program arrears);
- d. Credit and collection activities (e.g., shutoff notices, nonpayment shutoffs) directed toward participants in CRP.

54. Please provide by month since October 2017:

- a. The number of CRP customers whose arrears pre-existing as of the date they applied for CRP were sufficient to qualify them for a municipal lien;
- b. The number of CRP customers identified immediately above for whom PGW perfected a lien for those preexisting arrears;
- c. The aggregate dollars of unpaid bills underlying the liens identified immediately above;
- d. The number of CRP customers identified immediately above for whom the lien based on pre-existing arrears was later satisfied by the customer paying the underlying debt;
- e. The aggregate dollars of unpaid bills for which the lien was removed as having been paid in full subsequent to the perfection of the lien;
- f. The dollars of fees charged to customers with those pre-existing debts which charge reflected the cost of perfecting the lien;
- g. The cost basis for any/all charges imposed on customer accounts associated with the perfection of the lien;
- h. The number of CRP customers for whom the liens identified in sub-paragraph “b” above was subsequently cancelled or otherwise removed for reasons other than the payment of the underlying debt.

55. For charges imposed on CRP participants reflecting the cost of perfecting a lien for unpaid arrears pre-existing as of the date they applied for CRP, please explain whether those charges:

- a. Are added to the arrearage balance subject to arrearage forgiveness;
- b. Are added to the bill for current service over and above the bill for current service;
- c. Are treated in some other fashion (please provide a detailed explanation of that treatment).

56. Please provide a detailed description of the statutory interest charged, if at all, on dollars of unpaid bills pre-existing as of the date a CRP participant applied for CRP subject to a lien.

57. For the dollars of statutory interest charged, if at all, on dollars of unpaid bills pre-existing as of the date a CRP participant applied for CRP, please explain whether those charges:
- a. Are added to the arrearage balance subject to forgiveness;
 - b. Are added to the bill for current service over and above the bill for current service;
 - c. Are treated in some other fashion (please provide a detailed explanation of that treatment).
58. Please provide a detailed description of the extent to which charges associated with a PGW lien for unpaid arrears pre-existing as of the date the CRP participant applied for CRP, would be recovered through PGW's universal service rider:
- a. If the charges are comprised of the cost of filing or perfecting the lien;
 - b. If the charges are comprised of statutory interest charged on the arrears subject to the lien.
59. Please provide by month since October 2017:
- a. The number of CRP customers whose arrears incurred subsequent to the date they applied for CRP were sufficient to qualify them for a municipal lien;
 - b. The number of CRP customers identified immediately above for whom PGW perfected a lien for those in-program arrears;
 - c. The aggregate dollars of unpaid bills underlying the liens identified immediately above;
 - d. The aggregate dollars of unpaid bills for which the lien was removed as having been paid in full subsequent to the perfection of the lien;
 - e. The number of CRP customers identified immediately above for whom the lien based on in-program arrears was later satisfied by the customer paying the underlying debt;
 - f. The dollars of fees charged to customers with those pre-existing debts which charge reflected the cost of perfecting of the lien;
 - g. The cost basis for any/all charges imposed on customer accounts associated with the perfection of the lien;
 - h. The number of CRP customers for whom the liens identified in sub-paragraph "b" above was subsequently cancelled or otherwise removed for reasons other than the payment of the underlying debt.
60. For charges imposed on CRP participants reflecting the cost of perfecting a lien for unpaid arrears incurred subsequent to the date they enrolled in CRP (i.e., in-program arrears), please explain whether those charges:
- a. Were added to the bill for current service over and above the bill for current service;

b. Were treated in some other fashion (please provide a detailed explanation of that treatment).

61. Please provide by month since October 2017:

- a. The number of CRP customers whose arrears incurred subsequent to the date they applied for CRP would *not* have been sufficient to qualify them for a municipal lien, but whose in-program arrears in combination with pre-existing arrears would have been sufficient to qualify them for a municipal lien;
- b. The number of CRP customers identified immediately above for whom PGW perfected a lien for those combined in-program and pre-existing arrears;
- c. The aggregate dollars of unpaid bills underlying the liens identified immediately above;
- d. The aggregate dollars of unpaid bills for which the lien was removed as having been paid in full subsequent to the perfection of the lien;
- e. The number of CRP customers identified immediately above for whom the lien based on combined in-program and pre-existing arrears was later satisfied by the customer paying the underlying debt;
- f. The dollars of fees charged to customers with those combined in-program and pre-existing debts which charge was based on the perfection of the lien;
- g. The basis for any/all charges imposed on customer accounts associated with the perfection of the lien;
- h. The number of CRP customers for whom the liens identified in sub-paragraph “b” above was subsequently cancelled or otherwise removed for reasons other than the payment of the underlying debt.

62. Please provide a detailed description of the policy of PGW on whether or not to perfect a lien on the unpaid bills of a CRP participant:

- a. For arrears pre-existing at the time of CRP enrollment;
- b. For in-program CRP arrears.

63. Please provide, in an active Excel spreadsheet with all formulae intact, current for the most recent date possible, a list of all current or former CRP participants (with personally identifiable information redacted) who, subsequent to October 1, 2017, had a lien filed for an unpaid bill, identifying the following data for each customer:

- a. The total number of liens, along with the date on which they were filed, for unpaid bills;
- b. For each separate lien, the amount of unpaid bill made subject to the lien;
- c. Whether each separate lien was for a pre-existing arrearage (i.e., arrears existing at the time the customer became a CRP participant);

- d. Whether each separate lien was for an in-program arrearages (i.e., arrears incurred subsequent to becoming a CRP participant);
 - e. Whether the lien was subsequently removed or otherwise cancelled or removed because of a payment-in-full of the lien amount;
 - f. The dollar amount of the lien that was removed or otherwise cancelled or removed due to a payment-in-full of the lien amount;
 - g. Whether the lien was subsequently removed or otherwise cancelled or removed for reasons other than full payment of the lien amount;
 - h. The dollar amount of the lien that was removed or otherwise cancelled or removed for reasons other than full payment of the lien amount;
 - i. Whether the customer is currently an active CRP participant;
 - j. Whether the customer is currently an active PGW customer, but not currently an active CRP participant;
 - k. Whether the customer was disconnected for nonpayment subsequent to the date on which a lien was placed.
64. Please provide a detailed explanation of:
- a. Whether PGW accepts payments to retire liens that have been placed based on arrears that have been frozen as being pre-program arrears for CRP participants but that have not yet been forgiven.
 - b. If such payments are received, provide an additional detailed explanation of how those payments are treated once forgiveness has been earned. For example, are those payments refunded, or are the arrears subject to forgiveness reduced by the amount of the payment, or are those revenues treated in some other fashion?
65. Please provided a detailed explanation of:
- a. Whether PGW places a lien on unpaid arrears of active CRP participants when those arrears are subject to potential future forgiveness;
 - b. If PGW does place a lien on unpaid arrears of active CRP participants when those arrears are subject to forgiveness, the treatment of those liens when and to the extent that arrearage forgiveness of the arrears subject to the lien is earned.
66. By month for each month January 2018 to present, please provide:
- a. The number of residential accounts that were charged both a statutory interest charge on a lien for an outstanding arrears and a late fee pursuant to PGW tariff;
 - b. The aggregated dollars charged to residential accounts that were charged both an interest charge on a lien for an outstanding arrears and a late fee pursuant to PGW tariff.