



July 27, 2020

VIA E-File

Rosemary Chiavetta, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105

Re: Pa. PUC v. Philadelphia Gas Works, Docket No. R-2020-3017206

Brief of CAUSE-PA in Support of the Petitions for Interlocutory Review of TURN et. al and OCA

Dear Secretary Chiavetta,

Enclosed for electronic filing, please find the Brief of CAUSE-PA in Support of the Petitions for Interlocutory Review and Certification of Material Question of TURN, et. al and OCA.

Pursuant to the Commission's Emergency Order issued on March 20, 2020, and as indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John W. Sweet", with a stylized flourish above the name.

John W. Sweet, Esq.
Counsel for CAUSE-PA

CC: *Hon. Marta Guhl (via email only)*
Hon. Darlene Heep (via email only)
Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the *Brief of CAUSE-PA in Support of the Petitions for Interlocutory Review and Certification of Material Question of TURN, et. al and OCA* 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.

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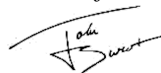
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2020-3017206
Office of Consumer Advocate	:	C-2020-3019161
Office of Small Business Advocate	:	C-2020-3019100
Philadelphia Industrial and Commercial Gas User Group	:	C-2020-3019430
v.	:	
Philadelphia Gas Works	:	

**THE COALITION FOR AFFORDABLE UTILITY SERVICE AND ENERGY
EFFICIENCY IN PENNSYLVANIA'S**

BRIEF IN SUPPORT OF THE

**PETITION OF THE TENANT UNION REPRESENTATIVE NETWORK AND ACTION
ALLIANCE OF SENIOR CITIZENS OF GREATER PHILADELPHIA FOR
INTERLOCUTORY REVIEW AND ANSWER TO MATERIAL QUESTION**

AND THE

**PETITION OF THE OFFICE OF CONSUMER ADVOCATE FOR INTERLOCUTORY
REVIEW AND ANSWER TO MATERIAL QUESTION**

PENNSYLVANIA UTILITY LAW PROJECT

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I. INTRODUCTION

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), pursuant to 52 Pa. Code § 5.302(b)¹, submits the following Brief in support of the Petitions of the Tenant Union Representative Network (TURN) and Action Alliance of Senior Citizens of Greater Philadelphia (Action Alliance) (collectively TURN *et al*) and the Office of Consumer Advocate (OCA) for Interlocutory Review and Answer to Material Question (hereinafter Interlocutory Petitions). As we conclude unequivocally herein, factual information and analysis of PGW's policies, practices, and procedures for serving customers with limited English proficiency (LEP customers) is relevant and admissible in this case, and is critical to inform the Commission's decision regarding whether PGW's rates and terms and conditions of service are just, reasonable, and in accordance with the law. As such, the Commission must reverse the July 8, 2020 Order of Administrative Law Judges (ALJs) Darlene Heep and Marta Guhl which struck critical testimony from the record pertaining to the ability of PGW to provide adequate service to LEP customers.

As explained below, striking all relevant evidence from the record pertaining to the quality of PGW's service to LEP customers improperly limits the scope of PGW's current base rate proceeding and denies the parties the opportunity to fully develop the record consistent with the Commission's April 16, 2020 Order initiating an investigation into PGW's existing and proposed rates and associated terms and conditions of service.² Striking this clearly relevant information from the record constitutes a critical error of law, and failure to overturn the decision would deprive PGW's LEP customers of their due process rights and may subject them to unreasonable and

¹ CAUSE-PA is an active party in the underlying proceeding and, as such, has explicit authority pursuant to 52 Pa. Code § 5.302(b) to file a Brief in the captioned matter. See Corrected Prehearing Order at 4 (entered May 15, 2020) (granting CAUSE-PA's Petition to Intervene).

² Suspension Order at 3, ordering ¶ 4 (entered April 16, 2020)

discriminatory rates. For these reasons, CAUSE-PA respectfully requests that the Commission overturn the July 8 Order and admit all relevant information and analysis regarding PGW's service to LEP consumers into the record for consideration in this proceeding.

II. BACKGROUND

On June 15, 2020, TURN *et al.* submitted the Direct Testimony of Harry Geller³ and OCA submitted the Direct Testimony of Roger Colton⁴ in the above captioned proceeding. Both sets of testimony, in relevant part, addressed the inadequacy of PGW's policies and procedures for serving LEP customers and made recommendations for how PGW could improve its LEP policies and procedures to better ensure that all customers – regardless of their primary language – are able to enjoy equitable access to natural gas service within PGW's service territory.⁵

On June 25, 2020, PGW filed two Motions in Limine which sought to strike testimony of Mr. Geller and Mr. Colton regarding PGW's language access policies and procedures. TURN *et al.*, OCA, and CAUSE-PA each filed an Answer to PGW's Motions in Limine on June 30, 2020.

On July 8, 2020, ALJs Heep and Guhl entered an Order (July 8 Order) striking the entirety of Mr. Geller's language access testimony, as well as several portions of Mr. Colton's testimony on this issue. The ALJs offered only the following explanation for their decision:

However, a base rate matter is not the appropriate proceeding to consider language access considerations. The Commission must act within, and cannot exceed, its jurisdiction. *See Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791, 795 (Pa. 1977); *Tod and Lisa Shedlosky v. Pennsylvania Electric Co.*, Docket No. C-20066937 (Order entered May 28, 2008). This forum and, particularly, this base rate matter, is not the place to address the Civil Rights Act of 1964 or the Philadelphia Home Rule Charter compliance issues with respect to CRP language access program design. As such, this direct testimony from OCA and TURN, *et al.* regarding

³ TURN *et al.* St. 1.

⁴ OCA St. 5.

⁵ TURN *et al.* St. 1 at 54-61; OCA St. 5 at 65-73.

language access issues will be stricken from the testimony and will not be considered in this proceeding.⁶

Importantly, Mr. Geller makes only a single, passing reference to PGW's compliance with these laws to illustrate the unreasonableness and unjustness of PGW's LEP policies and practices⁷ – yet the entirety of his testimony regarding LEP customer service issues, including approximately seven pages of factual information and analysis, was struck from the record.⁸

On July 15, 2020, TURN *et al.* filed a Petition for Interlocutory Review and Answer to Material Questions asserting the ALJs erred in striking portions of Mr. Geller's testimony. On July 21, OCA filed a Petition for Interlocutory Review and Answer to Material Questions asserting the ALJs erred in striking portions of Mr. Colton's testimony. TURN *et al.* and OCA, respectively, raised the following Material Questions:

- Does the Order on PGW's Motions In Limine Regarding Testimony on Behalf of OCA and TURN, dated July 8, 2020, err in excluding the Direct Testimony of Harry Geller regarding the quality of PGW's customer service to its customers of Limited English Proficiency in the context of a general base rate proceeding?⁹
- Does the July 8, 2020 Order on PGW's Motions In Limine Regarding Testimony on Behalf of OCA and TURN err in finding that language access considerations are not relevant to quality of service and not within the Commission's jurisdiction in a base rate proceeding and, therefore, excluding the direct testimony of OCA Witness Roger Colton regarding language access considerations?¹⁰

TURN *et al.* and OCA each assert that the Commission must answer their respective Material Questions in the affirmative. For the reasons set forth below, the Coalition for Affordable Utility

⁶ Order on PGW's Motions in Limine Regarding Testimony on Behalf of OCA and TURN at 6 (July 8, 2020) (hereinafter "July 8 Order").

⁷ As explained in further detail below, testimony regarding whether PGW's language access policies are consistent with the Civil Rights Act of 1964 or the Philadelphia Home Rule Charter is relevant and admissible to help inform the Commission's determination of whether PGW's language access policies are just and reasonable and in accordance with applicable sections of the Public Utility Code, Commission regulation, and Commission policy. It is not necessary that the Commission have jurisdiction over these other sources of law for the Commission to consider information related thereto in its ultimate determination of the justness and reasonableness of PGW's existing and proposed rates.

⁸ See TURN *et al.* St. 1 at 58, n. 113.

⁹ TURN *et al.* Pet. at 1.

¹⁰ OCA Pet. at 1.

Service and Energy Efficiency in Pennsylvania strongly supports TURN *et al.* and OCA's Petitions and urges the Commission to (1) grant interlocutory review, (2) answer the Material Questions presented by TURN *et al.* and OCA in the affirmative, and (3) issue an order requiring the language access testimony of Mr. Geller and Mr. Colton be admitted to the record in this proceeding.

III. LEGAL STANDARD

The Commission's regulations require that a petition for interlocutory review state a compelling reason or reasons why interlocutory review will prevent substantial prejudice or expedite the conduct of the proceeding.¹¹ The pertinent consideration is whether an error, and any prejudice flowing therefrom, could not be satisfactorily cured during the normal Commission review process.¹² In this instance, the Commission will not be able to cure the error through the normal review process, as critical information pertaining to PGW's language access policies and procedures has been struck from the underlying record, precluding the Commission's consideration of the issue in its entirety.

The Commission may take the following course of action in response to a petition for interlocutory review:

- (1) Continue, revoke, or grant a stay of proceedings if necessary to protect the substantial rights of the parties;
- (2) Determine that the petition was improper and return the matter to the presiding officer;
- (3) Decline to answer the question; or
- (4) Answer the question.¹³

¹¹ 52 Pa. Code § 5.302.

¹² Joint Application of Bell Atlantic Corp. and GTE Corp., Docket No. A-310200F0002 (Order entered June 10, 1999); Pa. PUC v. Frontier Communications of Pa. Inc., Docket No. R-00984411 (Order entered February 11, 1999); In re: Knights Limousine Service, Inc., 59 Pa. P.U.C. 538 (1985).

¹³ 52 Pa. Code § 5.303.

While Petitions for Interlocutory Review are generally not favored, the purpose of permitting interlocutory relief is to provide all parties, the presiding officer, and the Commission with a full opportunity to develop the record, brief issues, and present arguments at each stage.¹⁴ In the instant case, interlocutory review is necessary to ensure that the record is fully developed and includes information critical to the Commission’s determination of whether PGW’s policies and procedures are just and reasonable, and consistent with all applicable laws and policies governing the provision of natural gas service to residential consumers.

Pursuant to the Commission’s regulations, evidence is admissible if it is “relevant and material” to the matter at hand.¹⁵

PGW is legally required to provide translation service to customers.¹⁶ Quality of service issues are frequently raised in base rate proceedings.¹⁷ The Commission has recognized that its “duties and powers under the Code to appropriately remedy a quality of service issue or an existing rate issue are not limited or diminished simply because such issues are raised in the context of a Section 1308(d) general base rate increase proceeding.”¹⁸ Formalized Commission policy regarding the review of PGW’s rates also explicitly requires consideration of PGW’s “management quality, efficiency and effectiveness”; “service quality and reliability”; and “effect on universal service.”¹⁹

The ability of LEP customers to access customer service and universal service programs is a core customer service issue and, thus, material, relevant, and admissible to assist in the

¹⁴ See Re: Philadelphia Gas Works Universal Service and Energy Conservation Plan, Docket No. M-00072021 (Order entered October 23, 2009), at 3.

¹⁵ 52 Pa. Code § 5.401.

¹⁶ 52 Pa. Code §§ 56.91(b) (17); 56.201.

¹⁷ See PUC v. PGW, Rewrite Opinion and Order, Docket No. R-2017-2586783, at 14 (entered May 18, 2018).

¹⁸ Id. at 15.

¹⁹ 52 Pa. Code § 69.2703.

Commission's consideration of the reasonableness and justness of PGW's existing and proposed rates and applicable terms and conditions of service.²⁰ Precluding all discussion of PGW's language access policies and procedures from the evaluation of PGW's proposed rate increase will substantially prejudice PGW's LEP customers. Interlocutory review is necessary to ensure that the Commission's review of PGW's policies and procedures is based upon a factually accurate and complete record, which requires a comprehensive evaluation of PGW's quality of service and the effect of the rates on universal service – including any and all accessibility issues. A Commission ruling on this interlocutory matter is necessary to prevent a possible lengthy delay caused by the need for remand.

IV. ARGUMENT

a. The ALJs erred in striking relevant testimony related to PGW's language access policies and procedures from the record in this proceeding.

- 1. Information and analysis of PGW's language access policies and procedures is relevant and material to PGW's customer service performance and, thus, is admissible to the record to aid in the Commission's determination of the reasonableness, justness, and lawfulness of rates.*

PGW's language access policies and procedures, and the manner in which PGW serves LEP customers within its service territory, is directly relevant to a utility's quality of service and its provision of universal service to all those within its service territory, which are issues expressly marked for consideration in PGW's ratemaking regulation.²¹ As discussed more fully in the sections below, language access policies profoundly impact LEP customers' ability to access service. This includes, for example, LEP customers' ability to enroll in universal service programs, seek waiver of a security deposit, request a payment agreement, avoid service termination, or otherwise avail themselves of the consumer protections in the Public Utility Code

²⁰ Suspension Order at 3, ordering ¶ 4 (entered April 16, 2020); see also 52 Pa. Code § 69.2703.

²¹ See 52 Pa. Code § 69.2703.

and Commission regulations.²² Indeed, customers cannot reasonably access relief to which they are entitled under the Public Utility Code if they are not informed of their rights in a language that they understand. Language access is therefore inextricably linked to the justness and reasonableness of PGW's rates and applicable policies and procedures governing access to service.

Information regarding the ability of LEP customers to access customer service or universal service programs is directly relevant to the factors the Commission requires to be considered in determining whether PGW's rates are just and reasonable, and is therefore admissible to the record in this proceeding.²³ "In a base rate case, any part of the Company's tariff may be brought into question."²⁴ This is consistent with the Commission's Suspension and Investigation Order in this proceeding, in which the Commission ordered a broad investigation "of the lawfulness, justness, and reasonableness" of Philadelphia Gas Works' existing and proposed rates, rules, and regulations."²⁵ According to the Commission's 2010 Order and Final Policy Statement on the application of PGW's Cash Flow Ratemaking Method, the Commission explicitly determined that any evaluation of PGW's rates must consider quality of customer service and the effect of the rates on universal service.²⁶

The extent to which PGW adequately addresses the language access needs of its LEP customers affects both of these ratemaking factors. In the stricken testimony, Mr. Geller and Mr. Colton address the impact of the proposed rate increase on LEP customers, which necessarily

²² See, e.g., 52 Pa. Code §§ 56.31, 56.91.

²³ See 52 Pa. Code § 69.2703.

²⁴ PUC v. PPL, R-2012-229090597 (Recommended Decision of Administrative Law Judge Susan D. Colwell, October 9, 2012) (PPL R.D.), 2012 Pa. PUC LEXIS 1757, 78.

²⁵ Suspension and Investigation Order at 2-3 (April 16, 2020).

²⁶ Petition of Philadelphia Gas Works for a Statement of Policy on the Application of Philadelphia Gas Works' Cash Flow Ratemaking Method, P-2009-2136508, Order and Final Policy Statement (April 15, 2010); see also 52 Pa. Code § 69.2703 ("Ratemaking procedures and considerations: (a) In determining just and reasonable rate levels for PGW, the Commission will consider, among other relevant factors: . . . (7) Service quality and reliability. (8) Effect on universal service.").

involves an analysis of the impact of PGW's language access policies on the ability of LEP customers to access customer service and universal service programs. As Mr. Geller identifies in his testimony, which was improperly struck from the record, almost one quarter of Philadelphia's population speaks a language other than English, and more than half of LEP Philadelphians speak a language other than Spanish.²⁷ The ability of nearly one quarter of PGW's customers to access and understand verbal and written communications with and from PGW is a core customer service issue, and is directly relevant to whether PGW is compliant with applicable laws, policies, and regulations. As such, it is critical that the ALJ's July 8 Order be reversed to allow all relevant testimony regarding the adequacy and appropriateness of PGW's language access policies and procedures to be entered into the record for consideration in this proceeding.

Notably, in its filing, PGW asserts that its rate increase is necessary, *inter alia*, to continue to enhance its customers service.²⁸ PGW also touts its recent efforts to improve customer service.²⁹ PGW cites to its improvements in customer service as a reason to support its proposed rate increase, including improved customer satisfaction, improved call center operations, and modernization efforts to PGW's website and bill messaging.³⁰ If it is appropriate to take PGW's customer service improvements under consideration for the purposes of evaluating its proposed rate increase, it is just as appropriate to examine whether LEP customers are able to access customer service and understand communications from PGW.³¹ Indeed, to hold otherwise would unfairly restrict the ability of the parties to present testimony which is directly relevant to rebut PGW's claims regarding its customer service standards.

²⁷ TURN *et al.* St. 1 at 55-56.

²⁸ See PGW St. 1 at 3, 6, 11; PGW St. 2 at 3, 4, 5.

²⁹ PGW St. 7 at 13-16.

³⁰ PGW St. 1 at 4-5; PGW St. 7 at 14-17.

³¹ See TURN *et al.* St. 1 at 54-56.

2. *Ineffective language access policies can result in discriminatory rates for LEP customers, which is neither just nor reasonable and contradicts applicable Commission policies and regulations. Information related thereto is, thus, relevant and admissible in this proceeding.*

PGW's language access policies directly impact the ability of LEP customers to understand notices and communicate with customer service. The inability to effectively communicate with PGW's customer service center and/or to read and understand customer communications in their spoken language could cause LEP customers to accumulate additional late fees and/or accrue avoidable reconnection fees. Indeed, the inability to communicate with PGW directly interferes with LEP customers' access to universal service programs, payment agreements, and other crucial relief to which LEP customers are entitled. When LEP customers incur additional fees or are excluded from assistance programs as a result of ineffective language access policies and procedures, the extra costs amount to unreasonable and discriminatory rates.

All utility rates must be just and reasonable, and in conformity with regulations or orders of the commission.³² In setting its rates, no utility is allowed to give any unreasonable preference or advantage to any person, nor may it subject any person to any unreasonable prejudice or disadvantage.³³

Whether LEP residential customers are being charged unnecessary and unreasonable late fees and reconnections fees due to discriminatory policies is clearly relevant to the Commission's review of PGW's existing and proposed rates, rules, and regulations.³⁴ Failure to admit information relevant to PGW's language access policies to the record to assist in determining whether the existing and proposed rates are discriminatory is an error which must be reversed.

³² 66 Pa. C.S. § 1301(a).

³³ 66 Pa. C.S. § 1304.

³⁴ See PUC v. PGW, R-2017-2586783, Rewrite Opinion and Order at 15 (entered May 18, 2018).

3. *Ineffective language access policies can also lead to discrimination in the provision of service to LEP customers, which again is neither just nor reasonable and contradicts Commission policies and regulations. Information related thereto is, thus, relevant and admissible in this proceeding.*

As noted above, ineffective language access policies and procedures can impede the ability of LEP customers to avail themselves of PGW's customer service and available universal service programs or other relief to which LEP customers are entitled. LEP customers' inability to communicate effectively with customer service limits, among other things, the customers' ability to understand and ask questions about their bill, to seek a payment arrangement, or to apply for assistance, grants, or energy efficiency measures. Thus, insufficient language access policies can lead not only to discrimination in *rates*, but also to discrimination in *service* provided to LEP customers, whose access to service is consequently inferior to the service provided to English speaking customers.

The Public Utility Code prohibits utilities from making or granting any unreasonable preference or advantage to any person, or subjecting any person to any unreasonable prejudice or disadvantage.³⁵ If the Commission finds that a utility's service is unreasonably discriminatory, it has the authority to issue an order remediating that discrimination.³⁶

As Mr. Geller explains in his testimony, despite Philadelphia's large LEP population, PGW has not performed any needs assessment to determine language access needs in its service territory.³⁷ Mr. Geller also points out that PGW does not have a clear written policy indicating how and when documents are translated, nor does it have guidelines for its customer service representatives governing when a language interpreter should be offered or provided.³⁸ This could

³⁵ 66 Pa. C.S. §1502.

³⁶ 66 Pa. C.S. §1505(a).

³⁷ TURN *et al.* St. 1 at 59.

³⁸ Id.

subject LEP customers to an unreasonable disadvantage in the ability to understand their rights and responsibilities regarding billing and termination.³⁹ Mr. Geller also explains that there is often a high correlation between LEP customers and low-income customers, and notes that if LEP households cannot access PGW's universal service programs, they are more likely to be negatively impacted by a rate increase.⁴⁰ Mr. Geller also points out the potential public safety hazard due to LEP customers' inability to understand information about how to address leaks and odors.⁴¹ All of this relevant and admissible information was inappropriately struck from the record.

Excluding Messrs. Geller and Colton's testimony, and refusing to consider the implications of PGW's language access policies and procedures, will substantially prejudice LEP customers – and will perpetuate the inequitable and unjust differential in the level of service available to LEP customers. As such, the July 8 Order excluding all testimony regarding PGW's language access policies and procedures should be reversed to allow for the admissibility of this relevant data and information into the record in this proceeding.

4. *PGW's language access policies interfere with the Commission's security deposit regulations and, consequently, regulations governing the nondiscriminatory application of credit and deposit standards. Information related thereto is, thus, relevant and admissible in this proceeding.*

In addition to generally impacting the justness and reasonableness of rates and service to LEP customers, lack of an effective language access policy impedes LEP customers' ability to understand and communicate with customer service about security deposit requirements. This

³⁹ Id.

⁴⁰ Id.

⁴¹ Id.

deficiency places LEP customers at an unreasonable disadvantage based on their national origin, which directly contradicts the Commission’s regulations governing credit and collections.

The Commission’s security deposit regulations provide, in relevant part: “An essential ingredient of the credit and deposit policies of each public utility shall be the equitable and nondiscriminatory application of those precepts to potential and actual customers throughout the service area.”⁴² The Commission’s regulations also indicate that deposit policies must be based upon the credit risk of the individual applicant and cannot discriminate based, in relevant part, on national origin.⁴³ Importantly, PGW has the unique ability to charge a security deposit to an expanded group of service applicants.⁴⁴ However, no public utility may charge a security deposit to a household that is eligible for CAP.⁴⁵

As explained above, the lack of an effective language access policy creates a significant barrier to the ability of LEP customers to access PGW’s customer service, and thus interferes with their ability to seek waiver of a security deposit based on CAP eligibility – or to otherwise understand the security deposit standards or challenge the application of those standards. This amounts to de facto discrimination based on national origin, and is thus in direct contravention of the Commission’s regulations governing the nondiscriminatory application of credit and deposit standards.

Importantly, PGW’s adherence to other laws governing discrimination based on national origin status, including the Civil Rights Act of 1964 and the Philadelphia Home Rule Charter, is relevant and therefore admissible to determining whether PGW is compliant with the

⁴² 52 Pa. Code § 56.31.

⁴³ Id.

⁴⁴ See 52 Pa. Code 56.32(b).

⁴⁵ 66 Pa. C.S. §§ 1404 (a.1), (f); 52 Pa. Code §§ 56.32 (b)(2), (e)

Commission's non-discrimination regulations – even if the Commission lacks jurisdiction to enforce violation of those laws. Indeed, whether inadequate language access policies constitute discrimination based on national origin status pursuant to the Civil Rights Act of 1964 is *relevant and admissible* to assist the Commission in determining whether PGW's language access policies are just and reasonable and consistent with its applicable laws and regulations governing the nondiscrimination in application of credit and collections standards – even if the Commission lacks jurisdiction to make a determination on PGW's compliance with those other laws.

b. Interlocutory review and reversal of the July 8 Order regarding the admissibility of information pertaining to PGW's language access policies and procedures is necessary to avoid substantial prejudice to LEP consumers and to expedite the proceeding.

PGW's language access policy affect the due process rights of almost one quarter of the population that resides within its service territory. The exclusion of relevant and admissible evidence regarding PGW's language access policy cannot be rectified during the normal course of the Commission review process because, if struck from the record, the Commission will not be able to consider information about PGW's language access policies in its determination in this proceeding. As such, approved rates and associated terms and conditions – including specifically its credit, deposit, and collections standards – may be discriminatory to LEP customers, which will fall especially hard on low income LEP customers who may face increased risk of termination as a result. As explained by Mr. Geller, there is a high correlation between LEP and low income.⁴⁶ Low-income customers already struggle to afford their bill and avoid termination. Increasing rates

⁴⁶ TURN *et al.* St. 1 at 60.

will prejudice these customers by placing them at greater risk of termination without access to the tools necessary to mitigate the impact of the increase and avoid termination.⁴⁷

Interlocutory review and reversal of the ALJs' ruling regarding language access is necessary so that the Commission's review of PGW's proposed rate increase is based upon a factually accurate and complete record, which requires a comprehensive evaluation of PGW's quality of service and the effect of the rates on universal service. Further, a Commission ruling is necessary to expedite the proceeding to prevent the substantial delay caused by the need for remand if the error is not immediately corrected.

IV. CONCLUSION

For these reasons, CAUSE-PA respectfully requests that the Commission grant the Petitions of TURN *et al.* and OCA and order that the stricken testimony regarding language access be entered into the record and considered as part of the record in this proceeding.

Respectfully Submitted,
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⁴⁷ Id. at 12-15.