

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2020-3017206
	:	
v.	:	
	:	
Philadelphia Gas Works	:	

SURREBUTTAL TESTIMONY OF

HARRY S. GELLER

ON BEHALF OF

TENANT UNION REPRESENTATIVE NETWORK AND

ACTION ALLIANCE OF SENIOR CITIZENS OF GREATER PHILADELPHIA

July 24, 2020

1       **I.       WITNESS BACKGROUND**

2       **Q.       Please state your name, occupation, and business address.**

3       A.       My name is Harry Geller. I am an attorney. I am the former Director of the  
4       Pennsylvania Utility Law Project (“PULP”). I am currently retired, but I serve as Senior  
5       Counsel to PULP and as a consultant to legal aid programs and their clients.

6       **Q.       Have you previously submitted testimony in this proceeding?**

7       A.       Yes. I previously submitted direct testimony on behalf of Tenant Union  
8       Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia  
9       (“TURN *et al.*”) on June 15, 2020.

10       **Q.       What is the purpose of your testimony at this time?**

11       A.       I am submitting Surrebuttal Testimony on behalf of TURN *et al.* in response to the  
12       rebuttal testimony of Philadelphia Gas Works’ (“PGW”) witnesses Denise Adamucci and  
13       Bernard Cummings. Ms. Adamucci asserts that I want to greatly expand the scope of  
14       PGW’s assistance programs without regard to the cost or real value of my suggested  
15       changes. PGW St. No. 9-R at 5:14-16. I disagree. I have proposed reasonable  
16       improvements to PGW’s assistance programs that could mitigate the harm of a rate increase  
17       to PGW’s low-income customers.

18               Further, Ms. Adamucci asserts that my testimony concerning PGW’s problematic  
19       and unlawful operation of its Customer Responsibility Program (“CRP”) is inappropriately  
20       raised in this rate case proceeding. PGW St. No. 9-R at 12-13. This is incorrect. My  
21       testimony shows that PGW provides inadequate service to its low-income customers. My  
22       proposals are properly raised in this proceeding because they are necessary to prevent harm  
23       to low-income customers that will result if PGW’s rate increase is approved.

1 Further, Ms. Adamucci appears to premise the essence of her rebuttal based upon  
2 the mere existence of CRP, and the fact that PGW's upcoming plan to implement lower  
3 CRP energy burdens, are sufficient to prevent harm to low-income customers who cannot  
4 afford increased rates. PGW St. No. 9-R at 3-4. However, as my Direct Testimony points  
5 out, many of PGW's low-income customers are not enrolled in CRP and are unable to gain  
6 the benefits of that program, including any limit whatsoever on their energy burdens. In  
7 the face of PGW's proposed rate increase, these customers require action to ameliorate the  
8 harm which will befall them. In my Direct, I testify to the barriers which these low-  
9 income-customers must overcome in order to enroll in CRP. In my mind there is an  
10 extraordinary difference between challenging the structure and concept of CRP and  
11 attempting to ensure that benefits of that program are available to the low-income  
12 customers who will desperately need entry to the program in the face of a proposed rate  
13 increase. Although Ms. Adamucci dismisses each of the recommendations set forth in my  
14 Direct Testimony, her positions and arguments based primarily on the existence of CRP  
15 and its proposed reduced energy burdens simply miss the point.

16 In another section of my Surrebuttal Testimony, I respond to Mr. Cummings'  
17 objections to my proposals for improving PGW's reconnection policies. PGW St. No. 10-  
18 R at 24-26. Mr. Cummings fails to appropriately consider the Commission's call to action  
19 by utilities in the time of this economic, social, and health emergency, as well as the effect  
20 on public health and wellbeing of PGW's unwillingness to affordably restore service to  
21 disconnected customers. In addition, he does not respond to my testimony that these  
22 customers may contribute revenue to PGW if they are able to affordably restore service.

1 **Q. Please address Ms. Adamucci's contention that you want to greatly expand the**  
2 **scope of PGW's assistance programs without regard to the cost.**

3 A. Ms. Adamucci testified that I want PGW to greatly expand the scope of its  
4 assistance programs without regard to the cost of those changes, or the real value of the  
5 changes. PGW St. No. 9-R at 5:14-16. She further asserts that she believes PGW's  
6 current programs appropriately balance program benefits and costs to ratepayers. PGW  
7 St. No. 9-R at 5:17-19. She makes this assertion notwithstanding the existence of  
8 thousands of low-income customers in PGW's service territory who are not enrolled in  
9 CRP or who face barriers to enrollment due to a number of unnecessary and  
10 problematic PGW's policies, which I have identified in my testimony. I have set forth a  
11 handful of targeted proposals that are designed to mitigate any harm to low-income and  
12 other vulnerable customers due to a proposed rate increase and which would improve  
13 PGW's customer service to that population. Without improvement to PGW's operation of  
14 its universal service programs and a realistic assessment of deficiencies in PGW's  
15 customer service, PGW will continue to be providing less than reasonable customer  
16 service for the low-income customers who will be unable to access the programs and  
17 options available to help them to connect to and maintain life essential natural gas  
18 service. PGW has not identified any specific costs associated with my proposals. It is  
19 both ironic and quite troubling that, in the context of a proceeding in which PGW has  
20 voluntarily proposed to increase its fixed residential customer charge by forty percent,  
21 from \$13.75 per month to \$19.25 per month which will result in residential customers,  
22 including its non CRP low-income customers paying the highest customer charge of any  
23 gas customers in the state of Pennsylvania, that Ms. Adamucci finds complying with

1 PGW’s mandatory statutory obligation to provide affordable service to its low-income  
2 customers a bridge too far.

3           Regarding PGW’s universal service programs, I propose that PGW  
4 provide additional options for CRP enrollment – including use of community  
5 organizations and a phone-based option. I further propose that PGW adopt flexible  
6 income verification policies and accept self-verification of income during the pandemic. I  
7 also propose that PGW modify its CRP Average Bill reconciliation policy to prevent the  
8 utility from overcharging program participants. In addition, I propose that PGW improve  
9 its communications to tenants and landlords for the purposes of providing Low Income  
10 Usage Reduction Program (“LIURP”) services to tenants. PGW has not shown how any  
11 of these recommendations result in unreasonable costs to PGW. As Ms. Adamucci stated  
12 in her testimony, “CRP has no cap on the number of participants who may join the  
13 program.” PGW St. No. 9-R at 5:2-3. This lack of an enrollment cap is in accord with  
14 Commission policy. However, to all intents and purposes, the existence of inappropriate  
15 and unreasonable barriers to enrollment act as a *de facto* cap. If my proposals result in  
16 more PGW customers enrolling in CRP, PGW’s CRP, like every other CAP in the state,  
17 is designed, and intended, to accommodate such an increase.<sup>1</sup>

18           Similarly, I believe my proposal for improving tenant access to LIURP is a  
19 reasonable one. In her rebuttal, Ms. Adamucci did not identify the cost, nor did she

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<sup>1</sup> The Commission has expressed its concerns over PGW’s CRP enrollment numbers, noting that PGW experienced a 40% decline in CRP enrollment from 2010-2016. Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2020 Submitted in Compliance with 52 Pa. Code § 62.4, Docket No. M-2016-2542415 (Order Entered August 3, 2017). Although PGW’s CRP enrollment numbers have increased since the introduction of the CRP Average Bill option, low enrollment remains a cause for concern. CRP enrollment has continued to fall short of historic levels. Even after the introduction of the Average Bill option, PGW had only 54,890 customers enrolled in CRP as of April 2020, less than the 58,282 enrolled in 2015 and significantly less than the 82,544 enrolled in 2010. *Id.*

1 specifically state that it could not be accommodated. In any case, if PGW is concerned  
2 about those costs, PGW could use the existing unused LIURP funds which I proposed  
3 they rollover and use them to improve tenant access to LIURP.

4           Regarding PGW’s LIHEAP Crisis acceptance policy, which PGW labels its  
5 “LIHEAP Crisis debt load policy,” in my Direct Testimony, I proposed that PGW  
6 improve its policy by making it available to customers who seek to restore service and  
7 customers carrying significant arrearages. In addition, I proposed that PGW provide  
8 LIHEAP recipients with affordable payment options following the receipt of their  
9 LIHEAP grant. I believe that PGW can assess the costs associated with expanding its  
10 LIHEAP policies by adopting my recommendation to perform a yearly cost/benefit  
11 analysis of its LIHEAP debt load policy. Such an analysis should include not only the  
12 costs to PGW but also the benefits associated with increased LIHEAP funds and the  
13 increase in revenue from customers who are able to use the policy to restore or maintain  
14 service.

15           Regarding PGW’s compliance with the Discontinuance of Service to  
16 Leased Premises Act (“DSLPA”) and the Public Utility Code’s protections for victims of  
17 domestic violence, I recommend that PGW improve its efforts to ensure that its  
18 customers have access to the protections it offers. PGW has not introduced any evidence  
19 to show increased costs, and I note that every regulated utility in Pennsylvania is required  
20 to comply with these laws.<sup>2</sup> I also recommend that PGW work with tenant organizations  
21 and domestic violence programs to improve its policies in those areas. PGW witness H.  
22 Gil Peach testified that PGW currently conducts on-site outreach and attends various

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<sup>2</sup> Unregulated utilities must comply with a similar law, the Utility Service Tenants Rights Act or USTRA, 68 P.S. §§ 399.1 et seq.

1 community events in partnership with local community groups, consumer advocate  
2 groups such as Community Legal Services (“CLS”), schools, elected officials, and  
3 employers. PGW St. No. 11-R at 20: 14-17. PGW could minimize costs by including my  
4 suggested outreach to tenant and domestic violence organizations as part of its agenda  
5 with its existing community outreach.

6       Regarding PGW’s reconnection policies, I recommend that PGW reach out to  
7 disconnected properties and provide flexible, affordable reconnection options to  
8 customers who desire to restore service. I also recommend that PGW begin to track and  
9 maintain data on disconnected properties within its service territory. This data will allow  
10 PGW to quantify the actual costs of affordably restoring service to customers. I  
11 specifically recommend that PGW perform an analysis of the financial impact of keeping  
12 customers off of its system. As I stated in my Direct Testimony, I believe that PGW has  
13 chosen to forego revenue opportunities by failing to adopt flexible reconnection policies  
14 for disconnected customers. TURN *et al.* St. No. 1 at 61:10-11.

15       In sum, I disagree with Ms. Adamucci’s assertion that I want to greatly expand  
16 the scope of PGW’s assistance programs. PGW has not introduced any evidence to show  
17 my proposals will result in significant added costs for PGW, and I have provided PGW  
18 with suggestions on how to minimize or eliminate costs associated with my proposals.  
19 Any costs to PGW are outweighed by the harm to PGW’s customers that will result if  
20 PGW is permitted a rate increase without first reducing barriers to participation in its  
21 statutorily mandated programs as well as by not improving its customer service in the  
22 areas that I have identified.

23 **Q. Please respond to Ms. Adamucci’s testimony that your proposals are**

1 **inappropriately raised in this rate case proceeding.**

2 A. Ms. Adamucci concedes that “parties may raise the reasonableness of PGW’s  
3 provision of service to low-income customers as part of their recommendation as to  
4 whether PGW is providing reasonable and adequate service.” PGW St. No. 9-R at 12:  
5 10-12. However, she asserts that I am “doing more” by “insisting on structural changes  
6 and modifications to PGW’s programs.” PGW St. No. 9-R at 12: 12-14. Ms. Adamucci  
7 does not believe that a distribution rate proceeding is the appropriate forum to address  
8 “non-financial Universal Service issues, or structural or substantive components of  
9 Universal Service programs.” PGW St. No. 9-R at 12:14-16. She believes that these  
10 issues should be raised in PGW’s Universal Service and Energy Conservation Plan  
11 proceedings. PGW St. No. 9-R at 12: 5-8 She further asserts that my recommendations  
12 have been addressed through PGW’s most recent USECP proceeding. PGW St. No. 9-R  
13 at 12: 16-17. I disagree and believe that she is mistaken.

14 **Q. Please explain your disagreement with Ms. Adamucci.**

15 A. First, I believe that PGW is providing its low-income customers with  
16 unreasonable and inadequate service by operating its universal service programs in a  
17 manner that creates unreasonable barriers to entry and prevents low-income customers  
18 from accessing CRP and LIURP. In addition, with regard to PGW’s Average Bill, as I  
19 noted in my Direct, PGW is operating its CRP in violation of its own tariff.

20 Second, although Ms. Adamucci opines that the USECP review process is the  
21 only appropriate forum to address structural changes and modifications to PGW’s  
22 universal service programs, the reality is that it is not unusual to address modifications to  
23 any aspect of universal services in order to provide ameliorative action in the context of a



1 proposed rate increase. Further, Ms. Adamucci acknowledges that where circumstances  
2 warrant,- even since the Commission approved modifications to PGW’s USECP in  
3 March- PGW has modified its programs. PGW St. No. 9-R at 8. According to Ms.  
4 Adamucci, in response to the pandemic PGW has stopped removing customers from CRP  
5 for non-payment or failure to recertify; PGW is currently not requiring acceptance of  
6 LIURP weatherization as a condition of CRP participation; and, PGW has adjusted the  
7 requirement for CRP documentation for customers who are unable to obtain  
8 unemployment documentation due to the pandemic. PGW St. No. 9-R at 8. PGW,  
9 similarly to all other utilities, can and does take steps to modify its universal service  
10 programs outside of the context of a USECP proceeding.

11 Finally, the recommendations in my testimony are unique to this rate case. I have  
12 examined PGW’s programs and policies for its low-income customers and I have  
13 concluded that it would be unjust and unreasonable to grant PGW’s rate request before  
14 PGW improves the service that it provides to its low-income customers.

15 **Q. Please respond to Ms. Adamucci’s testimony that PGW is providing**  
16 **adequate service to its low-income customers.**

17 Ms. Adamucci testified that PGW is providing adequate service to its low-income  
18 customers because PGW has a “generous” customer assistance program; PGW is in the  
19 process of implementing a CRP pilot which will lower CRP energy burdens consistent  
20 with the Commission’s recently revised CAP policy guidelines; and, PGW’s LIURP is  
21 the highest funded natural gas program in PA. PGW St. No. 9-R at 4-5.<sup>3</sup> I do not agree

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<sup>3</sup> Ms. Adamucci claims that I criticize energy burdens in Philadelphia without a full discussion of the CRP Pilot. PGW St. No. 9-R at 7:1-2. She is correct that I do not engage in a full discussion of the CRP Pilot in my Direct Testimony. My testimony addresses the significant number of low-income customers who are

1 that PGW is providing adequate service to **all** of its low-income customers simply  
2 because **some** of its low-income customers are able to enroll in PGW’s customer  
3 assistance program. My testimony is concerned with how PGW operates its universal  
4 service programs, and specifically, PGW’s policies that create unneeded and  
5 unreasonable barriers which prevent low-income customers from accessing CRP and  
6 LIURP. TURN et al has been consistent in its support for more affordable energy burdens  
7 and appropriate LIURP funding. However, the unpleasant fact remains that no matter  
8 how much PGW improves the affordability of its CRP and no matter the amount of funds  
9 that PGW invests in its LIURP, customers and low-income households within its service  
10 territory who cannot enroll in these programs will not receive any direct benefits from  
11 them. Further, CRP Average Bill customers who are charged amounts that exceed their  
12 actual usage in violation of PGW’s tariff, are not being provided with generous customer  
13 assistance; they are being overcharged. These issues become critically important in a rate  
14 case when vulnerable, statutorily protected low-income customers are asked to pay more.  
15 I believe that PGW could do more to ameliorate the effect on its low-income customers  
16 from the financial harm that will result from the proposed rate increase.

17 **Q. Are there portions of Ms. Adamucci’s rebuttal testimony to which you would**  
18 **like to respond?**

19 A. Yes. I will respond to Ms. Adamucci’s testimony regarding her assessment of  
20 my proposals to improve the operation of CRP and LIURP; my proposals to improve the

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not enrolled in PGW’s CRP. PGW’s CRP Pilot will not provide affordable bills to customers who are unable to enroll in CRP. Ms. Adamucci incorrectly claims that I “appear to reject PUC-approved energy burden policies.” PGW St. No. 9-R at 7:3. I do not reject the PUC’s energy burden policies. I note only that while I believe that CRP enrollment will insulate many low-income customers from the rate increase, there are some customers who will not be able to afford their bills even after they enroll in CRP. TURN *et al.* St. No. 1 at 17, Footnote 15.

1 LIHEAP Crisis acceptance or Crisis debt load policy; my proposals to improve PGW’s  
2 compliance with the DSLPA and the Public Utility Code protections for victims of  
3 domestic violence; and my proposals to provide flexible, affordable reconnection options  
4 to disconnected customers.

5 **Q. Please respond to Ms. Adamucci’s testimony regarding your proposals to**  
6 **improve the operation of CRP.**

7 A. Ms. Adamucci believes that PGW’s CRP enrollment procedures are sufficient to  
8 assist low-income customers in enrolling in CRP - even during the COVID-19 pandemic,  
9 when CRP enrollment has been limited to web or mail enrollment. PGW St. No. 9-R at  
10 14:18-20. She rejects my proposal that PGW implement a process for phone enrollment  
11 because the Commission does not require that a utility offer “phone self certification  
12 enrollment.” PGW St. No. 9-R at 15:3-5.

13 I continue to believe that PGW’s CRP enrollment procedures during the pandemic  
14 have been insufficient. PGW has not accepted any in person applications for CRP since  
15 the COVID-19 pandemic began in March 2020. In a period of unprecedented economic  
16 collapse affecting the low-income most especially, in June 2020, PGW received just  
17 1,330 CRP applications combined via web or mail.<sup>4</sup> By contrast, PGW’s data for the  
18 time period August 2018 through early June 2020 shows that, on average, PGW received  
19 more than 3700 applications monthly.<sup>5</sup> Because this number includes the COVID-19  
20 pandemic months of March through early June 2020, it is likely that the monthly  
21 application rate was even higher prior to COVID-19.<sup>6</sup> The lack of an in person CRP

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<sup>4</sup> PGW Response to TURN IV-17.

<sup>5</sup> TURN *et al.* St. 1 at 24:4 (summarizing PGW Responses to TURN *et al.* II-64 and II-65).

<sup>6</sup> *Id.*

1 enrollment process has significantly limited access to CRP.<sup>7</sup> PGW should remedy this  
2 problem by providing low-income customers with the additional CRP enrollment  
3 pathways that I have proposed.

4 Ms. Adamucci does not agree with my recommendation that PGW allow more  
5 flexibility in the type of documentation allowed to prove income for CRP enrollment.  
6 PGW St. No. 9-R at 16:10-20. In addition, she rejects my recommendation that PGW  
7 accept self-verification of income during the COVID-19 pandemic. Ms. Adamucci  
8 believes that PGW's current income documentation requirements are reasonable without  
9 being overly burdensome for customers. PGW St. No. 9-R at 16:14-15. She asserts that  
10 self-verification of income could encourage customers to fraudulently submit CRP  
11 applications.<sup>8</sup> PGW St. No. 9-R at 16:17-18. PGW's adherence to its rigid income  
12 documentation requirements is unreasonable. PGW should act reasonably to ease the  
13 burden on its customers who are living through an economic, social, and health crisis of  
14 unknown duration and unprecedented emergency status by permitting customers to  
15 document their income in a variety of ways. Further, PGW has not provided any evidence  
16 to substantiate its unjustified claim that self-certification of income would lead to fraud.  
17 PGW should follow the lead of entities such as the Pennsylvania Department of Human  
18 Services, which has modified its LIHEAP income verification policy in response to  
19 COVID-19 to include self-verification of income.<sup>9</sup>

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<sup>7</sup> Between the short period from March 1 and March 16, 2020, when PGW's District Offices closed due to COVID-19, PGW received 668 in person applications. PGW Response to TURN IV-17 Supplemental.

<sup>8</sup> I note that while Ms. Adamucci appears to conflate my recommendations for income verification, I actually make two separate recommendations: first, that PGW accept self-verification of income during the pandemic and afterwards as a pilot, and second that PGW adopt a more customer friendly method of income verification – accepting any documentation that shows earnings, in combination with a customer certification that the documentation provided is representative of their income. TURN *et al.* St. 1 at 66.

<sup>9</sup> TURN Response to PGW I-10.

1 Q. **Please respond to Ms. Adamucci’s testimony regarding CRP Average Bill.**

2 A: Ms. Adamucci rejects my recommendations concerning the operation of the CRP  
3 Average Bill. PGW St. No. 9-R at 17-20. She makes three flawed arguments in  
4 presenting her position. First, she contends that PGW’s current annual reconciliation of  
5 CRP bills is in compliance with Commission directives and that my proposal for PGW to  
6 make more frequent adjustments to the Average Bill has previously been addressed by  
7 the Commission. PGW St. No. 9-R at 17-18. Next, she states that CRP Average Bill  
8 customers using more than projected would have their bill adjusted upward. PGW St. No.  
9 9-R at 16:10-20. The implication of her testimony is that my proposal would result in  
10 some CRP Average Bill customers experiencing an increase in their CRP bill throughout  
11 the program year. Finally, she insinuates that CRP Average Bill customers cannot be  
12 overcharged. PGW St. No. 9-R at 20. Ms. Adamucci seems to suggest that it does not  
13 matter if a CRP Average Bill customer is charged more than their actual usage because  
14 the customer’s bill would still be affordable under the Commission’s guidelines.<sup>10</sup>

15 Ms. Adamucci’s arguments in opposition to my CRP Average Bill proposals are  
16 unsound. First, to the extent that the Commission has previously addressed PGW’s  
17 annual reconciliation process, the PUC did not have the information available to it in  
18 PGW’s USECP proceeding that PGW, as a result of actual implementation, has provided  
19 in this rate case. Namely, that a significant number of CRP Average Bill customers have  
20 received charges that were in excess of their usage. TURN *et al.* St. No. 1 at 34:20  
21 through 35:1-2. Given that the Commission required PGW to implement the CRP  
22 Average Bill to resolve the issue of CRP PIP customers paying more than the actual cost

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<sup>10</sup> Because the CRP PIP bill is based on the Commission’s energy burdens, and the Average Bill option is only available if it is more affordable than the CRP PIP option.

1 of their gas usage over the course of the program year<sup>11</sup>, I do not believe that PGW’s  
2 operation of its CRP Average Bill is in line with the Commission’s expectations or  
3 reasonable. TURN *et al.* St. No. 1 at 34:1-8.

4 In addition, as I discussed in my Direct Testimony, PGW is operating its CRP  
5 Average Bill in violation of its own tariff rules. TURN *et al.* St. No. 1 at 29-36. It is  
6 unreasonable to suggest that PGW can overcharge low-income customers who enroll in  
7 CRP so long as the CRP Average Bill does not exceed the customer’s energy burden.  
8 Customer Assistance Programs are intended to provide a bill discount, and cannot be  
9 used to charge customers more than the tariff rate for gas service. I do not support a  
10 payback by CRP customers that would increase the set budgeted monthly bill as a  
11 response to correcting PGW’s failure to comply with its own tariff; and in no case should  
12 PGW create an CRP Average Bill that results in a monthly payment demand that exceeds  
13 the households’ energy burden.<sup>12</sup>

14 **Q. Please respond to Ms. Adamucci’s testimony regarding your proposals to**  
15 **improve the operation of LIURP.**

16 A. Ms. Adamucci asserts that PGW’s current outreach to landlords for purposes of  
17 providing LIURP services to tenants is sufficient. PGW St. No. 9-R at 21:18-19. She  
18 claims, without providing time or cost estimates, that my recommendations to improve

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<sup>11</sup> “*many CRP customers are currently paying more than the actual cost of their gas usage over the course of the program year.* Low-income customers enroll in CRP to receive the most affordable gas payment and achieve debt forgiveness. *PGW should periodically review CRP accounts to ensure customers are paying the most affordable rate.*” 2017-2020 USECP Final Order at 19. Emphasis added.

<sup>12</sup> This is consistent with the Commission’s guidance in its revised CAP Policy Statement. See PUC Final Policy Statement, 2019 Amendments to Policy Statement on Customer Assistance Program, 52 Pa. Code § 69.261 – 69.267, Docket No. M-2019-3012599 at Pg. 32 (“Each CAP payment plan should be designed to ensure the household’s monthly payment – including PPA co-payments and CAP Plus charges – will not exceed this energy burden threshold, except in circumstances in which the household is charged the minimum CAP payment or the household has exceeded the utility’s approved CAP credit limits.”).

1 outreach to landlords could be time intensive and possibly costly. PGW St. No. 9-R at  
2 21:19-20. I have proposed that PGW make multiple attempts to secure landlord consent  
3 and work with its tenant customers to obtain landlord approval for LIURP services to  
4 tenants. I do not believe that these efforts will be time intensive. However, should PGW  
5 be able to demonstrate that this recommendation is unduly time consuming or costly, in  
6 response to Ms Adamucci's concern one option to reduce costs could be that PGW use a  
7 portion of its unspent LIURP funds from 2018 and 2019 to implement my  
8 recommendations. PGW had more than \$160,000 in unspent LIURP funds in 2018 and  
9 2019. TURN *et al.* St. No. 1 at 39:3-4.

10 **Q. Please respond to Ms. Adamucci's testimony regarding your proposals to**  
11 **improve the LIHEAP Crisis acceptance policy (which PGW labels its Crisis debt**  
12 **load policy).**

13 A. Ms. Adamucci rejects my proposal that PGW should ensure that its Crisis  
14 acceptance policy is transparent and widely available to customers through brochures, bill  
15 messages, PGW's website, and other customer communication points, throughout the  
16 LIHEAP season. Ms. Adamucci believes that broadly disseminating information about  
17 the policy would encourage customers to accumulate debt. PGW St. No. 9-R at 25:5-7. I  
18 disagree. Both LIHEAP and CRP are public programs. Secret undisclosed policies, have  
19 no place within the administration of these programs. PGW should make its policy  
20 transparent, publicly available, and widely known so that public is aware of what is  
21 transpiring and customers with arrears know that they may be eligible for Crisis  
22 assistance. PGW customers should be aware that Crisis grants are available to them even  
23 if the grant is not sufficient to completely cover their past due or defaulted bills. I

1 disagree with Ms. Adamucci's assertion that providing the public with notice of the  
2 policy will incent customers to accumulate debt. First and foremost, CRP is based on the  
3 premise that that assistance is needed to help the most vulnerable households afford to  
4 connect and maintain essential life-necessary utility service. Those eligible for CRP have  
5 already evidenced that, as a result of their poverty, they are simply unable to afford the  
6 full tariff rate and require assistance. They are already in debt, and it is not by choice.  
7 Further, as I have already noted, I believe it is diametrically opposed to the good  
8 administration of a public program such as CRP to have secret programs unknown to the  
9 intended recipients and beneficiaries. Public notice will simply create transparency and  
10 inform the public and customers of the availability of an affordable payment option.

11 Ms. Adamucci dispenses with my additional proposals to improve PGW's Crisis  
12 acceptance policies by expanding the Crisis debt load policy to include customers seeking  
13 to restore service and customers carrying significant arrears. She states that PGW must  
14 take into consideration the impact of its Crisis policies on all of its ratepayers. PGW St.  
15 No. 9-R at 26:1-2. I do not disagree with PGW conducting an appropriate analysis.  
16 TURN *et al.* has long supported that goal. However, it does not appear that PGW can  
17 make such an assessment without fully assessing the benefits of expanding its Crisis  
18 acceptance policies in the ways that I suggest. As I noted in my Direct Testimony, since  
19 its last rate case, PGW's revisions to its Crisis acceptance policy have brought millions of  
20 dollars in additional Crisis funds to PGW. TURN *et al.* St. No. 1 at 43. In considering the  
21 impact of its Crisis policies on all of its ratepayers, PGW should consider that further  
22 improvements to its Crisis acceptance policy could result in receipt of even more Crisis  
23 funds and increased revenue from customers who are able to maintain service as a result



1 of the improved policy. Finally, PGW, as a municipal regulated utility has an obligation  
2 to both its ratepayers and its residents. It is good public policy to take advantage of the  
3 availability of Federal LIHEAP Crisis money in order to reduce the debt obligation of  
4 PGW customers and to provide essential life-necessary natural gas service to households  
5 within its service territory.

6 **Q. Please respond to Ms. Adamucci’s testimony regarding your proposals to**  
7 **ensure PGW’s compliance with the Discontinuance of Services to Leased Premises**  
8 **Act (DSLPA).**

9 A. Ms. Adamucci maintains that PGW’s practices are compliant with the DSLPA.  
10 As I indicated in Direct, I find it implausible to believe this to be true given the relatively  
11 small number of DSLPA notices issued to tenants prior to shut off for landlord  
12 nonpayment. TURN *et al.* St. No. 1 at 47. Also, it is unclear from Ms. Adamucci’s  
13 testimony whether PGW believes it has any obligation to ascertain whether a property is  
14 reasonably likely to be tenant occupied prior to shut off. Ms. Adamucci testified that  
15 PGW is not required to search a broad array of public records to determine if properties  
16 are reasonably likely to be tenant occupied because “the landlord has the duty to notify  
17 PGW that a property is used for rental purposes.” PGW St. No. 9-R at 27:1-4. This  
18 response leads me to believe that PGW does not understand its obligations under DSLPA.  
19 Whenever PGW seeks to terminate service to a landlord ratepayer, PGW is required to  
20 notify each dwelling unit reasonably likely to be occupied by an affected tenant of the  
21 proposed termination.<sup>13</sup> DSLPA imposes a separate and distinct duty upon owners of

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<sup>13</sup> 66 Pa. C.S. § 1521(a)(3). DSLPA defines a landlord ratepayer as follows: one or more individuals or an organization listed on a gas [...] utility’s records as the party responsible for payment of the gas [...] service provided to one or more residential units of a residential building or mobile home park of which building or

1 rental properties that contain one or more dwelling units not individually metered.<sup>14</sup>  
2 Those owners are required to notify each public utility of their ownership and whether the  
3 premises is used for rental purposes.<sup>15</sup> PGW is not relieved of its duty to determine if a  
4 property is likely to be tenant occupied simply because an owner of a property has failed  
5 to inform PGW that the premises is used for rental purposes.

6 **Q. Please respond to Ms. Adamucci's testimony regarding your proposals to**  
7 **ensure PGW's compliance with the Public Utility Code protections for victims of**  
8 **domestic violence.**

9 A. Ms. Adamucci claims that I have failed to present any evidence to show that my  
10 proposals are warranted. PGW St. No. 9-R at 29: 4-5. I disagree. Victims of domestic  
11 violence have been particularly earmarked by law for special treatment. There are victims  
12 of domestic violence in every service territory and these customers experience unique  
13 payment challenges. Among the unique protection provided, the legislature specifically  
14 exempted victims of domestic violence from the stringent payment arrangement  
15 limitations contained in Chapter 14 of the Public Utility Code.<sup>16</sup>

16 PGW seeks a rate increase that could harm low-income customers who are  
17 victims of domestic violence. I presented evidence to show that PGW has no training  
18 materials or manuals that discuss the protections and rights of victims of domestic  
19 violence. TURN *et al.* St. No. 1 at 52:12-13. Victims of domestic violence who are  
20 unable to afford PGW's proposed rates should be aware of and able to obtain the full

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mobile home park the party is not the sole occupant. In the event the landlord ratepayer is not the party to a lease between the landlord ratepayer and the tenant, the term also includes the individual or organization to whom the tenant makes rental payments pursuant to a rental arrangement.

<sup>14</sup> 66 Pa. C.S. § 1529.1(a)

<sup>15</sup> *Id.*

<sup>16</sup> 66 Pa. C.S. §1417; 52 Pa. Code, Ch. 56, Subsections L-V.

1 range of unique and specific consumer protections available to protect their privacy, their  
2 wellbeing, and to help them connect to, maintain, and afford their bill. PGW lacks  
3 sufficient policies to ensure that its personnel and its customers are fully apprised of  
4 domestic violence consumer protections and payment options. Without improved  
5 customer service in this area, PGW will be unable to ameliorate the effect of its proposed  
6 rate increase, which will result in additional harm to this uniquely vulnerable group of  
7 customers.

8 Ms. Adamucci contends that my proposals are extensive and costly, but provides  
9 no evidence to show this is the case. My proposals are comprehensive and necessary to  
10 ensure that PGW is compliant with Chapter 14 and Commission Regulations, and victims  
11 of domestic violence are not harmed by PGW's increased rates.

12 **Q. Please respond to Ms. Adamucci's testimony regarding your proposals to**  
13 **provide flexible, affordable reconnection options to disconnected customers.**

14 A. Ms. Adamucci does not agree with my proposals. Ms. Adamucci believes that  
15 PGW's reconnection policies are reasonable. PGW St. No. 9-R at 29:22. She cites to  
16 PGW's cold weather survey outreach and PGW's mandated compliance with the  
17 Commission's COVID-19 moratorium as evidence that PGW's reconnection policies are  
18 reasonable. PGW St. No. 9-R at 29-30. I disagree. PGW has expressly disregarded the  
19 Commission's COVID-19 guidance encouraging utilities to restore service to customers  
20 whose service has been terminated, to the extent they can do so safely.<sup>17</sup> PGW's blanket  
21 policy of not restoring service for disconnected customers in its service territory who do  
22 not pay the full owed amount is particularly troubling. In response to a data request

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<sup>17</sup> PUC Emergency Order, Public Utility Service Termination Moratorium Proclamation of Disaster  
Emergency – COVID-19, Docket No. M-2020-3019244 (March 13, 2020) at 2.

1 asking PGW to provide the number of customers that have contacted PGW seeking  
2 restoration since the start of the pandemic, PGW stated that it does not even track this  
3 information.<sup>18</sup> PGW must commit to working with these customers to affordably restore  
4 service. PGW should not be granted a rate increase, which could result in more customers  
5 being terminated for nonpayment of bills and unable to affordably restore service,  
6 without being required to make a concomitant commitment to modifying its blanket  
7 policy of denial and improving its customer service in this area.

8 I propose that PGW perform an analysis of the financial impact of keeping  
9 customers off of its system. PGW should seek to understand the extent to which its  
10 reconnection policies are depriving the utility of revenue. I believe that PGW will find  
11 that the benefits of reconnecting service to customers outweigh the costs.

12 **Q. Is there other testimony that you would like to rebut?**

13 A. Yes. I would like to respond to portions of the rebuttal testimony of PGW's  
14 witness Bernard Cummings, specifically his opposition to my proposal to improve  
15 PGW's LIHEAP Crisis debt load policy and my proposal for PGW to provide flexible,  
16 affordable reconnection options to disconnected customers.

17 **Q. Please respond to Mr. Cummings testimony regarding your proposal to**  
18 **improve PGW's LIHEAP Crisis debt load policy.**

19 A. Mr. Cummings is concerned with aspects of my LIHEAP Crisis proposals,  
20 specifically my recommendations that PGW improve its Crisis acceptance policy to allow  
21 customers to restore service when the Crisis grant is not enough to satisfy PGW's full  
22 restoration demand and to allow customers carrying significant arrears to access the

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<sup>18</sup> PGW Response to TURN IV-14.

1 policy. Mr. Cummings is concerned that my proposals will “exacerbate the problem of  
2 increasing the amount of uncollectible debt.” PGW St. No 10-R at 25:6-9. He also notes  
3 that there can be significant costs associated with restoring service to properties,  
4 including excavation costs, and costs incurred when PGW is required to make multiple  
5 attempts to effectuate nonpayment shut offs. PGW St. No 10-R at 25:10-16. I believe that  
6 PGW can remedy the problem of increasing uncollectible debt by providing Crisis grant  
7 recipients with affordable payment arrangements following receipt of the grant. PGW’s  
8 neighboring utility PECO has had a long-standing policy of providing payment  
9 arrangements to Crisis grant recipients.

10 PGW should routinely undertake efforts to determine whether its Crisis debt load  
11 threshold is sufficient. In particular, I recommend that PGW perform a yearly cost/benefit  
12 analysis to determine whether its Crisis threshold is set at an amount that will maximize  
13 the use of LIHEAP Crisis funds to enable its payment troubled low-income customers  
14 who are either already shut-off or facing imminent service curtailment to maintain or  
15 restore PGW service. I anticipate that in most years PGW will conclude that the benefits  
16 of extending the policy to some customers is outweighed by the costs; however, I do not  
17 believe that PGW’s current analysis fully accounts for the increase in LIHEAP funds and  
18 the potential revenue from customers who are able to use the policy to maintain or  
19 affordably restore service. In the years since PGW has modified its Crisis acceptance  
20 policy, PGW has already found a benefit in increasing its Crisis debt load for customers  
21 facing shutoff from \$2500 to \$3000. TURN *et al.* St. No. 1 at 42:20-21.

22 Mr. Cummings is also concerned that my Crisis acceptance proposals will  
23 wrongly incent customers to allow service to be terminated and to accumulate large

1 arrearages and not pay them. PGW St. No. 10-R at 25:18-22. I do not believe that Mr.  
2 Cummings concerns are founded. My many years of experience has demonstrated that  
3 households do not voluntarily choose to lose life essential natural gas service during the  
4 LIHEAP available cold weather months. Similar unfounded and unsubstantiated risks are  
5 present with regard to PGW's current Crisis acceptance policy, yet PGW has concluded  
6 that its current policy is beneficial, and the policy has resulted in PGW's receipt of  
7 millions of dollars of additional Crisis funds. I believe further analysis and flexibility by  
8 PGW will enable both PGW and its customers to mutually benefit.

9 **Q. Please respond to Mr. Cummings testimony regarding your proposal for**  
10 **PGW to provide flexible, affordable reconnection options to disconnected**  
11 **customers.**


12 A. Mr. Cummings testified that PGW's termination process is a tool that PGW uses  
13 to incent customers to pay and that prevents PGW from providing free services to  
14 customers. PGW St. No. 10-R at 26: 10-18. I believe that Mr. Cummings has  
15 misunderstood or is mischaracterizing my testimony. I have not proposed that PGW  
16 abolish its termination process nor provide free service. Rather, I have proposed that  
17 PGW provide its low-income disconnected customers with affordable options, short of  
18 requiring full payment, to restore service. I believe that the establishment of flexible,  
19 affordable restoration options will benefit all customers. It will benefit disconnected  
20 customers who are able to affordably restore essential natural gas service and it will  
21 benefit PGW's other ratepayers who will not have to pay the societal and ethical costs of  
22 keeping customers off of PGW's system. The establishment of affordable reconnection  
23 policies may also generate additional ongoing revenue from newly restored customers.

1 **Q. Does this conclude your surrebuttal testimony?**

2 A. Yes.

## VERIFICATION

I, **Harry S. Geller**, witness of Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (“TURN et al.”) hereby state that TURN et al. Statement No. 1 (Revised), Direct Testimony of Harry S. Geller and TURN et al. Statement No. 1SR, Surrebuttal Testimony of Harry S. Geller was prepared by me, or under my direct supervision, and is true and correct to the best of my knowledge, information, and belief. I understand that the statements herein are made subject to the penalties of 10 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

  
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Harry S. Geller witness of TURN et al.

Date: July 28, 2020