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1 **Q. PLEASE STATE YOUR NAME AND ADDRESS.**

2 A. My name is Roger Colton. My address is 34 Warwick Road, Belmont, MA.

3

4 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT POSITION?**

5 A. I am a principal in the firm of Fisher Sheehan & Colton, Public Finance and General
6 Economics of Belmont, Massachusetts. In that capacity, I provide technical assistance to
7 a variety of federal and state agencies, consumer organizations and public utilities on rate
8 and customer service issues involving water/sewer, natural gas and electric utilities.

9

10 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?**

11 A. I am testifying on behalf of the Office of Consumer Advocate.

12

13 **Q. PLEASE DESCRIBE YOUR PROFESSIONAL BACKGROUND.**

14 A. I work primarily on low-income utility issues. This involves regulatory work on rate and
15 customer service issues, as well as research into low-income usage, payment patterns,
16 and affordability programs. At present, I am working on various projects in the states of
17 New York, Maryland, Pennsylvania, Michigan, Georgia, Illinois, Iowa and Washington.
18 My clients include state agencies (e.g., Pennsylvania Office of Consumer Advocate,
19 Maryland Office of People's Counsel, Illinois Office of Attorney General), federal
20 agencies (e.g., the U.S. Department of Health and Human Services), community-based
21 organizations (e.g., National Immigration Law Center, Natural Resources Defense
22 Council, Advocacy Centre Tenants Ontario), and private utilities (e.g., Unitol Corporation
23 d/b/a Fitchburg Gas and Electric Company, Entergy Services, Xcel Energy d/b/a Public

1 Service of Colorado). In addition to state-specific and utility-specific work, I engage in
2 national work throughout the United States. For example, in 2011, I worked with the
3 U.S. Department of Health and Human Services (the federal LIHEAP office) to advance
4 the review and utilization of the Home Energy Insecurity Scale as an outcomes
5 measurement tool for the federal Low-Income Home Energy Assistance Program
6 (“LIHEAP”). In 2007, I was part of a team that performed a multi-sponsor public/private
7 national study of low-income energy assistance programs. This year, I completed a study
8 of water affordability in twelve U.S. cities for the London-based newspaper, The
9 Guardian. A brief description of my professional background is provided in Appendix A.

10
11 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND.**

12 A. After receiving my undergraduate degree in 1975 (Iowa State University), I obtained
13 further training in both law and economics. I received my law degree in 1981 (University
14 of Florida). I received my Master’s Degree (regulatory economics) from the MacGregor
15 School in 1993.

16
17 **Q. HAVE YOU EVER PUBLISHED ON PUBLIC UTILITY REGULATORY**
18 **ISSUES?**

19 A. Yes. I have published three books and more than 80 articles in scholarly and trade
20 journals, primarily on low-income utility and housing issues. I have published an equal
21 number of technical reports for various clients on energy, water, telecommunications and
22 other associated low-income utility issues. A list of my publications is included in
23 Appendix A.

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Q. HAVE YOU EVER TESTIFIED BEFORE THIS OR OTHER UTILITY COMMISSIONS?

A. Yes. I have testified before the Pennsylvania Public Utility Commission (“PUC” or “Commission”) on numerous occasions regarding utility issues affecting low-income customers and customer service. I have also testified in regulatory proceedings in more than 35 states and various Canadian provinces on a wide range of utility issues. A list of the proceedings in which I have testified is listed in Appendix A.

Q. PLEASE EXPLAIN THE PURPOSE OF YOUR DIRECT TESTIMONY.

- A. The purpose of my Direct Testimony is as follows.
- First, I examine the ongoing impacts of the novel coronavirus (COVID-19) on Pennsylvanians, particularly, low-income individuals.
 - Second, I examine the reasonableness of PGW’s proposal to increase its residential customer charge;
 - Third, I examine each of three PGW “ratemaking principles” that have been articulated by the Pennsylvania Public Utility Commission (“PUC” or “Commission”), including management quality, efficiency and effectiveness; customer service; and universal service.
 - Fourth, I examine the impact of residential collectability on CRP cost recovery;
 - Fifth, I examine the customer service and Limited English Proficiency (“LEP”) customers; and
 - Finally, I examine the relationship between PGW liens on CRP cost recovery.

1 **Summary of Recommendations**

2 **Q. PLEASE PROVIDE A SUMMARY OF THE RECOMMENDATIONS YOU**
3 **MAKE IN YOUR DIRECT TESTIMONY.**

4 A. Based on the data and analysis presented throughout my Direct Testimony, I recommend
5 as follows:

- 6 ➤ that the PUC adopt the recommendations of OCA witnesses Rubin, Garrett,
7 Habr and Mierzwa;
- 8
9 ➤ that PGW be directed to make an affirmative, and separately provided,
10 solicitation for a Confirmed Low-Income Customer to enroll in CRP prior to
11 the disconnection of service. Moreover, PGW should be directed to make an
12 affirmative, and separately provided, solicitation for a Confirmed Low-
13 Income Customer who has had service disconnected and not reconnected prior
14 to the Cold Weather heating season, to enroll in CRP. PGW should track who
15 receives such solicitations and the results of such solicitations.
16
- 17 ➤ that PGW be directed to develop an enhanced Consumer Education and
18 Outreach Plan with input from stakeholders. This Plan should reflect focused
19 consumer education and outreach efforts for CRP, tailored to the
20 demographics of PGW’s individual service territory. In particular, the plan
21 should identify efforts to educate and enroll eligible and interested customers
22 at or below 50% of the FPIG.
23
- 24 ➤ that the PGW universal service surcharge tariff be modified to state as
25 follows: “The Surcharge will recover: . . . 5) for Customers entering the CRP
26 program on or after September 1, 2003, 78.9% of past due arrears forgiven
27 pursuant to paragraph A (6) of the CRP/CAP Program Design Stipulation
28 approved by the Commission by its order at M-00021612 (entered March 31,
29 2003).” (Emphasis added).
30
- 31 ➤ that the PUC adopts the following regulatory responses to PGW’s lack of a
32 Language Access Plan. First, PGW should be directed to file a municipal
33 Language Access Plan with the Philadelphia OIA and, upon completion, to
34 also submit that Plan to the Bureau of Consumer Service for a review of
35 whether the Plan adequately complies with the Commission’s own language
36 access policies. The final Language Access Plan should be made available on
37 the PGW website. Second, PGW should be directed that if a customer with

1 limited English proficiency calls PGW, or any CBO acting on behalf of PGW,
2 to apply for CRP, for LIURP, or for a hardship grant, PGW must provide
3 language translation services to those customers, whether or not the customers
4 comprise 5% or more (or 1,000, whichever is less) of the PGW customer base.
5 PGW should have immediate access to a telephone interpreter to the extent
6 that such customers do not meet the statutory threshold for providing in-
7 person translators. To the extent that the customer is part of a population that
8 meets the statutory threshold, and to the extent that PGW provides in-person
9 services, PGW should have in-person translators available. Third, PGW
10 should be directed to translate universal service program applications into all
11 languages that are relied upon by 5% of the population of Philadelphia (or
12 1,000 households, whichever is less). In addition to applications, PGW
13 should be required to translate other critical universal service and customer
14 service documents into any other language meeting the 5% (or 1,000)
15 threshold, whichever is less. The translated written documents should be
16 available on the PGW website, as well as through any CBO working for or on
17 behalf of PGW to provide outreach and intake service for PGW universal
18 service programs.

- 19
- 20 ➤ that two steps be taken by the PUC regarding pre-existing arrears subject to
21 forgiveness First, all pre-existing arrearages of CRP participants subject to
22 forgiveness pursuant to CRP shall be forgiven, with no further payment
23 responsibility attaching thereto, at the time a lien is perfected that, in whole or
24 part, includes dollars that would otherwise be subject to forgiveness pursuant
25 to CRP. Upon PGW perfecting a lien on the pre-existing arrears of a CRP
26 participant, whether that lien pre-dates or post-dates the date of CRP
27 participation, the pre-existing arrearage will be deemed by the PUC to be
28 100% forgiven as a pre-existing CRP arrearage. Second, any pre-existing
29 arrearage that is forgiven after PGW perfects a lien on the arrearage will not
30 be subject to cost recovery through either the Universal Service and Energy
31 Conservation Surcharge or otherwise through base rates.
- 32

33 **Part 1. The Impact of COVID-19.**

34 **Q. HOW SHOULD THE IMPACT OF COVID-19 BE CONSIDERED IN ANY**
35 **REVIEW OF THE ISSUES YOU EVALUATE IN THIS RATE CASE?**

36 A. Pennsylvania has been hit hard by the COVID-19 pandemic. Indeed, according to the
37 University of New Hampshire's Carsey School of Public Policy, Pennsylvania has been

1 one of the hardest hit states.¹ According to the Carsey School, just from February to
 2 March of this year, Pennsylvania lost more than 40,000 jobs, 0.9% of its workforce. The
 3 percentage job loss was the 10th highest in the nation. While Pennsylvania’s job loss (in
 4 thousands of jobs) from February to March was less than California (-40.4 vs. -99.5), and
 5 roughly equal to New York (-40.4 vs. -41.7), it was nonetheless greater than states such
 6 as Illinois (-34.1), New Jersey (-31.8), Ohio (-39.7), and Florida (-36.6). While people
 7 continue to remain out of work, I examine this time period since it is when the first
 8 substantial wave of unemployment hit. Subsequent additions to unemployment simply
 9 add to this initial substantial total.

Table 1. Change in Employment: February 2020 to March 2020
 (Top 17 States, All Non-Farm Employment)

State	Percent Change	Job Changes (Thousands)
Rhode Island	-1.1%	-5.6
Louisiana	-1.1%	-21.0
Vermont	-0.9%	-2.9
Missouri	-0.9%	-25.6
New Jersey	-0.7%	-31.8
Maryland	-0.7%	-20.9
Ohio	-0.7%	-39.7
Virginia	-0.7%	-28.6
New Hampshire	-0.7%	-4.6
Pennsylvania	-0.7%	-40.4
Mississippi	-0.6%	-7.4
Delaware	-0.6%	-2.9
South Carolina	-0.6%	-13.4
Arkansas	-0.6%	-7.7
Alaska	-0.6%	-1.9
California	-0.6%	-99.5
Illinois	-0.6%	-34.1

10

¹ University of New Hampshire, Carsey School of Public Policy, COVID-19 Economic Impact by State, available at <https://carsey.unh.edu/COVID-19-Economic-Impact-By-State> (last accessed May 12, 2020).

1 Additionally, Pennsylvania’s 1.7 million initial unemployment insurance claims first filed
 2 in the week of March 14th constituted 26.1% of the state’s February 2020 labor force. The
 3 number of initial claims filed in Pennsylvania, in the week of (March 14th), as a
 4 percentage of the February 2020 labor force, was the eighth highest in the nation.

5

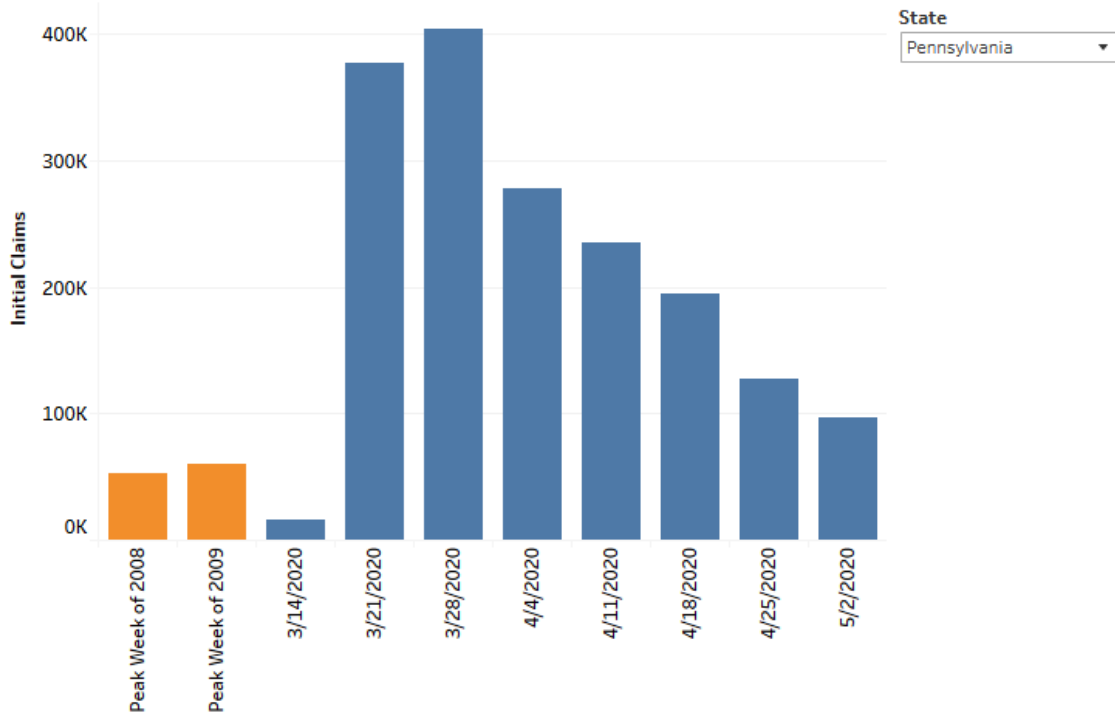
State	Initial Claims as Pct of the Feb. Work Force	Initial Claims
Kentucky	32.4%	671,288
Hawaii	31.4%	210,429
Georgia	30.8%	1,596,125
Rhode Island	27.7%	154,670
Michigan	27.0%	1,336,103
Louisiana	26.7%	560,313
Nevada	26.4%	414,938
Pennsylvania	26.1%	1,713,729
Washington	24.1%	960,512
Alaska	23.6%	80,136
Puerto Rico	23.1%	239,161
New Hampshire	22.1%	172,481
New Jersey	21.3%	977,969
Massachusetts	20.5%	781,110
California	20.4%	3,990,711

6

7 A comparison of the new unemployment insurance claims in recent weeks in
 8 Pennsylvania, compared to the peak weeks of 2018 and 2019, is presented below. While
 9 the number of *new* claims has dropped since the early weeks of the restrictions on non-
 10 essential businesses were imposed, that does not mean that the total level of
 11 unemployment has been reduced. It instead means that the level of people who are newly
 12 claiming benefits as being unemployed has been reduced. The number of new claims

1 being filed continues, week-in and week-out during this COVID-19 pandemic, to outpace
2 the number of new claims filed during the peak weeks of both 2018 and 2019.

Chart UI-1: Unemployment Insurance Initial Claims during COVID-19 and Peak Weeks of 2008 and 2009

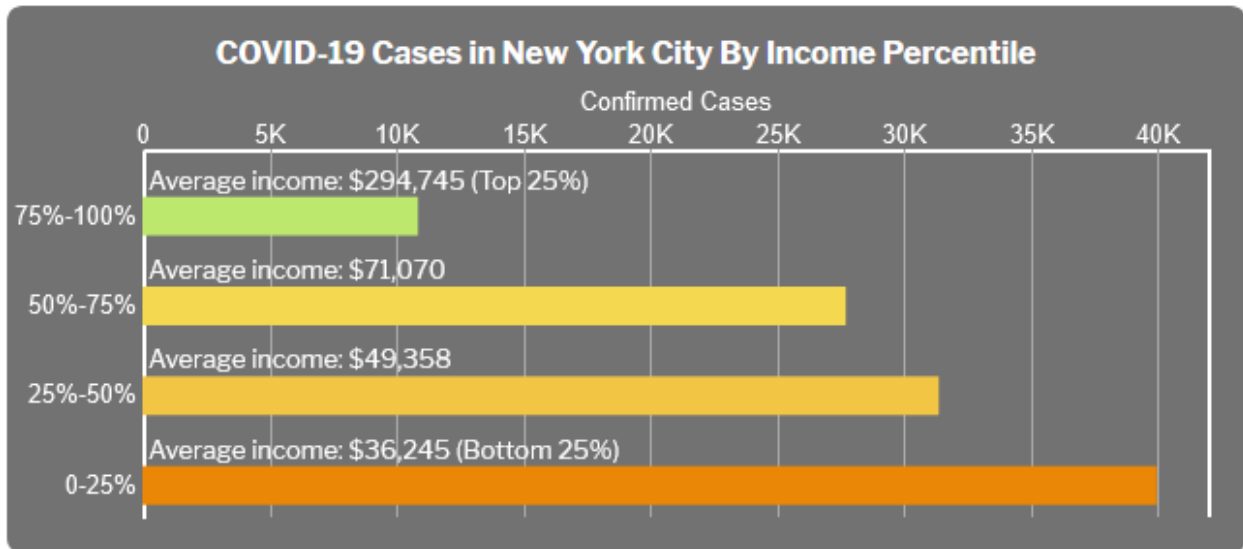


3
4 **Q. ARE SOME CATEGORIES OF RESIDENTS AFFECTED WORSE THAN**
5 **OTHER CATEGORIES?**

6 A. Yes. Low-income households are more severely affected by COVID-19 as compared to
7 households with higher levels of income. While similar data does not exist specifically
8 for Pennsylvania, the Figure below indicates the impact on residents of New York City.
9 Clearly, residents with income in the bottom quartile² have been most severely hit, with
10 residents in the second quartile being the group second most severely affected. In

² The city rank orders households by level of income. That ordering is then divided into four equal parts, each of which is called a “quartile.” The quartile of 0 – 25% of income means that the people with income in this bracket represent the one-fourth of lowest income households in the city.

1 contrast, people in the top quartile of income have the fewest number of COVID-19
2 cases.³



3
4 The distribution of COVID-19 cases by income presented above, however, does not fully
5 capture how and why households in lower tiers of income are the most severely affected
6 by the COVID-19 illness. In addition to those actually becoming ill, the people who are
7 most severely economically disadvantaged by COVID-19 involve these low-income
8 households for the following reasons:

- 9 ➤ Low-income households with earned income overwhelmingly tend to be
10 hourly wage employees (80% of low-wage employees are hourly workers).
11 These workers will be financially affected not merely by the loss of their job
12 completely, but due to any substantial cutback in their employment. These
13 jobs require in-person attendance in order to generate income. There is no
14 “work at home” option.
- 15
16 ➤ Low-wage workers tend not to have paid leave, including paid sick leave,
17 personal leave or paid “vacation” time. When household members become ill,
18 requiring caretakers to take time off, these households permanently lose
19 income.

³ Time Magazine (April 15, 2020). These Graphs Show How Covid-19 is Ravaging New York City’s Low-Income Neighborhoods, available at: <https://time.com/5821212/coronavirus-low-income-communities/> (last accessed May 12, 2020).

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- Those low-wage workers who do remain employed will likely be employed in high-risk jobs. Common occupations for low-wage workers include cashiers and retail salespersons, people who re-stock retail establishments and/or prepare orders for fulfillment, and others who have constant, close contact with the public (e.g., delivery people, drivers/truck drivers).
 - Nearly 40% of U.S. households, including nearly all low-wage workers, fall into a category referred to as “liquid asset poor.” “Liquid asset poverty” is a term-of-art, referring to households who lack sufficient liquid assets to replace income in order to subsist at the Poverty Level for three months in the absence of income. According to a Pew Research Center report, “only about one-in-four (23%) [lower income adults] say they have rainy day funds set aside that would cover their expenses for three months in case of an emergency such as job loss, sickness or an economic downturn, compared with 48% of middle-income and 75% of upper-income adults.”⁴
 - Most low-wage workers lack paid benefits such as health insurance. According to the U.S. Bureau of Labor Statistics, only 24% of workers in the private sector in the lowest 10% wage category had access to employer-sponsored health care plans in 2019.
 - Finally, job loss and economic disruption is most likely to fall on those who are lower-income with which to begin. According to Pew, “lower income adults are more likely than middle- and upper-income adults to say they’ve experienced significant job disruption due to the coronavirus outbreak. About half of lower-income adults (52%) say they or someone in their household has lost a job or taken a cut in pay due to the outbreak.” Similarly, a May 15, 2020 New York Times article reports that fully 39 percent of workers who lost work lived in a household earning \$40,000 or less, compared with 13 percent who lived in households making more than \$100,000.⁵

⁴ Parker, Horowitz and Brown (April 21, 2020). About Half of Lower-Income Americans Report Household Job or Wage Loss Due to COVID-19, Pew Research Center: Washington D.C. Available at <https://www.pewsocialtrends.org/2020/04/21/about-half-of-lower-income-americans-report-household-job-or-wage-loss-due-to-covid-19/> (last accessed May 12, 2020).

⁵ New York Times (New York edition) (May 15, 2020). Poor Americans Are Hit Hardest by Job Losses. Section B, Page 6. Available at: <https://www.nytimes.com/2020/05/14/business/economy/coronavirus-jobless-unemployment.html?searchResultPosition=8> (last accessed May 18, 2020).

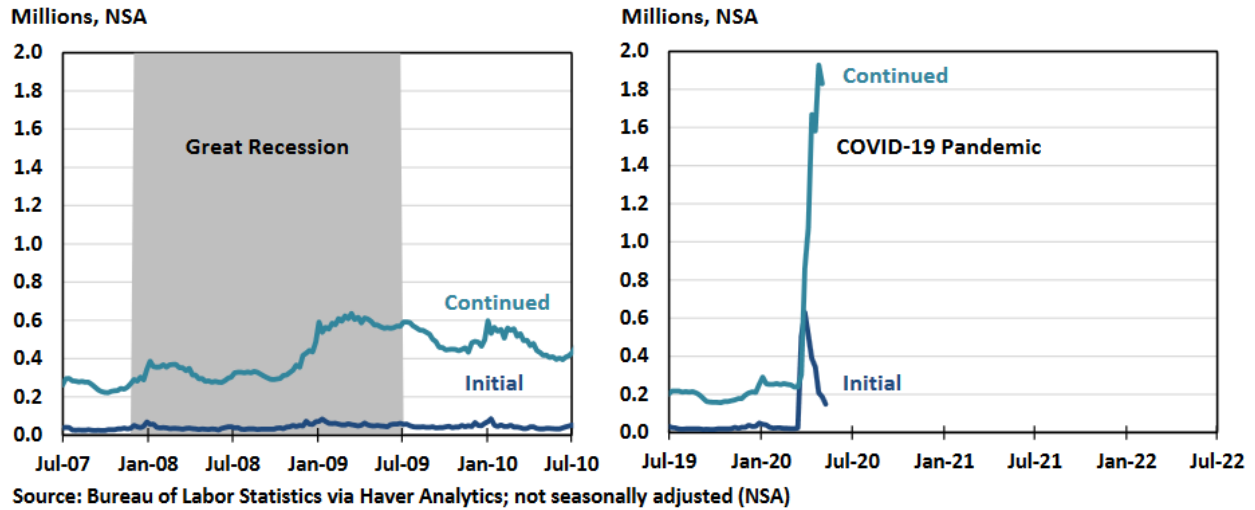
1 These problems should be of particular concern to Pennsylvania. In Pennsylvania, more
2 than 1.034 million of the state’s 5.462 million total workers in 2018 were low-wage
3 workers.⁶

4
5 **Q. ARE THERE PARTICULAR COVID-19 CONCERNS IN PENNSYLVANIA?**

6 A. Yes. According to the most recent weekly update from the Federal Reserve Bank of
7 Philadelphia on the “Tracking the COVID-19 Economy; Weekly Labor Market
8 Information,” from data extending back through 1987, the previous maximum number of
9 continuing unemployment claims for the three-state region (Delaware, New Jersey,
10 Pennsylvania) had been 636,134 (week of March 14, 2009, fifteen months into the Great
11 Recession). In contrast, the number of continuing weekly unemployment claims in
12 Pennsylvania, standing alone, for the week ending May 2, 2020 was 1,061,110. For the
13 three-state region, the number of continuing unemployment claims for the week ending
14 May 2, 2020 was 1,829,413.⁷

⁶ Garfield, Rae, Claxton and Orgera (April 29, 2020). Double Jeopardy: Low Wage Workers at Risk for Health and Financial Implications of COVID-19, Kaiser Family Foundation: San Francisco (CA). available at <https://www.kff.org/coronavirus-covid-19/issue-brief/double-jeopardy-low-wage-workers-at-risk-for-health-and-financial-implications-of-covid-19/> (last accessed May 12, 2020).

⁷ <https://philadelphiafed.org/-/media/research-and-data/regional-economy/covid-19-survey/2020/20200514/covid-19-labor-market-information.pdf?la=en> (last accessed May 21, 2020).



1

2 **Q. WHAT DO YOU RECOMMEND?**

3 A. Based on the data and discussion I present above, I recommend that the Commission
 4 adopt the recommendations of OCA witness Scott Rubin. In addition, should the
 5 Commission find that PGW rate relief is merited, I recommend that the Commission
 6 adopt the recommendations of OCA witnesses Garrett and Habr regarding the level of
 7 revenues that should be authorized for PGW.

8

9 **Part 2. PGW’s Proposed Increase to its Residential Customer Charge.**

10 **Q. PLEASE DESCRIBE THE COMPANY’S PROPOSED RESIDENTIAL CHARGE**
 11 **INCREASE.**

12 A. PGW proposes to increase its residential customer charge by \$5.50, from \$13.75 per
 13 month to \$19.25 per month. (PGW St. No. 1, at 7). According to PGW witness Dybalski,
 14 this proposal increases the residential customer charge by 40%. (PGW St. 6, at 7). The
 15 size of the residential customer charge is important to all residential customers because it
 16 is an “unavoidable” fixed monthly charge. I support OCA witness Mierzwa
 17 recommendation regarding the residential customer charge. In this section, I explain the

1 adverse impacts that the proposed increase in the PGW customer charge will have on
2 low-income customers, who disproportionately tend also to be low use, if a rate increase
3 is approved in this proceeding.
4

5 **A. Universal Service Will Not Insulate Low-income Customers from Harms.**

6 **Q. PLEASE EXPLAIN WHY THE PGW CUSTOMER RESPONSIBILITY**
7 **PROGRAM (CRP) WILL NOT ADDRESS THE INCREASED**
8 **UNAFFORDABILITY ATTRIBUTED TO THE INCREASED CUSTOMER**
9 **CHARGE?**

10 A. PGW'S CRP reaches a very small proportion of eligible customers. According to PGW,
11 its most recent numbers indicate a CRP participation of 54,038. (OCA-III-37(c)). PGW
12 further reports that it has 473,598 total residential customers. (OCA-III-37(a)). Using
13 this data, it is possible to determine that 11.4% ($54,038 / 473,598 = 0.1141$) of its
14 residential customer base is enrolled in CAP, as of early May 2020.

15
16 Using Census data for the zip codes provided by the Company (OCA-III-37), however,
17 reveals that 34.5% of the population in the zip codes served by the Company lives with
18 income at or below 150% of the Census Bureau's Federal Poverty Guidelines. This data
19 is significant in that CRP's participation extends to only one-third of PGW's low-income
20 population ($54,038 / 163,163 = 0.331$).
21

22 **Q. DOES THIS TOTAL PARTICIPATION FIGURE PROVIDE A COMPLETE**
23 **PICTURE OF THE LACK OF PROTECTION OFFERED BY CRP?**

1 A. No. I will discuss the impact of PGW’s proposed rate increase on universal service in my
2 discussion below of the PUC’s ratemaking factor articulated for PGW involving
3 universal service (Section 69.2703(a)(8)).
4

5 **Q. DOES CRP ENROLLMENT PROTECT CUSTOMERS FROM BEING**
6 **ADVERSELY AFFECTED BY THE INCREASE IN THE FIXED MONTHLY**
7 **CUSTOMER CHARGE?**

8 A. No. PGW errs when it categorically asserts that there will be “no impact” on CRP
9 participants as a result of the proposed rate increase (TURN Interrogatories, Set 01, No.
10 1). PGW claims that there will be “no impact” because “the monthly bill amount for
11 CRP customers is set at the lower of a percentage of household income or a fixed average
12 bill amount.” (Id.). To the extent that bills increase as a result of this proceeding,
13 however, those CRP customers paying a “fixed average bill amount” will experience an
14 increase in that bill amount. In fact, the number (and percentage) of customers
15 participating in the “average bill amount” program, under which a customer is placed on
16 an average (budget billing) upon entering CRP, has been steadily increasing. As Table 3
17 below demonstrates, the proportion of CRP participants who receive average monthly
18 bills rather than percentage of income payments has increased from roughly 25% to 30%
19 just since October 2019.

Table 3 CRP Participants by Program Component
 (Selected Months Prior, During, and After Heating Season)
 (TURN-01-002, Attachment A)

	Oct-19	Jan-20	Apr-20
Min	3,078	3,119	3,168
8% of income	8,738	8,801	8,640
9% of income	22,992	23,408	22,813
10% of income	5,031	5,136	4,814
Avg Monthly Bill	13,758	14,605	15,455
Total CRP	53,597	55,069	54,890
Avg Pct of Avg Month Bill	26%	27%	28%

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Q. WHAT PROPORTION OF KNOWN (“CONFIRMED”) LOW-INCOME CUSTOMERS DOES PGW ENROLL IN CRP?

A. It is not reasonable to expect PGW to know who all of its low-income customers are. Unless the customer has occasion to have contact with the Company, in circumstances where the customer’s income would be an input into decision-making, PGW would not identify someone as being “low-income.” However, PGW has confirmed the low-income status of some of its customer base. (OCA-III-36) According to PGW, as of 2019, it had confirmed the low-income status of 149,217, while estimating a total low-income population of 206,533. (OCA-III-36). PGW has, in other words, confirmed the low-income status of roughly 72% of its estimated low-income population base.

1 **B. The Harms to Low-income Customers.**

2 **Q. WHY IS IT SIGNIFICANT THAT PGW UNDER-ENROLLS ITS CONFIRMED**
3 **LOW-INCOME CUSTOMER POPULATION INTO ITS CAP PROGRAM?**

4 A. The under-enrollment of the PGW confirmed low-income population into CAP is significant
5 because the Company's confirmed low-income population has substantially greater payment
6 difficulties than does the residential population as a whole. Table 4 sets forth the data from
7 the BCS annual report on universal service programs and collections performance.

	Residential	Confirmed Low-Income
2014	\$494.27	\$702.12
2015	\$602.08	\$704.38
2016	\$520.76	\$608.42
2017	\$473.78	\$560.59
2018	\$492.83	\$566.02

8
9 Table 4 shows that the confirmed low-income customers of PGW are substantially more
10 seriously in arrears than are residential customers generally. Indeed, the difference is even
11 greater than shown.

12
13 Table 5 below shows the ratio of the payment difficulties of Confirmed Low-Income
14 customers to Residential customers generally as presented in the annual BCS report. The
15 average arrearage for Confirmed Low-Income customers was from 15% to 42% higher than
16 the average arrears for Residential customers for PGW. As can be seen, when Confirmed

⁸ BCS (annual). Universal Service Programs and Collections Performance. Available at:
http://www.puc.state.pa.us/filing_resources/universal_service_reports.aspx (last accessed May 29, 2020).

1 Low-Income customers are in arrears they are also deeper in arrears than residential
2 customers overall.

3

PGW	Average Arrears of Accounts in Arrears (Confirmed Low-Income / Residential)
2014	142%
2015	117%
2016	227%
2017	118%
2018	115%

4

5 **Q. HOW DOES THIS RELATE TO THE PROPOSAL TO INCREASE THE**
6 **COMPANY’S FIXED MONTHLY RESIDENTIAL CUSTOMER CHARGE?**

7 A. This data relates to the Company’s fixed monthly residential customer charge because PGW
8 is now proposing to increase the level of the fixed monthly customer charge that cannot be
9 controlled by reducing consumption. An increase in the fixed customer charge of \$5.50 per
10 month represents an increase of \$66.00 per year ($\$5.50/\text{month} \times 12 \text{ months} = \66.00).
11 Given the Company’s estimated number of low-income customers, 206,553, this would be
12 an increase in annual customer charges of \$13,632,498 ($206,553 \times \$66.00 = \$13,632,498$) to
13 the low-income population. (OCA-III-36).

14

15 To put this number into context, in program year 2018-2019, PGW customers received
16 \$16,099,617 in LIHEAP cash grants, while in the 2019-2020 program year, they received
17 \$14,554,774 in LIHEAP cash grants. (OCA-III-2). Just the increase in the fixed customer
18 charge, standing alone, (not the total bill), simply the increase in the fixed customer charge),

1 will nearly equal the total amount of 2019-2020 LIHEAP cash grants received by all low-
2 income customers. Moreover, the amount of funding that PGW is receiving in LIHEAP
3 cash grants has been declining. From Program Year 2018 through Program Year 2020,
4 LIHEAP grants declined by more than 22%. (OCA-III-2).

5
6 **Q. DOES THE 40% INCREASE IN THE RESIDENTIAL CUSTOMER CHARGE**
7 **DISPROPORTIONATELY HARM LOW-INCOME CUSTOMERS IN ANY**
8 **OTHER WAY?**

9 A. Yes. Low-income customers, both disproportionately, and on average, are also low-use
10 customers. In making this observation, I note the obvious: that my statement is *not* that
11 *all* low-income customers are also low-use. My statement is that low-income customers
12 are disproportionately, and on average, low-use. The proposed increase in the fixed
13 monthly residential customer charge of nearly 40% imposes a disproportionate increase
14 in bills to these low-income, low-use customers.

15
16 **C. Income and Usage.**

17 **Q. PLEASE EXPLAIN THE BASIS FOR YOUR CONCLUSION THAT LOW-**
18 **INCOME CUSTOMERS ARE DISPROPORTIONATELY LOW-USE**
19 **CUSTOMERS.**

20 A. Generally, low-income households tend to have less efficient energy consumption as
21 compared to residential customers on a per square foot of housing basis, because they
22 live in much smaller housing units, they tend also to have lower overall natural gas
23 consumption. The most recent data published by the U.S. Department of Energy (DOE)

1 in its 2009 Residential Energy Consumption Survey (RECS), as presented in Table 6,
2 shows the following for total energy usage in the Northeast (RECS, Table CE1.2).⁹

2009 Annual Household Income	Per Square Foot (thousand Btu)	Per Household (million Btu)
Less than \$20,000	65.0	83.3
\$20,000 to \$39,999	56.3	98.2
\$40,000 to \$59,000	49.8	98.9
\$60,000 to \$79,999	48.4	99.9
\$80,000 to \$99,999	48.4	119.2
\$100,000 to \$119,999	42.4	131.1
\$120,000 or More	45.9	154.8

3
4 The same results appertain when the examination is limited exclusively to natural gas.
5 According to the DOE's RECS (Table CE2.2), in the Northeast, the region of which
6 Pennsylvania is a part, as incomes increase, natural gas usage increases correspondingly
7 (Table 7).

2009 Annual Household Income	mmBtu	MCF
Less than \$20,000	58.7	57
\$20,000 to \$39,999	76.5	75
\$40,000 to \$59,000	69.7	68
\$60,000 to \$79,999	70.7	69
\$80,000 to \$99,999	81.2	79
\$100,000 to \$119,999	92.7	90
\$120,000 or More	114.4	112

⁹ The 2009 RECS data referenced in Table 6, Table 7, and Table 8 can be accessed at:
<https://www.eia.gov/consumption/residential/data/2009/> (last accessed May 29, 2020).

1 It does not matter which end-use is being examined. As income increases, so too, does
 2 natural gas usage increase. The average household data by natural gas end-use, in million
 3 BTU, for Northeast households using the end-use (RECS, Table CE3.2) is presented
 4 immediately below.
 5

Table 8. Natural Gas Consumption by End-Use and Income (mmBtu) (Northeast)
 (Residential Energy Consumption Survey)

2009 Annual Household Income	Total	Space Heating	Water Heating
Less than \$20,000	83.3	51.2	12.5
\$20,000 to \$39,999	98.2	57.2	16.4
\$40,000 to \$59,000	98.9	55.1	16.1
\$60,000 to \$79,999	99.9	55.1	16.5
\$80,000 to \$99,999	119.2	64.0	19.0
\$100,000 to \$119,999	131.1	65.9	22.6
\$120,000 or More	154.8	78.7	26.6

6
 7 **Q. DOES THE DEPARTMENT OF ENERGY PROVIDE DATA THAT HELPS TO**
 8 **EXPLAIN WHY LOW-INCOME CUSTOMERS TEND ALSO TO BE LOW USE**
 9 **CUSTOMERS?**

10 A. Yes. The RECS data clearly shows that natural gas consumption increases as the size of
 11 the housing unit increases. The related housing characteristics support this conclusion.
 12 Residents of single-family housing have greater consumption than residents of multi-
 13 family housing. Renters have lower consumption than do homeowners. And, occupants
 14 of homes with more rooms have higher gas consumption than occupants of dwellings
 15 with fewer rooms.
 16

17 **Q. HAS PGW UNDERTAKEN ANY STUDY OF THE GAS USAGE OF ITS LOW-**
 18 **INCOME POPULATION?**

1 A. No. When asked for any study of the relationship between income and usage, PGW
2 provided two reports. (OCA-III-29). Neither report, however, considers the relationship
3 between income generally and usage. Rather, both consider the usage with a population
4 limited to CRP participants. The first report, by H. Gil Peach, for example, is “Customer
5 Responsibility Program: Limits Analysis” (January 2020). As that report states, it does
6 not consider low-income customers generally. Rather “the approach used in this analysis
7 is to assess the *distribution of all CRP customers* to identify those customers that fall into
8 the high end of the consumption distribution.” (OCA-III-29, Attachment 1, at 1)
9 (emphasis added). The second report, by APPRISE, Inc., is explicitly titled “PGW CRP
10 Usage Analysis” (January 2019). (OCA-III-29, Attachment 2). This analysis examined
11 CRP participants. Its “comparison group,” however, was designed to examine the
12 impacts of CRP participation on usage, not to determine usage for the low-income
13 population generally. (*Id.*, at 1). The comparison group was, therefore, a population who
14 participated in CRP, but limited the usage analysis to the time period prior to their
15 enrollment in CRP. (*Id.*, at 3).¹⁰ Moreover, PGW has not performed a recent analysis, if
16 any at all, of the demographics of CRP participants. (OCA-III-13). It is, therefore, not
17 possible for PGW to assert that CRP participants are at all representative of low-income
18 customers generally.

19

20 **Q. IS THERE REASON TO BELIEVE THAT CRP PARTICIPANTS WOULD NOT**
21 **BE REPRESENTATIVE OF LOW-INCOME CUSTOMERS GENERALLY?**

¹⁰ The fact that PGW now has a budget billing component to its CRP does not change this conclusion. The Peach study used data for Calendar Year 2018. The APPRISE study used customers who enrolled in CRP between January 1, 2017 and June 30, 2017. PGW did not begin enrolling anyone in its budget billing component of CRP until June 2018. Even then, enrollment in the budget billing component was quite limited. (Turn-2-2).

1 A. Yes. The two studies provided by PGW were both undertaken prior to changes, if any,
2 that PGW will make in response to the PUC’s September 19, 2019 order reducing the
3 burdens defined to be affordable for low-income customers. Accordingly, during the
4 time of these studies of CRP usage, PGW was operating its CRP with an affordable
5 percentage of 8% of income for households with annual income at 0% to 50% of Poverty;
6 9% of income for households with annual income at 50% to 100% of Poverty; and 10%
7 of income for households with annual income at 100% to 150% of Poverty.

8
9 Given an average household size in Philadelphia (2018) of 2.53 persons (American
10 Community Survey, Table 25010),¹¹ annual incomes at 50%, 100%, and 150% of
11 Poverty, and the PGW bills that would be required at those income levels (8%, 9%, and
12 10%) to enroll in CRP, are as set forth in Table 9 immediately below. As is evident, at the
13 time of these studies, a household at 50% of Poverty could not enroll in CRP without
14 having a minimum bill of \$770.10; a household at 100% of Poverty could not enroll in
15 CRP without having a bill of at least \$1,732.73; a household at 150% of Poverty could
16 not enroll in CRP without having a bill of at least \$2,887.89. If customers with bills
17 lower than these levels sought to enroll in CRP, their bills would have been defined,
18 under then-existing CRP burdens, to be “affordable” without receipt of CRP assistance as
19 being at or below 8%, 9%, or 10% of income.

¹¹ Available at data.census.gov (last accessed May 21, 2020).

Income at Various Poverty Levels			Percentage of Income Bill at Various Poverty Levels (and CRP Percent)		
50%	100%	150%	50% (8%)	100% (9%)	150% (10%)
\$9,626.30	\$19,253	\$28,878.90	\$770.10	\$1,732.73	\$2,887.89

1

2 **Q. WHAT DOES TABLE 9 TELL US?**

3 A. According to PGW, its average monthly residential bill is now \$99.52 (PGW St. 1, at 8).
 4 This would be an average residential annual bill of \$1,194 (\$99.52/month x 12 months =
 5 \$1,194/year). As can be seen, under the CRP structure, bills (and thus usage) would need
 6 to be substantially above the residential average simply to participate in CRP (for
 7 participants other than those at 50% of Poverty or below). As of December 2018, the
 8 distribution of CAP participants between Poverty Levels was as is set forth in Table 10
 9 immediately below. The Table shows that nearly three-of-four (73.4%) fell into the top
 10 two income tiers in December 2018. (OCA-III-1, Attachment A).

Poverty Level	No. of Participants	Percent of Total
0% to 50%	13,667	26.6%
51% to 100%	28,307	55.1%
101% to 150%	9,397	18.3%
Total	51,371	100%

11

12 **Q. WHAT DO YOU CONCLUDE?**

13 A. The two reports that PGW states are those studies it has performed (or had performed for
 14 it) of the relationship between usage and income do not accurately reflect the expected
 15 usage levels of low-income customers generally. The two reports provided by PGW

1 examine CRP participants, who, by design, have bills (and thus usage) substantially
2 greater than typical consumption. CRP participants represent a small fraction of PGW's
3 total low-income customers and are a non-representative population from which to draw
4 conclusions about the usage of low-income customers.

5
6 **Q. HAS PGW UNDERTAKEN ANY STUDIES EXAMINING THE RELATIONSHIP**
7 **BETWEEN USAGE AND HOUSING?**

8 A. No. When asked for all studies undertaken to examine the relationship between housing
9 type, owner/renter status, or housing size (whether measured in terms of square footage,
10 number of rooms, or number of bedrooms), PGW responded that it had performed no
11 study (nor had any such study been performed for it). (OCA-3-42).

12
13 **Q. DO THE UNDERLYING DEMOGRAPHICS IN PENNSYLVANIA SUPPORT**
14 **APPLYING THE DEPARTMENT OF ENERGY'S CONCLUSIONS**
15 **REGARDING INCOME AND ENERGY USAGE TO PGW?**

16 A. Yes. In contrast to PGW's studies of CRP participants, two lines of inquiry support the
17 conclusion that the demographics of Pennsylvania support the applicability of the
18 Department of Energy ("DOE") data to PGW. First, Schedule RDC-1 presents the
19 average income in Pennsylvania by the number of rooms in a housing structure, as well
20 as the average income in Pennsylvania by the number of bedrooms in a housing structure.
21 Schedule RDC-1 clearly shows that as housing units get larger in Pennsylvania, average
22 income increases.

1 There are two standard ways to compare the size of a housing unit when square footage is
2 not available. One way is to look at the number of rooms; the other way is to look at the
3 number of bedrooms. Both of these approaches document that lower-income households
4 live in smaller sized housing units. Schedule RDC-1 shows that:

- 5 ➤ While the average income of a Pennsylvania household living in a unit with one
6 room is \$40,399, the average income of a household living in an eight-room unit
7 is \$95,524. By the time a house gets to have nine rooms, the average income is
8 \$119,211.¹²
- 9
10 ➤ The same relationship holds true for housing size measured by the number of
11 bedrooms. While the average income for a Pennsylvania household living in a
12 unit with no bedrooms (known as an “efficiency unit”) is \$41,716, the average
13 income of a household living in a housing unit with three bedrooms is \$69,626;
14 the average income of a household living in a unit with five bedrooms is
15 \$136,317.

16
17 In both instances (number of rooms and number of bedrooms), the average income
18 increases as the size of the housing unit increases.

19
20 In addition to this data, Schedule RDC-2 presents a distribution of Pennsylvania
21 households by income and by the size of the housing unit in which they live, measuring
22 housing unit size by the number of bedrooms in the unit. The data shows that a higher
23 proportion of lower-income households live in smaller housing units and a higher
24 proportion of higher income households live in larger housing units. For example, while
25 roughly 13% to 17% of households with income less than \$20,000 live in units with one
26 bedroom or less, less than two percent (2%) of households with incomes greater than
27 \$150,000 live in units that small. Conversely, while roughly 46% to 52% of households
28 with incomes of \$150,000 or more live in units with four or more bedrooms, only 11% to

¹² Housing units limited to those using natural gas service with housing occupants billed directly by the utility.

1 12% of households with incomes less than \$30,000 do. Consistently, the percentage of
2 households in each of the higher income ranges declines as the number of bedrooms
3 declines. In Pennsylvania, higher income households tend disproportionately to live in
4 larger homes than do lower income households.

5
6 **Q. CAN PGW DOCUMENT ANY RELATIONSHIP BETWEEN USAGE AND**
7 **HOUSING TYPE?**

8 A. No. Nor has PGW undertaken any study of usage by housing size, whether size was
9 measured in terms of square feet, number of rooms, number of bedrooms, or some other
10 metric.

11
12 **Q. HAS PGW EVER UNDERTAKEN A STUDY TO CONSIDER THE**
13 **RELATIONSHIP BETWEEN HOUSEHOLD INCOME AND NATURAL GAS**
14 **USAGE?**

15 A. No. When asked to provide data on usage levels for residential customers, confirmed
16 low-income customers, and CRP customers in bands of 100 CCF (or in other usage bands
17 reasonably available to PGW), the Company responded that the information requested is
18 not available. (OCA-III-31).

19
20 **Q. DOES RECENT CENSUS DATA FOR THE CITY OF PHILADELPHIA**
21 **SUPPORT DOE'S DATA ON THE RELATIONSHIP BETWEEN INCOME AND**
22 **HOUSING SIZE?**

1 A. Yes. PGW provided the zip codes which comprise its service territory. (OCA-III-37).
 2 Using those 45 zip codes identified by PGW, I matched PGW’s definition of its service
 3 territory to Census data obtained from the American Community Survey (2018—5 year
 4 data). I then reviewed that Census data to determine whether the Census data supported
 5 the conclusions reported by the DOE. I find that the PGW Census data supports the
 6 DOE’s conclusions.

7
 8 In the analysis which I pursued, I identified six (6) independent variables. I also
 9 identified four (4) dependent variables. For each independent variable, I ran a cross-
 10 tabulation to assess the relationship between the two variables. The result involved
 11 running 24 different scenarios with PGW’s Census data (4 dependent variables each run
 12 against 6 independent variables). The variables I used are set forth in Table 11
 13 immediately below.

Table 11. Demographic and Housing Variables in PGW Service Territory			
Independent Variables		Dependent Variables	
Variable No.	Variable	Variable No.	Variable
1.	% below 100% FPL	1.	% renters
2.	% greater 200% FPL	2.	Pct homeowners
3.	% less than \$10k	3.	% hsg with 7 rooms or more
4.	% greater than \$100k	4.	% 1-family detached housing units
5.	% Food Stamp/Cash Assistance recipients		
6.	% SSI recipients		

14

1 For each variable, I rank-ordered the zip codes (from “1” to “45”) from lowest percentage
2 of the dependent and/or independent variable to the highest percentage. For example, the
3 zip code with the lowest percentage of population with annual income below 100% of
4 Poverty would be ranked #1 (for independent variable #1), while the zip code with the
5 highest percentage would be ranked #45 for that variable. The zip code with the lowest
6 percentage of housing units with seven rooms or more would be ranked #1 (for dependent
7 variable #3), while the zip code with the highest percentage would be ranked #45 for that
8 variable. I then divided each rank-ordering into either quartiles or quintiles.
9

10 **Q. PLEASE EXPLAIN YOUR FINDINGS REGARDING POVERTY LEVEL AND**
11 **THE DOE CHARACTERISTICS.**

12 A. The zip code data for the City of Philadelphia based on Poverty Level confirms that the
13 data provided by DOE regarding the relationship between income and energy
14 consumption (i.e., as income decreases, so, too, does natural gas use decrease) is
15 applicable to PGW.
16

17 First, the PGW zip codes with the highest percentages of renters were also the zip codes
18 with the highest percentages of population with annual income less than 100% of Poverty
19 Level. Conversely, the PGW zip codes with the lowest percentage of renters were also
20 the zip codes with the lowest percentage of population with income below 100% of
21 Poverty. Neither of the two quartiles of zip codes with high percentage of population with
22 income less than 100% of Poverty had a low percentage of renters. The converse was true
23 as well. The PGW zip codes with the lowest percentage of population with annual

1 income less than 100% of Poverty had the highest percentage of homeowners, while the
2 zip codes with the highest percentage of population with annual income less than 100%
3 of Poverty had the lowest percentage of homeowners. Given DOE’s explanation that
4 homeowner status is related to higher gas consumption, and renter status is related to
5 lower gas consumption, it is reasonable to conclude that in PGW’s service territory low-
6 incomes are associated with lower consumption.

7
8 Second, the PGW zip codes with the lowest percentage of population living with income
9 less than 100% of Poverty are also the zip codes with the highest percentage of
10 households living in housing units with seven or more rooms. Conversely, the PGW zip
11 codes with the highest percentage of population living with income less than 100% of
12 Poverty were also the zip codes with the lowest percentages of occupied housing units
13 with seven or more rooms. In this sense, “number of rooms” is used as a surrogate for the
14 size of the housing unit. Given DOE’s explanation that natural gas consumption is
15 related to the number of rooms in a housing unit (with more rooms associated with higher
16 consumption), it is reasonable to conclude that PGW customers with low incomes will
17 also have lower consumption.

18
19 Third, the PGW zip code data confirms the DOE data with respect to the type of housing
20 unit as well. The PGW zip code data reveals that the zip codes with the lowest
21 percentage of population with income less than 100% of Poverty have the highest
22 percentage of single-family detached housing, while the zip codes with the highest
23 percentage of population with income less than 100% of Poverty have the lowest

1 percentage of single-family detached housing. Given DOE's data showing that multi-
2 family housing has lower gas consumption than single-family housing, the further
3 relationship between income and gas consumption is confirmed for PGW.

4
5 Fourth, the converse observations are equally true amongst PGW zip codes. The more
6 zip codes there are with a low percentage of population above 200% of Poverty, the more
7 zip codes there are with a high percentage of renters. When zip codes have a higher
8 percentage of population with income above 200% of Poverty, the zip codes are more
9 likely to have a lower percentage of renters. The flipside is true as well. Within zip
10 codes with a low percentage of population with income above 200% of Poverty, there is a
11 lower percentage of homeowners, while in zip codes with a higher percentage of
12 population with income above 200% of Poverty, there is a higher percentage of
13 homeowners.

14
15 Finally, the corresponding relationship is also found within PGW zip codes between the
16 physical size of a housing unit and higher income status. The more zip codes there are
17 with a lower percentage of population with income above 200% of Poverty, the more zip
18 codes there are that also have a low percentage of housing units with seven or more
19 rooms. Conversely, the more zip codes there are with a high percentage of population
20 with income above 200% of Poverty, the more zip codes there are with a low percentage
21 of housing units with seven or more rooms.

22
23 **Q. WHAT DO YOU CONCLUDE?**

1 A. Given DOE’s findings regarding the association between larger homes, income and gas
2 usage, the applicability of DOE’s findings to Philadelphia is confirmed.

3

4 **Q. PLEASE EXPLAIN YOUR FINDINGS REGARDING DOLLAR INCOMES AND**
5 **THE DOE CHARACTERISTICS?**

6 A. In addition to examining “income” in terms of the ratio of income to Poverty Level, I
7 examined income in absolute dollar terms as well. For the “low-income” end of the
8 continuum, I used an annual income of at or below \$10,000. For the “higher-income”
9 end of the continuum, I used an annual income of at or above \$100,000. The PGW zip
10 code confirms the conclusions presented in the DOE data. Households with lower
11 incomes can be expected to have lower natural gas consumption. This is true based on
12 the tenure (i.e., renter/owner status), size of housing (measured by number of rooms), and
13 type of housing (single-family vs. multi-family). Based on my review of Census data for
14 PGW’s zip codes, I make the following findings:

15

16 First, there is a relationship between renter status and lower incomes. Within the PGW
17 zip codes, the concentration of zip codes with a higher percentage of renters lies within
18 the concentration of zip codes with a higher percentage of households with income at or
19 below \$10,000. In contrast, the concentration of PGW zip codes with a lower percentage
20 of renters lies in the concentration of zip codes with a lower percentage of population
21 with income at or below \$10,000. The converse is true as well. Within the PGW zip
22 codes, the concentration of zip codes with a higher percentage of homeowners lies within
23 the concentration of zip codes with a lower percentage of households with income at or

1 below \$10,000. The concentration of zip codes with a lower percentage of homeowners
2 lies within the concentration of zip codes with a higher percentage of households with
3 income at or below \$10,000.

4
5 Second, as with Poverty Level, there is an association between the size of housing units
6 and household income. The concentration of zip codes with a higher percentage of
7 housing units with seven or more rooms is found within that concentration of zip codes
8 with a lower percentage of households with annual income at or below \$10,000.

9 Conversely, the concentration of zip codes with a lower percentage of housing units with
10 seven or more rooms is found in that concentration of zip codes with a higher percentage
11 of households with income at or below \$10,000.

12
13 Third, as with Poverty Level, there is an association between housing type and household
14 income. The concentration of zip codes with a higher percentage of one-family detached
15 housing units is found within that concentration of zip codes with a lower percentage of
16 households with income at or below \$10,000. Conversely, the concentration of zip codes
17 with a lower percentage of one-family detached homes is found within that concentration
18 of zip codes with a higher percentage of households with income at or below \$10,000.

19
20 Finally, the same association was found to exist when I examined the higher income zip
21 codes. Lower concentrations of renters are found in zip codes with higher percentages of
22 households with income exceeding \$100,000, while higher concentrations of
23 homeowners are found in zip codes with higher percentages of households with income

1 exceeding \$100,000. The concentration of zip codes with higher percentages of one-
2 family housing units is found within the concentration of zip codes with a higher
3 percentage of households with income exceeding \$100,000. The concentration of zip
4 codes with a lower percentage of one-family housing units is found in that concentration
5 of zip codes with a lower percentage of households with an annual income exceeding
6 \$100,000.

7
8 **Q. PLEASE EXPLAIN YOUR FINDINGS REGARDING PARTICIPATION IN**
9 **PROGRAMS PROVIDING LOW-INCOME ASSISTANCE AND THE DOE**
10 **CHARACTERISTICS?**

11 A. PGW's Census data confirms the relationship between the receipt of low-income
12 assistance and characteristics that would indicate the presence of low use PGW
13 customers. PGW zip codes with the lowest percentage of households who receive Food
14 Stamps and/or cash assistance, for example, also have the lowest percentage of renters.
15 Conversely, PGW zip codes with the highest percentage of households receiving Food
16 Stamps and/or cash assistance have the highest percentage of renters. Of the 12 zip codes
17 with the highest percentage of Food Stamp/cash assistance recipients, for example, ten
18 fall in the group of zip codes with the highest percentage of renters. Conversely, of the
19 12 zip codes with the highest percentage of Food Stamp/cash assistance recipients, all
20 twelve fall in the group of zip codes with the lowest percentage of homeowners.

21
22 The same association can be found with housing attributes that signify smaller housing
23 units. Of the 12 zip codes with the highest percentage of Food Stamp/cash assistance

1 recipients, eight (8) fall within the group of zip codes with the lowest percentage of
2 housing units with seven (7) or more rooms. Again, the converse is true as well.
3 Amongst the zip codes with lower percentages of Food Stamp/cash assistance recipients
4 are the zip codes with the higher percentages of housing units with seven (7) or more
5 rooms.

6
7 Finally, the same association can be found with the type of housing unit. PGW zip codes
8 with a higher percentage of Food Stamp/cash assistance recipients have lower
9 percentages of single-family detached homes. Conversely, PGW zip codes with a lower
10 percentage of Food Stamp/cash assistance recipients have a higher percentage of single-
11 family detached homes.

12
13 **Q. WHAT DO YOU CONCLUDE?**

14 A. The DOE data I cite above establishes a relationship between income and natural gas
15 usage. As income increases, natural gas usage increases. Low-income households, both
16 disproportionately and on average, have lower natural gas usage than higher income
17 households. While low-income households may have less efficient housing on a per
18 square foot basis, that lack of efficiency is more than offset by other characteristics.
19 Low-income households tend to be renters rather than homeowners, with renters using
20 less natural gas. Low-income households tend to live in smaller housing units, with
21 smaller units using less natural gas. Low-income households tend to live in multi-family
22 housing rather than single-family housing, with multi-family housing units using less
23 natural gas. I conclude that the data for PGW zip codes confirms these DOE

1 observations. PGW's low-income households tend to be renters. PGW's low-income
2 households tend to live in smaller housing units. PGW's low-income households tend to
3 live in multi-family (rather than single-family) housing units. And, I conclude, PGW's
4 low-income households will, both disproportionately and on average, have lower natural
5 gas usage than higher income households.

6
7 **Q. DO THE ADVERSE LOW-INCOME IMPACTS OF AN INCREASED**
8 **CUSTOMER CHARGE ALSO ADVERSELY AFFECT NON-LOW-INCOME**
9 **CUSTOMERS?**

10 A. Yes. The proposed \$5.35 (37%) increase in the Company's fixed monthly customer
11 charge imposes disproportionately high rate increases on low-use customers. Low-
12 income customers tend more often than not to be amongst these low-use customers. As I
13 demonstrate in detail above, not only are proportionately more confirmed low-income
14 customers in arrears, but those who are in arrears, are *deeper* in arrears. PGW proposes to
15 respond to these circumstances by *raising* rates the most to these customers. The resulting
16 increase in bad debt, working capital, and credit and collection costs will be borne by all
17 ratepayers.

18
19 **D. Recommendation.**

20 **Q. WHAT DO YOU RECOMMEND?**

21 A. Based on the data and discussion presented above, I recommend that the proposed customer
22 charge presented by OCA witness Mierzwa be adopted.

23

1 **Part 3. PUC’s “Relevant Factors” for PGW Ratemaking.**

2 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
3 **TESTIMONY.**

4 A. In this section of my testimony, I assess certain factors identified in the PUC’s Policy
5 Statement regarding PGW ratemaking as “relevant factors” in “determining just and
6 reasonable rate levels” for PGW. In particular, I examine Section 69.2703 of the PUC’s
7 Policy Statement, which provides in relevant part:

8 Ratemaking procedures and considerations.

9
10 (a) In determining just and reasonable rate levels for PGW, the
11 Commission will consider, among other relevant factors:

- 12 (1) PGW’s test year-end and (as a check) projected future levels of
13 non-borrowed year-end cash.
14
15 (2) Available short-term borrowing capacity and internal generation of
16 funds to fund construction.
17
18 (3) Debt to equity ratios and financial performance of similarly
19 situated utility enterprises.
20
21 (4) Level of operating and other expenses in comparison to similarly
22 situated utility enterprises.
23
24 (5) Level of financial performance needed to maintain or improve
25 PGW’s bond rating thereby permitting PGW to access the capital
26 markets at the lowest reasonable costs to customers over time.
27
28 (6) PGW’s management quality, efficiency and effectiveness.
29
30 (7) Service quality and reliability.
31
32 (8) Effect on universal service.
33
34

1 (b) The Commission is obligated to establish rate levels adequate to
2 permit PGW to satisfy its bond ordinance covenants, consistent with
3 66 Pa.C.S. §2212(e) (relating to securities of city natural gas
4 distribution operations).
5

6 (c) These financial measures will be considered by the Commission in
7 determining just and reasonable rates for PGW under 66 Pa.C.S.
8 (relating to the Public Utility Code) and are consistent with the PGW
9 Management Agreement Ordinance.
10

11 More specifically, in my discussion below, I will focus on factors (a)(6), (a)(7), and
12 (a)(8).
13

14 **A. Management Quality, Efficiency and Effectiveness (Section 2703(a)(6)).**

15 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
16 **TESTIMONY.**

17 A. The Commission’s Policy Statement quoted above states in relevant part that “In
18 determining just and reasonable rate levels for PGW, the Commission will consider,
19 among other relevant factors: . . . (6) PGW’s management quality, efficiency and
20 effectiveness.” This section of my testimony addresses that factor as identified by the
21 PUC.
22

23 In this section of my testimony, I review a number of aspects of PGW performance
24 regarding customer service and collections. My review of this PUC data leads me to
25 conclude that PGW’s performance is below average for natural gas utilities in
26 Pennsylvania in many respects. Each set of data I discuss below is data that is routinely

1 collected by, and publicly reported by, the Pennsylvania PUC’s Bureau of Consumer
2 Services (“BCS”).

3
4 **(1) Winter Shutoff Data.**

5 **Q. PLEASE EXPLAIN THE DATA YOU REVIEW IN THIS SECTION OF YOUR**
6 **TESTIMONY?**

7 A. In my discussion below, I examine the data reported by the Pennsylvania PUC as
8 gathered by the PUC’s annual “Cold Weather Survey.”¹³ The data I examine is the total
9 number of households without service after completion of the survey. This data, as
10 indicated by the PUC, excludes households who have lost service but who are using (at
11 the time of the survey) a “potentially unsafe heating source” or some other type of central
12 heating source, as well as houses that are vacant. I examine data for the same time period
13 I examined in my discussion above, 2015 through 2019.

14
15 A smaller number of households without service could result from one of two factors.
16 On the one hand, a smaller number could indicate that the utility had disconnected fewer
17 residential customers during the non-cold weather months. On the other hand, a smaller
18 number could indicate that the utility had reconnected more customers (thus leaving
19 fewer without service). PGW accomplishes neither of those. As Table 12 below shows,
20 while PGW has 18% of the state’s total number of natural gas residential customers, it
21 has between 62% and 71% of the state’s natural gas customers without gas service
22 entering the cold weather heating season.

¹³ The PUC’s annual Cold Weather Surveys can be accessed at http://www.puc.state.pa.us/filing_resources/gas_and_electric_cold_weather_survey_results.aspx (last accessed on March 30, 2020).

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My discussion of the collection activities of PGW relative to all Pennsylvania gas utilities (e.g., disconnections, reconnections) is presented in the next section. My discussion here instead focuses on the outcomes (i.e., whether the household entered the heating season without natural gas service).

Table 12. Total Households Without Service After Completion of the Survey (excludes households using potentially unsafe heating sources, other central heating sources, and vacant)			
Without Service	PGW	Total	PGW % of Total
2015	9,053	13,555	67%
2016	9,340	13,941	67%
2017	8,656	12,125	71%
2018	7,722	12,027	64%
2019	7,222	11,663	62%

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(2) Collections Performance.

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Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

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A. In this section of my testimony, I examine (1) the percentage of residential billings in debt; (2) the percentage of residential customers in debt; (3) the average arrears of accounts in arrears; (4) the percentage of residential customers in debt not on payment arrangement; and (5) the residential termination rate. The data I review is again data that has been published by the Pennsylvania PUC. More specifically, the data I have reviewed was published in the PUC’s “Sixth Report to the General Assembly and Governor

1 Pursuant to Section 1415 [regarding] Implementation of Chapter 14” (January 30, 2020).
2 (Hereinafter “Sixth Chapter 14 Report”)¹⁴
3

4 **Q. PLEASE DESCRIBE THE FIRST DATA YOU EXAMINED.**

5 A. The first metric I consider is the “percentage of billings in debt.” Since the Sixth Chapter
6 14 Report only has data through 2018, I have extended the historic data back to 2014 to
7 maintain five years of data. The data is presented in Table 13 below. The Table shows
8 that in every year, PGW had a percentage of billings in debt substantially exceeding the
9 statewide average (excluding PGW). Indeed, the Table shows the PGW percentage as a
10 percent of the statewide average. From 2014 through 2018, PGW’s percentage of
11 billings in debt ranged from 268% to 346% of the average percentage for the state gas
12 utilities as a whole (excluding PGW).
13

	2014	2015	2016	2017	2018
PGW	13.66%	13.03%	13.39%	11.22%	10.59%
State Average (gas) ¹⁶	4.51%	4.85%	3.87%	3.67%	3.95%
PGW as pct of state gas avg	303%	269%	346%	306%	268%

14
¹⁴ The PUC’s Biennial Chapter 14 Reports, along with the annual data updates, can be accessed at:
http://www.puc.state.pa.us/filing_resources/biennial_report_pursuant_to_section_1415.aspx (last accessed March
30, 2020).

¹⁵ Sixth Chapter 14 Report, at Table 11.

¹⁶ Average excludes PGW.

1 The Table above shows the percentage of billings (dollars) in debt. The Commission,
 2 however, also reported the percentage of residential customers in debt (active accounts—
 3 gas). Again, every year since 2014, PGW’s percentage substantially exceeded the state
 4 average of gas utilities (excluding PGW). Over the five-year period, the percentage of
 5 PGW residential customers in debt was from 169% to 184% of the statewide average of
 6 gas utilities. Not only are more of PGW’s dollars in debt, in other words, but more of
 7 PGW’s accounts are in debt as well.

Table 14. Percentage of Residential Customers in Debt – Active Accounts -- Gas ¹⁷ (Major Natural Gas Distribution Companies) (2014 – 2018)					
	2014	2015	2016	2017	2018
PGW	26.94%	26.00%	25.57%	26.98%	27.06%
State Average (gas) ¹⁸	15.68%	15.42%	14.25%	14.81%	14.71%
PGW as pct of state gas avg	172%	169%	179%	182%	184%

8

9 **Q. HAVE YOU HAD OCCASION TO EXAMINE HOW FAR IN DEBT PGW’S**
 10 **RESIDENTIAL CUSTOMERS ARE?**

11 A. Yes. Table 15 shows the average arrears for residential accounts in arrears. Not only did
 12 PGW have the highest average arrears of customers in arrears, but the gap between PGW
 13 performance and the state average performance was significant. In every year from 2014
 14 through 2018, PGW’s average arrearage for its residential customers was nearly twice as
 15 high as the statewide average for gas utilities in Pennsylvania (excluding PGW).

¹⁷ Sixth Chapter 14 Report, at Table 14.

¹⁸ Average excludes PGW.

	2014	2015	2016	2017	2018
PGW	\$558.85	\$517.60	\$451.77	\$428.09	\$449.36
Next highest utility	\$338.45 (Columbia)	\$357.09 (Columbia)	\$281.25 (Columbia)	\$282.00 (Columbia)	\$338.05 (PNG)
State Average (gas) ²⁰	\$277.90	\$266.66	\$208.23	\$206.60	\$248.48
PGW pct of state gas avg	201%	194%	217%	207%	181%

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I acknowledge that PGW may have proportionately more low-income customer than other natural gas distribution utilities in Pennsylvania. That observation, however, does not explain the poor performance of PGW as set forth in the Table above. The performance set forth in the Table above compares PGW’s low-income customers to the low-income customers of other gas distribution utilities. It is, therefore, an apples-to-apples comparison.

Q. HAVE YOU EXAMINED DATA ON ACTIVITIES THAT THE PGW COMPANIES MIGHT TAKE TO ADDRESS THESE HIGH LEVELS OF RESIDENTIAL ARREARAGES?

A. Yes. Table 16 below shows the percentage of residential customers in debt that are *not* on a payment arrangement. Deferred payment arrangements are generally considered to be one of the primary mechanisms through which utilities can collect past-due bills from delinquent customers. In every year from 2014 to 2018, PGW had a percentage of residential customers in debt that was higher than the statewide average (for non-PGW

¹⁹ Sixth Chapter 14 Report, at Table 41.
²⁰ Average excludes PGW.

1 gas utilities in Pennsylvania). Consistently over the five year period, more than eight-of-
 2 ten PGW residential customers in arrears were *not* on an agreement. The management
 3 problem this reveals exacerbates the issues with PGW having the highest rate of
 4 customers forced to seek PUC assistance to gain an agreement, in combination with the
 5 fact that PGW has the highest percentage of both billing and customers in arrears, along
 6 with the highest level of arrears.

	2014	2015	2016	2017	2018
PGW	82.68%	81.18%	82.89%	80.72%	80.63%
State Average (gas) ²²	75.89%	77.23%	81.00%	75.17%	73.54%

7
 8 **Q. IS THERE ANOTHER COLLECTION ACTIVITY THAT PGW MIGHT**
 9 **PURSUE AS A RESPONSE TO NONPAYMENT?**

10 A. Yes. Utilities can pursue the disconnection of service as one response to the nonpayment
 11 of bills. As a general rule, the disconnection of service is viewed as a response of last
 12 resort to be avoided wherever and whenever possible. The data in Table 17 shows that
 13 PGW was one of the utilities with the greatest reliance on the disconnection of service as
 14 a collection tool. Indeed, Table 17 below shows the Residential Termination Rate (shown
 15 as a percentage) for the years 2014 through 2018. For the five-year study period, the rate
 16 at which PGW disconnected service for nonpayment to its residential was from 150% to
 17 200% of the statewide average for non-PGW gas utilities.

²¹ Sixth Chapter 14 Report, at Table 20.

²² Average excludes PGW.

Table 17. Residential Termination Rate -- Gas ²³ (Major Natural Gas Distribution Companies) (2014 – 2018)					
	2014	2015	2016	2017	2018
PGW	6.34%	6.29%	5.46%	5.78%	5.36%
State Average (gas) ²⁴	3.45%	3.00%	2.62%	2.81%	3.53%
PGW as pct of state gas avg	184%	210%	208%	206%	152%

1

2 **Q. PLEASE SUMMARIZE THE DATA THAT YOU HAVE DISCUSSED ABOVE.**

3 A. The data shows a consistent story with respect to PGW management. Overall, what the
4 data above shows is that:

5 ➤ PGW’s lack of responsiveness to disconnections is evidenced by the fact that,
6 while it has 18% of the state’s natural gas customers, it has from 62% to 71%
7 of the state’s gas customers who remain without heating service at the
8 beginning of the cold weather season over the past five years.

9

10 ➤ The percentage of PGW residential billings in debt has been between 268%
11 and 346% of the state average for natural gas companies in the past five years,
12 while the percentage of PGW residential customers in debt has been between
13 169% and 184% of the state average.

14

15 ➤ Not only are more residential PGW customers in debt, but they are further in
16 debt as well. The average residential arrears for PGW customers has ranged
17 from 181% to 217% of the statewide average residential arrears.

18

19 ➤ Despite these high levels of residential arrears, the percentage of PGW
20 residential customers who are in arrears not on arrangement has been higher
21 than the statewide natural gas average in every year for at least the past five
22 years.

23

24 ➤ The high levels of percentage of customers and billings in arrears, combined
25 with the high dollar amount of the arrears, combined with the high percentage
26 of arrears not on arrangement, leads PGW to have a disconnection rate

²³ Sixth Chapter 14 Report, at Table 72.

²⁴ Average excludes PGW.

1 substantially higher than the statewide average for gas utilities. PGW’s
2 disconnection rate has been between 152% and 210% of the disconnection
3 rate for natural gas utilities on average in Pennsylvania.
4

5 This data, certainly in combination, should be taken into account in PGW ratemaking
6 pursuant to the PUC’s PGW ratemaking Policy Statement.
7

8 **B. Service Quality (Section 2703(a)(7)).**

9 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
10 **TESTIMONY.**

11 A. The Commission’s Policy Statement quoted above states in relevant part that “In
12 determining just and reasonable rate levels for PGW, the Commission will consider,
13 among other relevant factors:. . .(7) Service quality. . .” This section of my testimony
14 addresses that factor as identified by the PUC.
15

16 **Q. HAVE YOU HAD OCCASION TO REVIEW ANY DATA PUBLISHED BY THE**
17 **PENNSYLVANIA PUC REGARDING CUSTOMER SERVICE AND CUSTOMER**
18 **SATISFACTION?**

19 A. Yes. I have reviewed the PUC’s “2018 Customer Service Performance Report” for
20 Pennsylvania electric and natural gas distribution companies.²⁵ My initial discussion will
21 review the results of that PUC published data. I examine call abandonment rates;²⁶ the

²⁵ Pennsylvania PUC, Bureau of Consumer Services, Customer Service Performance Report: Pennsylvania Electric & Natural Gas Distribution Companies (annual) (hereinafter Customer Service Performance Report). This annual PUC report can be accessed at:
http://www.puc.state.pa.us/filing_resources/customer_service_performance_reports.aspx (last accessed on March 30, 2020).

²⁶ BCS states: “The call abandonment rate is the number of calls to a company’s call center that were abandoned, divided by the total number of calls that the company received at its call center or business office. For example, an

1 ease of reaching the Company; the ease of using the Company’s automated telephone
2 system; the satisfaction of how the company handled a contact; the extent to which
3 customers rated company staff “very courteous” in their most recent contact; the extent to
4 which customers rated company staff “very knowledgeable” in their most recent contact;
5 and the extent to which customers reported being “very satisfied” with the overall quality
6 of service at the time of their most recent contact. I note the percentage figure reported
7 by BCS for each metric along with where PGW ranks amongst Pennsylvania’s seven
8 natural gas utilities. The data is set forth in the Table immediately below.

EDC with a 10 percent call abandonment rate means that 10 percent of the calls received were terminated by the customer prior to speaking to an EDC representative. As the time that customers spend “on hold” increases, they have a greater tendency to hang up, raising the call abandonment rates.” 2018 Customer Service Performance Report, at 7.

	2014	2015	2016	2017	2018
Call abandonment	13%	9%	20%	5%	5%
PGW ranking	Lowest	Lowest	Lowest	Lowest	3 rd lowest
Ease of reaching ²⁷	48%	61%	57%	67%	68%
PGW ranking	Lowest	Lowest	Lowest	Lowest	Lowest
Use of automated phone system ²⁸	52%	51%	60%	60%	59%
PGW ranking	Lowest	Lowest	5 th lowest	3 rd lowest	Lowest
Handling of contact ²⁹	66%	74%	78%	79%	79%
PGW ranking	Lowest	Lowest	Lowest	Lowest	Lowest
Call center courtesy ³⁰	70%	81%	81%	81%	81%
PGW ranking	Lowest	Lowest	Lowest	Lowest	Lowest
Call center knowledge ³¹	71%	78%	79%	79%	79%
PGW ranking	Lowest	Lowest	Lowest	Lowest	Lowest
Overall satisfaction ³²	60%	72%	70%	70%	76%
PGW ranking	Lowest	Lowest	Lowest	Lowest	Lowest

1

2

I examine this BCS data in my review of “customer service performance” because the data presents objective information on a utility’s customer service. It is data that is collected for the express purpose of allowing the PUC to assess the customer service performance of Pennsylvania’s various regulated utilities.

6

7 **Q. PLEASE DISCUSS THE CALL ABANDONMENT RATE.**

8

A. According to the Bureau of Consumer Services, the “call abandonment rate . . . indicates how many customers drop out of the queue of customers waiting to talk to a company

9

²⁷ Percent “very satisfied.”

²⁸ Percent “very satisfied.”

²⁹ Percent “very satisfied.”

³⁰ Percent “very courteous.”

³¹ Percent “very knowledgeable.”

³² Percent “very satisfied.”

1 representative. A high call abandonment rate is most likely an indication that the length
2 of the wait to speak to a company representative is too long.”³³ As can be seen in the
3 Table immediately above, in four of the five most recent years (2014 – 2018), PGW was
4 ranked lowest amongst Pennsylvania’s seven gas utilities in its Call Abandonment Rate.
5 Being ranked the lowest means that PGW had the highest Call Abandonment Rate
6 amongst the seven gas utilities (i.e., it had the worse customer service performance).

7
8 **Q. HOW DOES THIS PERFORMANCE TRANSLATE INTO CUSTOMER**
9 **SATISFACTION WITH RESPECT TO BEING ABLE TO CONTACT PGW?**

10 A. The BCS Customer Service Performance Report presents data on customer “satisfaction
11 with ease of reaching NGDC.” The Table immediately above indicates the percentage of
12 PGW customers who reported being “very satisfied” with the ease of reaching PGW. In
13 each year for the five most recent years (2014 through 2018), PGW had the worst
14 customer service performance amongst Pennsylvania’s seven gas utilities. While in 2014
15 more than half of PGW’s customers reported being less than “very satisfied” with the
16 ease of reaching PGW, in 2018, nearly one-third (32%) reported being less than “very
17 satisfied” with the ease with which they could contact PGW.

18
19 Part of this lack of satisfaction lies with PGW’s automated phone system. In three of the
20 five years (2014 through 2018), PGW ranked last in the percentage of customers who
21 indicated they were “very satisfied” with their ability to use PGW’s automated telephone

³³ BCS 2018 Customer Service Performance Report, at 4. See, note 25, supra, for access to annual reports (2018 Report last accessed May 26, 2020).

1 system. In every year, however, from half to two-fifths (40%) of PGW's customers
2 reported being less than "very satisfied" with their ability to use the automated system.

3
4 **Q. HAVE YOU REVIEWED DATA ABOUT THE PERFORMANCE OF CALL**
5 **CENTER REPRESENTATIVES?**

6 A. Yes. I reviewed the BCS Report's data on three aspects of customers' assessments of
7 their most recent contact. According to BCS, "consumers who indicated that they had
8 spoken with a company representative were asked specifically how satisfied they were
9 with that interaction. A consumer's overall rating of satisfaction with the company
10 representative's handling of the contact may be influenced by several factors, including
11 courtesy and knowledge of the representatives."³⁴

12
13 In every year for the past five years (2014 through 2018), PGW ranked lowest amongst
14 Pennsylvania's seven natural gas utilities in the extent to which its customers reported
15 being "very satisfied" with the handling of the contacts which customers made with the
16 utility. Such contacts left more than one-in-five customers being less than "very
17 satisfied" with the contact.

18
19 Based on the BCS observation that such lack of satisfaction might be associated with the
20 "courtesy" and / or "knowledge" of the company representative, the Table above further
21 presents PGW's rankings on those two aspects of customer service. In all five years,
22 PGW ranked lowest amongst Pennsylvania's seven gas utilities in the extent to which its
23 customers making contact with the company viewed company representatives as being

³⁴2018 Customer Service Performance Report, at 24.

1 “very courteous.” In addition, in all five years, PGW also ranked lowest amongst
2 Pennsylvania’s seven gas utilities in the extent to which its customers making contact
3 with the company viewed company representatives as being “very knowledgeable.”
4

5 **Q. DOES THE BCS REPORT PROVIDE DATA ON OVERALL CUSTOMER**
6 **SATISFACTION?**

7 A. Yes. The data is presented in the Table above. In four of the five years (2014 through
8 2018), PGW ranked lowest amongst Pennsylvania’s seven gas utilities regarding “overall
9 satisfaction.” Out of the seven gas utilities, PGW had the lowest percentage of customers
10 who responded as being “very satisfied” with their most recent contact with PGW. In
11 2014 through 2017, when PGW was ranked lowest of the seven gas utilities, the
12 percentage of PGW customers reporting they were “very satisfied” ranged from 60% to
13 72% (i.e., from two-in-five to more than one-in-four were less than “very satisfied” with
14 their contact), while in 2018, that percentage inched up to 76%. As BCS notes, the
15 percentage of customers reporting that they were either “very satisfied” or “somewhat
16 satisfied” was the same for PGW customers making credit and collection contacts and
17 PGW customers making all types of contacts. The lack of satisfaction, in other words, as
18 BCS notes is not related to the presence of credit and collection contacts.³⁵
19

20 **Q. WHAT DO YOU CONCLUDE?**

21 A. Section 2703(a)(7) of the PUC’s Policy Statement on PGW ratemaking indicates that
22 “service quality” is one of the factors that the PUC should take into consideration in
23 “determining just and reasonable rate levels for PGW. . .” Using data from the PUC’s

³⁵ 2018 Customer Service Performance Report, at 28.

1 own “customer service performance” reports, published annually by the PUC’s BCS, the
2 discussion above finds that PGW provides the lowest quality of “customer service
3 performance” on one aspect of customer service after another. Pursuant to the PUC’s
4 Policy Statement, this low-ranked customer service performance should be considered in
5 determining PGW’s rate levels in this proceeding.
6

7 **C. Effect on Universal Service (2703(a)(8)).**

8 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
9 **TESTIMONY.**

10 A. The Commission’s Policy Statement quoted above states in relevant part that “In
11 determining just and reasonable rate levels for PGW, the Commission will consider,
12 among other relevant factors: . . . Effect on universal service.” In this section of my
13 testimony, I examine the extent to which PGW has succeeded in making its Customer
14 Assistance Program (“CAP”) – PGW refers to its CAP program as its Customer
15 Responsibility Program, or CRP-- available to eligible customers. Through CRP, PGW
16 has the capacity to address the inability-to-pay problems of its low-income customers. In
17 doing so, not only can the Company help its low-income customers retain service, but
18 quality, efficient and effective performance will help improve the Company’s collection
19 of revenue, reduce out-of-pocket expenses such as working capital (through a reduced
20 level of days of arrears and dollars of arrears) and bad debt, and reduce the need for
21 collection activities. The ability of CRP to help the Company succeed in achieving these
22 outcomes, however, depends on the performance of the Company in enrolling eligible
23 customers.

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Q. PLEASE DESCRIBE THE FIRST ELEMENT OF “UNIVERSAL SERVICE” THAT YOU ADDRESS.

A. One element of providing adequate universal service is for PGW to identify the “low-income” customers on its system. Without adequately identifying its low-income customers, PGW cannot enroll those customers in the universal service programs that it is obligated to deliver.

Q. HOW WELL DOES PGW PERFORM IN IDENTIFYING ITS LOW-INCOME CUSTOMERS?

A. According to PGW, it has 473,598 residential customers. (OCA-III-37, Attachment A).³⁶ Of that total number of customers, PGW has identified 125,911 as being “low-income.” (OCA-III-37, Attachment B).³⁷ If PGW identified its low-income customers at the same rate as they exist throughout its service territory, it would identify 163,165 customers. PGW, in other words, has under-identified the number of low-income customers living in its service territory by roughly 25%. Out of PGW’s more than 163,000 low-income customers, in other words, more than 37,000 cannot receive the low-income protections to which they are entitled under PUC regulations because PGW has not identified their status as a “low-income” customer.

³⁶ OCA requested that PGW provide the number of its residential customers, the number of its confirmed low-income customers, and the number of its CRP participants, by zip code. This discussion is based on the sum of that zip code data.

³⁷ See, note 36, supra.

1 **Q. HAVING IDENTIFIED ITS LOW-INCOME CUSTOMERS, HOW WELL DOES**
 2 **PGW PERFORM IN ENROLLING THOSE CUSTOMERS INTO ITS**
 3 **CUSTOMER RESPONSIBILITY PROGRAM?**

4 A. PGW does not perform well in enrolling its low-income customers into CRP. PGW
 5 reports that it enrolled 54,038 low-income customers in CRP.³⁸ Roughly 11% of its total
 6 residential customer base, in other words (54,038 / 473,587 = 0.1141) has been enrolled
 7 in CRP. If PGW enrolled CRP customers at the same proportion at which its population
 8 with income less than 150% of Poverty is of the total population, it would enroll 36% of
 9 its customers into CRP (168,578). PGW, in other words, is “missing” more than two out
 10 of three of its low-income customers in its CRP. If PGW enrolled even 40% of its low-
 11 income customers in CRP, as was anticipated by the PUC, it would be enrolling 65,300
 12 CRP participants. In years past, PGW reached such enrollment figures. The Table
 13 immediately below shows PGW’s CRP enrollment from 2007 through 2018. It was only
 14 in 2015 that CRP enrollment dipped below 60,000. PGW’s CRP enrollment has
 15 continued to decline since that time.

2007	2008	2009	2010	2011	2012
76,235	78,490	81,905	82,544	80,298	75,224
2013	2014	2015	2016	2017	2018
68,458	61,319	58,282	49,231	49,310	51,371

16
 17 **Q. ISN’T IT POSSIBLE THAT CRP ENROLLMENT HAS DECLINED BECAUSE**
 18 **OF A DECLINE IN THE NEED FOR CRP PARTICIPATION?**

³⁸ See, note 36, supra.

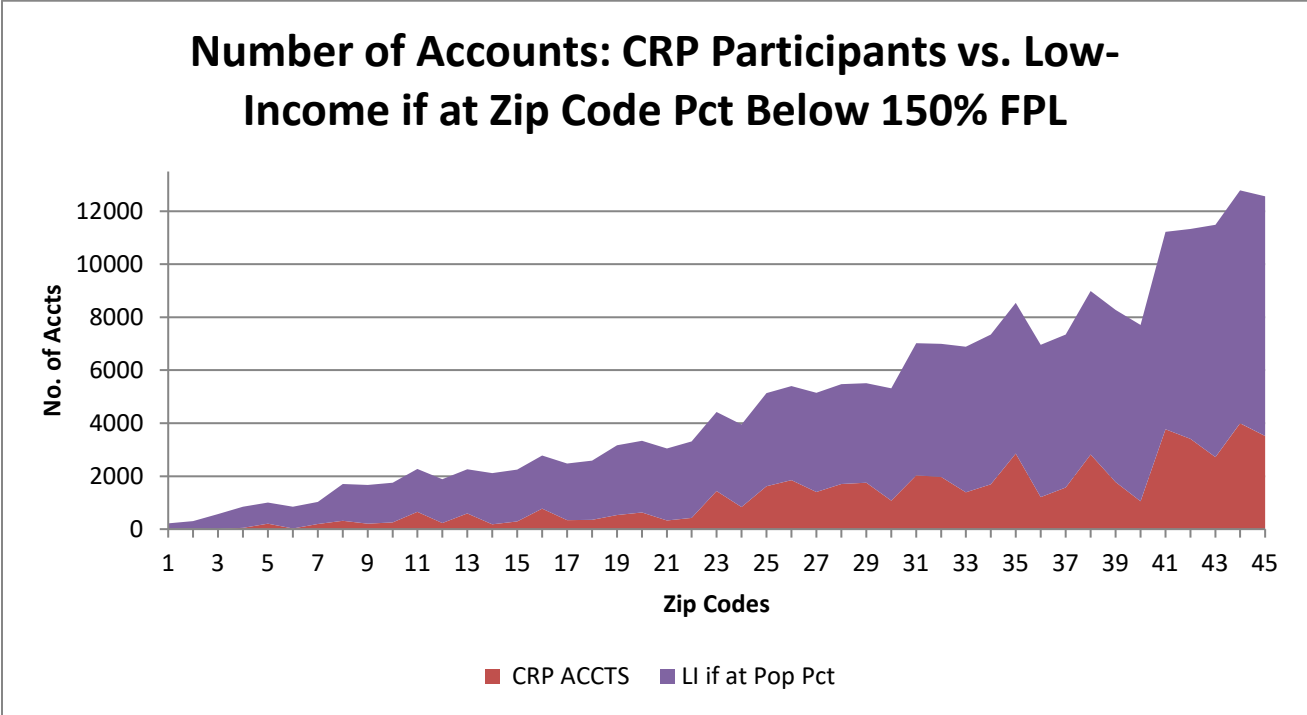
1 A. No. A simple examination of the identified (i.e., “confirmed”) low-income customers in
2 arrears shows the fallacy of that proposition. In 2018, 13.3% of PGW’s low-income
3 accounts were in arrears. Low-income customers carried an average arrears of \$566,
4 while low-income customers not on an agreement carried an average arrears of \$731.
5 Nearly 12% (11.8%) of PGW’s low-income accounts were disconnected for nonpayment,
6 while 21.1% of low-income revenue was written off as uncollectible. Moreover, as
7 discussed above, between roughly 7,200 and 9,100 PGW customers *each year* are
8 entering the winter heating season without natural gas heating service after having their
9 service disconnected for nonpayment. It would be difficult to argue that CRP
10 participation has reached some maximum because CRP has completely filled the need
11 that exists on the PGW system.³⁹
12

13 **Q. IS THERE ANY OTHER INDICATION THAT PGW IS FAILING TO**
14 **ADEQUATELY ADDRESS THE LOW-INCOME NEEDS THAT EXIST IN ITS**
15 **SERVICE TERRITORY?**

16 A. Yes. To observe that 11% of PGW’s customer base has been enrolled in CRP even
17 though 36% of its customer base is eligible for the program misses a substantial part of
18 PGW’s failure to enroll low-income customers. Using the zip codes that PGW provided
19 as a definition of its service territory, it is possible to see that the PGW service territory
20 unquestionably has pockets of poverty. PGW’s enrollment of CRP participants is
21 inadequately serving those areas with deep pockets of poverty. The Chart below shows,
22 for each zip code, the number of CRP accounts (OCA-III-37, Attachment C) as compared

³⁹ Some customers will choose not to participate in CRP (CAP) because their actual PGW bill would be lower than their CRP bill.

1 to the number of low-income accounts that would exist in that zip code if that number
 2 reflected the percentage of Poverty in that zip code. The Chart orders zip codes from
 3 those with the lowest number of income-eligible customers to those with the highest
 4 number of income-eligible customers. For each zip code, the Chart then identifies the
 5 number of actual CRP participants in that zip code (red area). As can be seen, as the
 6 number of low-income accounts gets larger and larger in a given zip code, the gap
 7 between that number of low-income customers and the number of CRP participants
 8 grows larger and larger. As the blue shading indicates in the Chart below, as the number
 9 of low-income customers becomes larger and larger in a zip code, the number of CRP
 10 participants does not keep up. The gap between the number who are eligible for CRP and
 11 the number who are actually enrolled in CRP gets larger and larger as well.
 12 Neighborhoods in Philadelphia with deep pockets of Poverty do not have
 13 correspondingly high levels of CRP enrollment.



1 **Q. IS IT POSSIBLE FOR PGW TO TARGET OUTREACH AND ENROLLMENT**
2 **BASED ON THIS DATA?**

3 A. Yes. It would be possible for PGW to target CRP outreach and enrollment by the
4 percentage of population who live in Poverty within a zip code. PGW engages in no
5 targeted outreach of any sort.

6
7 **Q. OTHER THAN TOTAL CRP ENROLLMENT, ARE THERE SPECIFIC**
8 **ASPECTS OF CRP ENROLLMENT LEADING YOU TO CONCLUDE THAT**
9 **PGW'S PROPOSED RATES IN THIS PROCEEDING WILL ADVERSELY**
10 **AFFECT UNIVERSAL SERVICE?**

11 A. Yes. As shown in Table 10 (page 23) above, 25.6% of PGW's CRP population
12 represents customers who have annual income at or below 50% of the Federal Poverty
13 Level (citing OCA-III-1, Attachment A). PGW's CRP participant population has 13,667
14 customers who have income at or below 50% of Poverty. (Id.) This is a significant
15 under-enrollment of this lowest income population. If PGW's CRP population reflected
16 the percentage of population as a whole with income less than 50% of Poverty, CRP
17 would have 32.8% of its CRP participants with income in that Poverty range. Viewed
18 from another perspective, given the distribution of Poverty in Philadelphia, while PGW
19 enrolls 25.7% of its population with income below 50% of Poverty in CRP, it enrolls
20 nearly twice as many (47.0%) of its population between 50% and 100% of Poverty in
21 CRP.

22

1 PGW's under-enrollment of customers at the lowest income range creates substantial
2 harms to universal service. Through this rate proceeding, PGW proposes to increase
3 rates on these customers with the least ability to pay and implement a substantially higher
4 percentage rate increase on those with the least ability to pay. PGW also proposes to
5 implement a substantially greater rate increase, that cannot be controlled or mitigated
6 through a reduction of usage, on those with the least ability to pay. The adverse impacts
7 on this lowest income population, and the failure of PGW to enroll these lowest income
8 customers in CRP, should be part of that consideration.

9
10 **Q WHY IS THE FAILURE OF PGW ON UNIVERSAL SERVICE OF**
11 **PARTICULAR IMPORTANCE TO THIS RATE PROCEEDING?**

12 A. The failure of PGW to develop and implement processes not only to effectively identify
13 PGW's low-income population, but also to enroll those low-income customers in PGW's
14 universal service programs adversely affects both PGW's low-income population and its
15 non-low-income population. Enrolling low-income customers, in particular payment-
16 troubled low-income customers, in PGW's universal service programs is a buffer to the
17 adverse impacts these customers experience.

18
19 As I describe in Part 2 of my testimony above, PGW has proposed a substantial transfer
20 of rate responsibility from volumetric costs to fixed monthly customer charges that
21 cannot be reduced by reducing usage. This proposed expansion of fixed charges,
22 standing alone apart from any other part of PGW's rate hike request, adversely affects all
23 low-income customers, pulling an amount of money out of PGW's low-income

1 population that nearly exceeds the entire amount of federal fuel assistance (LIHEAP)
2 delivered to PGW customers each year. In addition, this proposed increase in PGW's
3 fixed monthly customer charge has a particularly substantial adverse impact on low-
4 income customers given their disproportionate status as low-use customers. The result of
5 the proposed increase in the fixed monthly customer charge is to place a disproportionate
6 percentage increase in rates on those customers who can least afford to pay that rate
7 increase. Moreover, under PGW's approach, low-income customers who cannot afford
8 to pay their bills are not enrolled in the bill assistance programs. However, in addition,
9 by increasing unavoidable fixed costs, those low-income customers who cannot afford to
10 pay their bills are frustrated in their efforts seeking to lower their bills simply by using
11 less natural gas.

12
13 **Q. PLEASE DESCRIBE THE COLLECTIONS FROM LOW-INCOME PGW'S**
14 **CUSTOMERS RELATIVE TO COLLECTIONS FROM PGW'S RESIDENTIAL**
15 **CUSTOMERS AS A WHOLE.**

16 A. The Pennsylvania PUC's Bureau of Consumer Services ("BCS"), in addition to reporting
17 on customer service metrics as discussed above, also reports annually on universal
18 service programs and on credit and collections performance. The data reported by BCS
19 for PGW tells a story. It is however, as I established above, precisely these customers
20 who PGW proposes should bear a disproportionately high portion of PGW's proposed
21 rate increase.

		2017 ⁴⁰		2018 ⁴¹	
		Residential	Low-Income	Residential	Low-Income
1.	% accounts in arrears	18.2%	13.3%	17.9%	13.3%
2.	% revenue in debt	8.3%	8.6%	7.7%	8.1%
3.	Average arrears	\$473.78	\$560.59	\$492.83	\$566.02
4.	Avg arrears not on agreement	\$431.65	\$632.24	\$464.43	\$731.07
5.	Termination rate	5.8%	13.6%	5.4%	11.8%
6.	Write-off percent	9.7%	24.3%	6.4%	21.1%

1

2

D. Summary and Recommendation.

3

Q. WHAT DO YOU RECOMMEND?

4

A. I recommend that in considering PGW’s request for increased rates, the Commission explicitly take into consideration the three factors from the PUC Policy Statement regarding PGW ratemaking (69 Section 2703(a)(6), (7) and (8)) that I have identified above. Those three factors include: (1) PGW’s management quality, efficiency, and effectiveness; (2) service quality and reliability; and (3) effect on universal service.

9

10

Moreover, based on the data and discussion above regarding those three ratemaking considerations, I recommend as follows:

11

12

- That the recommendations of OCA witness Garrett regarding management bonuses and incentives be adopted;

13

⁴⁰ Data obtained from 2017 BCS annual report, at pages 21, 36-37, 28-29, 12-13, 15-16, 41 and 26-27 respectively. Available at: http://www.puc.state.pa.us/General/publications_reports/pdf/EDC_NGDC_UniServ_Rpt2017.pdf (last accessed May 15, 2020).

⁴¹ Data obtained from 2018 BCS annual report at pages 24, 36-37, 30, 14-15, 18-19, 40, and 28-29 respectively. Available at: http://www.puc.state.pa.us/General/publications_reports/pdf/EDC_NGDC_UniServ_Rpt2018.pdf (last accessed May 15, 2020).

- 1 ➤ That the recommendations of OCA witness Garrett regarding capital expenditures
2 be adopted; and
- 3 ➤ That the recommendations of OCA witness Dr. Habr regarding reasonable interest
4 coverage ratios be adopted.

5

6 **Q. WHAT DO YOU FURTHER RECOMMEND?**

7 A. I recommend that PGW be directed to make an affirmative, and separately provided,
8 solicitation for a Confirmed Low-Income Customer to enroll in CRP prior to the
9 disconnection of service. Moreover, PGW should be directed to make an affirmative, and
10 separately provided, solicitation for a Confirmed Low-Income Customer who has had
11 service disconnected and not reconnected prior to the Cold Weather heating season, to
12 enroll in CRP. PGW should track who receives such solicitations and the results of such
13 solicitations.

14

15 **Q. WHAT DO YOU FINALLY RECOMMEND?**

16 A. I recommend that as an element of any decision in this proceeding, PGW be directed to
17 develop an enhanced Consumer Education and Outreach Plan with input from
18 stakeholders. This Plan should reflect focused consumer education and outreach efforts
19 for CRP, tailored to the demographics of PGW’s individual service territory. In
20 particular, the plan should identify efforts to educate and enroll eligible and interested
21 customers at or below 50% of the FPIG.

22

1 **Part 4. Residential Collectability and CRP Cost Recovery.**

2 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
3 **TESTIMONY.**

4 A. In this section of my testimony, I describe why it is necessary to make an adjustment to
5 PGW's universal service rider to prevent the double recovery of arrears that are forgiven
6 through the CRP.

7
8 **Q. PLEASE DESCRIBE THE COST RECOVERY OF ARREARAGE**
9 **FORGIVENESS THAT IS GRANTED THROUGH PGW'S CRP.**

10 A. PGW is currently allowed to recover its forgiven arrears through its Universal Service
11 and Energy Conservation Surcharge. (Supplement No. 125 to Gas Service Tariff - Pa
12 P.U.C. No. 2, Eightieth Revised Page No. 81, Canceling Seventy Ninth Revised Page No.
13 81). PGW's surcharge provides in relevant part that:

14 The Surcharge will recover: . . . 5) for Customers entering the CRP program
15 on or after September 1, 2003, past due arrearages forgiven pursuant to
16 paragraph A (6) of the CRP/CAP Program Design Stipulation approved by
17 the Commission by its order at M-00021612 (entered March 31, 2003).

18
19 (Id.) The PGW tariff further provides: "The basic component of the surcharge will be
20 determined by dividing the total universal service and energy conservation program costs
21 approved for annual recovery by the estimated applicable throughput in Mcfs." (Id.)

22
23 **Q. PLEASE STATE YOUR RECOMMENDED CHANGE TO THE PGW**
24 **UNIVERSAL SERVICE AND ENERGY CONSERVATION SURCHARGE.**

1 A. I recommend that the PGW tariff be modified to state as follows: “The Surcharge will
2 recover: . . . 5) for Customers entering the CRP program on or after September 1, 2003,
3 78.9% of past due arrears forgiven pursuant to paragraph A (6) of the CRP/CAP Program
4 Design Stipulation approved by the Commission by its order at M-00021612 (entered
5 March 31, 2003).” (Emphasis added).

6

7 **Q. PLEASE STATE THE BASIS FOR THIS RECOMMENDATION.**

8 A. When PGW includes 100% of its forgiven arrears in rates through its Universal Service
9 and Energy Conservation Surcharge, it includes those dollars as though 100% of those
10 arrears would have been collected in the absence of the arrearage forgiveness program.
11 Based on the extensive discussion throughout my testimony, however, we know that not
12 to be accurate. Confirmed low-income customers, who will enter CRP and thus have
13 arrearages subject to forgiveness, will have substantially more dollars that would not be
14 collected irrespective of the existence of the CRP. Table 21 demonstrates that
15 Confirmed Low-Income customers have had a gross write-off ratio of 21.1%.

16

	2016	2017	2018
Confirmed Low-Income	21.0%	24.3%	21.1%

17

18 **Q. WHAT DOES THIS GROSS WRITE-OFF RATIO TELL YOU ABOUT CRP**
19 **ARREARAGE FORGIVENESS?**

⁴² Annual reports are available at the PUC website. See, notes 40 - 41, supra (last accessed May 27, 2020).

1 A. The gross write-off ratio tells us that, even in the absence of CRP, PGW would expect to
2 fail to collect 21.1% of the dollars billed to its Confirmed Low-Income customer base.
3 These gross write-offs do not include CRP customers. BCS expressly notes in its annual
4 report on universal service programs and collections performance that “the gross write-
5 offs figures do not include CAP credits or arrearage forgiveness.” These Confirmed
6 Low-Income write-offs, therefore, are already included in PGW rates. To also include
7 100% of the arrearage forgiveness in the universal service surcharge would be to include
8 those dollars twice: (1) first, in base rates as a component of PGW’s uncollectibles, and
9 (2) second, in the universal service surcharge as a component of PGW’s arrearage
10 forgiveness.

11

12 **Q. DOES IT MATTER HOW PGW LABELS THESE UNCOLLECTED DOLLARS?**

13 A. No. PGW budgets for the amount of “billed gas revenue” (“BGR”) that it does not
14 expect to collect. It bases this budget on what it refers to as its “collection rate”
15 (sometimes referred to as its “collection factor”). In its proposed operating budget for
16 Fiscal Year 2020, for example, PGW indicated that it expected to collect 96% of its BGR.
17 (2020 Proposed Operating Budget, at SD-5) (Philadelphia Gas Works, Fiscal Year
18 Operating Budget, FY16-FY2020 Collection Rate and Bad Debt). To the extent that the
19 BGR is not collected, PGW must increase its base rates in order to generate the cash it
20 needs. The point is that to the extent that PGW does not expect to collect 100% of its
21 BGR, it separately, and explicitly, includes those dollars elsewhere in rates. That occurs
22 whether PGW refers to them as “bad debt,” or “write-offs” or the “collection factor.”

23

1 **Q. WHAT DOES PGW PROPOSE WITH RESPECT TO THE ARREARAGES**
2 **THAT ARE SUBJECT TO FORGIVENESS THROUGH CRP?**

3 A. Despite having already recognized that it will not collect 100% of its BGR, and already
4 replaced elsewhere in rates those dollars that will not be collected, PGW proposes to also
5 collect its arrearage forgiveness through its Universal Service and Energy Conservation
6 Surcharge as though it would be collecting 100% of those dollars in the absence of the
7 forgiveness. In doing this, PGW is including those arrearages as though they were not
8 *already* included, in part, in the calculation of its collectability factor.

9

10 **Q. WHAT DO YOU RECOMMEND?**

11 A. Since a portion of the arrearages subject to forgiveness have already been included in
12 rates, as a contributor to the collectability factor that PGW already recognizes, I propose
13 that the portion of those arrearages subject to forgiveness be removed from inclusion in
14 the Universal Service and Energy Conservation Surcharge. The “collectability factor”
15 used by PGW is a composite of low-income and non-low-income nonpayment. The low-
16 income nonpayment is a subset of the total residential nonpayment.

17

18 The arrearages subject to forgiveness, however, represent only low-income nonpayment.
19 Accordingly, my recommendation is to exclude from low-income arrearage forgiveness
20 cost recovery through the Universal Service and Energy Conservation Surcharge at the
21 rate of that low-income nonpayment. According to BCS, the most recent Confirmed
22 Low-Income rate that has been determined is 21.1%.

23

1 **Q. DOES PGW HAVE A DIFFERENT NUMBER THAT IT CAN SUPPORT IN LIEU**
2 **OF THAT 21.1% FIGURE?**

3 A. No. When OCA asked PGW to provide the gross write-off ratio for Confirmed Low-
4 Income customers, as well as for CRP participants, for the most recent three years, PGW
5 responded that it does not have that data. (OCA-3-51(b) – 51(c)).
6

7 **Q. DOES YOUR PROPOSAL MEAN THAT PGW WILL NOT FULLY RECOVER**
8 **THE COSTS OF ITS ARREARAGE FORGIVENESS PROGRAM?**

9 A. No. Under my recommendation, PGW continues to fully recover the cost of its CRP,
10 including those dollars of arrearage forgiveness provided through CRP. It is, however,
11 barred from double-recovering its arrearage forgiveness, once through the extent to which
12 nonpayment of those arrears contributes to its collection factor and again through the
13 Universal Service and Energy Conservation Surcharge. Nonetheless, PGW fully recovers
14 its dollars of arrearage forgiveness.
15

16 **Part 5. Customer Service, Universal Service, and Limited English Proficiency Households.**

17 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
18 **TESTIMONY.**

19 A. In this section of my testimony, I assess PGW’s customer service provided to its Limited
20 English Proficiency (“LEP”) customers. As I discuss in detail above, “customer service”
21 and “universal service” are both explicitly recognized by the PUC as factors to be
22 considered in ratemaking for PGW. Section 69.2703 of the PUC’s Policy Statement,
23 provides in relevant part: “Ratemaking procedures and considerations. In determining

1 just and reasonable rate levels for PGW, the Commission will consider, among other
2 relevant factors: . . . (7) service quality and reliability; [and] (8) effect on universal
3 service.” The extent to which PGW adequately addresses the language access needs of its
4 LEP customers affects both of these ratemaking factors.

5
6 **Q. IS THERE ANY REQUIREMENT FOR PGW TO ADDRESS LANGUAGE**
7 **ACCESS ISSUES?**

8 A. Yes. At an election held on May 21, 2019, and verified on June 10, 2019, Philadelphia
9 voters approved an amendment to the City’s Home Rule Charter. That amendment states
10 that “every office, department, board and commission” shall prepare and implement a
11 Language Access Plan. That Plan “shall”: “promote access to City services, compliance
12 with City law and ease of contact with . . . government in the City for people with limited
13 English proficiency . . .” The Plan shall be “in accordance with any generally applicable
14 language access policy established by the Mayor.” The Charter amendment finally
15 provides that every office, department, board and commission “shall . . . provide an
16 annual report regarding the status of implementation of such plan to the Office of
17 Immigrant Affairs.” The Office of Immigrant Affairs (“OIA”) is also a City agency.⁴³

18
19 **Q. DOES OIA PLACE THE MUNICIPAL LANGUAGE ACCESS PLANS THAT IT**
20 **HAS RECEIVED ON ITS WEBSITE?**

⁴³ Philadelphia Home Rule Charter, Article 8, Chapter 6, available at [http://library.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/philadelphiahomerulecharter/articleviiiiprovisionsofgeneralapplicatio/chapter6provisionsapplicablethroughoutci?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:philadelphia_pa\\$anc=JD_HRC-8-600](http://library.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/philadelphiahomerulecharter/articleviiiiprovisionsofgeneralapplicatio/chapter6provisionsapplicablethroughoutci?f=templates$fn=default.htm$3.0$vid=amlegal:philadelphia_pa$anc=JD_HRC-8-600) (last accessed May 28, 2020).

1 A. Yes. The OIA posts the language access plans it has received on its website.⁴⁴ For
2 example, the language access plan of PGW’s sister municipal utility, the Philadelphia
3 Water Department (“PWD”), can be found on the OIA website.⁴⁵ The PWD language
4 access plan was last updated in 2017.

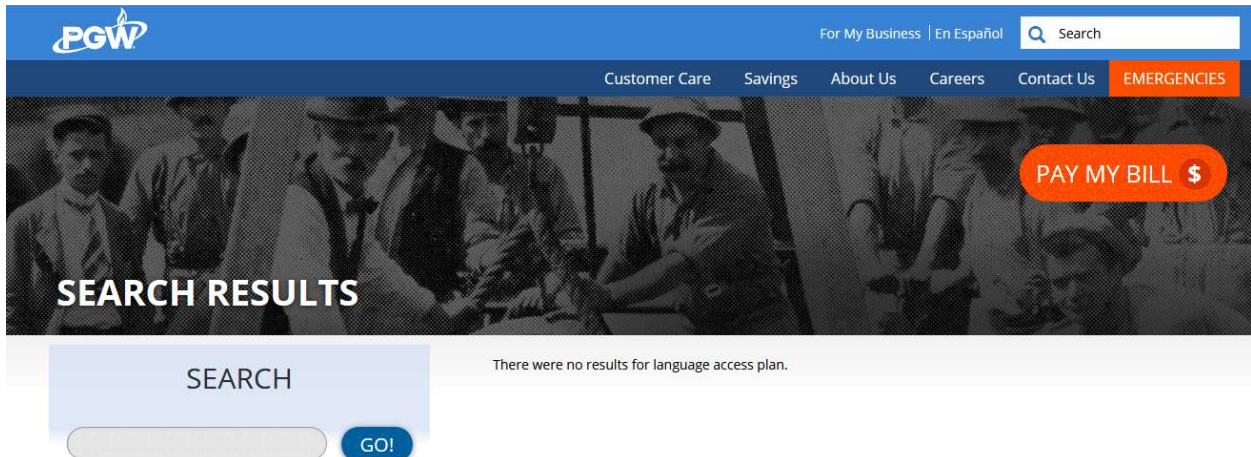
5
6 **Q. IS A PGW LANGUAGE ACCESS PLAN AVAILABLE ON THE OIA WEBSITE?**

7 A. No.

8

9 **Q. IS A PGW LANGUAGE ACCESS PLAN AVAILABLE ON THE PGW**
10 **WEBSITE?**

11 A. No.



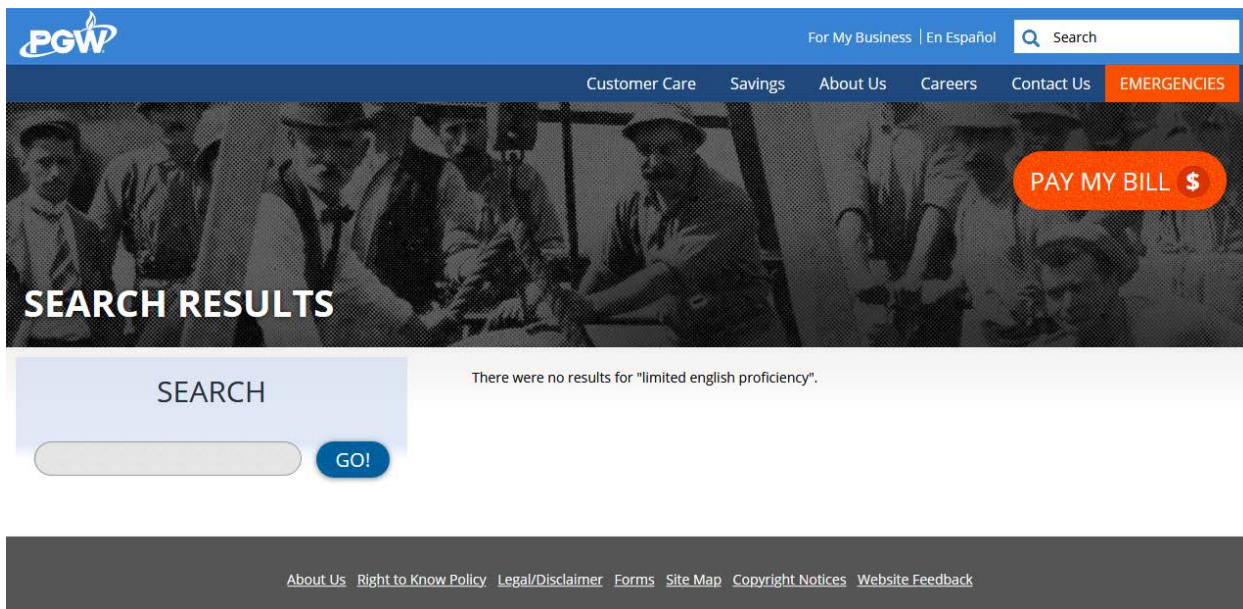
12

13 Nor does a search of the PGW website reveal any instructions or materials to help guide

14 Limited English Proficient customers in accessing PGW services.

⁴⁴ <https://www.phila.gov/documents/language-access-plans/> (last accessed May 28, 2020).

⁴⁵ <https://www.phila.gov/media/20170602143450/Philadelphia-Water-Department-LAP-2017-FINAL.pdf> (last accessed May 28, 2020).



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Q. HAS THE PHILADELPHIA MAYOR’S OFFICE PROVIDED GUIDANCE ON LANGUAGE ACCESS TO LIMITED ENGLISH RESIDENTS OF THE CITY OF PHILADELPHIA?

A. Yes. The Mayor’s Office has stated that “it is the City’s policy to grant access to services to every person even when the person has limited ability to speak, understand, read or write English.”⁴⁶ The Mayor’s Plan states that it is the City, rather than the LEP client, that bears the following responsibilities:

- 1) Provide language appropriate services.
- 2) Identify and record language needs at the initial point of contact.
- 3) Discourage use of informal interpreters such as family, friends of the person seeking services, or other customers. Prohibit minor children from acting as interpreters.

⁴⁶ Mayor’s Language Access Plan (October 2019), at 2, available at <https://www.phila.gov/media/20191010135334/Mayors-Office-2019-Language-Access-Plan.pdf> (last accessed May 28, 2020).

1 4) Do not suggest or require that an LEP customer provide an interpreter in order
2 to receive services.⁴⁷
3

4 According to the Mayor’s Plan, “the preferred method” of serving LEP persons is by:

5 1) Using trained bilingual staff able to provide services directly to the customer
6 in his/her primary language without the need for an interpreter.
7

8 2) Engaging available, trained, competent, bilingual staff for in-person or
9 telephone interpreting to support other staff.
10

11 3) Seeking assistance from professional in-person or telephonic interpreters
12 when staff cannot meet language needs.
13

14 (a) Recognizing that certain circumstances may require specialized interpretation
15 and translation services even when staff with bilingual abilities are available
16 (for example, situations concerning HIPAA, confidentiality or anything that
17 may have a legal implication). Staff must be authorized to provide language
18 access services to communicate effectively even when such assistance is not
19 requested by the LEP person.⁴⁸
20

21 **Q. IS THE MAYOR’S PLAN SIGNIFICANT IN ANY OTHER WAY?**

22 A. Yes. The Mayor’s Plan is significant in that it grounds the City’s language access
23 responsibilities not only in the Philadelphia Home Rule Charter, but also in the
24 requirements of Title VI of the Civil Rights Act of 1964.⁴⁹ Title VI of the Civil Rights
25 Act of 1964 provides:

26 No person in the United States shall, on the ground of race, color, or
27 national origin be excluded from participation in, be denied the benefits
28 of, or be subject to discrimination under any program or activity receiving
29 Federal financial assistance.⁵⁰

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ Mayor’s Language Access Plan, at 1.

⁵⁰ 42 U.S.C. § 2000d.

1 The Title VI protection against discrimination based on national origin applies when an
2 individual is unable or has a limited ability to speak, read, write or understand English.
3 For example, allegations of a failure to provide bilingual services in a Food Stamp
4 program could be a violation of Title VI. Title VI, of course, extends to PGW because
5 PGW accepts payment of benefits through the federal LIHEAP program. Once Title VI
6 extends to PGW, it extends to the entirety of PGW's operations, not simply to the aspect
7 which receives the federal funding.
8

9 **Q. PLEASE EXPLAIN WHAT YOU MEAN BY THE TERM “LANGUAGE**
10 **ACCESS.”**

11 A. “Language access” involves two elements: (1) an oral element; and (2) a written element.
12 The oral element involves the ability to provide oral interpretative services. Under Title
13 VI, pursuant to the written element, PGW should provide written translation of any vital
14 documents “for each eligible LEP language group that constitutes five percent or 1,000,
15 whichever is less, of the population of persons eligible to be served or likely to be
16 affected or encountered.”⁵¹
17

18 **Q. WHY IS THE LACK OF A LANGUAGE ACCESS PLAN, AS REQUIRED BY**
19 **THE PHILADELPHIA HOME RULE CHARTER, AND/OR TITLE VI, A**
20 **PROBLEM FOR PGW CUSTOMERS?**

⁵¹ Dep't Health & Human Services (HHS), Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, available at: <http://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-VI/index.html>. (last accessed May 28, 2020).

1 A. Let me discuss the problems posed by the lack of language access in terms of the specific
2 language used in the Philadelphia Home Rule Charter, which I cite above.

3
4 First, language access is necessary to “promote access to City services.” From the
5 perspective of PGW customers, access to “City services” involves a variety of PGW
6 services. Ultimately, of course, the “access to City services” that is being “promoted” is
7 the access to natural gas service. Other PGW-specific services are in play, however. For
8 example, negotiating a payment plan can be critical to retaining access to service.
9 Providing income information may gain a customer access to winter shutoff protections.
10 CRP is a major “City service” which LEP customers need to be able to gain access to in
11 the event that they may be income-qualified.

12
13 Second, “compliance with City law” implicates numerous aspects of being a PGW
14 customer. For income-challenged customers participating in CRP, for example, not only
15 must customers know and understand their payment obligations, but they must know and
16 understand their recertification and reverification obligations to maintain their
17 participation in CRP. They must also know and understand their payment obligations to
18 be able to cure any missed CRP payments in order to maintain their participation in CRP.

19
20 Third, the “ease of contact with government in the City” implicates not only contact with
21 PGW in response to nonpayment, but also ease of contact with PGW in seeking to access
22 help through programs such as LIHEAP, CRP and budget billing. Simply identifying

1 oneself as a “low-income” customer involves the ability of an LEP customer to make
2 contact with PGW.

3
4 **Q. HAVE YOU HAD OCCASION TO CONSIDER THE EXTENT TO WHICH**
5 **THERE ARE POPULATIONS IN PHILADELPHIA WITH LIMITED ENGLISH**
6 **PROFICIENCY?**

7 A. Yes. Table 22 immediately below shows the prevalence of LEP households in
8 Philadelphia distributed by the language that is spoken in the home. In addition to
9 Spanish speaking LEP households (17,234), there are substantial percentages (certainly
10 more than 1,000) of LEP households who speak Russian, Polish or other Slavic language
11 (4,849), Korean (1,243), Chinese (4,534), Vietnamese (1,595), as well as “other Indo-
12 European languages” (3,429) and “other Asian and Pacific Island languages” (3,506).

Spanish: Limited English speaking household	17,234
French, Haitian, or Cajun: Limited English speaking household	996
Russian, Polish, or other Slavic languages: Limited English speaking household	4,849
Other Indo-European languages: Limited English speaking household	3,429
Korean: Limited English speaking household	1,243
Chinese (incl. Mandarin, Cantonese): Limited English speaking household	4,534
Vietnamese: Limited English speaking household	1,595
Other Asian and Pacific Island languages: Limited English speaking household	3,506

13
14 **Q. WHAT DO YOU RECOMMEND?**

15 A. I recommend the following regulatory responses to PGW’s lack of a Language Access
16 Plan. First, PGW should be directed to file a municipal Language Access Plan with the

1 Philadelphia OIA and, upon completion, to also submit that Plan to the Bureau of
2 Consumer Service for a review of whether the Plan adequately complies with the
3 Commission’s own language access policies. The final Language Access Plan should be
4 made available on the PGW website. Second, PGW should be directed that if a customer
5 with limited English proficiency calls PGW, or any CBO acting on behalf of PGW, to
6 apply for CRP, for LIURP, or for a hardship grant, PGW must provide language
7 translation services to those customers, whether or not the customers comprise 5% or
8 more (or 1,000, whichever is less) of the PGW customer base. PGW should have
9 immediate access to a telephone interpreter to the extent that such customers do not meet
10 the statutory threshold for providing in-person translators. To the extent that the
11 customer is part of a population that meets the statutory threshold, and to the extent that
12 PGW provides in-person services, PGW should have in-person translators available.
13 Third, PGW should be directed to translate universal service program applications into all
14 languages that are relied upon by 5% of the population of Philadelphia (or 1,000
15 households, whichever is less). In addition to applications, PGW should be required to
16 translate other critical universal service and customer service documents into any other
17 language meeting the 5% (or 1,000) threshold, whichever is less. The translated written
18 documents should be available on the PGW website, as well as through any CBO
19 working for or on behalf of PGW to provide outreach and intake service for PGW
20 universal service programs.

21 .
22 **Part 6. PGW Liens and CRP Arrearage Forgiveness Cost Recovery.**

23 **Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR**
24 **TESTIMONY.**

1 A. In this section of my testimony, I examine the relationship between cost recovery for
2 arrearage forgiveness provided to low-income customers through CRP and the liens that
3 PGW imposes upon unpaid account balances. I find that there is a substantive probability
4 of double-recovery of costs. I recommend that arrearages that are subject to a municipal
5 lien be forgiven in whole upon enrollment of a low-income customer in CRP. I
6 recommend that arrears that are forgiven in this fashion be excluded from cost recovery
7 through the PGW universal service rate rider.

8

9 **Q. DO YOU CHALLENGE OR QUESTION THE LIENS PLACED AGAINST**
10 **PROPERTY BASED ON ARREARAGES SUBJECT TO FORGIVENESS**
11 **PURSUANT TO CRP?**

12 A. No. I have been informed by counsel that while the PUC has jurisdiction over the
13 structure of PGW’s universal service programs, as well as jurisdiction over the recovery
14 of costs incurred as part of that program, the PUC has no jurisdiction over the placement
15 of liens to secure PGW debt or the judicial procedures by which those liens are satisfied
16 or removed.

17

18 **Q. DO CRP CUSTOMERS WITH PRE-EXISTING ARREARS AT THE TIME**
19 **THEY ENTER CRP QUALIFY FOR LIENS?**

20 A. Yes. As PGW states:
21 100% of properties occupied by CRP customers who had pre-existing arrears
22 at the property “qualify” for a municipal lien. As the PA Commonwealth
23 Court has recently found “under the Lien Act, a municipal lien arises
24 automatically, by operation of law, as soon as a charge for a municipal
25 service is assessed. Although the underlying debt is personal to the customer,
26 the lien is in rem against the real property at which service is provided.”

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(OCA-3-54(a)).

Q. HOW DOES PGW TREAT PRE-EXISTING CRP ARREARS FOR PURPOSES OF LIENS?

A. Notwithstanding the Commonwealth Court’s decision that “under the Lien Act, a municipal lien arises automatically, by operation of law, as soon as a charge for a municipal service is assessed” (OCA-3-54(a), and that “100% of properties occupied by CRP customers who had pre-existing arrears at the property ‘qualify’ for a municipal lien,” PGW asserts that it does not know how many CRP customers with pre-existing arrears had liens which PGW had perfected. PGW continues:

It should be noted, that PGW currently perfects liens on CRP-occupied properties only if the CRP customer owns the property at which service is rendered. Once a customer enrolls in CRP, PGW’s current policy is not to perfect a lien with respect to the “frozen arrearage” unless the customer fails to pay his/her CRP bill or if there is a sale or refinancing.

(OCA-3-54(b)). PGW claims that it does not know the dollar amount of pre-existing arrears, subject to forgiveness under CRP, on which PGW has perfected a lien. (OCA-3-54(c)).

Q. WHEREIN DOES THE PROBLEM ARISE WITH RESPECT TO THE RECOVERY OF ARREARAGE FORGIVENESS COSTS FOR CRP?

A. Note that PGW asserts that “once a customer enrolls in CRP, PGW’s current policy is not to perfect a lien with respect to the ‘frozen arrearage’ unless . . . there is a sale or refinancing.” (OCA-3-54(b)). If there is a sale or refinancing, however, the lien is paid

1 from the proceeds of the transaction. The payment, however, is of an arrearage that is
2 subject to forgiveness pursuant to CRP. PGW does not track the dollars of liened unpaid
3 bills subject to forgiveness for which the lien was removed because the underlying debt
4 was paid in full subsequent to the perfection of the lien. (OCA-3-54(e)).

5
6 PGW makes no effort to reconcile the dollars for which liens have been perfected against
7 those dollars that have been “forgiven” pursuant to CRP, with the forgiven arrears
8 charged to ratepayers. When asked for the number of CRP customers for whom liens
9 were subsequently cancelled or otherwise removed for reasons other than the payment of
10 the underlying debt” (e.g., forgiveness of arrears pursuant to CRP), PGW stated that
11 “PGW does not track this information.” (OCA-3-54((h)). Conversely, neither does PGW
12 track the number of liens on arrears subject to forgiveness that were satisfied by having
13 the underlying debt paid. (OCA-3-54(d)).

14
15 **Q. PLEASE IDENTIFY CIRCUMSTANCES THAT WOULD ALLOW PGW TO**
16 **HAVE A LIEN FOR ARREARAGES SUBJECT TO FORGIVENESS PURSUANT**
17 **TO CRP?**

18 A. It is important to note how limited PGW’s restrictions are on its policy of avoiding liens
19 on properties occupied by CRP participants. Again, PGW states that “. . . PGW currently
20 perfects liens on CRP-occupied properties only if the CRP customer owns the property at
21 which service is rendered. Once a customer enrolls in CRP, PGW’s current policy is not
22 to perfect a lien with respect to the ‘frozen arrearage’ . . .” (OCA-3-54(b)). What that
23 “current policy” states, therefore, is that:

1 1) If a property is something other than a “CRP-occupied property,” PGW will
2 perfect a lien to secure an unpaid bill. By definition, a pre-existing arrears
3 arises on a property that is not “CRP-occupied.” A pre-existing arrearage
4 subject to forgiveness, by definition, is an unpaid bill that arises before a
5 customer becomes a CRP customer.

6
7 2) Indeed, PGW concedes that its policy of “not to perfect a lien” applies only
8 “once a customer enrolls in CRP. . .” Again, by definition, a pre-existing
9 arrears subject to arrearage forgiveness arises on an account that is before “a
10 customer enrolls in CRP.”
11

12 PGW does not track the extent to which, if at all, it will cancel a pre-existing lien (i.e., a
13 lien perfected for an arrears before a customer enrolls in CRP) because the underlying
14 unpaid bill is now subject to forgiveness. (OCA-3-54(h)). When asked for the number of
15 CRP customers for whom a lien was cancelled or otherwise removed for reasons other
16 than the payment of the underlying debt (e.g., arrears are forgiven), PGW responded that
17 “PGW does not track this information.” (OCA-3-54(h)).
18

19 **Q. IS IT SIMPLY A PRE-EXISTING ARREARAGE SUBJECT TO FORGIVENESS**
20 **THAT PRESENTS A PROBLEM?**

21 A. No. PGW may combine an unpaid balance pre-existing at the time a customer enrolls in
22 CRP with an unpaid bill incurred during the time a customer is a CRP participant, to
23 perfect a lien. PGW states that it does not track how often this occurs. (OCA-3-61(b)).
24 The fact that PGW does not track how often this occurs is significant in that, if it did not
25 occur, there would be nothing to track (and PGW would have acknowledged as much).
26 By combining pre-existing arrears with in-program arrears to form the basis of a
27 perfected lien, any payment to retire the lien will, in part, be a payment in full of the pre-
28 existing arrears that is subject to forgiveness (with cost recovery obtained from all

1 ratepayers). PGW does not track how many customers had their liens cancelled because
2 the underlying debt was forgiven through CRP. (OCA-3-61(h)). Neither does PGW track
3 how many liens securing a combination of pre-existing arrears subject to forgiveness and
4 in-program arrears, are paid in full to satisfy the lien, with the required payment subject
5 to forgiveness. (OCA-3-61(d)).

6
7 **Q. DOES PGW TRACK THE RELATIONSHIP BETWEEN LIEN PAYOFFS AND**
8 **ARREARAGE FORGIVENESS?**

9 A. No. PGW was asked to provide: (1) the number of liens that had been filed for an
10 arrearage pre-existing at the time a customer enrolls in CRP; (2) whether the lien was
11 removed or otherwise cancelled because of a payment-in-full of the liened amount; (3)
12 whether the lien was removed or otherwise cancelled for reasons other than full payment
13 (e.g., arrearage forgiveness); (4) the dollar amount of liens that were removed or
14 otherwise cancelled due to payment-in-full; and (5) the dollar amount of liens that were
15 removed or otherwise cancelled for reasons other than full payment (e.g., arrearage
16 forgiveness). In each instance, PGW responded that “the data is not tracked” and that the
17 “data is not readily available and would require a costly and burdensome special study to
18 produce.” (OCA-3-63(c), (d), (e), (f), (g) and (h)).

19
20 **Q. DO YOU HAVE ANOTHER BASIS UPON WHICH YOU BASE YOUR**
21 **CONCLUSION THAT PGW DOES NOT CREDIT LIEN PAYMENTS AGAINST**
22 **ARREARAGE FORGIVENESS?**

1 A. Yes. On a quarterly basis, PGW reconciles the universal service costs it incurs against
2 the universal service costs it has collected through its Universal Service and Energy
3 Conservation Surcharge. PGW’s tariff provides, with respect to arrearage forgiveness,
4 that the surcharge will recover “for Customers entering the CRP program on or after
5 September 1, 2003, past due arrearages forgiven pursuant to paragraph A (6) of the
6 CRP/CAP Program Design Stipulation approved by the Commission by its order at M-
7 00021 612 (entered March 31, 2003).” No provision is made in its tariff to net credits
8 against the “past due arrearages forgiven” to the extent that those forgiven arrears are
9 *also* collected by PGW through enforcement of a lien.

10
11 Moreover, I have reviewed each of PGW’s last four quarterly reconciliations of its
12 Universal Service surcharge. In no place in that reconciliation does PGW provide for a
13 netting of revenues that it had collected through the payoff of liens after arrears have
14 been forgiven.

15
16 **Q. WOULD A QUARTERLY RECONCILIATION OF DOLLARS THAT PGW HAD**
17 **COLLECTED FOR ARREARS THAT HAD BEEN FORGIVEN THROUGH CRP**
18 **BE SUFFICIENT?**

19 A. No. Arrearage forgiveness is earned on a monthly basis. In order for PGW to prevent
20 someone from making a payment on a lien that included arrearages that had already been
21 forgiven by PGW, PGW would need to engage in a monthly process that would check
22 each lien amount to determine to what extent, if any, the debt underlying the lien had
23 been forgiven through CRP. When asked, however, PGW could not even provide a

1 single list of which liens involved CRP customers; which liens involving CRP customers
2 covered a pre-existing arrears subject to forgiveness; or which liens involving CRP
3 customers that covered a pre-existing arrears subject to forgiveness had some portion of
4 the lien amount that had been reduced due to forgiveness. PGW said that “this data is
5 not readily available . . .” (OCA-3-63).

6
7 **Q. DOES PGW REGULARLY DETERMINE THE EXTENT TO WHICH ITS LIENS**
8 **COVER UNPAID BALANCES THAT HAVE BEEN FORGIVEN THROUGH**
9 **CRP?**

10 A. No. If PGW did make this regular determination, it could have provided information on
11 how many dollars of pre-existing arrearage subject to liens were no longer owed by an
12 active CRP customer because that arrearage had been forgiven. When asked for such
13 information, however, PGW responded that it could not even provide a list of “current or
14 former CRP participants” who, subsequent to October 1, 2017, had a lien filed for an
15 unpaid bill.” (OCA-3-63). PGW said this data “is not readily available.” Moreover,
16 when asked for the number of CRP customers for whom PGW perfected a lien for pre-
17 existing arrears, and the aggregate dollars of unpaid bills underlying such liens, PGW
18 responded that “[t]his information is not available.” (OCA-3-54). If PGW tracked, on a
19 monthly basis, those dollars subject to a lien that were no longer owed to PGW because
20 they had been forgiven through CRP, PGW would have had this information. If PGW
21 does not know what customers owe money subject to a lien that are also CRP
22 participants, and how much of the unpaid balance underlying the lien was subject to

1 arrearage forgiveness, how could the Company adjust the liens when arrearage
2 forgiveness was earned?

3
4 **Q. PLEASE IDENTIFY THE RATEMAKING PROBLEMS OF PGW'S LIENS**
5 **FROM THE PERSPECTIVE OF ARREARAGE FORGIVENESS COST**
6 **RECOVERY?**

7 A. Recognizing that the PUC has no jurisdiction over whether, or how, PGW perfects and
8 collects liens, it *would* still seem to be of concern to the PUC if PGW is collecting
9 payments against liens for bills that have been forgiven and are thus no longer owed. It
10 would also be of concern to the PUC if PGW were collecting arrearages that the PUC has
11 directed shall be subject to forgiveness. Aside from that, however, as is shown in the
12 discussion above, the following problems exist from the perspective of cost recovery for
13 CRP arrearage forgiveness:

14 ➤ PGW's "current policy" is to perfect a lien on unpaid account balances for customers
15 who have not enrolled in CRP (OCA-III-54(b)) ("*Once a customer enrolls in CRP,*
16 PGW's current policy is not to perfect a lien with respect to the "frozen arrearage"
17 unless the customer fails to pay his/her CRP bill or if there is a sale or refinancing").
18 (Emphasis added). By definition, an arrearage that is subject to forgiveness is an
19 arrearage that was incurred prior to a customer enrolling in CRP. As even PGW
20 concedes, "[i]f a customer had arrears prior to applying for CRP, then that arrears
21 'qualifies' for a municipal lien." (OCA-3-59). That statement, however, refers to *all*
22 arrears subject to forgiveness. By definition, an arrearage subject to forgiveness is an
23 arrearage that a customer incurs "prior to applying for CRP."

- 1 ➤ PGW does not track the number of liens on an unpaid balance, that,
2 subsequent to the time the lien is perfected, becomes an arrearage subject to
3 forgiveness pursuant to CRP. (OCA-3-54(b)). Nor does PGW track the
4 dollars of arrears subject to a perfected lien which, subsequent to the time the
5 lien is perfected, becomes an arrearage subject to forgiveness pursuant to
6 CRP. (OCA-3-54(c)).
- 7 ➤ The dollar amount of unpaid balance incurred prior to CRP participation, and
8 subject to a lien, may be reduced on a monthly basis by having a portion of
9 that unpaid balance routinely “forgiven” through CRP once that customer
10 enrolls in CRP. The dollar amount underlying the lien, however, is not
11 reduced by the amount of pre-existing arrears that is forgiven through CRP.
12 The amount of unpaid balance subject to a lien which is forgiven through CRP
13 is not tracked. (OCA-3-54(h)).
- 14 ➤ A lien may be satisfied at any time by having the owner of a property, when
15 the owner is not also the CRP participant, pay the arrearage underlying the
16 lien in full. The dollar amount of arrears forgiven through CRP, and thus
17 charged to other ratepayers, is not reduced by the dollars of unpaid balance
18 paid to satisfy a lien.
- 19 ➤ Accordingly, in either situation, an unpaid balance may be *both*: (1) forgiven
20 through CRP with the amount of the forgiveness charged to all ratepayers; and
21 (2) paid by the property owner to satisfy the lien. Arrears may be subject to
22 forgiveness, and charged to all other ratepayers, even though they have been

1 paid in full to satisfy a lien. An unpaid balance may be paid in full to satisfy a
2 lien even though they have been forgiven through CRP.

- 3 ➤ The problem is not theoretical. “100% of properties occupied by CRP
4 customers who had pre-existing arrears at the property ‘qualify’ for a
5 municipal lien.” (OCA-3-54(a))

6
7 **Q. PLEASE EXPLAIN THE CUSTOMER SERVICE PROBLEM CREATED BY**
8 **PGW’S PLACEMENT OF LIENS ON CRP PARTICIPANT PRE-EXISTING**
9 **ARREARAGES SUBJECT TO FORGIVENESS.**

10 A. There are a multitude of customer service problems that arise when PGW places a lien on
11 a CRP participant’s pre-existing arrearage that the PUC has deemed to be subject to
12 forgiveness. Most immediately, contrary to PUC regulations, a CRP participant can be
13 forced to pay an arrearage that, over time, through the arrearage forgiveness aspect of
14 CRP, the customer would no longer owe. In addition, the lien becomes an obstacle to a
15 mortgage modification for a customer who would otherwise be eligible for one. All of
16 the protections that Pennsylvania has built into unaffordable mortgages⁵² in order to
17 preserve homeownership and to prevent widespread housing abandonment, become
18 unavailable because PGW is seeking to collect an arrearage by perfecting a lien on an
19 arrears that is subject to forgiveness under PUC regulations.

20
21 **Q. WHAT DO YOU RECOMMEND?**

⁵² See, Colton (2019). Responding to Water Unaffordability in Detroit: Lessons from the mortgage foreclosure crisis.

1 A. In making my recommendation, I again acknowledge that whether PGW has the right to
2 perfect a lien, or to seek to reduce a lien to final judgment, is beyond the jurisdiction of
3 the Commission to regulate. The Commission does, however, have authority over the
4 design and implementation of PGW's CRP, including its arrearage forgiveness, as well as
5 authority over the recovery of CRP costs (including the costs of arrearage forgiveness).
6 Accordingly, assuming the legitimacy of PGW liens, I recommend two steps to be taken
7 by the PUC:

8 (1) First, all pre-existing arrearages of CRP participants subject to forgiveness
9 pursuant to CRP shall be forgiven, with no further payment responsibility
10 attaching thereto, at the time a lien is perfected that, in whole or part, includes
11 dollars that would otherwise be subject to forgiveness pursuant to CRP. Upon
12 PGW perfecting a lien on the pre-existing arrears of a CRP participant, whether
13 that lien pre-dates or post-dates the date of CRP participation, the pre-existing
14 arrearage will be deemed by the PUC to be 100% forgiven as a pre-existing CRP
15 arrearage.

16 (2) Second, any pre-existing arrearage that is forgiven after PGW perfects a lien on
17 the arrearage will not be subject to cost recovery through either the Universal
18 Service and Energy Conservation Surcharge or otherwise through base rates.

19
20 **Q. DOES YOUR RECOMMENDATION ABOVE AFFECT THE RIGHT OF PGW**
21 **TO PLACE A LIEN ON CRP ARREARS?**

22 A. No. This ratemaking treatment does not prevent PGW from placing a lien on a pre-
23 existing arrearage that is subject to forgiveness through CRP. My recommendation

1 addresses the following issues that are part of the structure of CRP, which is exclusively
2 within the jurisdiction of the PUC. First, this process ensures that no arrears that have are
3 made subject to forgiveness through CRP will be subject to collection from a CRP
4 participant. Second, this process ensures that no arrears that are subject to forgiveness,
5 but that might be collected through a judicial process, are also collected through PGW's
6 universal service surcharge. Third, this recommendation creates a bright line distinction
7 between what arrears are "owed" by a CRP participant and what arrears are (or have
8 been) forgiven through CRP. Finally, this recommendation eliminates any potential for
9 PGW to double-collect arrearages that are subject to forgiveness through CRP, once
10 through a judicial process based on PGW's lien and again through the universal service
11 Rider. As can be seen, my recommendation exclusively involves the structure of charges
12 subject to forgiveness through CRP, and, more importantly for this proceeding, the
13 recovery of arrearage forgiveness costs. It remains, however, entirely up to PGW to
14 make the decision as whether it chooses to continue to perfect liens on pre-existing
15 arrearages that are subject to forgiveness through CRP or whether to forego perfecting a
16 lien on arrearages subject to forgiveness and to allow the CRP arrearage forgiveness
17 process to play out to completion, including cost recovery from ratepayers of the forgiven
18 arrearages as a universal cost.

19
20 **Q. DOES THIS COMPLETE YOUR DIRECT TESTIMONY?**

21 **A.** Yes, it does.

Colton Schedules

Average Income by Number of Rooms or Number of Bedrooms in Housing Unit (Pennsylvania)
 American Community Survey (5-year data) (2012 – 2016)

Number of Rooms / Bedrooms	Average Income by Number of Rooms / Number of Bedrooms	
	Rooms	Bedrooms
0	N/A	\$41,716
1	\$40,399	\$38,885
2	\$47,498	\$51,694
3	\$40,382	\$69,626
4	\$46,608	\$116,764
5 /a/	\$54,110	\$136,317
6	\$62,018	
7	\$77,180	
8	\$95,524	
9 /b/	\$119,211	
Total	\$69,336	\$75,671

NOTES:

/a/ For bedrooms, data is top-coded at 5 bedrooms.

/b/ For rooms, data is top coded at 9 rooms.

Distribution of Housing Units by Income and Housing Unit Size (Number of Bedrooms): Pennsylvania

	\$1 - \$10,000	\$10 - \$20,000	\$20 - \$30,000	\$30 - \$40,000	\$40 - \$50,000	\$50 - \$75,000	\$75 - \$150,000	\$150 - \$250,000	\$250,000 or more
No bedroom	1.8%	1.1%	0.9%	0.6%	0.6%	0.3%	0.3%	0.1%	0.3%
1 bedroom	15.7%	11.8%	8.7%	8.0%	5.6%	4.8%	2.3%	1.2%	1.5%
2 bedrooms	32.9%	31.0%	29.8%	29.2%	28.3%	23.1%	15.5%	8.6%	9.9%
3 bedrooms	39.6%	46.5%	49.2%	49.4%	51.7%	55.4%	56.1%	44.7%	36.1%
4 bedrooms	8.5%	8.1%	9.6%	10.9%	12.3%	14.4%	23.3%	40.8%	45.3%
5 or more bedrooms	1.5%	1.5%	1.7%	1.9%	1.6%	1.9%	2.5%	4.5%	7.0%
Total bedrooms	1.8%	1.1%	0.9%	0.6%	0.6%	0.3%	0.3%	0.1%	0.3%

American Community Survey (5-year data) (2012 - 2016)

Appendix A. Colton Vitae

ROGER D. COLTON

BUSINESS ADDRESS:

Fisher Sheehan & Colton
Public Finance and General Economics
34 Warwick Road, Belmont, MA 02478
617-484-0597 (voice) *** 617-484-0594 (fax)
roger@fsconline.com (e-mail)
<http://www.fsconline.com> (www address)

EDUCATION:

J.D. (Order of the Coif), University of Florida (1981)

M.A. (Economics), McGregor School, Antioch University (1993)

B.A. Iowa State University (1975) (journalism, political science, speech)

PROFESSIONAL EXPERIENCE:

Fisher, Sheehan and Colton, Public Finance and General Economics: 1985 - present.

As a co-founder of this economics consulting partnership, Colton provides services in a variety of areas, including: regulatory economics, poverty law and economics, public benefits, fair housing, community development, energy efficiency, utility law and economics (energy, telecommunications, water/sewer), government budgeting, and planning and zoning.

Colton has testified in state and federal courts in the United States and Canada, as well as before regulatory and legislative bodies in more than three dozen states. He is particularly noted for creative program design and implementation within tight budget constraints.

Belmont Media Center – Belmont Journal: 2017 - present

Host of *Belmont Journal*, the weekly hyper-local news show for Belmont (MA), produced by the Belmont Media Center. Assistant producer of *Belmont Journal*.

Commentator: Belmont Citizen-Herald: 2014 – present

Author of biweekly “Community Conversations” column for Belmont Citizen-Herald, weekly newspaper (June 2014 to present).

Host of biweekly “Community Conversations” podcast, Belmont Media Center, BMC Podcast Network (October 2016 to present)

National Consumer Law Center (NCLC): 1986 - 1994

As a staff attorney with NCLC, Colton worked on low-income energy and utility issues. He pioneered cost-justifications for low-income affordable energy rates, as well as developing models to quantify the non-energy benefits (*e.g.*, reduced credit and collection costs, reduced working capital) of low-income energy efficiency. He designed and implemented low-income affordable rate and fuel assistance programs across the country. Colton was charged with developing new practical and theoretical underpinnings for solutions to low-income energy problems.

Community Action Research Group (CARG): 1981 - 1985

As staff attorney for this non-profit research and consulting organization, Colton worked primarily on energy and utility issues. He provided legal representation to low-income persons on public utility issues; provided legal and technical assistance to consumer and labor organizations; and provided legal and technical assistance to a variety of state and local governments nationwide on natural gas, electric, and telecommunications issues. He routinely appeared as an expert witness before regulatory agencies and legislative committees regarding energy and telecommunications issues.

PROFESSIONAL AFFILIATIONS:

Chair: Belmont Zoning By-law Review Working Committee (climate change)
Member: Board of Directors, Massachusetts Rivers Alliance
Columnist: Belmont Citizen-Herald
Producer: Belmont Media Center: BMC Podcast Network
Host: Belmont Media Center: Belmont Journal
Member: Belmont Town Meeting
Vice-chair: Belmont Light General Manager Screening Committee
Chair: Belmont Goes Solar
Coordinator: BelmontBudget.org (Belmont's Community Budget Forum)
Coordinator: Belmont Affordable Shelter Fund (BASF)
Chair: Belmont Solar Initiative Oversight Committee
Member: City of Detroit Blue Ribbon Panel on Water Affordability
Chair: Belmont Energy Committee
Member: Massachusetts Municipal Energy Group (Mass Municipal Association)
Past Chair: Housing Work Group, Belmont (MA) Comprehensive Planning Process
Past Member: Board of Directors, Belmont Housing Trust, Inc.
Past Chair: Waverley Square Fire Station Re-use Study Committee (Belmont MA)
Past Member: Belmont (MA) Energy and Facilities Work Group
Past Member: Belmont (MA) Uplands Advisory Committee
Past Member: Advisory Board: Fair Housing Center of Greater Boston.
Past Chair: Fair Housing Committee, Town of Belmont (MA)
Past Member: Aggregation Advisory Committee, New York State Energy Research and Development Authority.

- Past Member: Board of Directors, Vermont Energy Investment Corporation.
- Past Member: Board of Directors, National Fuel Funds Network
- Past Member: Board of Directors, Affordable Comfort, Inc. (ACI)
- Past Member: National Advisory Committee, U.S. Department of Health and Human Services, Administration for Children and Families, Performance Goals for Low-Income Home Energy Assistance.
- Past Member: Editorial Advisory Board, International Library, *Public Utility Law Anthology*.
- Past Member: ASHRAE Guidelines Committee, GPC-8, *Energy Cost Allocation of Comfort HVAC Systems for Multiple Occupancy Buildings*
- Past Member: National Advisory Committee, U.S. Department of Housing and Urban Development, Calculation of Utility Allowances for Public Housing.
- Past Member: National Advisory Board: Energy Financing Alternatives for Subsidized Housing, New York State Energy Research and Development Authority.

PROFESSIONAL ASSOCIATIONS:

- National Association of Housing and Redevelopment Officials (NAHRO)
- National Society of Newspaper Columnists (NSNC)
- Association for Enterprise Opportunity (AEO)
- Iowa State Bar Association
- Energy Bar Association
- Association for Institutional Thought (AFIT)
- Association for Evolutionary Economics (AEE)
- Society for the Study of Social Problems (SSSO)
- International Society for Policy Studies
- Association for Social Economics

BOOKS

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COLTON EXPERIENCE AS EXPERT WITNESS

1988 – PRESENT

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O Columbia Gas of Pennsylvania	Office of Consumer Advocate	R-2020-3018835	Low-income program design	PA	20
I/M/O Pennsylvania-American Water Co.	Office of Consumer Advocate	R-2020-3019369	Low-income program design	PA	20
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	R-2020-3017206	Low-income program design	PA	20
I/M/O Philadelphia Water Department	City of Philadelphia/Public Advocate	N/A	Low-income program design	Philadelphia	20
I/M/O Pittsburgh Water and Sewer Authority	Office of Consumer Advocate	R-2020-3017951	Low-income program design	PA	20
I/M/O Consumers Energy (electric)	Michigan Office of Attorney General, et al.	U-20697	Low-income program design	Michigan	20
I/M/O Eversource	New Hampshire Legal Assistance	DE-19-057	Low-income program design / customer service	NH	19
I/M/O DTE (electric) rates	Michigan Office of Attorney General, et al.	U-20561	Low-income program design	Michigan	19
I/M/O DTE Energy Waste Reduction (EWR) Plan (gas)	Natural Resources Defense Council, et al.	U-20429	Low-income program design	Michigan	19
I/M/O DTE Energy Waste Reduction (EWR) Plan (electric)	Natural Resources Defense Council, et al.	U-20373	Low-income program design	Michigan	19
I/M/O Ameren Energy	Illinois Office of Attorney General	18-1486	Minimization of uncollectible accounts	Illinois	19
I/M/O Commonwealth Edison Company	Illinois Office of Attorney General	18-1456	Minimization of uncollectible accounts	Illinois	19
I/M/O NICOR Illinois	Illinois Office of Attorney General	18-1437	Minimization of uncollectible accounts	Illinois	19
I/M/O Peoples Gas	Office of Consumer Advocate	R-2018-3006818	Customer service / Low-income cost recovery	Pennsylvania	19

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O UGI Electric	Office of Consumer Advocate	R-2018-3006814	Customer service / Low-income cost recovery	Pennsylvania	19
I/M/O Pittsburgh Water Authority	Office of Consumer Advocate	M-2640802	Customer service / Low-income cost recovery	Pennsylvania	19
I/M/O Ameren Prepayment Meter	Illinois Office of Attorney General	Docket 18-1008 – 18-1009 (cons)	Prepayment meters	Illinois	18
I/M/O Pittsburgh Water and Sewer Authority	Office of Consumer Advocate	R-2018-3002645/3002647 (cons)	Customer service / Low-income cost recovery	Pennsylvania	18
I/M/O National Grid (electric)	Division of Public Utility Control	Docket No. 4770	Customer service / Low-income cost recovery	Rhode Island	18
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2018-2647577	Customer service / Low-income cost recovery	Pennsylvania	18
I/M/O PECO (electric)	Office of Consumer Advocate	R-2018-3000164	Customer service / Low-income cost recovery	Pennsylvania	18
i/N/O Duquesne Light Company	Office of Consumer Advocate	R-2018-3000124	Customer service / Low-income cost recovery	Pennsylvania	18
I/M/O UGI-Electric	Office of Consumer Advocate	R-2017-2640058	Customer service / Low-income cost recovery	Pennsylvania	18
I/M/O Philadelphia Water Department requested rates for 2019 - 2021	Philadelphia Public Advocate	None	Water rate:: low-income program cost recovery / public fire protection / storm water charge exemptions	Philadelphia	18
I/M/O Commonwealth Edison Prepayment Meters	Illinois Office of Attorney General	17-0837	Electric customer service	Illinois	18
I/M/O 2018/2020 Statewide Energy Efficiency Plan	The Way Home / New Hampshire Legal Assistance	DE 17-136	Non-energy impacts / Low-income energy efficiency	New Hampshire	17
I/M/O DTE (electric) / gas EWR (energy waste reduction) plan	Sierra Club / Natural Resources Defense Council	Case No. U-18262	Low-income energy efficiency	Michigan	17
I/M/O DTE (electric)	Sierra Club / Natural Resources Defense Council	Case No. U-18255	Low-income energy efficiency	Michigan	17
I/M/O Merger of AltaGas and WGL Holdings	Office of People's Counsel	Case No. 9449	Low-income / charitable contributions / community impacts	Maryland	17
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	R-2017-2587783	Low-income / rate design	Pennsylvania	17

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O UGI-Peoples Natural Gas	Office of Consumer Advocate	R-2016-2580030	Low-income	Pennsylvania	17
I/M/O Peoples Natural Gas	Office of Attorney General	16-0376	Low-income	Illinois	17
I/M/O UGI-PNG	Office of Consumer Advocate	R-2016-2580030	Rate design/EE&CP/Low-Income	Pennsylvania	17
I/M/O Pacific Gas and Electric Company	TURN	15-09-001	Electric bill affordability	California	16
I/M/O FirstEnergy Companies (Met Ed, Penelec, PennPower, West Penn Power)	Office of Consumer Advocate	R-2016-2537349, R-2016-2537352, R-2016-2537355, R-2016-2537359 (consolidated)	Rate design / low-income program cost recovery	Pennsylvania	16
I/M/O PGW Demand Side Management	Office of Consumer Advocate	P-2014-2459362	Demand Side Management	Pennsylvania	16
I/M/O Columbia Gas of Pennsylvania	Office of Consumer Advocate	R-2016-2529660	Rate design / customer service / Low-income program cost recovery	Pennsylvania	16
I/M/O Philadelphia Water Department	Public Advocate, City of Philadelphia	N/A	Low-income program design	Philadelphia	16
I/M/O UGI Gas	Office of Consumer Advocate	M-2015-2518438	Rate design, energy efficiency, customer service	Pennsylvania	16
Keener v. Consumers Energy	Keener (plaintiff)	15-146908-NO	Collections	State District Ct--MI	16
I/M/O Energy Efficiency and Conservation Plan, Phase III, PECO Energy	Office of Consumer Advocate	M-2015-2515691	Multi-Family Energy Efficiency	Pennsylvania	16
I/M/O Energy Efficiency and Conservation Plan, Phase III, Duquesne Light Company	Office of Consumer Advocate	M-2015-2515375	Multi-Family Energy Efficiency	Pennsylvania	16
I/M/O Energy Efficiency and Conservation Plan, Phase III, FirstEnergy Companies (Metropolitan Edison, Penelec, Penn Power, West Penn Power)	Office of Consumer Advocate	M-2015-2514767; M-2015-2514768; M-2015-2514769; M-2015-2514772	Multi-Family Energy Efficiency	Pennsylvania	16
I/M/O Energy Efficiency and Conservation Plan, Phase III, PPL Electric Corporation	Office of Consumer Advocate	M-2015-251-2515642	Multi-Family Energy Efficiency	Pennsylvania	16

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O BC Hydro	Public Interest Action Centre	N/A	Rate design / terms and conditions / energy efficiency	British Columbia	15 - 16
Augustin v. Philadelphia Gas Works	Augustin (Plaintiffs)	2:14—cv-04238	Constitutional notice issues	U.S. District Court (E.D. PA)	15
I/M/O PPL Utilities	Office of Consumer Advocate	R-2015-2469275	Rate design / customer service	Pennsylvania	15
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2015-2468056	Rate design / customer service	Pennsylvania	15
I/M/O PECO Energy Company	Office of Consumer Advocate	R-2015-2468981	Rate design / customer service	Pennsylvania	15
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	P-2014-2459362	Demand Side Management	Pennsylvania	15
I/M/O SBG Management v. Philadelphia Gas Works	SBG Management	C-2012-2308454	Customer service	Pennsylvania	15
I/M/O Manitoba Hydro	Resource Action Centre		Low-income affordability	Manitoba	15
I/M/O FirstEnergy Companies (Met Ed, WPP, Penelec, Penn Power)	Office of Consumer Advocate	R-2014-2428742 (8743, 8744, 8745)	Rate design / customer service / storm communications	Pennsylvania	14
I/M/O Xcel Energy Company	Energy CENTS Coalition	E002/GR-13-868	Rate design / energy conservation	Minnesota	14
I/M/O Peoples Gas Light and Coke Company / North Shore Gas	Office of Attorney General	14-0224 / 14--0225	Rate design / customer service	Illinois	14
I/M/O Columbia Gas of Pennsylvania	Office of Consumer Advocate	R-2014-2406274	Rate design / customer service	Pennsylvania	14
I/M/O Duquesne Light Company Rates	Office of Consumer Advocate	R-2013-2372129	Rate design / customer service / storm communications	Pennsylvania	13
I/M/O Duquesne Light Company Universal Service	Office of Consumer Advocate	M-2013-2350946	Low-income program design	Pennsylvania	13
I/M/O Peoples-TWP	Office of Consumer Advocate	P-2013-2355886	Low-income program design / rate design	Pennsylvania	13
I/M/O PECO CAP Shopping Plan	Office of Consumer Advocate	P-2013-2283641	Retail shopping	Pennsylvania	13
I/M/O PECO Universal Service Programs	Office of Consumer Advocate	M-201202290911	Low-income program design	Pennsylvania	13

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I/M/O Privacy of Consumer Information	Legal Services Advocacy Project	CI-12-1344	Privacy of SSNs & consumer information	Minnesota	13
I/M/O Atlantic City Electric Company	Division of Rate Counsel	BPU-12121071	Customer service / Storm communications	New Jersey	13
I/M/O Jersey Central Power and Light Company	Division of Rate counsel	BPU-12111052	Customer service / Storm communications	New Jersey	13
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2012-2321748	Universal service	Pennsylvania	13
I/M/O Public Service Company of Colorado Low-Income Program Design	Xcel Energy d/b/a PSCo	12A--EG	Low-income program design / cost recovery	Colorado	12
I/M/O Philadelphia Water Department.	Philadelphia Public Advocate	No. Docket No.	Customer service	Philadelphia	12
I/M/O PPL Electric Power Corporation	Office of Consumer Advocate	R-2012-2290597	Rate design / low-income programs	Pennsylvania	12
I/M/O Peoples Natural Gas Company	Office of Consumer Advocate	R-2012-2285985	Rate design / low-income programs	Pennsylvania	12
I/M/O Merger of Constellation/Exelon	Office of Peoples Counsel	CASE 9271	Customer Service	Maryland	11
I/M/O Duke Energy Carolinas	North Carolina Justice Center	E-7, SUB-989	Customer service/low-income rates	North Carolina	11
Re. Duke Energy/Progress Energy merger	NC Equal Justice foundation	E-2, SUB 998	Low-income merger impacts	North Carolina	11
Re. Atlantic City Electric Company	Division of Rate Counsel	ER1186469	Customer Service	New Jersey	11
Re. Camelot Utilities	Office of Attorney General	11-0549	Rate shock	Illinois	11
Re. UGI—Central Penn Gas	Office of Consumer Advocate	R-2010-2214415	Low-income program design/cost recovery	Pennsylvania	11
Re. National Fuel Gas	Office of Consumer Advocate	M-2010-2192210	Low-income program cost recovery	Pennsylvania	11
Re. Philadelphia Gas Works	Office of Consumer Advocate	P-2010-2178610	Program design	Pennsylvania	11
Re. PPL	Office of Consumer Advocate	M-2010-2179796	Low-income program cost recovery	Pennsylvania	11
Re. Columbia Gas Company	Office of Consumer Advocate	R-2010-2215623	Rate design/Low-income program cost recovery	Pennsylvania	11
Crowder et al. v. Village of Kauffman	Crowder (plaintiffs)	3:09-CV-02181-M	Section 8 utility allowances	Texas Fed Court	11
I/M/O Peoples Natural Gas Company.	Office of Consumer Advocate	T-2010-220172	Low-income program design/cost recovery	Pennsylvania	11
I/M/O Commonwealth Edison	Office of Attorney General	10-0467	Rate design/revenue requirement	Illinois	10
I/M/O National Grid d/b/a Energy North	NH Legal Assistance	DG-10-017	Rate design/revenue requirement	New Hampshire	10
I/M/O Duquesne Light Company	Office of Consumer Advocate	R-2010-2179522	Low-income program cost recovery	Pennsylvania	10

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O Avista Natural Gas Corporation	The Opportunity Council	UE-100467	Low-income assistance/rate design	Washington	10
I/M/O Manitoba Hydro	Resource Conservation Manitoba (RCM)	CASE NO. 17/10	Low-income program design	Manitoba	10
I/M/O TW Phillips	Office of Consumer Advocate	R-2010-2167797	Low-income program cost recovery	Pennsylvania	10
I/M/O PECO Energy—Gas Division	Office of Consumer Advocate	R-2010-2161592	Low-income program cost recovery	Pennsylvania	10
I/M/O PECO Energy—Electric Division	Office of Consumer Advocate	R-2010-2161575	Low-income program cost recovery	Pennsylvania	10
I/M/O PPL Energy	Office of Consumer Advocate	R-2010-2161694	Low-income program cost recovery	Pennsylvania	10
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2009-2149262	Low-income program design/cost recovery	Pennsylvania	10
I/M/O Atlantic City Electric Company	Office of Rate Council	R09080664	Customer service	New Jersey	10
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	R-2009-2139884	Low-income program cost recovery	Pennsylvania	10
I/M/O Philadelphia Gas Works	Office of Consumer Advocates	R-2009-2097639	Low-income program design	Pennsylvania	10
I/M/O Xcel Energy Company	Xcel Energy Company (PSCo)	085-146G	Low-income program design	Colorado	09
I/M/O Atmos Energy Company	Atmos Energy Company	09AL-507G	Low-income program funding	Colorado	09
I/M/O New Hampshire CORE Energy Efficiency Programs	New Hampshire Legal Assistance	D-09-170	Low-income efficiency funding	New Hampshire	09
I/M/O Public Service Company of New Mexico (electric)	Community Action of New Mexico	08-00273-UT	Rate Design	New Mexico	09
I/M/O UGI Pennsylvania Natural Gas Company (PNG)	Office of Consumer Advocate	R-2008-2079675	Low-income program	Pennsylvania	09
I/M/O UGI Central Penn Gas Company (CPG)	Office of Consumer Advocate	R-2008-2079660	Low-income program	Pennsylvania	09
I/M/O PECO Electric (provider of last resort)	Office of Consumer Advocate	R-2008-2028394	Low-income program	Pennsylvania	08
I/M/O Equitable Gas Company	Office of Consumer Advocate	R-2008-2029325	Low-income program	Pennsylvania	08
I/M/O Columbia Gas Company	Office of Ohio Consumers' Counsel	08-072-GA-AIR	Rate design	Ohio	08
I/M/O Dominion East Ohio Gas Company	Office of Ohio Consumers' Counsel	07-829-GA-AIR	Rate design	Ohio	08
I/M/O Vectren Energy Delivery Company	Office of Ohio Consumers' Counsel	07-1080-GA-AIR	Rate design	Ohio	08
I/M/O Public Service Company of North Carolina	NC Department of Justice	G-5, SUB 495	Rate design	North Carolina	08
I/M/O Piedmont Natural Gas Company	NC Department of Justice	G-9, SUB 550	Rate design	North Carolina	08

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O National Grid	New Hampshire Legal Assistance	DG-08-009	Low-income rate assistance	New Hampshire	08
I/M/O EmPower Maryland	Office of Peoples Counsel	PC-12	Low-income energy efficiency	Maryland	08
I/M/O Duke Energy Carolinas Save-a-Watt Program	NC Equal Justice Foundation	E-7, SUB 831	Low-income energy efficiency	North Carolina	08
I/M/O Zia Natural Gas Company	Community Action New Mexico	08-00036-UT	Low-income/low-use rate design	New Mexico	08
I/M/O Universal Service Fund Support for the Affordability of Local Rural Telecomm Service	Office of Consumer Advocate	I-0004010	Telecomm service affordability	Pennsylvania	08
I/M/O Philadelphia Water Department	Public Advocate	No Docket No.	Credit and Collections	Philadelphia	08
I/M/O Portland General Electric Company	Community Action--Oregon	UE-197	General rate case	Oregon	08
I/M/O Philadelphia Electric Company (electric)	Office of Consumer Advocate	M-00061945	Low-income program	Pennsylvania	08
I/M/O Philadelphia Electric Company (gas)	Office of Consumer Advocate	R-2008-2028394	Low-income program	Pennsylvania	08
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2008-2011621	Low-income program	Pennsylvania	08
I/M/O Public Service Company of New Mexico	Community Action New Mexico	08-00092-UT	Fuel adjustment clause	New Mexico	08
I/M/O Petition of Direct Energy for Low-Income Aggregation	Office of Peoples Counsel	CASE 9117	Low-income electricity aggregation	Maryland	07
I/M/O Office of Consumer Advocate et al. v. Verizon and Verizon North	Office of Consumer Advocate	C-20077197	Lifeline telecommunications rates	Pennsylvania	07
I/M/O Pennsylvania Power Company	Office of Consumer Advocate	P-00072437	Low-income program	Pennsylvania	07
I/M/O National Fuel Gas Distribution Corporation	Office of Consumer Advocate	M-00072019	Low-income program	Pennsylvania	07
I/M/O Public Service of New Mexico--Electric	Community Action New Mexico	07-00077-UT	Low-income programs	New Mexico	07
I/M/O Citizens Gas/NIPSCO/Vectren for Universal Service Program	Citizens Gas & Coke Utility/Northern Indiana Public Service/Vectren Energy	CASE 43077	Low-income program design	Indiana	07
I/M/O PPL Electric	Office of Consumer Advocate	R-00072155	Low-income program	Pennsylvania	07
I/M/O Section 15 Challenge to NSPI Rates	Energy Affordability Coalition	P-886	Discrimination in utility regulation	Nova Scotia	07
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	R-00061931	Low-income programs / credit and collections	Pennsylvania	07
I/M/O Equitable Gas Company	Office of Consumer Advocate	M-00061959	Low-income program	Pennsylvania	07

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O Public Service Company of New Mexico	Community Action of New Mexico	Case No. 06-000210-UT	Late charges / winter moratorium / decoupling	New Mexico	06
I/M/O Verizon Massachusetts	ABCD	Case NO. DTE 06-26	Late charges	Massachusetts	06
I/M/O Section 11 Proceeding, Energy Restructuring	Office of Peoples Counsel	PC9074	Low-income needs and responses	Maryland	06
I/M/O Citizens Gas/NIPSCO/Vectren for Univ. Svc. Program	Citizens Gas & Coke Utility/Northern Indiana Public Service/Vectren Energy	Case No. 43077	Low-income program design	Indiana	06
I/M/O Public Service Co. of North Carolina	North Carolina Attorney General/Dept. of Justice	G-5, Sub 481	Low-income energy usage	North Carolina	06
I/M/O Electric Assistance Program	New Hampshire Legal Assistance	DE 06-079	Electric low-income program design	New Hampshire	06
I/M/O Verizon Petition for Alternative Regulation	New Hampshire Legal Assistance	DM-06-072	Basic local telephone service	New Hampshire	06
I/M/O Pennsylvania Electric Co/Metropolitan Edison Co.	Office of Consumer Advocate	N/A	Universal service cost recovery	Pennsylvania	06
I/M/O Duquesne Light Company	Office of Consumer Advocates	R-00061346	Universal service cost recovery	Pennsylvania	06
I/M/O Natural Gas DSM Planning	Low-Income Energy Network	EB-2006-0021	Low-income gas DSM program.	Ontario	06
I/M/O Union Gas Co.	Action Centre for Tenants Ontario (ACTO)	EB-2005-0520	Low-income program design	Ontario	06
I/M/O Public Service of New Mexico merchant plant	Community Action New Mexico	05-00275-UT	Low-income energy usage	New Mexico	06
I/M/O Customer Assistance Program design and cost recovery	Office of Consumer Advocate	M-00051923	Low-income program design	Pennsylvania	06
I/M/O NIPSCO Proposal to Extend Winter Warmth Program	Northern Indiana Public Service Company	Case 42927	Low-income energy program evaluation	Indiana	05
I/M/O Piedmont Natural Gas	North Carolina Attorney General/Dept. of Justice	G-9, Sub 499	Low-income energy usage	North Carolina	05
I/M/O PSEG merger with Exelon Corp.	Division of Ratepayer Advocate	EM05020106	Low-income issues	New Jersey	05
Re. Philadelphia Water Department	Public Advocate	No docket number	Water collection factors	Philadelphia	05
I/M/O statewide natural gas universal service program	New Hampshire Legal Assistance	N/A	Universal service	New Hampshire	05
I/M/O Sub-metering requirements for residential rental properties	Tenants Advocacy Centre of Ontario	EB-2005-0252	Sub-metering consumer protections	Ontario	05

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O National Fuel Gas Distribution Corp.	Office of Consumer Advocate	R-00049656	Universal service	Pennsylvania	05
I/M/O Philadelphia Gas Works (PGW)	Office of Consumer Advocate	R-00049157	Low-income and residential collections	Pennsylvania	04
I/M/O Nova Scotia Power, Inc.	Dalhousie Legal Aid Service	NSUARB-P-881	Universal service	Nova Scotia	04
I/M/O Lifeline Telephone Service	National Ass'n State Consumer Advocates (NASUCA)	WC 03-109	Lifeline rate eligibility	FCC	04
Mackay v. Verizon North	Office of Consumer Advocate	C20042544	Lifeline rates—vertical services	Pennsylvania	04
I/M/O PECO Energy	Office of Consumer Advocate	N/A	Low-income rates	Pennsylvania	04
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	P00042090	Credit and collections	Pennsylvania	04
I/M/O Citizens Gas & Coke/Vectren	Citizens Action Coalition of Indiana	Case 42590	Universal service	Indiana	04
I/M/O PPL Electric Corporation	Office of Consumer Advocate	R00049255	Universal service	Pennsylvania	04
I/M/O Consumers New Jersey Water Company	Division of Ratepayer Advocate	N/A	Low-income water rate	New Jersey	04
I/M/O Washington Gas Light Company	Office of Peoples Counsel	Case 8982	Low-income gas rate	Maryland	04
I/M/O National Fuel Gas	Office of Consumer Advocate	R-00038168	Low-income program design	Pennsylvania	03
I/M/O Washington Gas Light Company	Office of Peoples Counsel	Case 8959	Low-income gas rate	Maryland	03
Golden v. City of Columbus	Helen Golden	C2-01-710	ECOA disparate impacts	Ohio	02
Huegel v. City of Easton	Phyllis Huegel	00-CV-5077	Credit and collection	Pennsylvania	02
I/M/O Universal Service Fund	Public Utility Commission staff	N/A	Universal service funding	New Hampshire	02
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	M-00021612	Universal service	Pennsylvania	02
I/M/O Washington Gas Light Company	Office of Peoples Counsel	Case 8920	Rate design	Maryland	02
I/M/O Consumers Illinois Water Company	Illinois Citizens Utility Board	02-155	Credit and collection	Illinois	02
I/M/O Public Service Electric & Gas Rates	Division of Ratepayer Advocate	GR01050328	Universal service	New Jersey	01
I/M/O Pennsylvania-American Water Company	Office of Consumer Advocate	R-00016339	Low-income rates and water conservation	Pennsylvania	01
I/M/O Louisville Gas & Electric Prepayment Meters	Kentucky Community Action Association	200-548	Low-income energy	Kentucky	01

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O NICOR Budget Billing Plan Interest Charge	Cook County State's Attorney	01-0175	Rate Design	Illinois	01
I/M/O Rules Re. Payment Plans for High Natural Gas Prices	Cook County State's Attorney	01-0789	Budget Billing Plans	Illinois	01
I/M/O Philadelphia Water Department	Office of Public Advocate	No docket number	Credit and collections	Philadelphia	01
I/M/O Missouri Gas Energy	Office of Peoples Counsel	GR-2001-292	Low-income rate relief	Missouri	01
I/M/O Bell Atlantic--New Jersey Alternative Regulation	Division of Ratepayer Advocate	T001020095	Telecommunications universal service	New Jersey	01
I/M/O Entergy Merger	Low-Income Intervenors	2000-UA925	Consumer protections	Mississippi	01
I/M/O T.W. Phillips Gas and Oil Co.	Office of Consumer Advocate	R00994790	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O Peoples Natural Gas Company	Office of Consumer Advocate	R-00994782	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O UGI Gas Company	Office of Consumer Advocate	R-00994786	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O PFG Gas Company	Office of Consumer Advocate	R00994788	Ratemaking of universal service costs.	Pennsylvania	00
Armstrong v. Gallia Metropolitan Housing Authority	Equal Justice Foundation	2:98-CV-373	Public housing utility allowances	Ohio	00
I/M/O Bell Atlantic--New Jersey Alternative Regulation	Division of Ratepayer Advocate	T099120934	Telecommunications universal service	New Jersey	00
I/M/O Universal Service Fund for Gas and Electric Utilities	Division of Ratepayer Advocate	EX00200091	Design and funding of low-income programs	New Jersey	00
I/M/O Consolidated Edison Merger with Northeast Utilities	Save Our Homes Organization	DE 00-009	Merger impacts on low-income	New Hampshire	00
I/M/O UtiliCorp Merger with St. Joseph Light & Power	Missouri Dept. of Natural Resources	EM2000-292	Merger impacts on low-income	Missouri	00
I/M/O UtiliCorp Merger with Empire District Electric	Missouri Dept. of Natural Resources	EM2000-369	Merger impacts on low-income	Missouri	00
I/M/O PacifiCorp	The Opportunity Council	UE-991832	Low-income energy affordability	Washington	00
I/M/O Public Service Co. of Colorado	Colorado Energy Assistance Foundation	99S-609G	Natural gas rate design	Colorado	00
I/M/O Avista Energy Corp.	Spokane Neighborhood Action Program	UE9911606	Low-income energy affordability	Washington	00
I/M/O TW Phillips Energy Co.	Office of Consumer Advocate	R-00994790	Universal service	Pennsylvania	00
I/M/O PECO Energy Company	Office of Consumer Advocate	R-00994787	Universal service	Pennsylvania	00

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O National Fuel Gas Distribution Corp.	Office of Consumer Advocate	R-00994785	Universal service	Pennsylvania	00
I/M/O PFG Gas Company/Northern Penn Gas	Office of Consumer Advocate	R-00005277	Universal service	Pennsylvania	00
I/M/O UGI Energy Company	Office of Consumer Advocate	R-00994786	Universal service	Pennsylvania	00
Re. PSCO/NSP Merger	Colorado Energy Assistance Foundation	99A-377EG	Merger impacts on low-income	Colorado	99 - 00
I/M/O Peoples Gas Company	Office of Consumer Advocate	R-00994782	Universal service	Pennsylvania	99
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-00994781	Universal service	Pennsylvania	99
I/M/O PG Energy Company	Office of Consumer Advocate	R-00994783	Universal service	Pennsylvania	99
I/M/O Equitable Gas Company	Office of Consumer Advocate	R-00994784	Universal service	Pennsylvania	99
Allerruzzo v. Klarchek	Barlow Allerruzzo	N/A	Mobile home fees and sales	Illinois	99
I/M/O Restructuring New Jersey's Natural Gas Industry	Division of Ratepayer Advocate	GO99030123	Universal service	New Jersey	99
I/M/O Bell Atlantic Local Competition	Public Utility Law Project	P-00991648	Lifeline telecommunications rates	Pennsylvania	99
I/M/O Merger Application for SBC and Ameritech Ohio	Edgemont Neighborhood Association	N/A	Merger impacts on low-income consumers	Ohio	98 - 99
Davis v. American General Finance	Thomas Davis	N/A	Damages in "loan flipping" case	Ohio	98 - 99
Griffin v. Associates Financial Service Corp.	Earlie Griffin	N/A	Damages in "loan flipping" case	Ohio	98 - 99
I/M/O Baltimore Gas and Electric Restructuring Plan	Maryland Office of Peoples Counsel	Case No. 8794	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Delmarva Power and Light Restructuring Plan	Maryland Office of Peoples Counsel	Case No. 8795	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Potomac Electric Power Co. Restructuring Plan	Maryland Office of Peoples Counsel	Case No. 8796	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Potomac Edison Restructuring Plan	Maryland Office of Peoples Counsel	Case No. 8797	Consumer protection/basic generation service	Maryland	98 - 99
VMHOA v. LaPierre	Vermont Mobile Home Owners Association	N/A	Mobile home tying	Vermont	98

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
Re. Restructuring Plan of Virginia Electric Power	VMH Energy Services, Inc.	PUE960296	Consumer protection/basic generation service	Virginia	98
Mackey v. Spring Lake Mobile Home Estates	Timothy Mackey	N/A	Mobile home fees	State ct: Illinois	98
Re. Restructuring Plan of Atlantic City Electric	New Jersey Division of Ratepayer Advocate	E097070457	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Jersey Central Power & Light	New Jersey Division of Ratepayer Advocate	E097070466	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Public Service Electric & Gas	New Jersey Division of Ratepayer Advocate	E097070463	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Rockland Electric	New Jersey Division of Ratepayer Advocate	E09707466	Low-income issues	New Jersey	97-98
Appleby v. Metropolitan Dade County Housing Agency	Legal Services of Greater Miami	N/A	HUD utility allowances	Fed. court: So. Florida	97 - 98
Re. Restructuring Plan of PECO Energy Company	Energy Coordinating Agency of Philadelphia	R-00973953	Universal service	Pennsylvania	97
Re. IES Industries Merger	Iowa Community Action Association	SPU-96-6	Low-income issues	Iowa	97
Re. New Hampshire Electric Restructuring	NH Comm. Action Ass'n	N/A	Wires charge	New Hampshire	97
Re. Merger of Atlantic City Electric and Connecticut Power and Light	Division of Ratepayer Advocate	EM97020103	Low-income	New Jersey	97
Re. Connecticut Power and Light	City of Hartford	92-11-11	Low-income	Connecticut	97
Re. Comprehensive Review of RI Telecomm Industry	Consumer Intervenors	1997	Consumer protections	Rhode Island	97
Re. Natural Gas Competition in Wisconsin	Wisconsin Community Action Association	N/A	Universal service	Wisconsin	96
Re. Baltimore Gas and Electric Merger	Maryland Office of Peoples Counsel	CASE NO. 8725	Low-income issues	Maryland	96
Re. Northern States Power Merger	Energy Cents Coalition	E-002/PA-95-500	Low-income issues	Minnesota	96
Re. Public Service Co. of Colorado Merger	Colorado Energy Assistance Foundation	N/A	Low-income issues	Colorado	96

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
Re. Massachusetts Restructuring Regulations	Fisher, Sheehan & Colton	DPU-96-100	Low-income issues/energy efficiency	Massachusetts	96
I/M/O PGW FY1996 Tariff Revisions	Philadelphia Public Advocate	No Docket No.	Credit and collection / customer service	Philadelphia	96
Re. FERC Merger Guidelines	National Coalition of Low-Income Groups	RM-96-6-000	Low-income interests in mergers	Washington D.C.	96
Re. Joseph Keliikuli III	Joseph Keliikuli III	N/A	Damages from lack of homestead	Honolulu	96
Re. Theresa Mahaulu	Theresa Mahaulu	N/A	Damages from lack of homestead	Honolulu	95
Re. Joseph Ching, Sr.	Re. Joseph Ching, Sr.	N/A	Damages from lack of homestead	Honolulu	95
Joseph Keaulana, Jr.	Joseph Keaulana, Jr.	N/A	Damages from lack of homestead	Honolulu	95
Re. Utility Allowances for Section 8 Housing	National Coalition of Low-Income Groups	N/A	Fair Market Rent Setting	Washington D.C.	95
Re. PGW Customer Service Tariff Revisions	Philadelphia Public Advocate	No Docket No.	Credit and collection	Philadelphia	95
Re. Customer Responsibility Program	Philadelphia Public Advocate	No Docket No.	Low-income rates	Philadelphia	95
Re. Houston Lighting and Power Co.	Gulf Coast Legal Services	12065	Low-Income Rates	Texas	95
I/M/O Petition to Stay PGW's Suspension of CRP customers who did Not Assign LIHEAP Grant to PGW	Philadelphia Public Advocate	No Docket No.	Low-Income rates	Philadelphia	95
Re. PGW Tariff Changes, Programs and Information Systems	Philadelphia Public Advocate	No Docket No.	Credit and collection	Philadelphia	95
Re. Request for Modification of Winter Moratorium	Philadelphia Public Advocate	No Docket No.	Credit and collection	Philadelphia	95
Re. Dept of Hawaii Homelands Trust Homestead Production	Native Hawaiian Legal Corporation	N/A	Prudence of trust management	Honolulu	94
Re. SNET Request for Modified Shutoff Procedures	Office of Consumer Counsel	94-06-73	Credit and collection	Connecticut	94
Re. Central Light and Power Co.	United Farm Workers	128280	Low-income rates/DSM	Texas	94
Blackwell v. Philadelphia Electric Co.	Gloria Blackwell	N/A	Role of shutoff regulations	Penn. courts	94
U.S. West Request for Waiver of Rules	Wash. Util. & Transp. Comm'n Staff	UT-930482	Telecommunications regulation	Washington	94
Re. U.S. West Request for Full Toll Denial	Colorado Office of Consumer	93A-6113	Telecommunications regulation	Colorado	94

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
	Counsel				
Washington Gas Light Company	Community Family Life Services	Case 934	Low-income rates & energy efficiency	Washington D.C.	94
Clark v. Peterborough Electric Utility	Peterborough Community Legal Centre	6900/91	Discrimination of tenant deposits	Ontario, Canada	94
Dorsey v. Housing Auth. of Baltimore	Baltimore Legal Aide	N/A	Public housing utility allowances	Federal district court	93
Penn Bell Telephone Co.	Penn. Utility Law Project	P00930715	Low-income phone rates	Pennsylvania	93
Philadelphia Gas Works	Philadelphia Public Advocate	No Docket No.	Low-income rates	Philadelphia	93
Central Maine Power Co.	Maine Assn Ind. Neighborhoods	Docket No. 91-151-C	Low-income rates	Maine	92
New England Telephone Company	Mass Attorney General	92-100	Low-income phone rates	Massachusetts	92
Philadelphia Gas Works	Philadelphia Public Advocate	No Docket No.	Low-income DSM	Philadelphia	92
Philadelphia Water Dept.	Philadelphia Public Advocate	No Docket No.	Low-income rates	Philadelphia	92
Public Service Co. of Colorado	Land and Water Fund	91A-783EG	Low-income DSM	Colorado	92
Sierra Pacific Power Co.	Washoe Legal Services	N/A	Low-income DSM	Nevada	92
Consumers Power Co.	Michigan Legal Services	No Docket No.	Low-income rates	Michigan	92
Columbia Gas	Office of Consumer Advocate (OCA)	R9013873	Energy Assurance Program	Pennsylvania	91
Mass. Elec. Co.	Mass Elec Co.	N/A	Percentage of Income Plan	Massachusetts	91
AT&T	TURN	90-07-5015	Inter-LATA competition	California	91
Generic Investigation into Uncollectibles	Office of Consumer Advocate	I-900002	Controlling uncollectibles	Pennsylvania	91
Union Heat Light & Power	Kentucky Legal Services (KLS)	90-041	Energy Assurance Program	Kentucky	90
Philadelphia Water	Philadelphia Public Advocate (PPA)	No Docket No.	Controlling accounts receivable	Philadelphia	90
Philadelphia Gas Works	PPA	No Docket No.	Controlling accounts receivable	Philadelphia	90
Mississippi Power Co.	Southeast Mississippi Legal Services Corp.	90-UN-0287	Formula ratemaking	Mississippi	90
West Kentucky Gas	KLS	90-013	Energy Assurance Program	Kentucky	90

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
Philadelphia Electric Co.	PPA	N/A	Low-income rate program	Philadelphia	90
Montana Power Co.	Montana Ass'n of Human Res. Council Directors	N/A	Low-income rate proposals	Montana	90
Columbia Gas Co.	Office of Consumer Advocate	R-891468	Energy Assurance Program	Pennsylvania	90
Philadelphia Gas Works	PPA	No Docket No.	Energy Assurance Program	Philadelphia	89
Southwestern Bell Telephone Co.	SEMLSC	NF-89749	Formula ratemaking	Mississippi	90
Generic Investigation into Low-income Programs	Vermont State Department of Public Service	Case No. 5308	Low-income rate proposals	Vermont	89
Generic Investigation into Dmnd Side Management Measures	Vermont DPS	N/A	Low-income conservation programs	Vermont	89
National Fuel Gas	Office of Consumer Advocate	N/A	Low-income fuel funds	Pennsylvania	89
Montana Power Co.	Human Resource Develop. Council District XI	N/A	Low-income conservation	Montana	88
Washington Water Power Co.	Idaho Legal Service Corp.	N/A	Rate base, rate design, cost-allocations	Idaho	88

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission

v.

Philadelphia Gas Works

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Docket No. R-2020-3017206

VERIFICATION

I, Roger D. Colton, hereby state that the facts above set forth in my Direct Testimony, OCA Statement No. 5, are true and correct and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: June 15, 2020
*289877

Signature:



Roger D. Colton

Consultant Address: Fisher, Sheehan, & Colton
34 Warwick Road
Belmont, MA 02478