



Amy E. Hirakis  
Senior Counsel  
Legal Department

800 N. Third Street  
Harrisburg, PA 17102  
Phone: 717-210-9625  
ahirakis@nisource.com

November 6, 2020

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

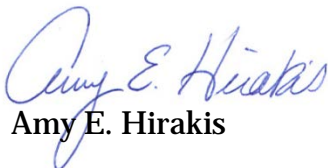
**Re: Public Utility Service Termination  
Proclamation of Disaster Emergency – COVID-19  
Docket No. M-2020-3019244**

Dear Secretary Chiavetta:

Enclosed for filing please find the Answer of Columbia Gas of Pennsylvania, Inc. to Joint Petition for Clarification of Turn, Action Alliance and CAUSE-PA regarding the above captioned matter.

Should you have any questions, please do not hesitate to contact the undersigned at (717) 210-9523.

Very truly yours,

  
Amy E. Hirakis

/kak

Enclosure

Cc Certificate of Service (w/enc.)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Public Utility Service Termination :  
Proclamation of Disaster Emergency – : Docket No. M-2020-3019244  
COVID-19 :

---

**ANSWER OF COLUMBIA GAS OF PENNSYLVANIA, INC.  
TO JOINT PETITION FOR CLARIFICATION OF  
TURN, ACTION ALLIANCE AND CAUSE-PA**

---

Columbia Gas of Pennsylvania, Inc. (“Columbia” or the “Company”), pursuant to 52 Pa. Code § 5.572(e), hereby submits this Answer to the Joint Petition for Clarification (“Petition”) of the Commission’s October 13, 2020 Order, filed by the Tenant Union Representative Network, Action Alliance of Senior Citizens of Greater Philadelphia, and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (collectively, “Joint Petitioners”) on October 27, 2020, in the above-captioned proceeding.

For the reasons explained in this Answer, Columbia submits that the Petition should be denied.

**I. Background**

On March 6, 2020, Governor Tom Wolf issued a Proclamation of Disaster Emergency that identified the COVID-19 pandemic as a disaster emergency. Soon thereafter, Columbia voluntarily halted service terminations and implemented a number of voluntary customer protections beyond those contained within the Public Utility Code and the Commission’s regulations. On March 13, 2020, the Commission entered an Emergency Order at this docket which established a prohibition on the termination of

utility service for the duration of the Governor's Proclamation of Emergency or until further action by the Commission.

On August 10, 2020, the Commission's Chairman, Gladys Brown Dutrieuille, issued a letter to the utilities and other stakeholders soliciting comments on the moratorium on service terminations and customer protections that should be implemented for at-risk customers if the moratorium were to be lifted. Comments were submitted on August 18, 2020 by a number of stakeholders, including Columbia and the Joint Petitioners.<sup>1</sup>

On October 13, 2020, the Commission entered an order that amended the Commission's March 13<sup>th</sup> Emergency Order by lifting the absolute prohibition on service terminations effective November 9, 2020, and moving to a less restrictive phase of the termination moratorium, referred to as "Phase 2 of the Termination Moratorium" (hereinafter, "Phase 2"). Pursuant to the October 13 Order, utilities may resume limited service terminations but must implement a number of modifications to existing termination and collection policies. Phase 2 is to remain in effect until March 31, 2021.

Pursuant to the October 13 Order, Columbia began taking steps to implement the modifications set forth in the order. For example, Columbia developed a 10-day communication consistent with paragraph 1 of the October 13 Order and mailed this communication to residential and commercial customers at risk of termination. The mailing of this communication was completed on November 5, 2020. Columbia has also revised its website to promote the new 18-month payment agreement now available to commercial customers and to advise residential customers of the enhanced protections

---

<sup>1</sup> The Joint Petitioners filed "Joint Comments of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, Tenant Union Representative Network, and Action Alliance of Senior Citizens of Greater Philadelphia."

for those with household incomes at or below 300% of the Federal poverty income guidelines. The Company has also advised its customer service representatives of the termination and collection modifications so that they can appropriately assist customers.

On October 27, 2020, the Joint Petitioners filed its Petition seeking clarification of the October 13 Order.

## **II. Answer to Petition**

### **A. Petition does not meet the Standard of Review for Clarification and/or Reconsideration.**

The Energy Association of Pennsylvania (“EAP”) is simultaneously filing an Answer to the Petition which, *inter alia*, will address the Commission’s standard of review for petitions for clarification and reconsideration. Columbia supports and adopts the EAP’s Answer and, rather than repeating the EAP’s argument that the Petition fails to meet the standard of review and thus should be denied, the Company hereby incorporates the EAP’s Answer as though fully set forth herein.

### **B. The proposed “clarifications” are unnecessary.**

The Petition asserts that the October 13 Order “lacks critical points of clarity that will make it difficult for utilities to comply and enable customers to access those protections” intended by the order (Petition ¶ 21) and proposes a number of amendments to the October 13 Order that, according to the Petition, would clarify the order for utilities and consumers. Columbia disagrees with the characterization that the October 13 Order is unclear or ambiguous. Indeed, the Company has already taken steps to comply with the October 13 Order without the need for further guidance from the Commission, and adoption of the Joint Petitioners’ proposed clarifications would only delay moving

forward with Phase 2 and create confusion for customers who have already received communications from Columbia and other utilities.

Moreover, the underlining concerns raised by the Joint Petitioners are unwarranted and further clarification is not necessary, as Columbia explains below.

Obligation to apply for “all available assistance” is not ambiguous

The Petition asserts that the requirement that customers must apply for “all available assistance” is ambiguous and too broad, and that the Commission should issue an order clarifying this obligation. Specifically, the Petition states that the October 13 Order needs to be clarified because it: (1) failed to direct the utilities to evaluate customers for assistance programs or provide assistance program information to customers (Petition ¶ 23); (2) failed to provide guidance to customers and utilities as to how a customer can demonstrate that a customer has applied for available assistance (Petition ¶ 24); and (3) is ambiguous as to what is meant by “all available assistance programs” and whether this includes “food, rental, and medical assistance” (Petition ¶ 25).

Since the onset of the pandemic, Columbia has taken a number of actions to engage customers and connect those experiencing financial hardship with bill-pay assistance programs, but unfortunately it has become increasingly difficult to enroll customers in assistance programs and payment agreements during the termination moratorium. The Commission’s October 13 Order creates an opportunity for the utilities to further engage customers and to enroll customers in available programs. Columbia submits that the October 13 Order does not need to explicitly direct the utilities to evaluate customers for assistance programs or promote these programs to customers for the utilities to take such action. The utilities want their customers to be informed of their options. As to the concern that a utility could interpret “all available assistance” to mean non-utility related

assistance programs such as food, rental and medical assistance, Columbia submits that when the phrase is read in context of the October 13 Order, it appears clear that all available assistance is limited to utility-related assistance and further clarity is not warranted.

Requirements of the 10-day communications are clear

The Petition asserts the October 13 Order is not specific enough in describing what information the utilities must include in the 10-day communication to customers. See Petition ¶¶ 24-36. Specifically, the Petition states that “without any further obligation imposed on the utility to help inform consumers of available options and evaluate their eligibility for various programs, [the 10-day communication] will be insufficient to aid customers in applying for all Available Assistance programs in compliance with the October 13 Order.” Petition ¶ 30. It further states that the October 13 Order is unclear as to the form the communication is required to take and which customers are to receive it. Petition ¶¶ 32, 34. Columbia submits that the October 13 Order does indeed specify what information is to be included in the 10-day communication. Paragraph 1 of the October 13 Order provides that the 10-day communications *must*: (1) inform the customer that they are at-risk for termination; (2) provide the timing of possible service termination unless appropriate steps are taken by the customers; and (3) inform the customer of available options. To the extent that the Joint Petitioners believe that additional information should be provided to customers in the 10-day communication, that is not a clarification issue, but a disagreement with the October 13 Order.

The Petition also seeks to have the Commission develop a standardized model of the 10-day communication. As noted above, Columbia completed its mailing of the 10-day communication on November 5, 2020. Columbia provided a sample copy of its

residential and commercial 10-day communications to the Bureau of Consumer Services, the Office of Consumer Advocate, and CAUSE-PA, as requested by these entities. Columbia submits that its 10-day communications complied with the October 13 Order and to have the Company re-issue the communication would cause significant customer confusion and cause significant delay in moving forward with Phase 2. As such, the Commission should reject the proposal that the Commission develop a standardized 10-day communication for the utilities.

Guidance is not needed regarding verifying a customer's income

The Petition asserts that the October 13 Order fails to provide the utilities guidance regarding how to accept forms of income verification (Petition ¶ 37) and fails to indicate whether a utility has an affirmative duty to determine whether a residential customer is a “protected customer” before pursuing collection activity (Petition ¶ 39). Columbia submits that the October 13 Order explicitly directs the utilities to accept income verification through “flexible means” when working with customers and verifying a customer's income, and provides examples of flexible means as over-the-phone and email. Further guidance is not needed on this point. As to whether the utilities have an affirmative duty to determine whether a residential customer is a protected customer before pursuing collection activity, Columbia does not support the proposal that a utility must affirmatively verify income and household composition information prior to service termination. Columbia submits that the October 13 Order is clear that the utilities have the affirmative duty to engage their customers through the 10-day communications and other legally-required notices, and that customers are then expected to contact the utility to make satisfactory arrangements, whether through applying for assistance programs or obtaining a payment agreement. Suggesting that the utility's hands are tied until a

customer contacts them is creating a barrier to collections that cannot be overcome if a customer recognizes that they just need to avoid contact. Further, the enhanced protections from service termination that a protected customer can take advantage of is not based on household income alone, but requires that the customer apply for assistance programs and request a payment arrangement.

**The October 13 Order does not restrict availability of medical certifications**

The Petition asserts that the October 13 Order adds additional restrictions to medical certifications by stating that the medical certification could be on a doctor's or medical facility's letterhead, which is not a current requirement for medical certifications. Petition ¶¶ 41-44. As such, the Joint Petitioners request that the Commission clarify that any writing that includes the required elements of a medical certificate must be accepted by a utility. Petition ¶ 46. Columbia did not interpret the October 13 Order as requiring medical certifications to be on the letterhead of the customer's doctor or medical facility, nor will the Company be changing its practice to require such.

**The October 13 Order does not override the winter moratorium protections**

The Petition states that the October 13 Order is "not clear whether the October 13 Order adequately recognizes that customers with incomes at or below 250% FPIG remain protected by the statutory prohibition on termination", and as a result, the Commission should clarify that the winter moratorium protections remain in place. Petition ¶¶ 48-50. Columbia submits that this clarification is unnecessary and that it is unreasonable to interpret the October 13 Order as overriding the statutory winter moratorium protections.

**Protections for Victims of Domestic Violence**

The Petition requests that the Commission adopt two recommendations regarding victims of domestic violence: (1) require utilities to accept verbal attestations that a



customer is a victim of domestic violence and (2) require utilities and BCS to inquire whether a customer is a victim of domestic violence when a customer is eligible for service termination. Petition ¶¶ 54. c. The Company is very sympathetic to the special nuances required to serve customers with an active protection from abuse order. The Company's CARES<sup>2</sup> representatives manage the protections and work with each customer in this situation. The Company, however, does not support the proposal that the utilities accept verbal attestations from the customer that the customer is a victim of domestic violence. The Company is also reluctant to require that every agent ask a customer facing termination if he or she is a victim of domestic abuse. The number of customers this policy applies to is relatively small and the burden to ask every customer and risk offending some customers is not warranted.

---

<sup>2</sup> CARES employs social service professionals and specially trained call center representatives to provide information and referrals on all programs and resources available to customers in need ranging from large scale outreach activities to one on one intervention .

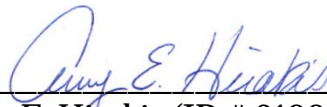
**III. Conclusion**

For the reasons discussed above, and as addressed in the Answer submitted by Energy Association of Pennsylvania, the relief sought in the Joint Petition for Clarification submitted on October 27, 2020 is unnecessary and unwarranted.

WHEREFORE, Columbia Gas of Pennsylvania, Inc. respectfully requests that the Commission deny the Joint Petition for Clarification.

Respectfully submitted,

Date: November 6, 2020



---

Amy E. Hirkakis (ID # 310094)  
800 North 3rd Street  
Suite 204  
Harrisburg, PA 17102  
Phone: 717-210-9625  
E-mail: ahirakis@nisource.com

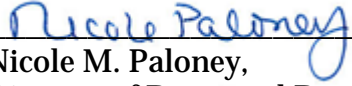
Theodore J. Gallagher (ID #90842)  
Meagan B. Moore (ID #317975)  
121 Champion Way, Suite 100  
Canonsburg, PA 15317  
E-mails: tjgallagher@nisource.com  
mbmoore@nisource.com

Attorneys for Columbia Gas, Inc.

**VERIFICATION**

I, Nicole M. Paloney, being Director of Rates and Regulatory Affairs of Columbia Gas of Pennsylvania, Inc., hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements made herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 11/6/2020

  
\_\_\_\_\_  
Nicole M. Paloney,  
Director of Rates and Regulatory Affairs  
of Columbia Gas of Pennsylvania, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, served copies of the attached document in the above captioned matter upon the following persons and in accordance with the requirements of 52 Pa. Code § 1.54, as modified by the Commission's March 20, 2020 Emergency Order.

### SERVICE BY EMAIL ONLY

Joline R. Price, Esq.  
Robert Ballenger, Esq.  
Josie B. H. Pickens, Esq.  
*Counsel for TURN and Action Alliance*  
Community Legal Services  
1424 Chestnut Street  
Philadelphia, PA 19102  
[jprice@clsphila.org](mailto:jprice@clsphila.org)  
[rballenger@clsphila.org](mailto:rballenger@clsphila.org)  
[jpickens@clsphila.org](mailto:jpickens@clsphila.org)

Elizabeth R. Marx, Esq.  
Ria M. Pereira, Esq.  
John W. Sweet, Esq.  
Counsel for CAUSE-PA  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)

Donna Clark, Esq.  
Energy Association of Pennsylvania  
800 North Third Street  
Harrisburg, PA 17102  
[dclark@energypa.org](mailto:dclark@energypa.org)

Richard Kanaskie, Esq.  
Bureau of Investigation and  
Enforcement  
Pennsylvania Public Utility Commission  
P.O. 3265  
Harrisburg, PA 17105-3265  
[rkanskie@pa.gov](mailto:rkanskie@pa.gov)

Christy Appleby, Esq.  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
[cappleby@paoca.org](mailto:cappleby@paoca.org)

Steven Gray, Esq.  
Office of the Small Business Advocate  
555 Walnut Street  
1st Floor, Forum Place  
Harrisburg, PA 17101  
[sgray@pa.gov](mailto:sgray@pa.gov)

Anthony D. Kanagy, Esq.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
[akanagy@postschell.com](mailto:akanagy@postschell.com)  
[ksitler@postschell.com](mailto:ksitler@postschell.com)

Bill Johnston-Walsh  
AARP Pennsylvania  
30 North 3rd Street #750  
Harrisburg, PA 17101  
[pa@aarp.org](mailto:pa@aarp.org)

Brook Bogacz  
1775 Industrial Blvd  
Lewisburg, PA 17837  
[bogaczykb@citizenselectric.com](mailto:bogaczykb@citizenselectric.com)

Charles E. Thomas III  
PA Rural Electric Association  
212 Locust Street  
Suite 100  
Harrisburg, PA 17101  
[charles\\_thomas@ccsenergy.com](mailto:charles_thomas@ccsenergy.com)

Craig W. Berry, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
[craig.berry@pgworks.com](mailto:craig.berry@pgworks.com)

Danielle Jouenne, Esq.  
UGI Corporation  
460 North Gulph Road  
King of Prussia, PA 19406  
[jouenned@ugicorp.com](mailto:jouenned@ugicorp.com)

Emily M. Farah, Esq.  
Michael Zimmerman, Esq.  
Tishekia Williams, Esq.  
Lindsay Baxter  
Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15219  
[efarah@duqlight.com](mailto:efarah@duqlight.com)  
[lbaxter@duqlight.com](mailto:lbaxter@duqlight.com)  
[mzimmerman@duqlight.com](mailto:mzimmerman@duqlight.com)  
[twilliams@duqlight.com](mailto:twilliams@duqlight.com)

Emma Horst-Martz  
PennPIRG  
1429 Walnut St  
Suite 1100  
Philadelphia, PA 19102  
[emma@pennpirg.org](mailto:emma@pennpirg.org)

Erik Ross  
Milliron & Goodman  
200 North Third Street  
Suite 1500  
Harrisburg, PA 17101  
[erik@millirongoodman.com](mailto:erik@millirongoodman.com)

Thomas Schuster  
Sierra Club  
PO Box 51  
Windber, PA 15963  
[tom.schuster@sierraclub.org](mailto:tom.schuster@sierraclub.org)

Jennifer Petrisek, Esq.  
375 North Shore Drive  
Pittsburgh, PA 15212  
[Jennifer.Petrisek@peoples-gas.com](mailto:Jennifer.Petrisek@peoples-gas.com)

Ward L. Smith, Esq.  
Exelon Business Services Corp.  
Legal Department S23-1  
2301 MARKET STREET  
PHILADELPHIA, PA 19103  
[ward.smith@exeloncorp.com](mailto:ward.smith@exeloncorp.com)

Mark Szybist, Esq.  
Josue Aguilar  
NRDC  
1152 15th Street NW  
Suite 300  
Washington, DC 20005  
[mszybist@nrdc.org](mailto:mszybist@nrdc.org)

Kim McConnell  
John Hollenbach  
United Water  
4211 East Park Circle  
Harrisburg, PA 17111  
[kim.mcconnell@unitedwater.com](mailto:kim.mcconnell@unitedwater.com)  
[john.hollenbach@unitedwater.com](mailto:john.hollenbach@unitedwater.com)

Kimberly A Klock, Esq.  
Michael J Shafer, Esq.  
PPL Services Corp  
2 N 9th Street GENTW3  
Allentown, PA 18101  
[kklock@pplweb.com](mailto:kklock@pplweb.com)  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)

Lauren M Burge, Esq.  
Eckert Seamans Cherin & Mellott LLC  
600 Grant Street 44th Floor  
Pittsburgh, PA 15219  
[lburge@eckertseamans.com](mailto:lburge@eckertseamans.com)

Mary McFall Hopper, Esq.  
Aqua Pennsylvania  
762 W Lancaster Avenue  
Bryn Mawr, PA 19010  
[mmhopper@aquaamerica.com](mailto:mmhopper@aquaamerica.com)

Pamela C Polacek, Esq.  
C&T Companies  
McNees Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17108-1166  
[ppolacek@mcneeslaw.com](mailto:ppolacek@mcneeslaw.com)

Steven J. Samara  
Pennsylvania Telephone Association  
30 N. 3rd St., Suite 780  
Harrisburg, PA 17101  
[steve.samara@patel.org](mailto:steve.samara@patel.org)

Suzan D Paiva, Esq.  
Verizon  
900 RACE ST 6TH FL  
PHILADELPHIA, PA 19107  
[Suzan.D.Paiva@Verizon.com](mailto:Suzan.D.Paiva@Verizon.com)

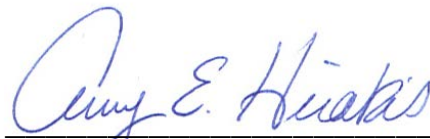
Thomas J Sniscak, Esq.  
Whitney E. Snyder, Esq.  
HAWKE McKEON AND SNISCAK LLP  
100 N Tenth Street  
Harrisburg, PA 17101  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)  
[wesnyder@hmslegal.com](mailto:wesnyder@hmslegal.com)

Tori L Giesler, Esq.  
FirstEnergy  
2800 Pottsville Pike  
PO Box 16001  
Reading, PA 19612-6001  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)

Dated: November 6, 2020

Deanne M. O'Dell, Esq.  
Kristine E. Marsilio, Esq.  
*Counsel for PWSA*  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
P.O. Box 1248  
Harrisburg, PA 17101  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)  
[kmarsilio@eckertseamans.com](mailto:kmarsilio@eckertseamans.com)

Respectfully submitted



---

Amy E. Hirakis, Esq.  
Columbia Gas  
800 North 3rd Street, Suite 204  
Harrisburg, PA 18101  
717-210-9625  
[ahirakis@nisource.com](mailto:ahirakis@nisource.com)