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PHILADELPHIA GAS COMMISSION  
- - -  
CAPITAL BUDGET AND AMENDMENTS THERETO,  
FORECAST OF CAPITAL BUDGETS FOR FY 2026-2030,  
AND RELATED MATTERS

- - -  
April 9, 2024  
10:06 a.m.

- - -  
VIA ZOOM VIDEOCONFERENCING

- - -  
BEFORE: ROYAL E. BROWN, Acting Chairman  
MICHAEL DRISCOLL  
EVAN URBANIA  
CHRISTY BRADY, Controller  
BILL RUBIN, Alternate  
Commissioners

- - -  
VERITEXT LEGAL SOLUTIONS  
MID-ATLANTIC DIVISION

1 APPEARANCES:

2

JAMES C. KELLETT, ESQ.  
Deputy City Solicitor  
Counsel to Philadelphia Gas Commission

4

ANDRE C. DASENT, ESQ.  
Counsel to Philadelphia Gas Works  
COMMUNITY LEGAL SERVICES, INC.

5

6

BY: ROBERT W. BALLENGER, ESQ.  
Counsel to Public Advocate  
EARTHJUSTICE

7

8

BY: DEVIN McDOUGALL, ESQ.  
CELINE BUSNELLI, Litigation Assistant  
Counsel to POWER

10

11 PRESENT ON BEHALF OF PGC:

12

GEMELA N. McCLENDON, ESQ.  
Executive Director  
HEIDI L. WUSHINSKE, ESQ.  
Hearing Examiner

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14

15

ROSLYN BELL, ESQ.  
Hearing Examiner

16

17

ANNA M. CORRADO ROWE  
Senior Analyst

18

TIMOTHY MURTHA  
Financial Analyst/Internal Auditor

19

20

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(Continued on Page 3.)

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24

1 PRESENT ON BEHALF OF PGW:

2

WILLIAM J. GALLAGHER

3

Vice President, Budget and Strategic  
Development

4

JOSEPH R. HAWKINSON

5

Vice President, Field Operations

6

KELLY DeLUSSEY

7

Vice President, Operations, Resource Management,  
and Personnel

8

STEPHEN SCHUMMER

9

Manager, Budget Reporting

10

CARITA COUNCIL

Senior Budget Analyst, Finance

11

MARY LYNN O'BOYLE

12

Administrative Assistant

13

14

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(Continued on Page 4.)

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1 PRESENT ON BEHALF OF THE PUBLIC:

2 CINTHIA IBARRA

3 ELAINE FULTZ

4 HARRISON MACE, Reclaim Philadelphia

5 IV

6 JAMIR HUBBARD

7 JULIE GREENBERG

8 KAREN MELTON

9 LINNEA BOND

10 MAT WRANOVICS

11 MITCH CHANIN, Reclaim Philadelphia

12 NADINE YOUNG

13 PAMELA DARVILLE, POWER Interfaith

14 PATRICIA LIBBEY

15 PETER FURCHT

16 RACHEL JACOBS

17 STEVE GREENSPAN, POWER CJJ

18 TAMMY MURPHY

19 TOM MacDONALD, WHY

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1                   ACTING CHAIRMAN BROWN: The second  
2                   item on the agenda is PGW's Proposed Fiscal  
3                   Year 2025 Capital Budget and Amendments  
4                   Thereeto, Forecast of Capital Budgets for  
5                   Fiscal Years 2026 through 2030, and Related  
6                   Matters.

7                   Section 4.2.b. of the City-PFMC  
8                   Management Agreement requires PFMC to  
9                   prepare an annual capital budget which must  
10                  be satisfactory to the Gas Commission and  
11                  include a funding plan. Under that same  
12                  section we must review PGW's capital budget  
13                  proposals and submit our recommendations to  
14                  City Council.

15                  Section IV.2.c. provides that PGW  
16                  must spend in accordance with approved  
17                  budgets.

18                  These and other applicable legal and  
19                  governance standards are detailed in the  
20                  Recommended Decision.

21                  The procedural history of this matter  
22                  prior to issuance of the Recommended  
23                  Decision is detailed in that document, but I  
24                  will briefly summarize the highlights.

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On January 2, 2024, PGW filed a proposed Fiscal Year 2025 Capital Budget and Related Forecast together with testimony and a supporting PFMC Board resolution and various supporting schedules and departmental budgets.

Formal and informal discovery took place. Informational discovery meetings were held virtually on January 23 and February 7. The Public Advocate and POWER Interfaith filed witness testimony on February 21. A public hearing was held on February 27.

PGW, the Advocate, and POWER filed their respective briefs on March 8, which will be marked respectively as Gas Works Exhibit #1, Public Advocate Exhibit #1, and POWER Exhibit #1.

- - -

(Whereupon PGW Exhibit #1, PA Exhibit #1, and POWER Exhibit #1 were marked for identification.)

- - -

ACTING CHAIRMAN BROWN: The

1           disadvantaged business enterprise (DBE)  
2           participation plan forecast was late-filed  
3           on March 13, 2024.

4                       On March 19 Executive Director Gemela  
5           McClendon and Hearing Examiners Heidi  
6           Wushinske and Roslyn Bell issued a  
7           Recommended Decision. They recommended  
8           various line item adjustments and reporting  
9           and filing requirements.

10                      The Recommended Decision will be  
11           marked as Gas Commission Exhibit #2.

12                                       - - -

13                              (Whereupon PGC Exhibit #2 was marked  
14           for identification.)

15                                       - - -

16                      ACTING CHAIRMAN BROWN: On March 26  
17           POWER filed Exceptions to the Recommended  
18           Decision, which will be marked as POWER  
19           Exhibit #2.

20                                       - - -

21                              (Whereupon POWER Exhibit #2 was  
22           marked for identification.)

23                                       - - -

24                      ACTING CHAIRMAN BROWN: On April 1

1 PGW filed Reply Exceptions to the  
2 Recommended Decision, which will be marked  
3 as PGW Exhibit #2.

4 - - -

5 (Whereupon PGW Exhibit #2 was marked  
6 for identification.)

7 - - -

8 ACTING CHAIRMAN BROWN: To facilitate  
9 our preparation for today's meeting,  
10 Commission Staff developed a Briefing Guide.  
11 This document outlines the Hearing  
12 Examiners' recommended budget adjustments  
13 and other recommendations.

14 A draft of this document was shared  
15 with the participants. No participant  
16 submitted comments on it.

17 The final version of the Briefing  
18 Guide will be marked as Gas Commission  
19 Exhibit #3.

20 - - -

21 (Whereupon PGC Exhibit #3 was marked  
22 for identification.)

23 - - -

24 ACTING CHAIRMAN BROWN: I would like



1 to ask Ms. McClendon to provide an overview  
2 of this recommended budget and the issue  
3 areas still in dispute.

4 EXEC. DIR. McCLENDON: Thank you,  
5 Chairman Brown.

6 First, I would like to thank the  
7 participants for their work in positioning  
8 this matter for the Commission's vote here  
9 today. As always, we are grateful for the  
10 efforts put in by PGW, the Public Advocate,  
11 and POWER Interfaith in these matters.

12 After consideration of the full  
13 record, including receiving and reviewing  
14 testimony from PGW, the Public Advocate, and  
15 POWER Interfaith, as well as members of the  
16 public at the public hearing held on  
17 February 27, 2024, the Hearing Examiners and  
18 Commission Staff are recommending that the  
19 Commission adopt a total of \$1.9 million in  
20 reductions to PGW's proposed budget as filed  
21 on January 2 and instead adopt an FY '25  
22 Capital Budget in the not-to-exceed amount  
23 of approximately \$194.3 million.

24 There is a single issue area which

1 remains in contention today and that is the  
2 issue of various line items related to load  
3 growth. PGW and POWER Interfaith are on  
4 opposite ends of this and I'm sure that in a  
5 few moments you will hear from both sides on  
6 what their final positions are on these  
7 issues.

8 Thank you, Chairman Brown.

9 ACTING CHAIRMAN BROWN: Thank you.

10 Although the participants have  
11 clearly set forth their positions in their  
12 written submissions, we would like to  
13 provide them with the opportunity to make a  
14 brief comment if they wish to do so.

15 First we will hear from PGW and  
16 Mr. Dasent.

17 MR. DASENT: Good morning, Chairman  
18 Brown. As POWER is the moving party with  
19 these Exceptions, I defer to them to speak  
20 first. I would like to reserve time to  
21 respond after they've completed their  
22 statement. Thank you.

23 ACTING CHAIRMAN BROWN: Okay.

24 Mr. Ballenger, do you have any

1 statements?

2 MR. BALLENGER: Thank you, no. At  
3 this time the only matter that's really up  
4 for additional discussion is the issue  
5 between POWER and PGW. The Public Advocate  
6 did not submit any Comments or Exceptions to  
7 the Recommended Decision. So we will be  
8 interested to hear from the other  
9 participants this morning. Thank you.

10 ACTING CHAIRMAN BROWN: Thank you.

11 Mr. McDougall from POWER, do you have  
12 any statements?

13 MR. McDOUGALL: Yes. Thank you,  
14 Commissioner.

15 Respectfully, POWER Interfaith  
16 continues to believe that the law requires  
17 and good public policy counsels public  
18 oversight over PGW's cost-benefit analyses  
19 for capital investments in gas network  
20 expansion as expressly required by the  
21 Capital Program Protocols.

22 Notably, the Protocols require that  
23 documentation showing an acceptable return  
24 on investment from proposed load growth

1 investment be submitted as a budget filing  
2 requirement and subject to public oversight  
3 during the Commission's budget review.

4 This is critical because PGW's  
5 capital spending has significant impacts on  
6 affordability and climate change. The more  
7 PGW spends on capital, the larger the  
8 capital base grows and the more upward  
9 pressure there is on rates.

10 That's why it is so important to make  
11 sure that before capital investments are  
12 authorized, PGW makes the required showing  
13 that those capital investments will indeed  
14 produce the return on investment that is  
15 needed to avoid deepening the energy burden  
16 that existing ratepayers are already saddled  
17 with.

18 Additionally, the more PGW expands  
19 its distribution infrastructure, the more  
20 expensive it will become for the City to  
21 achieve its commitment to decarbonization by  
22 2050 and the harder it will become for the  
23 City to protect its most vulnerable  
24 residents from climate impacts that will

1 grow in severity as greenhouse gas emissions  
2 increase.

3 Given these high stakes, it is  
4 essential that proposed capital expenditures  
5 on load growth are fully and thoroughly  
6 vetted by the Gas Commission according to  
7 the procedures directed by City Council to  
8 ensure that the return on investment is  
9 acceptable and demonstrably justifies the  
10 capital expenditure.

11 Thank you.

12 ACTING CHAIRMAN BROWN: Thank you,  
13 Mr. McDougall.

14 We'll go back to you, Mr. Dasent.

15 MR. DASENT: Yes. Thank you,  
16 Chairman Brown.

17 Very briefly, PGW agrees that load  
18 addition should be subject to the scrutiny  
19 and oversight of the Gas Commission. That's  
20 been the case for the couple decades I've  
21 been representing PGW.

22 POWER is interpreting the Capital  
23 Program Protocols, where these requirements  
24 emanate, a little differently than we have

1 in the past. In the past basically we have  
2 said, because these projects are in the  
3 future, they're planned for fiscal 2025, the  
4 commitments don't necessarily exist when we  
5 put together the filing; and in this case,  
6 fiscal 2025, they do not exist.

7 But because we've identified  
8 projects -- and a couple dozen projects  
9 you'll see on Pages 510 through 514 in the  
10 budget filing -- we sort of lay out the  
11 larger products, \$50,000 and greater, that  
12 we expect to come to completion or to have  
13 evidence by a contract commitment and  
14 related rate of return or return on  
15 investment analysis during the budget year.  
16 But it happens after September 1, 2024.

17 During the budget year we have  
18 projects that come in. PGW doesn't have  
19 control of these projects. They're private  
20 sector projects. Developers, different  
21 other entities, individual customers, bring  
22 these projects online during the course of  
23 the fiscal year.

24 We control the timing, and by that I

1 mean their construction timelines, their  
2 developer timelines, their interest rates.  
3 A lot of different things impact the  
4 scheduling for these projects and they come  
5 at different times.

6 So we have found a mechanism and used  
7 it consistent/in accordance with the Capital  
8 Program Protocols to allow us to proceed by  
9 identifying these projects we expect to come  
10 online and look at those, they are included  
11 in the budget filing; and in addition to  
12 that, we have, through the various budget  
13 line items for additional mains of various  
14 sizes and pressures, services, regulators  
15 and meters, a budget of some \$19 million  
16 that is proposed for fiscal 2025.

17 In the past this has been sufficient,  
18 this substantiation, because if you look at  
19 the budget filing, you'll see for each one  
20 of these items, whether it's an addition or  
21 a replacement, we have the same criteria  
22 that applies and it lays out basically a  
23 cost per linear foot and it's on an average  
24 cost basis, based on either a three-year

1 average or a five-year average depending  
2 upon the type of equipment we're talking  
3 about.

4 We believe that's sufficient. It has  
5 worked for us in the past and, as I  
6 mentioned, the couple decades that I've been  
7 here.

8 We have seen in this particular case  
9 sort of a departure from that interpretation  
10 of what is sufficient.

11 Now, we've gone through the budget  
12 process in capital program workshops prior  
13 to each annual capital budget filing. At  
14 that time the customers -- actually, the  
15 Public Advocate, the Union on occasion, and  
16 PGW -- sit down and talk about the various  
17 conventions that apply for our budget  
18 estimation methodology, the use of averages.  
19 And we've had a lot of input in the past  
20 with Mike Bleiweis for the Public Advocate,  
21 now it's Lafayette Morgan, and they offered  
22 their input and we proceed by consensus.

23 We take all this input very seriously  
24 and we have come up with a methodology that



1 works for us. We have vetted this a lot of  
2 different ways, looking at replacements as  
3 well as additions, and it's the same  
4 standard. Remember, it's pipe either way.  
5 It's just under a label addition as opposed  
6 to replacement.

7 Instead of a departure from this, we  
8 suggest it be done, not in a budget  
9 proceeding sort off on the fly, but after  
10 thoughtful analysis.

11 We sort of lay out in our brief what  
12 we think that analysis might entail because  
13 if we're departing from what we've done in  
14 the past, from what works, in other words,  
15 we should at least have a look at, you know,  
16 sort of the particulars, the specifics, how  
17 this will work or not in terms of a process  
18 for the future.

19 Now, POWER also suggests, well,  
20 there's a workaround for that because we can  
21 do it via budget amendment. But because of  
22 the delays in various projects or the timing  
23 of various projects that don't necessarily  
24 proceed in an orderly way during the fiscal

1 year, if you precede it by amendment, you  
2 have to do it sort of by each project as  
3 it's completed; or if you can group some of  
4 them together, I suppose that's possible  
5 also.

6 But there are deadlines under the  
7 Protocols also that Mr. McDougall is  
8 embracing and that allows you only to  
9 accomplish a certain amount of time before  
10 the deadline for Capital Budget amendments.

11 So by its nature some projects are  
12 likely to fall through the cracks, very  
13 likely, because the deadline is in March.  
14 So March of 2025 we would have to make these  
15 various filings. So whatever happens in the  
16 next five months after that would fall  
17 through the cracks, at least for fiscal  
18 2025.

19 And we have an obligation to serve  
20 new customers, new load, and we would like  
21 not to be presented with that prospect. We  
22 don't see how it's workable to proceed by  
23 changing the rules during the game and sort  
24 of moving the goal post because in the past

1           this has been sufficient.

2                       What we've offered basically is the  
3 budget substantiation that I mentioned for  
4 load additions, which includes for mains  
5 various pressures/sizes, service, meters and  
6 regulators, and we have also offered  
7 identification of projects, the largest  
8 projects. We have a couple dozen that are  
9 discrete projects that we have identified in  
10 this filing. Look at 510 to 514 in the  
11 filing and you'll see them. We expect those  
12 to come to fruition.

13                      There are also a lot of other  
14 projects, sort of smaller ones, that fall  
15 through the cracks or you don't notice them  
16 because they are smaller. They are  
17 individuals that are coming online.

18                      Now, do we lose customers during the  
19 year? Sure. Do we gain some customers?  
20 Yes. Is it a complete offset? No. But it  
21 helps when new customers are coming online  
22 to support the load, to support the cost of  
23 the system. It's to the customer's benefit  
24 as we transition to whatever the future

1 holds to have some entering, many or some  
2 exiting, and then the net is what we recover  
3 through rates and charges. It's important  
4 that these additions be made.

5 For that reason, as well as fairness,  
6 as well as our tariff obligation, as well as  
7 1501 of the Public Utility Code, which says  
8 very plainly that we have to be ready -- or  
9 maybe not so plainly but cryptically -- that  
10 we have to be ready to serve on a reasonable  
11 basis customers -- and we are subject to PUC  
12 so we have to abide by those standards -- I  
13 think the Recommended Decision captures all  
14 that and we hope that you will endorse or  
15 approve for final recommendation by City  
16 Council these various load addition  
17 expenditures that have been consistently  
18 approved in the past.

19 And I'm talking 20 years. I  
20 mentioned a decade as far as my research  
21 would go. But I've been here, I remember  
22 it, and Rob remembers most of it and  
23 Bertocci before him.

24 These load addition expenditures are

1 for the good of customers and support a  
2 system that otherwise would not have as many  
3 customers bearing the load, certainly paying  
4 the bills, the operating expense.

5 So we need these approvals for load  
6 addition expenditures and we hope you will  
7 endorse or support the Recommended Decision.

8 Thank you.

9 ACTING CHAIRMAN BROWN: Thank you,  
10 Mr. Dasent.

11 Are there any comments or questions  
12 from any of the Commissioners?

13 - - -

14 (No response.)

15 - - -

16 ACTING CHAIRMAN BROWN: Hearing none,  
17 thank you very much. We appreciate  
18 everyone's participation as we deliberate on  
19 PGW's Budget.

20 All of the identified exhibits will  
21 be entered into the record. This matter is  
22 now before us for action and I call on  
23 Commission Urbania for a recommendation and  
24 motion.

1 COMMISSIONER URBANIA: Thank you,  
2 Chairman.

3 Good morning, everyone.

4 My motion is set out in a written  
5 document with two appendices, and I ask that  
6 it be marked and entered into the record as  
7 Gas Commission Exhibit #4.

8 - - -

9 (Whereupon PGC Exhibit #4 was marked  
10 for identification.)

11 - - -

12 COMMISSIONER URBANIA: A draft was  
13 circulated to Commissioners in advance of  
14 this meeting. This Motion was distributed  
15 to the participants electronically prior to  
16 the start of the meeting.

17 The Recommended Decision suggested  
18 line items adjustments, reporting  
19 requirements, and several other actions. I  
20 would like to thank Commission Staff and the  
21 participants for their work to reach  
22 agreement in this budget proceeding.

23 To summarize, PGW's initial budget  
24 request was for \$196.346 million. In the

1 March 19 Recommended Decision the Hearing  
2 Examiners recommended \$1.963 million in  
3 downward adjustments to PGW's proposed  
4 budget. This is discussed in greater detail  
5 in my written Motion.

6 POWER filed Exceptions to the  
7 Recommended Decision and PGW filed Reply  
8 Exceptions.

9 After reviewing the Recommended  
10 Decision and the filed Exceptions, I am  
11 persuaded that we should adopt the  
12 Recommended Decision. I move that we reject  
13 POWER's Exceptions and grant PGW's Reply  
14 Exceptions for the following reasons.

15 POWER excepts to Commission Staff's  
16 denial of its request to deny PGW funding  
17 for seven load growth line items. In the  
18 Recommended Decision Commission Staff  
19 recommended approval with immediate funding  
20 for these line items: high pressure main  
21 additions, 8" and smaller low/intermediate  
22 pressure main additions, 12" and larger  
23 LP/IP main additions, customer meter and  
24 regulatory additions, 1-1/4" smaller service

1 additions, 2" and larger service additions,  
2 meter additions.

3 POWER argues that these load growth  
4 line items should be denied because it  
5 believes that PGW did not properly  
6 substantiate them based upon POWER's  
7 interpretation of the Capital Program  
8 Protocols.

9 POWER also disagrees with the  
10 Recommended Decision's finding that the  
11 result of its proposals would be to defund  
12 new customer connections, thereby violating  
13 Commonwealth law as well as PGW's tariff  
14 obligations.

15 As an alternative to outright denial  
16 of these line items, POWER proposes that PGW  
17 be ordered to amend its Capital Budget to  
18 add an amount of proposed spending for an  
19 identifiable project (not a historical  
20 composite of annual spending) that is  
21 substantiated by a contractual commitment  
22 (executed or reasonably certain to be  
23 executed during the budget year) and a  
24 return on investment analysis showing an



1 acceptable return on investment for such  
2 contractual commitment.

3 POWER further argues that PGW should  
4 be required to file future budgets according  
5 to POWER's proposed substantiation  
6 requirements for load growth items.

7 In its Reply Exceptions PGW urges  
8 this Commission to reject POWER's Exceptions  
9 and adopt the Recommended Decision's  
10 findings arguing that its filing does not  
11 conform to the requirements of the  
12 Protocols.

13 PGW maintains that POWER's  
14 interpretation of the Protocols is  
15 inaccurately narrow and that its clear  
16 intent is to block new load additions.

17 In response to POWER's  
18 Protocols-related arguments, PGW states that  
19 this Commission has never interpreted the  
20 Protocols so narrowly as to preclude  
21 approval of proposed load growth budget line  
22 items.

23 PGW further explains that POWER's  
24 proposal would have the effect of defunding

1 load growth as it includes all planned load  
2 addition expenditures.

3 Regarding POWER's alternate argument  
4 that PGW should be ordered to amend its  
5 budget filing to conform with POWER's  
6 interpretations of the Protocol  
7 requirements, PGW states that POWER is aware  
8 that its suggested amendment would be  
9 impossible to carry out, at this point in  
10 time, as completed contract commitments and  
11 associated Rule 10 analyses will be produced  
12 during the budget year (in the future).

13 Further, PGW asserts that dealing  
14 with multiple budget amendments throughout  
15 the budget year would be administratively  
16 untenable and may lead to delay or exclusion  
17 of projects.

18 Finally, PGW agrees with the  
19 Recommended Decision's finding that POWER's  
20 proposals could cause it to violate state  
21 law, as well as its tariff, which require it  
22 to provide service and facilities to new  
23 customers.

24 I agree with the Hearing Examiners'

1 findings and PGW's Reply Exceptions and am  
2 unpersuaded by POWER's Exceptions for the  
3 following reasons.

4 First, I agree with the Hearing  
5 Examiners and PGW that POWER's  
6 interpretation of the Protocols is  
7 inaccurate and overly narrow.

8 As PGW notes, this Commission has  
9 never interpreted the Protocols so narrowly  
10 as to exclude all load growth items, as  
11 POWER's interpretation would do.

12 Specifically, the protocol provision  
13 at issue (for line items assigned Priority 4  
14 status) require substantiation by a showing  
15 that a contractual commitment has been or is  
16 reasonably certain to be secured during the  
17 budget year and that such commitment  
18 promises an acceptable return on investment.

19 I find that PGW has made this  
20 substantiation through its budget filing,  
21 along with its discovery responses and sworn  
22 testimony.

23 PGW confirmed on the record that  
24 contract commitments for load additions

1 would be secured during the budget year  
2 along with acceptable return on investment  
3 analysis.

4 This Commission has consistently  
5 found that such a showing substantiates  
6 PGW's filing requirements.

7 POWER has not presented any new  
8 arguments that warrant rejecting the  
9 findings of the Recommended Decision that  
10 PGW properly substantiated its load growth  
11 line items or overturning long-standing  
12 Commission precedent.

13 I also find that POWER's  
14 representation of the impacts of its  
15 proposals is inaccurate. POWER takes  
16 exception to the Recommended Decision's  
17 characterization of its proposals as  
18 defunding new customer connections, but  
19 POWER proposes disallowing all planned load  
20 addition expenditures.

21 Regardless of phrasing, the practical  
22 effect of POWER's proposals would be to  
23 eliminate funding for load growth line  
24 items, which is how PGW connects new

1 customers.

2 In addition, I agree with PGW that  
3 POWER's alternate proposal, whereby PGW  
4 would be required to present budget  
5 amendments timed with the execution of  
6 contracts for individual projects, is  
7 untenable, unnecessary, overly burdensome,  
8 and could delay or prohibit some of the  
9 proposed projects.

10 I also note that PGW's budget process  
11 has been carefully formulated through the  
12 years and has been developed with the input  
13 of, among other participants, the Public  
14 Advocate, who is the representative of  
15 ratepayer interests in PGW's budget  
16 proceedings.

17 Finally, I agree with the Hearing  
18 Examiners and PGW that POWER's proposals  
19 would produce a result that could cause PGW  
20 to violate Commonwealth law as well as its  
21 tariff obligations.

22 It is also important to note that the  
23 City Law Department agrees that this  
24 Commission is preempted from defunding new

1 customer connections.

2 I find that POWER's argument to the  
3 contrary denies the realistic impacts of its  
4 proposals. I also find unpersuasive POWER's  
5 argument that there is no conflict with  
6 PGW's tariff or Commonwealth law because it  
7 alternatively proposes that PGW be ordered  
8 to amend its budget filing to conduct a  
9 cost-benefit analysis for the line items at  
10 issue.

11 POWER's proposed process whereby PGW  
12 would be required to file budget amendments  
13 for individual contracts is unfeasible, as  
14 well as unnecessary, particularly  
15 considering timing is driven by customer  
16 demand.

17 While PGW does not have control over  
18 new customer activity, it does have a tariff  
19 obligation to act upon reasonable requests  
20 for new service and facilities. Moreover,  
21 PGW has a statutory requirement to provide  
22 service to new customers.

23 For these reasons I find, consistent  
24 with the Recommended Decision, that we

1 should approve PGW's requested load growth  
2 line items with immediate spending  
3 authority.

4 For the foregoing reasons, I  
5 recommend that we reject POWER's Exceptions  
6 and adopt the Recommended Decision's  
7 findings, which PGW supports in its Reply  
8 Exceptions.

9 Accordingly, I move that we adopt the  
10 Recommended Decision as modified and:

11 1. Direct PGW to submit within seven  
12 business days of the Commission meeting at  
13 which final action is taken on the proposed  
14 budget the customary compliance capital  
15 budget proposal and revised capital  
16 financing plan, reflecting the budget  
17 adjustments endorsed by the Commission, as  
18 well as an appropriately revised forecast of  
19 capital budgets.

20 2. Instruct PGW to submit within  
21 seven business days of the Commission  
22 meeting at which final action is taken on  
23 the proposed budget a revised disadvantaged  
24 business enterprise participation forecast

1           that reflects the Commission-endorsed  
2           FY 2025 budget.

3                     3. Recommend that City Council adopt  
4           the current Capital Program Protocols in  
5           conjunction with its approval of the FY 2025  
6           Capital Budget.

7                     4. Recommend that Council  
8           acknowledge receipt of PGW's revised  
9           forecast of capital budgets.

10                    5. Recommend that the following line  
11           items be approved on a conditional funding  
12           basis subject to the constraints enumerated  
13           in the Recommended Decision:

14                    1. 800 Building-first floor  
15           renovations; and

16                    2. 800 building-stair tower  
17           renovations.

18                    6. Direct PGW to file an updated DBE  
19           forecast concurrent with the FY 2026 Capital  
20           Budget filing.

21                    7. Direct PGW to use data-driven  
22           trends to calculate its annual throughput in  
23           future forecasts, beginning with the FY 2026  
24           Capital Budget filing.



1                   8. Take such other actions as are  
2 detailed in the written Motion.

3                   That concludes my motion.

4                   ACTING CHAIRMAN BROWN: Thank you.

5                   Is there a second to the motion?

6                   COMMISSIONER DRISCOLL: Mr. Chairman,  
7 I second the motion.

8                   ACTING CHAIRMAN BROWN: It has been  
9 moved and properly seconded.

10                  Is there any discussion?

11                                 - - -

12                   (No response.)

13                                 - - -

14                  ACTING CHAIRMAN BROWN: All in favor  
15 of the motion say aye?

16                  COMMISSIONER URBANIA: Aye.

17                  COMMISSIONER DRISCOLL: Aye.

18                  COMMISSIONER BROWN: Aye.

19                  Any opposition?

20                                 - - -

21                   (No response.)

22                                 - - -

23                  ACTING CHAIRMAN BROWN: The motion  
24 carries.

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(Whereupon the motion was unanimously  
carried.)

- - -

Reported by: Susan Marie Migatz, RMR, CRR

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