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PHILADELPHIA GAS COMMISSION  
- - -  
REGULATION ON POLICIES FOR PROCEEDINGS  
BEFORE THE GAS COMMISSION

- - -  
August 29, 2024  
10:10 a.m.

- - -  
Hybrid Meeting held on the  
18th Floor - 1515 Arch Street  
and Virtually via Teams

- - -  
BEFORE: ROYAL E. BROWN, Chairman  
MIKE DRISCOLL  
EVAN URBANIA  
CHRISTY BRADY, City Controller  
Commissioners

- - -  
VERITEXT LEGAL SOLUTIONS  
MID-ATLANTIC DIVISION

1 APPEARANCES:

2

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

4

ANDRE C. DASENT, ESQ. (Via Teams)  
5 Counsel to Philadelphia Gas Works  
6 COMMUNITY LEGAL SERVICES, INC.

7

BY: ROBERT W. BALLENGER, ESQ.  
8 JOLINE PRICE, ESQ. (Via Teams)  
DANIELA RAKHLINA-POWSNER, ESQ.  
Counsel to Public Advocate

9

PRESENT ON BEHALF OF PGC:

10

11 GEMELA McCLENDON, ESQ.  
Executive Director

12

HEIDI L. WUSHINSKE, ESQ.  
13 Hearing Examiner  
14 ROSLYN BELL, ESQ.  
Hearing Examiner

15

TIMOTHY MURTHA  
16 Financial Analyst/Internal Auditor  
17 SANDRA FONTANEZ (Via Teams)  
Administrative Assistant

18

19 PRESENT ON BEHALF OF PGW:

20

WILLIAM J. GALLAGHER (Via Teams)  
21 Vice President, Budget and Strategic  
Development

22

KELLY A. DeLUSSEY (Via Teams)  
23 Director, Resource Management

24

1 PRESENT ON BEHALF OF PGW: (Continued)

2

DAVID L. FORDE (Via Teams)  
Director, Government and Community Affairs  
3  
4 SHAWN M. MURRAY  
Supervisor, Safety Training

5

STEPHEN SCHUMMER (Via Teams)  
Manager, Budget Reporting  
6  
7 CARITA COUNCIL (Via Teams)  
Senior Budget Analyst, Finance

8

BHAVIN PATEL (Via Teams)  
Budget Analyst, Finance  
9  
10 DOUG BALMER (Via Teams)  
Budget Analyst, Finance

11

12 PRESENT ON BEHALF OF THE CITY CONTROLLER:

13

FRANK IANNUZZI

14

15 PRESENT ON BEHALF OF CITY COUNCIL:

16

THOMAS P. FORKIN  
6th District Chief of Staff  
17  
18 TÉLYSE MASAOAY (Via Teams)  
Councilmember O'Rourke's Chief of Staff

19

20 PRESENT ON BEHALF OF POWER INTERFAITH:

21

DEVIN McDOUGALL, ESQ. (Via Teams)  
22 EarthJustice

23

24

1 PRESENT ON BEHALF OF THE PUBLIC:

2 BROOKE DARLINGTON (Via Teams)

3 CAROLYN KLEPSEK (Via Teams)

4 CELINE BUSNELLI (Via Teams)

5 IVAN VIVAR (Via Teams)

6 KATE KRAUSS (Via Teams)

7 KENNETH S. ANDERSON (Via Teams)

8 LINNEA BOND

9 MITCH CHANIN (Via Teams)

10 OSCAR LOPEZ (Via Teams)

11 PAMELA DARVILLE (Via Teams)

12 PETER FURCHT

13 SOPHIA SCHMIDT (Via Teams)

14 STEVE GREENSPAN (Via Teams)

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1                   CHAIRMAN BROWN: I would like to call  
2 the meeting to order.

3                   Good morning, everyone. This meeting  
4 is being held in the hybrid format to  
5 enhance public participation.

6                   Instructions for virtual  
7 participation are included in the public  
8 meeting notices and can be found on the Gas  
9 Commission's website.

10                  I would like to acknowledge the  
11 presence of a quorum with the participation  
12 of Commissioner Brady, Commissioner  
13 Driscoll, and Commissioner Urbania.

14                  I would like to have the agenda read,  
15 marked, and entered into the record as Gas  
16 Commission Exhibit #1.

17                  EXEC. DIR. McCLENDON: "The  
18 Philadelphia Gas Commission will hold a  
19 Special Meeting on Thursday, August 29th, at  
20 10:00 a.m. in the Commission's hearing room  
21 on the 18th Floor, 1515 Arch Street,  
22 Philadelphia, Pennsylvania, with a virtual  
23 option for those who cannot attend in  
24 person, for the purpose of considering:

1                   "1. Proposed Regulations on Policies  
2                   for Proceedings before the Philadelphia Gas  
3                   Commission; and

4                   "2. Such other business as may  
5                   properly be brought before this Commission."

6                   - - -

7                   (Whereupon PGC Exhibit #1 was marked  
8                   for identification.)

9                   - - -

10                  CHAIRMAN BROWN: Thank you.

11                  The first item on our agenda is the  
12                  adoption of new regulations governing the  
13                  conduct of proceedings before the Gas  
14                  Commission.

15                  Section 8-407 of the Philadelphia  
16                  Home Rule Charter states that "Except as  
17                  otherwise specifically provided in this  
18                  Charter, every department, board and  
19                  commission is hereby empowered to make such  
20                  reasonable regulations as may be necessary  
21                  and appropriate in the exercise of its  
22                  powers and performance of its duties under  
23                  this Charter or under any statute or  
24                  ordinance."

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The section further addresses the methods by which these powers may be exercised.

The proposed regulations have been drafted and reviewed by the City of Philadelphia Law Department, which issued a memo approving them as to form and substance.

The proposed regulations and the Law Department's memo shall be entered into the record as Gas Commission Exhibits #2 and #3 respectively.

- - -

(Whereupon PGC Exhibits #2 and #3 were marked for identification.)

- - -

CHAIRMAN BROWN: Before moving forward, because the intent of the Commission's actions on this agenda item today is to adopt regulations governing the conduct of proceedings before this Commission, this matter will not follow the standard procedures that the Commission typically utilizes in its budgetary

1 proceedings but, rather, the procedures  
2 prescribed by Section 8-407 of the Home Rule  
3 Charter.

4 Those procedures require that the  
5 Commission adopt any proposed regulations at  
6 a Commission meeting, after which the  
7 Commission will file them with the City  
8 Records Department. The Records Department  
9 will then advertise the proposed  
10 regulations.

11 It is during this time that members  
12 of the public will have an opportunity to  
13 review the proposed regulations and, if they  
14 have any comments, they may request a  
15 hearing before the Commission.

16 If no one requests a hearing, the  
17 proposed regulations will become final in 30  
18 days.

19 If a hearing is requested, the  
20 Commission will hold a hearing with the Law  
21 Department present and, after the conclusion  
22 of the hearing, issue a report detailing any  
23 changes to the proposed regulations that are  
24 the result of the testimony taken at the



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hearing.

The regulations will then become effective 10 days after the filing of the Commission's report.

On September 23, 2022, PGW submitted a formal request and proposal to the Commission seeking to revise and formally codify changes to the Commission's procedures related to the review of PGW's annual Capital and Operating Budgets.

This request, along with its attached appendix, shall be entered into the record as PGW Exhibit #1.

- - -

(Whereupon PGW Exhibit #1 was marked for identification.)

- - -

CHAIRMAN BROWN: Although the adoption of regulations is a regulatory process governed by Section 8-407 of the Philadelphia Home Rule Charter, PGW, the Public Advocate, POWER Interfaith, and Local 686 were afforded an opportunity to offer written comments on the proposed regulations

1 prior to the Law Department undertaking its  
2 work in drafting them.

3 On December 9, 2022, both the  
4 Advocate and POWER respectively submitted  
5 written comments.

6 These comments shall be entered into  
7 the record as Public Advocate Exhibit #1 and  
8 POWER Interfaith Exhibit #1.

9 - - -

10 (Whereupon PA Exhibit #1 and POWER  
11 Exhibit #1 were marked for identification.)

12 - - -

13 CHAIRMAN BROWN: The Public Advocate  
14 fielded additional written comments on  
15 June 5, 2020, which will be entered into the  
16 record as Public Advocate Exhibit #2.

17 - - -

18 (Whereupon PA Exhibit #2 was marked  
19 for identification.)

20 - - -

21 CHAIRMAN BROWN: Additionally, Local  
22 686 submitted written comments on July 25,  
23 2024.

24 Although all of the comments received

1 from the above-named participants have been  
2 fully considered in drafting the regulations  
3 before the Commission today, we would like  
4 to provide each with the opportunity to  
5 offer brief comments if they wish to do so.

6 First we will hear from PGW and  
7 Mr. Dasent.

8 THE COURT REPORTER: Andre, we cannot  
9 hear you.

10 MR. DASENT: Can you hear me now?

11 THE COURT REPORTER: Yes.

12 MR. DASENT: Okay. Thank you.

13 At the last August 13 meeting we had  
14 an opportunity for PGW to offer our comments  
15 and we stand by those comments. If you'll  
16 recall, we indicated that the PGC should  
17 memorialize its regulations in writing and  
18 procedures in writing.

19 And that was the thrust of our  
20 request going back, you know, 10, 15, and  
21 into the more recent past, that request that  
22 we made of the Commission in the very recent  
23 past.

24 The Law Department's draft is a

1 starting point in this process of  
2 memorializing regulations. We would like to  
3 review the final regulations so that we can  
4 intelligently comment on what's been  
5 approved, what the process might be going  
6 forward, and to offer our input as well as  
7 to the particulars; as I mentioned before,  
8 budget transfers, budget reauthorizations,  
9 Capital Budget amendments, how would that be  
10 affected by the process, and other things  
11 that are more detailed in nature.

12 But this is the opportunity to hear  
13 from others today as to their comments and  
14 to witness the deliberations of the  
15 Commission.

16 But, again, it's a first step in a  
17 process, and we have outlined the process,  
18 Chairman Brown, and we will participate in  
19 that process. And if a hearing is required,  
20 we will request it.

21 CHAIRMAN BROWN: Thank you --

22 MR. DASENT: Thank you.

23 CHAIRMAN BROWN: -- Mr. Dasent.

24 Mr. Ballenger, are there any

1 statements on behalf of the Advocate?

2 MR. BALLENGER: Good morning,  
3 Commissioners. I'm at the age where I have  
4 to take these off to read, so you're all  
5 blurry, but I can see this now.

6 Robert Ballenger here for the Public  
7 Advocate.

8 I won't repeat my statements from the  
9 August 13 Gas Commission meeting here in  
10 full, but I would be remiss if I did not  
11 convey to you, again, my strong opposition  
12 to any procedural regulations that prohibit  
13 interested parties from fully participating  
14 on the same terms and conditions as PGW and  
15 the Public Advocate.

16 And for the record, I want to  
17 acknowledge that my comments at the last  
18 meeting as well as today are based upon the  
19 draft regulations that were sent by email  
20 that Commission Chairman Brown referred to  
21 to me, PGW's counsel, POWER's counsel, and  
22 PGW's Union on May 27, more than three  
23 months ago; and to also clarify for the  
24 record, we have not submitted any written

1           comments on those regulations.

2                     Those were provided to us in advance  
3           of the June 11 meeting with the statement  
4           that those would be explicitly voted on on  
5           June 11 without the opportunity to provide  
6           written input.

7                     So the parties that currently  
8           participate in PGW budget review proceedings  
9           have really not been able to provide their  
10          views as to what acceptable procedural  
11          regulations would look like, and I think  
12          Mr. Dasent alluded to that.

13                    So as a result, instead of offering  
14          input and suggestion, our comments have  
15          really focused on the deficiencies and  
16          problems with the proposed regulations and  
17          so until now -- and actually apparently not  
18          until now -- apparently if you vote these,  
19          these will go to the Department of Public  
20          Records and, again, as I think you've  
21          stated, they'll become final in 30 days  
22          unless a hearing is requested and so we have  
23          to go through the Charter process, and I'm  
24          going to tell you why I think that's not the

1 right way to go here in a minute.

2 There has been no effort to narrow  
3 the range of issues presented by these  
4 regulations informally amongst the parties  
5 with the assistance of Commission Staff.

6 I think at your August 13 meeting  
7 Mr. Dasent, on behalf of PGW, referenced the  
8 procedural regulations of the Philadelphia  
9 Water, Sewer and Stormwater Rate Board. He  
10 asserted that the Gas Commission should try  
11 to mimic those regulations and other agency  
12 procedural regulations.

13 Importantly, the Water Rate Board's  
14 regulations and its procedural guidelines,  
15 its internal guidelines, were largely  
16 crafted through a collaborative process that  
17 included the Water Department represented by  
18 Mr. Dasent, the Public Advocate represented  
19 by CLS, and counsel for the Water Rate  
20 Board.

21 Moreover, the Water Rate Board's  
22 regulations explicitly authorized interested  
23 parties to fully participate in that  
24 agency's proceedings.

1           In my experience, it's common for a  
2           city agency to seek input from the advocates  
3           it knows will be affected by its proposed  
4           regulations in advance of voting.

5           The Water Department, for example,  
6           routinely seeks CLS' input prior to adopting  
7           modifications to its customer service and  
8           assistance program regulations.

9           As I mentioned on August 13, our  
10          services are provided pursuant to a  
11          consulting contract. As your consultant, we  
12          remain available to assist and collaborate  
13          in an effort to craft regulations,  
14          procedural regulations, that we think would  
15          be appropriate for your consideration, and  
16          these are not them.

17          And I think that's consistent with  
18          the process Mr. Dasent alluded to on  
19          August 13, although what he mentioned really  
20          today was following the Charter process.

21          But one of the reasons I think you  
22          heard such significant concerns is because  
23          the process has not so far actively involved  
24          the participants in crafting regulations



1           that would affect them.

2                       What I believe before you today is an  
3           up and down vote, up or down vote, on these  
4           procedural regulations. I urge you to vote  
5           no.

6                       Instead, require your Staff to  
7           convene an appropriate stakeholder process  
8           that allows PGW, the Public Advocate, POWER,  
9           and any other interested participants to  
10          collaborate, to seek to craft procedural  
11          regulations which we can support, or at  
12          least that include a narrower set of  
13          controversies that ultimately we won't have  
14          to pursue through the Charter process, the  
15          Charter framework process, or through other  
16          means.

17                      That's my hope for today, is that you  
18          consider an alternative, consider what I've  
19          proposed instead.

20                      I appreciate your consideration of my  
21          comments. I'm available to answer any  
22          questions you may have.

23                      MR. DASENT: Chairman Brown, if I  
24          might?

1 MR. BALLENGER: I'll put my glasses  
2 on so I can see you clearly.

3 CHAIRMAN BROWN: Any questions?

4 COMMISSIONER URBANIA: Was that  
5 Mr. Dasent trying to speak?

6 MR. DASENT: Yes. Just one  
7 additional thought, Chairman Brown.

8 Your process is different, as  
9 Mr. Ballenger observed, than the Water Rate  
10 Board process, where we had more  
11 conversation ahead of time.

12 Whether comments come in now or  
13 whether they come in in the 30-day process,  
14 however, they will be heard. And if we  
15 request a hearing or any other participant  
16 requests a hearing and the Law Department  
17 believes that it's necessary, given the  
18 comments that are provided, that hearing can  
19 be provided, and so I think everyone can be  
20 heard.

21 I think it's a more condensed  
22 process. It doesn't make it wrong. It's  
23 just different from what we did at the Water  
24 Department. And I think we can get to a

1 good place. We just have to all recognize  
2 that everybody needs to be heard.

3 That's all I have.

4 CHAIRMAN BROWN: Thank you,  
5 Mr. Dasent.

6 COMMISSIONER URBANIA: Mr. Chairman,  
7 may I?

8 CHAIRMAN BROWN: Sure.

9 COMMISSIONER URBANIA: Mr. Ballenger,  
10 I just want to say, you are heard, and I  
11 appreciate your comments and feedback.

12 I want to remind everyone that these  
13 proposed regulations are able to be changed  
14 again and we intend to do that because we've  
15 been operating under a place for so long  
16 without regulations, period.

17 So I think this Commission -- and  
18 I'll speak for my opinion of this  
19 Commission -- is open to changing them  
20 regularly with a learning and an  
21 understanding of how things go.

22 And as an aside, I just want to share  
23 with the public, too, that I'm excited and  
24 energized by the energy that's in this

1 Commission, this current Commission, right  
2 now, to take on some of these challenges and  
3 to address other challenges that haven't  
4 been addressed for quite some time.

5 So I am optimistic that this is a  
6 step in the process, not the end of the  
7 process, if I may.

8 MR. BALLENGER: Thank you,  
9 Commissioner. If I may just respond, you  
10 know, I fully recognize and appreciate the  
11 energy in the room today, what we've had  
12 recently. Quite frankly, it's been  
13 refreshing to have more people paying  
14 attention to what we're doing here.

15 And I appreciate the willingness to  
16 consider changes in the future. I just,  
17 again, think there are a lot more issues  
18 present in these regulations. I haven't  
19 compiled a list yet. But as but one  
20 illustration, I don't agree with the  
21 definition of "Public Advocate" in your  
22 regulations.

23 So we can make those issues known  
24 through the Charter process. We're very

1 familiar with it.

2 To respond a little bit to  
3 Mr. Dasent, of course, that actually is the  
4 process that the Water Rate Board goes  
5 through to finalize regulations, is the  
6 Charter process. It's the only process by  
7 which agency regulations are adopted in the  
8 City of Philadelphia.

9 But, again, I do appreciate your  
10 response and being heard today. I know you  
11 all take this very seriously, as do I.

12 COMMISSIONER URBANIA: Again, I  
13 welcome this dialogue and I think this is an  
14 ongoing dialogue that we should continue to  
15 have. And we're not going to get it right  
16 right out of the gate. We're going to  
17 continue to work on it together.

18 MR. BALLENGER: Thank you.

19 CHAIRMAN BROWN: Thank you.

20 Thank you, Mr. Ballenger.

21 Mr. McDougall, are there any  
22 statements on behalf of POWER Interfaith?

23 MR. McDOUGALL: Hi. Sorry; I am out  
24 of town this week so I'm joining via Teams.

1 I'll be brief because I think Mr. Ballenger  
2 has articulated a lot of the concerns that  
3 POWER shares.

4 POWER believes that given the number  
5 of issues at stake for PGW's investments and  
6 operations in the near term and medium term,  
7 what we need is more participation and  
8 transparency and not less.

9 We have been very concerned in  
10 reviewing the draft regulations in terms of  
11 the many ways in which POWER's ability to  
12 participate, as it has in the past, are  
13 actually being rolled back.

14 We look forward to reviewing any  
15 proposals that are presented, which we'll  
16 review with care. But based on what we've  
17 seen so far, we have significant concerns,  
18 and we do oppose any measure that will  
19 abridge the ability of intervenors to  
20 conduct discovery, cross-examine witnesses,  
21 present briefing, and otherwise fully and  
22 meaningfully participate in the process.

23 I believe that we have a POWER member  
24 who would like to share some words today if

1           that's okay. I'll cede the rest of my time  
2           to him.

3                     EXEC. DIR. McCLENDON: Mr. McDougall,  
4           members of the public will have an  
5           opportunity to speak after you and Local  
6           686. So I would ask that those comments be  
7           held until that time.

8                     MR. McDOUGALL: Okay. Thank you.

9                     EXEC. DIR. McCLENDON: Thank you.

10                    MR. McDOUGALL: That works for us.

11                    CHAIRMAN BROWN: Thank you,  
12           Mr. McDougall.

13                    Mr. Holmes, are there any statements  
14           on behalf of Local 686?

15                    EXEC. DIR. McCLENDON: We're trying  
16           to verify if someone from 686 is on, if  
17           you'll give us a moment.

18                    MR. MURTHA: So I didn't see anybody.

19                    EXEC. DIR. McCLENDON: So Mike  
20           McDonough isn't on and no Keith?

21                    MR. MURTHA: No Keith.

22                    CHAIRMAN BROWN: Okay. Let's move  
23           on.

24                    EXEC. DIR. McCLENDON: Yes.

1                   CHAIRMAN BROWN: Okay. At this time  
2 we will also allow members of the public to  
3 offer brief comments on the proposed  
4 regulations. Members of the public wishing  
5 to speak must confine their remarks to three  
6 minutes or less.

7                   Those who are present in the  
8 Commission's hearing room will be allowed to  
9 speak first, and then we will take any  
10 comments from members of the public who are  
11 participating virtually.

12                   Gemela, will you take over at this  
13 point?

14                   EXEC. DIR. McCLENDON: Okay. Are  
15 there any members of the public who are in  
16 the room right now wishing to offer comments  
17 at this time?

18                   Please step forward. Your hand was  
19 raised first. Thank you.

20                   Please offer your name before you  
21 begin speaking, and then Hearing Examiner  
22 Wushinske will tell you when you can began.

23                   MS. BOND: Sure. My name is Linnea  
24 Bond.



1 HEARING EXAMINER WUSHINSKE: Okay.  
2 Whenever you're ready.

3 MS. BOND: Good morning. My name is  
4 Linnea Bond and I'm a PGW ratepayer.

5 Ten Councilmembers signed a letter  
6 stating that "This proposed regulation is  
7 not in the best interest of our  
8 constituents. I'm urging the Gas Commission  
9 to reject the proposed regulation."

10 The Public Advocate wrote a letter in  
11 opposition of this proposed regulation.  
12 Many members of the public have spoken in  
13 opposition of this regulation.

14 With that much opposition from the  
15 many relevant voices, I am confused why it  
16 was not rejected out of hand and I am  
17 confused why the tenor of this meeting so  
18 far is the assumption of adopting a proposal  
19 that so many are criticizing only to work on  
20 it later.

21 The Gas Commission should not only  
22 reject this regulation but should deeply  
23 consider how it moves forward, especially in  
24 light of City Council's Resolution

1 No. 190728, which offers guiding principles  
2 for our energy future:

3 "RESOLVED, the City of Philadelphia  
4 shall appoint Philadelphia Gas Commission  
5 members who support and advocate for clean  
6 renewable energy in PGW's operations.

7 "RESOLVED, the public will have  
8 opportunities and be encouraged to  
9 participate in the process for planning and  
10 implementation.

11 "RESOLVED, the City of Philadelphia  
12 shall take measures to achieve a fair and  
13 equitable transition to the use of 100%  
14 clean renewable energy for all energy,  
15 including heat and transportation, citywide  
16 by 2050 or sooner."

17 We have 25 years. We need to start  
18 now and stop trying to exclude those who are  
19 arguing that we uphold the commitments we  
20 have already made.

21 I also want to say that I worked in  
22 Philadelphia public schools for the last  
23 five years and this morning I'm grieving the  
24 impact of climate change and inequity on

1 students who are already struggling and  
2 their working parents.

3 I'm sorry.

4 Without action we will see much  
5 worse. Thank you.

6 EXEC. DIR. McCLENDON: Again, please  
7 introduce yourself and Hearing Examiner  
8 Wushinske will tell you when you can begin.

9 MR. FURCHT: My name is Peter Furcht,  
10 F-U-R-C-H-T. I'm a PGW -- oh.

11 HEARING EXAMINER WUSHINSKE: You may  
12 begin when you're ready.

13 MR. FURTEK: Yes -- PGW ratepayer and  
14 a member of POWER Interfaith speaking for  
15 myself.

16 I joined POWER Interfaith because it  
17 is a movement which advocates for racial and  
18 economic justice on a livable planet.  
19 Ensuring that we have a livable planet  
20 requires moving away from fossil fuels and  
21 developing truly clean energy sources.

22 My interest with POWER's help is to  
23 work to ensure PGW's movement away from  
24 fossil fuels is done in a well-planned,

1 just, and timely manner. I keep hoping that  
2 PGW will take up that challenge to change.

3 Through POWER I have been  
4 participating in the PGW budget proceedings.  
5 I am working for a future in which  
6 Philadelphians have the energy they need at  
7 rates they can afford. I am trying to help  
8 Philadelphia quickly shift from fossil fuels  
9 to clean energy in order to provide clean  
10 air to residents and to protect our changing  
11 but still livable planet. I am trying to  
12 ensure that workers aren't left behind in  
13 the transition.

14 Gas Commissioners, before you take  
15 any actions today and in the future, will  
16 you consider what I've just said?

17 Through POWER I am trying to help  
18 Philadelphia meet the future in a planned,  
19 just, and timely manner. Through POWER I am  
20 trying to help PGW by working with them; not  
21 against them. POWER having the ability to  
22 actively and fully participate in the budget  
23 proceedings is paramount to me providing  
24 this support.

1           The Mayor's and the City Council's  
2           roles are to serve and protect the interests  
3           of the citizens of Philadelphia. Cherelle  
4           Parker was elected on her promise to be the  
5           cleanest, greenest Mayor Philadelphia has  
6           ever had. Ten City Council members, a  
7           majority, signed a letter stating that they  
8           were not in favor of removing POWER's or any  
9           third-party's ability to fully and actively  
10          participate as a party in the budgetary  
11          proceedings.

12                 Gas Commissioners, two of you  
13                 represent the Mayor's Office and two of you  
14                 represent the City Council.

15                 Commissioner Urbania and Commissioner  
16                 Brown, will your actions today and in the  
17                 future help advance the Mayor's clean, green  
18                 agenda or set it back?

19                 Councilmember Driscoll and absent  
20                 Councilmember Jones, will your actions today  
21                 and in the future reflect your ten  
22                 colleagues' sentiment, which in a  
23                 representative government also reflects the  
24                 sentiment of their constituents?

1                   Controller Brady, will your action  
2                   today and in the future reflect your duty to  
3                   ensure the City's money is properly being  
4                   spent?

5                   Thank you.

6                   EXEC. DIR. McCLENDON: Is there  
7                   anyone else present in the room that would  
8                   like to speak at this time?

9   - - -

10                   (No response.)

11   - - -

12                   EXEC. DIR. McCLENDON: Okay. Seeing  
13                   none, we will move to any members of the  
14                   public who are participating virtually.

15                   If you would like to participate,  
16                   please raise your hand and then you will be  
17                   acknowledged in the order in which we see  
18                   your hand virtually be raised.

19                   Again, we are asking that you limit  
20                   your comments to three minutes and, as I  
21                   said to the members of the public  
22                   participating physically, Hearing Examiner  
23                   Wushinske will let you know, you'll hear her  
24                   voice. You won't see her on camera, but you

1 will hear her voice.

2 As of right now, I see two.

3 HEARING EXAMINER WUSHINSKE: It looks  
4 like Kate Krauss, you're the first hand we  
5 see -- well, we see your name -- so you can  
6 go ahead and speak whenever you're ready.

7 MS. KRAUSS: Good morning. My name  
8 is Kate Krauss. I'm a PGW ratepayer from  
9 Port Richmond.

10 Along with many other PGW ratepayers,  
11 I oppose this regulation. I've been talking  
12 about this situation with my neighbors and  
13 they are not happy. To quote another  
14 speaker, we need more transparency and  
15 participation in this process; not less.

16 In addition, at least ten City  
17 Councilmembers oppose this regulation saying  
18 that this proposed regulation is not in the  
19 best interest of our constituents and urging  
20 the Gas Commission to reject this proposed  
21 regulation. The Public Advocate is also in  
22 strong opposition of this regulation.

23 Holding this meeting on short notice  
24 on August 29 is a troubling choice that

1 reflects poorly on this Commission.

2 Once again, as a PGW ratepayer and a  
3 citizen of Philadelphia, I oppose this  
4 regulation.

5 HEARING EXAMINER WUSHINSKE: Thank  
6 you for your testimony.

7 It looks like next we have Mitch  
8 Chanin.

9 MR. CHANIN: Great. Thanks very  
10 much. Can you hear me?

11 HEARING EXAMINER WUSHINSKE: Yes, we  
12 can. Go ahead.

13 MR. CHANIN: Thanks for an  
14 opportunity to speak today.

15 EXEC. DIR. McCLENDON: Mr. Chanin --

16 MR. CHANIN: My name is --

17 EXEC. DIR. McCLENDON: Oh, I was  
18 going to ask you to make sure you introduce  
19 yourself before you begin speaking.

20 MR. CHANIN: Sure. Yes, I was about  
21 to. Thank you. My name is Mitch Chanin. I  
22 am also a PGW ratepayer. I live in  
23 Northeast Philadelphia.

24 You just heard me two weeks ago so I



1 don't want to repeat too much of what I said  
2 then. I oppose the regulation for all the  
3 reasons that people have shared and the  
4 reasons that I explained a couple weeks ago.

5 The thing I want to add, just on a  
6 personal note, is like if this is just such  
7 a waste of everyone's time, honestly, we  
8 have big problems to solve. We need to  
9 figure out how to make sure everyone has the  
10 energy they need at rates they can afford.  
11 We need to figure out how PGW can play its  
12 role in and comply with the City's 2050  
13 climate goal and how we can make sure that  
14 workers aren't left behind. These are  
15 things that we all, I think, agree with.

16 We need everyone at the table to  
17 figure this out. The tools that the  
18 existing process provide which allow POWER  
19 and potentially other groups to request  
20 information through discovery, to  
21 cross-examine witnesses, to file legal  
22 briefs, those all provide excellent tools  
23 for helping the public participate in  
24 shaping the future of our publicly owned

1 utility that we own in line with these  
2 goals.

3 These are complicated problems to  
4 solve. POWER can and has played a  
5 meaningful, constructive role in addressing  
6 them.

7 Instead of working together to move  
8 forward, that process of collectively, you  
9 know, planning for the future, we have to  
10 spend week after week fighting over whether  
11 or not we get to have a seat at the table.

12 And I understand after this there  
13 will be more hearings, it's not over, but  
14 why do we have to spend any time doing any  
15 of that? The existing process provides  
16 tools that we're using in a constructive and  
17 effective way. I don't want to spend more  
18 weeks going to hearings and arguing over  
19 whether or not we get to be at the table.  
20 It's just a total waste of time.

21 There has been no justification  
22 provided as to why it's necessary to exclude  
23 the public from the use of these tools that  
24 we have been using constructively to

1           participate in our democracy and in the  
2           governance of our publicly owned utility and  
3           I just resent and am really disappointed  
4           that we now are going to have to spend more  
5           time arguing over whether or not we can be  
6           at the table instead of working together to  
7           plan for the future of our City and our  
8           utility.

9                        I hope that you'll vote no and if you  
10           don't, we'll just have to keep fighting  
11           about it. We'll have to keep organizing,  
12           and I don't want to do that. I want to work  
13           on how we can achieve our collective goals  
14           together instead of fighting over whether or  
15           not we get to have a voice in the process.

16                        Thank you very much.

17                        HEARING EXAMINER WUSHINSKE: Thank  
18           you for your testimony.

19                        EXEC. DIR. McCLENDON: Seeing no more  
20           hands virtually, Chairman Brown.

21                        CHAIRMAN BROWN: Thank you, everyone,  
22           for your comments.

23                        Are there any comments on behalf of  
24           the Commissioners at this time?

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(No response.)

- - -

CHAIRMAN BROWN: Hearing none, we'll proceed.

At this time all marked documents will be entered into the record of this meeting. This matter is now before us for action.

I call on Commissioner Driscoll for a recommendation and motion.

COMMISSIONER DRISCOLL: Thank you, Mr. Chairman. My Motion is set out in a written document and I ask that it be marked and entered into the record as Gas Commission Exhibit #4.

- - -

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

- - -

COMMISSIONER DRISCOLL: A draft was circulated to Commissioners in advance of this meeting. This Motion was distributed to the parties just prior to the start of

1           this meeting.

2                     The Gas Commission has operated  
3           without formal regulations governing how the  
4           Commission conducts proceedings before it.  
5           With increased interest in the Commission's  
6           activities, the need for clearly defined  
7           operating procedures is necessary to allow  
8           the Commission to conduct its business in an  
9           orderly and efficient manner.

10                    These regulations have been drafted  
11           by the City's Law Department in coordination  
12           with the Commission and take into  
13           consideration the comments received from  
14           interested parties. They attempt to  
15           preserve the rights of the public to  
16           interact with the government, while  
17           addressing conduct and standardizing the  
18           process by which the Commission conducts  
19           proceedings before it.

20                    These proposed regulations have been  
21           reviewed and approved as to form by the City  
22           of Philadelphia Law Department, and I find  
23           the adoption of these regulations to be a  
24           prudent and long overdue step that I urge

1 the Commission to move forward with today.

2 That concludes my Motion,

3 Mr. Chairman.

4 CHAIRMAN BROWN: Thank you.

5 Is there a second?

6 COMMISSIONER URBANIA: I will second.

7 CHAIRMAN BROWN: It has been moved

8 and properly seconded.

9 Are there any discussions at this  
10 point?

11 - - -

12 (No response.)

13 - - -

14 CHAIRMAN BROWN: All in favor of the  
15 motion --

16 MR. FURCHT: Can we ask --

17 COMMISSIONER BROWN: All in favor of  
18 the motion will say aye.

19 COMMISSIONER DRISCOLL: Aye.

20 COMMISSIONER BROWN: Aye.

21 COMMISSIONER URBANIA: Aye.

22 CHAIRMAN BROWN: Any opposed?

23 COMMISSIONER BRADY: Opposed.

24 CHAIRMAN BROWN: The motion carries.

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(Whereupon the motion was carried.)

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Reported By: Susan Marie Migatz, RMR, CRR

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PHILADELPHIA GAS COMMISSION EXHIBITS

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