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PHILADELPHIA GAS COMMISSION
- - -
PGW'S PROPOSED REQUESTED REAUTHORIZATION
FOR PREVIOUSLY APPROVED CAPITAL PROJECTS

- - -
November 12, 2024
10:00 a.m.

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

- - -
BEFORE: ROYAL E. BROWN, Chairman
EVAN URBANIA
BILL RUBIN, Deputy City Controller
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. (Via Teams)
BROOKE DARLINGTON, ESQ.
Counsel to Philadelphia Gas Works

6

COMMUNITY LEGAL SERVICES, INC.
BY: ROBERT W. BALLENGER, ESQ. (Via Teams)
Counsel to Public Advocate

8

9

PRESENT ON BEHALF OF PGC:

10

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

11

12

13

TIMOTHY MURTHA
Financial Analyst/Internal Auditor
ANNA M. CORRADO ROWE
Senior Analyst

14

15

16

SANDRA FONTANEZ (Via Teams)
Administrative Assistant

17

18

PRESENT ON BEHALF OF PGW:

19

20

JOSEPH R. HAWKINSON (Via Teams)
Vice President, Field Operations

21

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

22

23

DAVID L. FORDE (Via Teams)
Director, Government and Community Affairs

24

1 PRESENT ON BEHALF OF PGW: (Continued)

2

STEPHEN SCHUMMER

3 Manager, Budget Reporting

4 MARY LYNN O'BOYLE (Via Teams)

Administrative Assistant

5

6 PRESENT ON BEHALF OF THE CITY CONTROLLER:

7

FRANK IANNUZZI (Via Teams)

8

9 ALSO PRESENT:

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MARY PERRY

11 Philadelphia Documenters

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1 CHAIRMAN BROWN: Good morning,
2 everyone.

3 This meeting is being held in a
4 hybrid format to enhance public
5 participation. Instructions for virtual
6 participation are included in the public
7 meeting notices and can be found on the Gas
8 Commission's website.

9 I would like to acknowledge a quorum
10 with the presence of Commissioner Urbania
11 and Alternate Commissioner Bill Rubin.

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

15 HEARING EXAMINER WUSHINSKE: "The
16 Philadelphia Gas Commission will hold its
17 regularly scheduled meeting on Tuesday,
18 November 12th, at 10:00 a.m. in the
19 Commission's Hearing Room on the 18th Floor,
20 1515 Arch Street, Philadelphia,
21 Pennsylvania, with a virtual option for
22 those who cannot attend in person, for the
23 purpose of considering:

24 The Philadelphia Gas Works' proposed

1 requested reauthorization for previously
2 approved capital projects; and

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

5 "A link to the virtual meeting room
6 was posted on the Commission's website."

7 CHAIRMAN BROWN: Thank you.

8 - - -

9 (Whereupon PGC Exhibit #1 was marked
10 for identification.)

11 - - -

12 CHAIRMAN BROWN: The first item on
13 the agenda is PGW's requested
14 reauthorization for previously approved
15 capital projects.

16 Section 1.6 of the Management
17 Agreement/Ordinance imposes on the
18 Philadelphia Facilities Management
19 Corporation a duty to apply the highest
20 standards of management practice and
21 diligence to the operation of PGW.

22 Section VI.7 requires PFMC to keep
23 the Gas Commission fully informed of its
24 plans for operation, improvement, extension

1 and betterment of PGW.

2 Section VI.9 vests the Gas Commission
3 with the responsibility for overseeing
4 PFMC's operation of PGW.

5 The procedural history of the Capital
6 Budget reauthorization review is detailed in
7 the Recommended Decision Memorandum.

8 On August 20th, 2024, PGW filed a
9 request for reauthorization of previously
10 approved capital projects along with various
11 supporting documents. PGW is requesting
12 reauthorization for a total of 15 line
13 items, 13 of which are for an extension of
14 the lifespan only, while two items require
15 an extension of the lifespan together with
16 an increase in spending authority:

- 17 1. Split Hazard Detection
18 (#53-03-2-10 (an addition of \$151,000); and
19 2. NOC Data Center (#72-02-1-04) an
20 addition of \$250,000).

21 On August 30th PGW filed a PFMC
22 resolution approving its reauthorization
23 request. On September 5th Commission Staff
24 issued a review schedule. PGW circulated a

1 document detailing the reasons for each
2 requested reauthorization on September 9th.

3 On September 17th the Public Advocate
4 submitted data requests. PGW answered the
5 Advocate's data requests on September 23rd
6 and the parties participated in a conference
7 call on September 25th.

8 On October 3rd PGW submitted comments
9 in support of its position in this matter.
10 On October 4th the Public Advocate submitted
11 its letter brief.

12 On October 15th Executive Director
13 Gemela McClendon and Staff issued a
14 Recommended Decision Memorandum, which will
15 be marked as Gas Commission Exhibit #2.

16 - - -

17 (Whereupon PGC Exhibit #2 was marked
18 for identification.)

19 - - -

20 CHAIRMAN BROWN: No participant filed
21 exceptions to the Recommended Decision.

22 We would like to provide the
23 participants with the opportunity to make
24 brief presentations before we call the

1 question to vote.

2 First we call on PGW and Mr. Dasent.

3 MR. DASENT: Good morning, Chairman
4 Brown. Good morning, Commissioners. This
5 morning I'll be very brief.

6 We are in agreement with the Hearing
7 Examiners' recommendations and so we are
8 fine. We briefed the issue, but we are
9 satisfied with and acquiesce to the
10 recommendation by the Hearing Examiners.

11 So thank you for the opportunity to
12 speak, but it's nice to be in agreement.

13 CHAIRMAN BROWN: Thank you,
14 Mr. Dasent.

15 Are there any statements on behalf of
16 the Advocate?

17 MR. BALLENGER: Good morning,
18 Commissioners. Hopefully my audio is coming
19 through okay. I'm having a little
20 difficulty hearing you.

21 But just echoing Mr. Dasent, at this
22 point we are satisfied with the Recommended
23 Decision and raised no exceptions to it, and
24 so we think it is appropriately before you

1 and recommend it be approved.

2 Thank you.

3 CHAIRMAN BROWN: Thank you.

4 Next we will take brief comments from
5 members of the public. Comments will be
6 limited to three minutes and should be on
7 the topic of PGW's August 20th
8 reauthorization request.

9 Are there any comments from anyone
10 from the public?

11 - - -

12 (No response.)

13 - - -

14 CHAIRMAN BROWN: Hearing none, are
15 there any comments or questions from any of
16 the Commissioners at this point?

17 ALTERNATE COMMISSIONER RUBIN: No.

18 COMMISSIONER URBANIA: No.

19 CHAIRMAN BROWN: Hearing none, thank
20 you all. We appreciate your participation
21 as we deliberate on PGW's August 20th
22 reauthorization request.

23 All the identified exhibits will be
24 entered into the record of this meeting.

1 This matter is now before us for
2 action. I call on Commissioner Urbania for
3 a recommendation and motion.

4 COMMISSIONER URBANIA: Thank you,
5 Mr. Chairman.

6 My Motion is set out in a written
7 document and I ask that it be marked and
8 entered into the record as Gas Commission
9 Exhibit #3.

10 - - -

11 (Whereupon PGC Exhibit #3 was marked
12 for identification.)

13 - - -

14 COMMISSIONER URBANIA: A draft was
15 circulated to the Commissioners in advance
16 of this meeting. This Motion was
17 distributed to the participants just prior
18 to the start of this meeting. I ask that
19 this written Motion be incorporated into and
20 made part of the following verbal motion as
21 if set forth at length.

22 Despite the agreement of all
23 participants and Staff that PGW's request is
24 timely and appropriate, PGW and the Advocate

1 disagreed on whether all the line items in
2 PGW's reauthorization request require City
3 Council approval or whether, pursuant to the
4 fiscal year 2025 Capital Program Protocols
5 described above, some requests may be
6 authorized with Commission approval only.

7 PGW provided detailed rationale for
8 each project and the Advocate did not oppose
9 the requests.

10 I have read the arguments and agree
11 with the Hearing Examiners and the Advocate
12 that the fiscal year 2025 Protocols do not
13 apply to PGW's reauthorization request. I
14 note that PGW did not file exceptions to the
15 Recommended Decision.

16 Therefore, I propose that the
17 Commission give its recommendation to City
18 Council that it should approve PGW's
19 requested amendments to its fiscal year 2025
20 Capital Budget.

21 Therefore, I move that the Gas
22 Commission take the following actions:

23 1. I move that the Gas Commission
24 adopt the Recommended Decision Memorandum.

1 2. I move that the Gas Commission
2 acknowledge that PGW's reauthorization
3 request as filed on August 20th, 2024,
4 provided this Commission with required
5 notice of the Company's intent to extend the
6 projects' lifespans and increase the
7 spending for the approved budget by
8 \$401,000.

9 3. I move that the Gas Commission
10 recommend that City Council approve PGW's
11 reauthorization request.

12 4. I move that the Gas Commission
13 endorse an amendment which would increase
14 spending in the approved budget by \$401,000
15 and would increase the overall budget from
16 \$194,382,900 to \$211,171,595, by amending
17 the following line items for previously
18 approved capital projects as noted in Items
19 a) through o).

20 5. I move that the Gas Commission
21 recommend that the City Council approve the
22 foregoing line items to the following
23 limitations:

24 No line item may serve as a source

1 for any line item transfer;

2 Each line item will expire as of
3 August 31st, 2025;

4 Total spending for line item 4.a.
5 shall not exceed spending authorization for
6 the project in the approved fiscal year 2023
7 Capital Budget plus \$151,000;

8 Total spending for line item 4.b.
9 shall not exceed spending authorization for
10 the project in the approved fiscal year 2023
11 Capital Budget plus \$250,000; and

12 Total combined spending for line
13 Items 4.c. through 4.o. shall not exceed
14 spending authorization for the projects in
15 their initially approved budgets.

16 6. I move that the Gas Commission
17 direct PGW to file an amended fiscal year
18 2025 compliance budget, including an
19 appropriately revised financing plan and an
20 updated forecast for fiscal year 2026
21 through 2030, within three business days of
22 the meeting at which the Commission acts on
23 this matter.

24 7. I move that the Gas Commission

1 direct PGW to file within ten business days
2 of the meeting at which the Commission acts
3 on this matter an updated Disadvantaged
4 Business Enterprise forecast incorporating
5 the impacts of the endorsed amendments to
6 the fiscal year 2025 Capital Budget.

7 8. I move that the Gas Commission
8 direct Commission Staff along about
9 Commission's assigned counsel from the Law
10 Department to prepare any additional
11 documentation needed to effectuate the
12 intent of this Motion.

13 And this concludes my motion.

14 CHAIRMAN BROWN: Thank you.

15 Is there a second to the motion?

16 ALTERNATE COMMISSIONER RUBIN: I
17 second the motion.

18 CHAIRMAN BROWN: It has been moved
19 and properly seconded.

20 Is there any discussion?

21 - - -

22 (No response.)

23 - - -

24 CHAIRMAN BROWN: All in favor?

1 ALTERNATE COMMISSIONER RUBIN: Aye.

2 COMMISSIONER URBANIA: Aye.

3 CHAIRMAN BROWN: All opposed?

4 - - -

5 (No response.)

6 - - -

7 CHAIRMAN BROWN: No one opposed. The
8 motion carries.

9 - - -

10 (Whereupon the motion was unanimously
11 carried.)

12 - - -

13 Reported By: Susan Marie Migatz, RMR, CRR

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