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PHILADELPHIA GAS COMMISSION

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PGW'S REQUEST FOR A GAS COMMISSION RECOMMENDATION
FOR APPROVAL OF CERTAIN CONTRACTS
FOR THE PURCHASE, STORAGE, DISTRIBUTION
AND/OR TRANSMISSION OF NATURAL AND OTHER GAS

- - -

December 13, 2022

10:10 a.m.

- - -

Via Zoom Videoconferencing

- - -

BEFORE: ROYAL E. BROWN, Acting Chairman
CURTIS JONES, JR.
EVAN URBANIA
Commissioners

- - -

VERITEXT LEGAL SOLUTIONS
MID-ATLANTIC DIVISION
1801 Market Street - Suite 1800
Philadelphia, Pennsylvania 19103

1 APPEARANCES: (Via Zoom)

2

LAURA ANTINUCCI, ESQ.
Assistant 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.
Counsel to POWER

9

10

PRESENT ON BEHALF OF PGC: (Via Zoom)

11

12

GEMELA N. McCLENDON, ESQ.
Executive Director

13

HEIDI L. WUSHINSKE, ESQ.
Hearing Examiner

14

15

ROSLYN BELL, ESQ.
Hearing Examiner

16

ANNA M. CORRADO ROWE
Senior Analyst

17

18

TIMOTHY MURTHA
Financial Analyst/Internal Auditor

19

20

21

22

23

24

1 PRESENT ON BEHALF OF PGW: (Via Zoom)

2 JOSEPH F. GOLDEN, JR.
3 Executive Vice President and Chief
4 Financial Officer

5 WILLIAM J. GALLAGHER
6 Vice President, Budget and Strategic
7 Development

8 SEAN McNEELEY
9 Director, Financial Planning
10 STEPHEN SCHUMMER
11 Manager, Budget Reporting

12 CARITA COUNCIL
13 Senior Budget Analyst, Finance
14 BHAVIN PATEL
15 Budget Analyst, Finance

16 MARY LYNN O'BOYLE
17 Administrative Assistant

18 PRESENT ON BEHALF OF THE PUBLIC: (Via Zoom)

19 JACKSON HART
20 JACQUELYN BROWN
21 JORDAN TEICHER
22 NADINE YOUNG
23 PAT LIBBEY
24 PETER FURCHT
STEVE GREENSPAN
ZACHARY ADAM GOLDBERG

1 EXEC. DIR. McCLENDON: Commissioner
2 Brown, you may begin the meeting.

3 ACTING CHAIRMAN BROWN: Thank you,
4 Gemela.

5 Good morning, everyone. I'd like to
6 acknowledge the presence of a quorum with
7 the participation of Commissioner and
8 Councilman Curtis Jones as well as
9 Commissioner Evan Urbania.

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

13 EXEC. DIR. McCLENDON: "The
14 Philadelphia Gas Commission will hold a
15 regularly scheduled meeting on Tuesday,
16 December 13, 2022, at 10:00 a.m. via Zoom
17 videoconferencing due to the COVID-19
18 pandemic for the purpose of considering:

19 "1. The Philadelphia Gas Works'
20 request for a Gas Commission recommendation
21 for approval of certain contracts for the
22 purchase, storage, distribution, and/or
23 transmission of natural and other gas;

24 "2. The Philadelphia Gas Works'

1 line-item transfer for the FY 2022 capital
2 program year; and

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

5 "Royal Brown, Acting Chairman."

6 - - -

7 (Whereupon a document was marked for
8 identification purposes as PGC Exhibit #1.)

9 - - -

10 ACTING CHAIRMAN BROWN: Thank you,
11 Ms. McClendon.

12 Gas Commission meetings are currently
13 occurring remotely. We are using Zoom to
14 make these remote hearings possible.

15 Instructions for how the public may
16 participate in these meetings are included
17 in the public meeting notices and can be
18 found on the Gas Commission's website.

19 The first item on the agenda is for a
20 Gas Commission recommendation to extend
21 until August 31, 2027, the gas contracts
22 pre-approval program.

23 Under Section II(2) of the Agreement
24 between the City of Philadelphia and the

1 Philadelphia Facilities Management
2 Corporation for the Management and Operation
3 of the Philadelphia Gas Works (Management
4 Agreement/Ordinance), gas purchase contracts
5 are generally required to be submitted by
6 the Philadelphia Facilities Management
7 Corporation in advance for approval by City
8 Council, after they are first submitted to
9 the Gas Commission for its recommendations.

10 PFMC is also obligated by Section
11 II(1) of the Management Agreement/Ordinance
12 to ensure that PGW's capacity to provide gas
13 is at all times sufficient to meet the
14 estimated maximum requirements of its
15 customers.

16 Section 6.a. of Bill No. 181043, the
17 current Ordinance authorizing the program,
18 states that if PFMC wishes to further extend
19 or renew the authorized program beyond the
20 authorized period, it must file a proposed
21 ordinance to this effect with City Council
22 and the Gas Commission by March 15, 2022.

23 Section 6.b. provides that no
24 ordinance to further extend such trial

1 period will be enacted unless first
2 submitted to the Gas Commission for its
3 recommendations.

4 On March 15, 2022, PGW filed notice
5 with the Commission and City Council that it
6 intended to seek the extension of the
7 authorized program. This notice will be
8 marked as PGW Exhibit #1.

9 - - -

10 (Whereupon a document was marked for
11 identification purposes as PGW Exhibit #1.)

12 - - -

13 ACTING CHAIRMAN BROWN: On
14 October 25, 2022, PGW and PFMC filed its
15 formal petition seeking the Gas Commission's
16 favorable recommendation to City Council for
17 advance approval of certain gas purchase
18 agreements pursuant to the attached draft
19 ordinance. This petition will be marked as
20 PGW Exhibit #2.

21 - - -

22 (Whereupon a document was marked for
23 identification purposes as PGW Exhibit #2.)

24 - - -

1 ACTING CHAIRMAN BROWN: A copy of the
2 applicable PFMC Board Resolution dated
3 December 1, 2022, was submitted on
4 December 1, 2022. This Resolution will be
5 marked as PGW Exhibit #3.

6 - - -

7 (Whereupon a document was marked for
8 identification purposes as PGW Exhibit #3.)

9 - - -

10 ACTING CHAIRMAN BROWN: On
11 December 2, 2022, the Executive Director's
12 Memorandum/Recommended Decision was
13 circulated to PGW, the Public Advocate ("PA"
14 or the "Advocate"), and the City of
15 Philadelphia Law Department via email. The
16 Recommended Decision will be marked as Gas
17 Commission Exhibit #2.

18 - - -

19 (Whereupon a document was marked for
20 identification purposes as PGC Exhibit #2.)

21 - - -

22 ACTING CHAIRMAN BROWN: On
23 December 2, 2022, PGW emailed Executive
24 Director McClendon with a correction to the

1 Recommended Decision's CC list. This email
2 will be marked as PGW Exhibit #4.

3 - - -

4 (Whereupon a document was marked for
5 identification purposes as PGW Exhibit #4.)

6 - - -

7 ACTING CHAIRMAN BROWN: I would like
8 to ask Ms. McClendon to provide an overview
9 of the Recommended Decision.

10 EXEC. DIR. McCLENDON: Thank you,
11 Chairman Brown.

12 PGW has requested reauthorization of
13 its gas contracting prepurchasing program,
14 which was first approved by the Gas
15 Commission and City Council in 2004.

16 This program has allowed PGW to
17 purchase natural gas when market conditions
18 are most favorable to receiving the best
19 rates for its customers without having to
20 come before the Commission and City Council
21 for approval, something that could delay,
22 you know, or inhibit PGW's ability to
23 acquire natural gas at an advantageous
24 price.

1 This program has been modified since
2 2004 in various ways. The last modification
3 took place in 2018. As it has worked very
4 well so far, not only for PGW but also for
5 ratepayers, Commission Staff, after
6 reviewing PGW's petition, has recommended
7 the approval of PGW's proposed ordinance.

8 As Chairman Brown noted, there were
9 no substantive comments or exceptions from
10 the Public Advocate or from PGW on this
11 recommendation.

12 ACTING CHAIRMAN BROWN: Thank you,
13 Ms. McClendon.

14 While PGW did not submit any
15 substantive comments or exceptions to the
16 Recommended Decision and the Advocate did
17 not provide any response, we would like to
18 provide each participant with the
19 opportunity to make a brief presentation
20 before we call the question to vote.

21 First, we will hear from PGW.
22 Mr. Dasent?

23 MR. DASENT: Thank you, Mr. Chairman.
24 We are in agreement with the

1 Recommended Decision, as you noted and
2 Ms. McClendon noted. This is now a routine
3 reauthorization for gas contracting
4 procedures that are to the advantage of
5 customers and the utility. We need
6 reauthorization by March 2023 and we're
7 grateful that this is on the agenda today.
8 Thank you.

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

11 Mr. Ballenger, are there any
12 statements on behalf of the Advocate?

13 MR. BALLENGER: Good morning,
14 Mr. Chairman. Thank you for the
15 opportunity. Good to see you all here
16 today.

17 No, we do not have any comments or
18 exceptions to the Recommended Decision.

19 ACTING CHAIRMAN BROWN: Okay. Thank
20 you.

21 MR. BALLENGER: Thank you.

22 ACTING CHAIRMAN BROWN: Are there any
23 comments or questions from any of the
24 Commissioners?

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(No response.)

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ACTING CHAIRMAN BROWN: Hearing none, all the identified exhibits will be entered into the record of this meeting. This matter is now before us for action. I call on Commissioner Urbania for a recommendation and motion.

COMMISSIONER URBANIA: Thank you, Mr. Chairman.

My Motion is set out in a written document which I would like to have marked and entered into the record as Gas Commission Exhibit #3.

- - -

(Whereupon a document was marked for identification purposes as PGC Exhibit #3.)

- - -

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

1 I would like to thank Gas Commission
2 Staff and the parties for their work on
3 this. Attached as an appendix to my Motion
4 is the proposed order.

5 As this matter is uncontested, I
6 believe we should adopt Staff's Recommended
7 Decision.

8 With its petition for another
9 extension of the authorized program, PGW has
10 asked to continue the program as enacted
11 under Bill No. 181043, with no changes or
12 modifications.

13 Because the authorized program has
14 continued to work well for PGW and, most
15 importantly, PGW's ratepayers, Commission
16 Staff has recommended that the Gas
17 Commission endorse the extension of the
18 authorized program for four additional years
19 substantially in the form of the draft
20 ordinance submitted by PGW and that the
21 Commission recommend approval of the same by
22 City Council, and I agree with Commission
23 Staff.

24 My Motion is in three parts and is as

1 follows:

2 I move that the Gas Commission adopt
3 the Recommended Decision.

4 I move that the Gas Commission
5 approve the extension of the authorized
6 program for an additional four years under
7 terms and conditions substantially similar
8 to those found in the proposed ordinance
9 attached to my Motion.

10 And I move that the Gas Commission
11 recommend that City Council approve of the
12 extension of the authorized program for an
13 additional four years under terms and
14 conditions substantially similar to those
15 found in the proposed ordinance attached to
16 my Motion.

17 That concludes my Motion. Thank you.

18 ACTING CHAIRMAN BROWN: Thank you.

19 Is there a second to the motion?

20 COMMISSIONER JONES: Second.

21 ACTING CHAIRMAN BROWN: It has been
22 moved and properly seconded.

23 Is there any discussion?

24 - - -

1 (No response.)

2 - - -

3 ACTING CHAIRMAN BROWN: All in favor
4 of the motion?

5 Aye.

6 COMMISSIONER URBANIA: Aye.

7 COMMISSIONER JONES: Aye.

8 ACTING CHAIRMAN BROWN: Any opposed?

9 - - -

10 (No response.)

11 - - -

12 ACTING CHAIRMAN BROWN: The motion
13 carries.

14 - - -

15 (Whereupon the motion was unanimously
16 carried.)

17 - - -

18 EXEC. DIR. McCLENDON: Chairman, I'm
19 sorry, before you continue, we have two
20 updates to the attendance list.

21 Sue, Carita Council from PGW has
22 joined us. And Elders for Climate Action
23 has been identified as Nadine Young.

24 ACTING CHAIRMAN BROWN: Okay. Thank

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you, Ms. McClendon.

THE COURT REPORTER: Thank you.

EXEC. DIR. McCLENDON: Thank you.

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Reported by: Susan Marie Migatz, RMR, CRR

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