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PHILADELPHIA GAS COMMISSION
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PGW's FY 2023 LINE ITEM TRANSFERS
- - -
December 12, 2023
10:05 a.m.

- - -
VIA ZOOM VIDEOCONFERENCING
- - -

BEFORE: ROYAL E. BROWN, Acting Chairman
MICHAEL DRISCOLL
EVAN URBANIA
CHRISTY BRADY
Commissioners

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

1 APPEARANCES: (Via Zoom)

2

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

4

ANDRE C. DASENT, ESQ.
5 Counsel to Philadelphia Gas Works
6 COMMUNITY LEGAL SERVICES, INC.
BY: ROBERT W. BALLENGER, ESQ.
7 Counsel to Public Advocate

8

PRESENT ON BEHALF OF PGC: (Via Zoom)

9

10 GEMELA N. McCLENDON, ESQ.
Executive Director

11

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

14

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

17

18 PRESENT ON BEHALF OF PGW: (Via Zoom)

19

JOSEPH F. GOLDEN, JR.
20 Executive Vice President and Chief
Financial Officer

21

STEPHEN SCHUMMER
22 Manager, Budget Reporting
23 CARITA COUNCIL
Senior Budget Analyst, Finance

24

1 PRESENT ON BEHALF OF PGW: (Via Zoom - Continued)

2

BHAVIN PATEL

3 Budget Analyst, Finance

4 MARY LYNN O'BOYLE

Administrative Assistant

5

6 PRESENT ON BEHALF OF THE CITY CONTROLLER: (Via Zoom)

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BILL RUBIN

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ACTING COMMISSIONER BROWN: The second item on the agenda is PGW's line item transfer requests.

On November 1, 2023, PGW filed an intradepartmental line item transfer notification and interdepartmental transfer request. This document will be marked as PGW Exhibit #1.

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(Whereupon the above-described document was marked for identification purposes as PGW Exhibit #1.)

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ACTING COMMISSIONER BROWN: PGW's filing informed the Gas Commission that it executed three intradepartmental transfer transactions to address deficiencies in the Field Services and Distribution Departments.

PGW's filing also identified one interdepartmental transfer that requires Commission approval.

On December 4, 2023, PGW provided a Philadelphia Facilities Management Corporation resolution dated November 28,

1 confirmed that they had no exceptions.
2 These emails will be marked as PGW Exhibit
3 #3 and PA Exhibit #1 respectively.

4 - - -

5 (Whereupon the above-described
6 documents were marked for identification
7 purposes as PGW Exhibit #3 and PA Exhibit #1
8 respectively.)

9 - - -

10 ACTING COMMISSIONER BROWN: I would
11 like to ask Ms. McClendon to provide --
12 excuse me -- an overview of the Recommended
13 Decision.

14 EXEC. DIR. McCLENDON: Thank you,
15 Chairman Brown.

16 As you just noted, on November 1,
17 2023, PGW filed with the Commission
18 notification that it had completed three
19 intradepartmental transfer transactions as
20 well as a request for the Commission's
21 approval of one interdepartmental transfer.

22 These transfers were all necessary to
23 address specific line item categories where
24 actual or forecasted spending exceeded the

1 approved line item.

2 The total of the intra and
3 interdepartmental transfers will shift a
4 total of \$5,660,342 in spending authority to
5 cure projected overspending in various
6 departments. But in no case would any of
7 these transfers result in PGW exceeding the
8 City Council-approved fiscal year 2023
9 Capital Budget of \$187,353,000.

10 After Commission Staff's standard
11 review process, Staff issued its
12 recommendation on December 5, where we found
13 that PGW had shown good cause for its
14 interdepartmental transfer requests in
15 accordance with the FY 2023 Capital Program
16 Protocols.

17 As you noted, Chairman Brown, neither
18 PGW nor the Public Advocate offered comment
19 or exceptions to this recommendation and, as
20 such, Commission Staff does recommend that
21 the Commission approve PGW's request for the
22 one interdepartmental transfer in the amount
23 of \$3,782,172 and acknowledges that PGW has
24 properly completed three intradepartmental

1 transfers in accordance with the FY 2023
2 Capital Program Protocols.

3 Thank you.

4 ACTING COMMISSIONER BROWN: Thank
5 you, Ms. McClendon.

6 PGW and the Advocate have indicated
7 that they do not have any comments or
8 exceptions to Staff's Recommended Decision.

9 However, we would like to provide
10 each participant with the opportunity to
11 make a brief presentation before we call the
12 question to vote.

13 First, we would like to hear from
14 Mr. Dasent.

15 MR. DASENT: Good morning, Chairman
16 Brown. We would just like to say we support
17 Staff's recommendation concerning the budget
18 transfers and to note that the
19 interdepartmental transfers supports our CIS
20 project and we're very grateful and
21 acknowledge that it's an important transfer
22 and thank the Staff for their diligence in
23 reviewing quickly our proposal and getting
24 it before the Commission.

1 PGW also joins the Commission in
2 welcoming Controller Brady to the Commission
3 and we look forward to meeting with her.
4 Thank you.

5 ACTING COMMISSIONER BROWN: Thank
6 you, Mr. Dasent.

7 Mr. Ballenger, are there any
8 statements on behalf of the Advocate?

9 MR. BALLENGER: Yes, just briefly,
10 Mr. Chairman. Thank you and the rest of the
11 Commissioners for the opportunity today.

12 You know, we, like Executive Director
13 McClendon and you described, did not have
14 any objections or other issues with PGW's
15 proposed transfers and so we likewise
16 support the Recommended Decision and submit
17 that the Commission should adopt it as its
18 own.

19 And we join with PGW in welcoming
20 Controller Brady to the Gas Commission and
21 look forward to many Tuesday mornings
22 together via Zoom or maybe one day in
23 person. Thank you.

24 ACTING COMMISSIONER BROWN: Thank

1 you, Mr. Ballenger.

2 At this time we will take brief
3 comments from members of the public on this
4 issue of these line item transfers.
5 Comments shall be limited to three minutes
6 and must address the line item transfer
7 before us today.

8 EXEC. DIR. McCLENDON: Chairman
9 Brown, we do not have any members of the
10 public present today, so you can move
11 forward.

12 ACTING COMMISSIONER BROWN: Okay.
13 Thank you very much.

14 All the identified exhibits will be
15 entered into the record of this meeting.
16 This matter is now before us for action. I
17 call on Commissioner Urbania for a
18 recommendation and motion.

19 COMMISSIONER URBANIA: Thank you,
20 Mr. Chairman.

21 My Motion is set out in a written
22 document, whih I would like to have marked
23 and entered into the record at Gas
24 Commission Exhibit #3.

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(Whereupon the above-described document was marked for identification purposes as PGC Exhibit #3.)

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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.

This matter is uncontested and therefore I believe we should adopt the Recommended Decision.

Section 3 of the Ordinance approving PGW's FY 2023 Capital Budget requires that PGW adhere to the Capital Program Protocols set out in Appendix #2 of the Ordinance, during the lifespan of the line items in that Budget.

Part 2 - Subpart F of fiscal year 2023 Capital Program Protocols provides that PGW may implement intradepartmental transfers of spending authority at its discretion, subject to limitations that do

1 not apply here.

2 Part 2 - Subpart F.2. of the
3 Protocols further provides that PGW's
4 discretion to implement intradepartmental
5 transfers expires on the last day of October
6 that follows the close of the budget year,
7 which means that PGW's discretion ended on
8 October 31, 2023.

9 Part 2 - Subpart G.1.B. of the fiscal
10 year 2022 Capital Program Protocols vests
11 responsibility in the Gas Commission for
12 monitoring line item transfer activity in
13 the approved Budget making appropriate
14 recommendations to City Council with respect
15 to line item transfers in connection with
16 the next ensuing budget proposal.

17 Part 2 - Subpart G.5. of the
18 Protocols states that the Gas Commission may
19 approve transfers of spending authority
20 beyond PGW's discretion if good cause has
21 been shown after appropriate review subject
22 to specific limitations set forth therein.

23 Part 3 - Subpart A.4.B. provides that
24 a request for approval of a line item

1 transfer transaction shall be due by no
2 later than the first business day of the
3 November that next follows the budget year.
4 The Gas Commission's approval authority ends
5 on December 31, 2023, pursuant to Part 2 -
6 Subpart G.2. of the Protocols.

7 On November 1, 2023, PGW submitted an
8 accounting of line item transfers to the
9 fiscal year 2023 capital program year, with
10 accompanying justifications, to the Gas
11 Commission.

12 PGW's filing identified four
13 transfers to the fiscal year 2023 Capital
14 Budget. Three transfers are
15 intradepartmental, which PGW may execute
16 without further approvals. One transfer is
17 interdepartmental and requires Commission
18 approval. PGW's filing included a transfer
19 summary that illustrated the operation of
20 the four transfer transactions as well as a
21 transfer justification summary.

22 Overall spending in the Distribution
23 Department for the fiscal year 2023 capital
24 program was below the budget authorization

1 level, but one interdepartmental transfer is
2 necessary to address budget shortfalls in
3 PGW's CIS project.

4 The Commission may approve transfers
5 of spending authority beyond PGW's
6 discretion if good cause has been shown
7 after review, subject to certain enumerated
8 criteria.

9 As previously explained, the Capital
10 Program Protocols set forth these criteria.
11 The Hearing Examiners found that these
12 criteria were satisfied, as described in the
13 Recommended Decision and written Motion. I
14 agree.

15 PGW executed three intradepartmental
16 transfers to address deficiencies in
17 authorization in the Field Services and
18 Distribution Departments. PGW indicated
19 that it executed these transfers prior to
20 the October 31 deadline. These transfers do
21 not require Gas Commission approval.

22 Based on the foregoing, believe that
23 we should accept Staff's recommendations and
24 approve one interdepartmental line item

1 transfers totaling \$3,782,172 to address
2 shortfalls in PGW's CIS project.

3 I also believe that we should accept
4 the Hearing Examiners' recommendation that
5 this Commission acknowledge that PGW
6 provided the required timely notice that it
7 implemented three intradepartmental transfer
8 transactions within its discretion totaling
9 \$1,884,170.

10 So my motion is in four parts and is
11 as follows:

12 1. I move that the Gas Commission
13 adopt the Recommended Decision memorandum.

14 2. I move that the Gas Commission
15 acknowledge that PGW's November 1, 2023,
16 filing provided the required timely notice
17 that it implemented three intradepartmental
18 transfer transactions within its discretion
19 totaling \$1,884,170.

20 3. I move that the Gas Commission
21 approve one interdepartmental line item
22 transfer totaling \$3,782,172 to address
23 budget shortfalls in PGW's Customer
24 Information System project.

1 4. I move that the Gas Commission
2 direct Commission Staff to prepare the
3 necessary line item transfers report for
4 City Council.

5 This concludes my motion.

6 ACTING COMMISSIONER BROWN: Thank
7 you, Commissioner.

8 Is there a second to the motion?

9 COMMISSIONER DRISCOLL: I second
10 Commissioner Urbania's motion.

11 ACTING COMMISSIONER BROWN: It has
12 been moved and properly seconded.

13 Is there any further discussion?

14 - - -

15 (No response.)

16 - - -

17 ACTING COMMISSIONER BROWN: All in
18 favor of the motion, say aye?

19 COMMISSIONER DRISCOLL: Aye.

20 ACTING CHAIRMAN BROWN: Aye.

21 COMMISSIONER URBANIA: Aye.

22 ACTING COMMISSIONER BROWN: Any
23 opposed?

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(No response.)

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ACTING COMMISSIONER BROWN: The motion carries.

The next item on the agenda is such other business as --

EXEC. DIR. McCLENDON: Chairman Brown, my apologies.

Controller Brady, I didn't see or hear you vote. Are you a yea or a nay, just so that we have an accurate accounting?

COMMISSIONER BRADY: Abstain.

EXEC. DIR. McCLENDON: Okay. Thank you.

ACTING COMMISSIONER BROWN: Good catch, Gemela. Thank you.

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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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PUBLIC ADVOCATE EXHIBITS

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