

BEFORE THE
PHILADELPHIA WATER, SEWER AND STORM WATER RATE BOARD

RE. APPLICATION OF THE)	
PHILADELPHIA WATER)	
DEPARTMENT FOR INCREASED)	Fiscal Years 2019 - 2021
RATES AND RELATED CHARGES)	
)	
)	

DIRECT TESTIMONY OF

ROGER D. COLTON

ON BEHALF OF THE PUBLIC ADVOCATE

April 20, 2018

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1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A. My name is Roger Colton. My business address is 34 Warwick Road, Belmont, MA
3 02478.

5 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT POSITION?**

6 A. I am a principal in the firm of Fisher Sheehan & Colton, Public Finance and General
7 Economics of Belmont, Massachusetts. In that capacity, I provide technical assistance to
8 a variety of federal and state agencies, consumer organizations and public utilities on rate
9 and customer service issues involving telephone, water/sewer, natural gas and electric
10 utilities.

12 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?**

13 A. I am testifying on behalf of the Public Advocate of the City of Philadelphia.

15 **Q. PLEASE DESCRIBE YOUR PROFESSIONAL BACKGROUND.**

16 A. I work on rate and customer service issues, as well as research into low-income usage,
17 payment patterns, and affordability programs. At present, I am working on various
18 projects in the states of Rhode Island, Maryland, Pennsylvania, Michigan, Wisconsin,
19 Illinois, Iowa and California, as well as in the provinces of Ontario and British Columbia.
20 My clients include state agencies (e.g., Pennsylvania Office of Consumer Advocate,
21 Maryland Office of People's Counsel, Iowa Department of Human Rights), federal
22 agencies (e.g., the U.S. Department of Health and Human Services), community-based
23 organizations (e.g., Energy Outreach Colorado, Natural Resources Defense Council,

1 Action Centre Tenants Ontario), and private utilities (e.g., Unitil Corporation d/b/a
2 Fitchburg Gas and Electric Company, Entergy Services, Xcel Energy d/b/a Public
3 Service of Colorado). In addition to state- and utility-specific work, I engage in national
4 work throughout the United States. For example, in 2011, I worked with the U.S.
5 Department of Health and Human Services (the federal LIHEAP office) to advance the
6 review and utilization of the Home Energy Insecurity Scale as an outcomes measurement
7 tool for LIHEAP. In 2007, I was part of a team that performed a multi-sponsor
8 public/private national study of low-income energy assistance programs. My professional
9 background is further described in Appendix A.

10
11 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND.**

12 A. After receiving my undergraduate degree in 1975 (Iowa State University), I obtained
13 further training in both law and economics. I received my law degree in 1981 (University
14 of Florida). I received my Master's Degree (regulatory economics) from the MacGregor
15 School in 1993.

16
17 **Q. HAVE YOU EVER PUBLISHED ON PUBLIC UTILITY REGULATORY**
18 **ISSUES?**

19 A. Yes. I have published three books and more than 80 articles in scholarly and trade
20 journals, primarily on low-income utility and housing issues. I have published an equal
21 number of technical reports for various clients on energy, water, telecommunications and
22 other associated low-income utility issues. A list of my publications is included in
23 Appendix A.

1
2 **Q. HAVE YOU EVER TESTIFIED BEFORE THE PHILADELPHIA WATER,**
3 **SEWER AND STORM WATER RATE BOARD OR ANY STATE UTILITY**
4 **COMMISSIONS?**

5 A. Yes. The Philadelphia Water, Sewer and Storm Water Rate Board (Board) was
6 established by an ordinance, which became effective January 20, 2014. The 2018 rate
7 proceeding is only the second rate proceeding to come before the Board. This is my
8 second time testifying before the Board; however, I have testified on numerous occasions
9 regarding Philadelphia Water Department rate cases prior to the establishment of the
10 Board. In addition, I have testified before the Pennsylvania Public Utility Commission
11 (“PUC” or “Commission”) on numerous occasions regarding utility issues affecting low-
12 income customers. I have also testified in regulatory proceedings in more than 30 states
13 and various Canadian provinces on a wide range of low-income utility issues. A list of
14 the roughly 250 proceedings in which I have testified is listed in Appendix A.
15

16 **Q. PLEASE EXPLAIN THE PURPOSE OF YOUR DIRECT TESTIMONY.**

17 A. The purpose of my Direct Testimony is as follows.

- 18 ➤ First, I examine the structure and operation of the income-based Tiered
19 Assistance Program (TAP) (also known as the Income-Based Water Rate
20 Affordability Program, IWRAP) to determine whether the rate which the
21 Philadelphia City Council has mandated be pursued is, in fact, being made
22 appropriately available to PWD customers;
23 ➤ Second, I examine the funding of that TAP program; and

- 1 ➤ Third, I examine the proposal of the Water Department to begin collecting the
2 costs of providing public fire protection through water rates rather than
3 through the municipal tax structure;
4 ➤ Finally, I examine a customer service issue involving the disconnection
5 notices rendered to customers of the Philadelphia Water Department.¹
6

7 **Part 1. Structure and Operation of TAP.**

8 **Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR**
9 **TESTIMONY.**

10 A. In this section of my testimony, I examine the Tiered Assistance Program (TAP)
11 implemented by the Philadelphia Water Department.² In this section, I consider a variety
12 of issues presented by the manner in which the Department has implemented and
13 currently operates the TAP rate. These issues are appropriately considered in this rate
14 case given that TAP is a rate, TAP directly affects the rates charged to a substantial
15 number of PWD customers.
16

17 **A. TAP Enrollment Dates.**

18 **Q. PLEASE DESCRIBE THE TAP IMPLEMENTATION AND OPERATION ISSUE**
19 **YOU DISCUSS IN THIS SECTION OF YOUR TESTIMONY.**

¹ My Direct Testimony will not distinguish between the Philadelphia Water Department and the Water Revenue Bureau. References to “the Department” and to “the City” should be broadly construed to incorporate the entity providing the relevant service.

² Throughout my testimony, the “IWRAP” program (Income-Based Water Rate Affordability Program) and the “TAP” program are considered to be the same program. While the City Council legislation refers to IWRAP, the PWD refers to TAP. Nonetheless, both references are to the same bill affordability initiative.

1 A. In this section of my testimony, I address the question of when low-income PWD
2 customers who apply for TAP should start receiving a TAP bill. I conclude that once a
3 TAP applicant is enrolled in the program, that customer should receive a TAP bill
4 retroactive to the first complete billing cycle subsequent to that customer's TAP
5 application.

6
7 **Q. WHAT PROBLEM ARE YOU SEEKING TO ADDRESS IN RECOMMENDING**
8 **THIS PROCEDURE?**

9 A. There is a substantial delay between the time that PWD customers submit their
10 applications for TAP and the date on which those applicants are being enrolled in TAP.
11 As of March 31, 2018, PWD had received 17,097 TAP applications. (PA-III-2). An
12 unreasonable delay occurs between the time an application is submitted and the time an
13 applicant is enrolled in TAP, should the application be approved. Enrollment data by
14 quarter for approved applications is set forth in Table 1 below. As can be seen, in the
15 first quarter of enrollments in 2017 (July – September), more than half of all approvals
16 (53.1%) occurred more than 60 days after an application was approved. Nearly half
17 (48.7%) of all approvals occurred more than 90 days after an application was submitted.
18 In the second quarter of enrollments (October – December), more than 60% of all
19 approvals occurred more than 60 days after an application was submitted. In the most
20 recent quarter, insufficient time has elapsed to determine the proportion of applications
21 that are being approved in a timely manner.³

³ This is true as a matter of arithmetic. For example, as more time elapses, more and more approvals will fall into the buckets of approved within 61-90 days, approved within 91-120 days, and approved within 121 or more days. In contrast, the number of approvals within 30 days will remain constant (or nearly constant) (once more than 30 days have elapsed, it is not possible for the number in that early bucket to expand). In contrast, the number of

Table 1. Status Updates Summary – Approvals (By date of application) (PA-XII-1)						
For applications submitted	July 1 – September 30		October 1 – December 31		January 1 – March 31	
	Number	Percent	Number	Percent	Number	Percent
Approved within 30 days	1,271	34.2%	153	8.7%	543	55.1%
Approved 31 – 60 days	474	12.7%	549	31.1%	373	37.9%
Approved 61-90 days	163	4.4%	711	40.2%	68	6.9%
Approved 91-120 days	418	11.2%	325	18.4%	1	0.1%
Approved 121+ days	1,393	37.5%	30	1.7%	---	N/A
Total approved	3,719	100.0%	1,768	100.0%	985	100.0%

It is not simply approvals that are taking unreasonably long periods of time to obtain, however. It is taking an unreasonably long period of time for any status update to be generated by PWD. Table 2 sets forth this data.⁴

Table 2. Status Updates Summary – Application Incomplete (By date of application) (PA-XII-1)						
For applications submitted	July 1 – September 30		October 1 – December 31		January 1 – March 31	
	Number	Percent	Number	Percent	Number	Percent
Found incomplete within 30 days	1526	32.8%	234	12.4%	84	30.2%
Found incomplete 31 – 60 days	2215	47.6%	833	44.2%	192	69.1%
Found incomplete 61-90 days	332	7.1%	664	35.2%	2	0.7%
Found incomplete 91-120 days	149	3.2%	151	8.0%	0	0.0%
Found incomplete 121+ days	436	9.4%	4	0.2%	0	0.0%
Total Found incomplete	4,658	100.0%	1,886	100.0%	278	100.0%

As can be seen in Table 2, in the first quarter of applications, PWD took up to 60 days simply to determine an application was “incomplete.” For nearly one-in-five applications,

“applications approved after 121 days,” will be an ever-expanding number, making the early bucket a smaller and smaller percentage.

⁴ The same observation set forth in Footnote 3 regarding approvals is applicable to the data in Table 2 regarding applications found to be “incomplete.”

1 PWD was taking from 60 to more than 120 days simply to determine an application was
2 “incomplete.” In the second quarter of applications, nearly a full 90% of the applications
3 that were found to be incomplete did not have that determination made for more than 60
4 days after the date on which the application was submitted. When PWD takes 90 or 120
5 days (or more) simply to tell a customer that their application is “incomplete,” it
6 necessarily takes even longer before that customer can be enrolled in TAP.
7

8 **Q. ARE TAP APPLICANTS BEING HARMED BY THE UNREASONABLE**
9 **DELAYS IN HAVING APPLICATIONS APPROVED?**

10 A. Yes. PWD has stated that it will enroll a customer in TAP beginning with the first bill
11 rendered to the customer subsequent to the customer’s enrollment being approved. (PA-
12 V-72). As a result, if a TAP applicant waits for 120 or more days between the date the
13 applicant submits his or her application and the date on which PWD “approves” the
14 application, that applicant has lost at least four months of receiving TAP bills. If a TAP
15 applicant waits for 120 or more days simply before hearing that the application that the
16 applicant filed was deemed to be “incomplete” by PWD, the applicant has lost even more
17 of the available TAP discount for which they have applied.
18

19 The dollar amount of discounts being “lost” by TAP applicants waiting for PWD to
20 “approve” their application is substantial. PWD provided, for persons enrolled in TAP
21 from July 1, 2017 through January 19, 2018, the dollars of bills that actually appeared on
22 those customers’ bills as well as the dollars that would have been billed had the customer
23 been enrolled in TAP. For that 6½ month period, after deleting accounts that were

1 approved on or before Day 8 after their application, TAP applicants were billed nearly
2 \$700,000 more than they would have been billed had they received a TAP bill.
3 Applicants who waited for more than 120 days before their TAP application was
4 approved were billed nearly \$400,000 more than they would have been billed had their
5 TAP application been approved on or before Day 8 after their application was submitted.⁵
6 These dollars amounts do not include those TAP applicants for whom no determination
7 of status has yet been made (whether to approve an application, deny an application, or
8 find an application to be incomplete).

9
10 The dollars of TAP discounts lost due to delays in processing applications, in other
11 words, do not include any dollars of lost discount attributable to the thousands of TAP
12 applicants for whom no status determination has yet been made at all.

13
14 **Q. WHY IS THIS LOSS OF REVENUE IMPORTANT?**

15 A. The delay that I have identified above, giving rise to lost opportunities to receive the TAP
16 discount, undermines the underlying purpose of TAP. The purpose of TAP is to provide
17 low-income customers a bill they can actually afford to pay. As affordability improves,
18 actual bill payment improves as well. In this regard, affordability delayed is affordability
19 denied.

20

⁵ Day 8 is a somewhat arbitrary number to exclude applications filed “recently.” Whether that day is Day 5 or Day 14 does not change the analysis and conclusions.

1 **Q. WHAT REMEDY DO YOU PROPOSE TO ENSURE THAT TAP APPLICANTS**
2 **WHO ARE ENROLLED IN THE PROGRAM RECEIVE THE FULL LEVEL OF**
3 **BENEFITS TO WHICH THEY ARE ENTITLED?**

4 A. I recommend that when a low-income PWD customer is enrolled in TAP, the
5 participation in TAP should be retroactive to the first full billing cycle after PWD
6 received a complete TAP application. When a customer submits a complete application,
7 that customer has fulfilled all the responsibilities imposed on him or her as a precondition
8 to entering TAP. The fact that PWD might require three or four months (or more) (90 to
9 120 days or more) to process that application and determine that the customer should be
10 enrolled is not the responsibility of the customer. In contrast, by making TAP enrollment
11 retroactive only to the first full billing cycle after receipt of a TAP application, a
12 customer who applies for TAP at the end of a billing cycle would only have benefits
13 applied retroactively to the first full billing cycle. Someone would not be allowed to
14 apply for TAP on Day 28 of a 30 day billing cycle and expect to receive a TAP bill for
15 that same billing cycle.

16
17 In the meantime, any payments made by the customer during the time that PWD is
18 processing a TAP application should be applied only against bills for current service.
19 Once a customer is approved for TAP, PWD should make the following retroactive
20 adjustments: to the extent that the customer paid more than he or she would have
21 received in TAP bills for current service, customer payments should be retroactively
22 applied against the bill that would have been rendered at TAP rates for current service.

1 Any excess payments above those bills at TAP rates for current service should be applied
2 to the account as a credit, to be applied against future TAP bills.

3
4 While sub-section 3(e) of Section 19-1605 provides that “any amount paid for a monthly
5 IWRAP bill in excess of the customer’s current water liabilities shall reduce the balance
6 of his or her arrears,” that sub-section is not applicable to situations where PWD is
7 rendering a bill at standard residential rates even though a customer has submitted a
8 complete TAP application that is sufficient to establish their TAP eligibility. Customer
9 payments made during the interim period after submission of a TAP application but
10 before PWD makes a finding of TAP eligibility should be applied to current (and where,
11 a customer payment overpays beyond a bill for current service, future) TAP bills.

12
13 Finally, to provide an incentive for PWD to timely act on such applications, any
14 arrearages incurred during the period of time subsequent to submission of a TAP
15 application, but before PWD makes a finding of approved TAP eligibility, should be
16 defined to be a “pre-existing arrearage” for purposes of TAP arrearage forgiveness. This
17 write-off of arrears incurred during the period between the date a complete application is
18 filed and the date a complete application is approved should be immediate and complete
19 upon approval of program enrollment. Customers who have fulfilled their responsibility
20 by submitting a complete application should not be penalized for PWD’s delay in acting
21 upon that application. PWD can minimize its exposure to lost revenue attributable to this
22 process by improving its timely approval of TAP applications.

1 **Q. IS THERE ANY PRECEDENT FOR THE REASONABLENESS OF WHAT YOU**
2 **PROPOSE?**

3 A. Yes. Philadelphia’s other municipal utility, the Philadelphia Gas Works, uses the
4 approach which I recommend. In the City’s contract with the Philadelphia Facilities
5 Management Corporation, last amended in 2010, the City provided for a senior citizen
6 discount for both heating and non-heating purposes.⁶ The PFMC contract provides that
7 after application, “the reduction shall then take effect at the start of the succeeding billing
8 period.” (Amended and Restated City-PFMC Management Agreement, Section 7, para. 7,
9 page 17). This is precisely the same approach I recommend for TAP. Both programs
10 require customer status and proof of residence at the service address.
11

12 **B. Credit and Collection Activities Directed toward TAP Applicants.**

13 **Q. PLEASE DESCRIBE THE TAP IMPLEMENTATION AND OPERATION ISSUE**
14 **YOU DISCUSS IN THIS SECTION OF YOUR TESTIMONY.**

15 A. In this section of my testimony, I make recommendations on the collection treatment of
16 TAP applicants once an application for TAP enrollment has been submitted to PWD.
17 Pursuant to sub-section 3(n) of Section 19-1605 of the underlying IWRAP legislation,
18 “the Department and the Water Department shall promulgate standards governing stay,
19 postponement, and holds of pending enforcement actions or service terminations to allow
20 customers time to apply for and enter into IWRAP or other payment agreements. . .” The
21 necessity of strictly enforcing this legislation becomes of particular importance given the
22 substantial delays in acting upon TAP applications that I discuss immediately above.
23

⁶ The PUC has frozen PGW’s senior discount program, allowing no new entrants, pursuant to 66 PA. C.S. §2212®.

1 **Q. WHAT ACTION DOES PWD TAKE AFTER A CUSTOMER SUBMITS A TAP**
2 **APPLICATION?**

3 A. Frequently, from the customer's perspective, little to nothing happens. PWD customers,
4 in other words, submit their applications and have no status determination made on that
5 application for weeks, if not months, on end. For example, according to PWD (PA-XII-
6 1), 13 applications (0.15%) that were submitted between July 1 and September 30 (of
7 2017) still had no status determination that had been made as of March 31 (of 2018). In
8 those nine months, in other words, no finding was made that the application was
9 approved, denied, or found to be incomplete. For applications submitted between October
10 1 and December 31, 370 (8.60%) still had no status determination that had been made as
11 of March 31. Of all applications submitted between July 1 and September 30, (8,762
12 total), the first status update on 2,046 of them (23.35% of the total) was not made for
13 more than 120 days. For applications submitted between October 1 and December 31,
14 more than 400 (nearly 10%) either had their first status update made more than 120 days
15 after the application was submitted or still had received no status update after 120 days.

Table 3. Status Updates Summary – All (By date of application) (PA-XII-1)						
For applications submitted	July 1 – September 30		October 1 – December 31		January 1 – March 31 ⁷	
	Number	Percent	Number	Percent	Number	Percent
Total applications submitted	8,762	100%	4,301	100%	4,034	100%
Status update within 30 days	2,861	32.65%	394	9.16%	651	16.14%
Status update within 31-60 days	2,702	30.84%	1,442	33.53%	585	14.50%
Status update within 61-90 days	528	6.03%	1,482	34.46%	75	1.86%
Status update within 91-120 days	612	6.98%	570	13.25%	1	0.02%
Status update within 121+ days	2,046	23.35%	43	1.00%	0	0.00%
No status update	13	0.15%	370	8.60%	2,722	67.48%

Q. WHAT DO YOU RECOMMEND?

A. A TAP applicant should not be subject to “enforcement actions” after submission of a TAP application. Once such an application is submitted, all collection efforts directed toward that customer should cease. After all, the legislation provides that customers should not only have time “to apply for” TAP, but should have time “to enter into IWRAP or other payment agreements.” Even an applicant that is denied entry into TAP, in other words, should have an opportunity to enter into a non-TAP agreement. Continuing collection efforts during the substantial time delay after a customer applies for TAP but before PWD makes a determination of eligibility and offers alternative payment plans as a result of that determination would be in non-compliance with the plain language of the ordinance.

⁷ Some of the longer status update categories for this time period have few, or no, applications simply because an insufficient time has elapsed for the categories to be populated. For example, for applications filed on January 2, 2018, a status update made after 120 or more days would not occur until April, which date has not yet been reached at the time this data was provided. Hence, there are “0” applications falling within that bucket.

1 Filing liens is a type of “enforcement action.” There is no indication in the plain
2 language of the ordinance that only collection activities involving service disconnections
3 or related activities are the types of collection activities that should be stayed, postponed
4 or held pursuant to subsection 3(m). Indeed, filing a lien is an enforcement action taken
5 by the Department. The language of subsection 3(m) incorporates not only the
6 disconnection (or threatened disconnection) of service, but also requires the stay,
7 postponement or holding of the process of filing liens against TAP applicants.⁸

8
9 The Board has authority over enforcing this aspect of TAP because it affects the charges
10 imposed on TAP participants, the availability of the TAP discount, and the level of
11 expenses incurred by PWD (and passed on to customers) in pursuing the enforcement
12 actions. Moreover, enforcing this aspect of TAP also affects other direct charges / rates
13 that would be imposed on the customer (e.g., shutoff charges, late fees).

14
15 **C. The TAP Application Form has Unacceptable Terms.**

16 **Q. PLEASE DESCRIBE THE TAP IMPLEMENTATION AND OPERATION ISSUE**
17 **YOU DISCUSS IN THIS SECTION OF YOUR TESTIMONY.**

18 A. In this section of my testimony, I describe why the TAP application form that PWD
19 created is not only unduly burdensome for TAP applicants, but is in non-compliance with
20 the underlying IWRAP legislation. PWD is requiring that TAP applicants make
21 demonstrations that are above and beyond those demonstrations required in the

⁸ To the extent that PWD might assert that it does not currently place liens on TAP applicants, I conclude that confirming that practice (as mandated by the IWRAP municipal ordinance) would not impose a hardship on the Department. Whether liens are considered to be a “collection practice,” however, is not a discretionary decision on the part of PWD. Barring the filing of liens is mandated by the IWRAP ordinance.

1 legislation creating IWRAP. Those non-compliant application requirements not only can
2 result in income-eligible customers being directly denied eligibility for the program, but
3 can result in income-eligible customers being indirectly denied eligibility based on a
4 finding that the initial application was “incomplete.” In addition, an unduly complex
5 application form, unto itself, serves as a “chilling” effect on low-income customers
6 submitting an application in the first instance. As described in detail above, the
7 application seems to be resulting in unduly burdensome delays between the date on
8 which an application is submitted to the date on which a “status update” is made, let
9 alone the date on which an applicant is enrolled in TAP.

10
11 **Q. WHAT DOES THE IWRAP LEGISLATION REQUIRE A PWD CUSTOMER TO**
12 **DEMONSTRATE IN ORDER TO QUALIFY FOR TAP?**

13 A. The Philadelphia Municipal Code, subsection 19-1605(3)(i) clearly sets forth what a
14 customer must demonstrate to qualify for TAP. Therein, the City Council provided that
15 “a Customer shall be enrolled in IWRAP upon approval of a completed application on or
16 with which the applicant shall be required to provide proof that he or she (i) is a resident
17 at the property in question; and (ii) qualifies for IWRAP because of financial hardship or
18 Special Hardship.”⁹ (19-1605(3)(i)(1))(emphasis added). The City Council further made
19 clear that IWRAP eligibility is based only on these two criteria, when it stated in the
20 IWRAP legislation: “the Department shall design an appropriate application and shall set
21 appropriate standards for what constitutes proof of those criteria.” (Id.). (emphasis
22 added).

⁹ Customers with income at or below 150% of the Federal Poverty Level were defined to meet these criteria. Subsection 19-1605(3)(g) and Subsection 19-1605(2)(d).

1
2 **Q. WHAT DOES PWD REQUIRE IN ITS APPLICATION?**

3 A. A copy of the TAP application form is attached to my testimony as Appendix B. The
4 items that PWD requires include, amongst other things:

- 5 ➤ A detailed listing of assets by customers reporting zero dollars of income.
6 (See, e.g., Attachments to PA-V-30). The IWRAP ordinance makes no
7 provision for application of an assets test.¹⁰ And PWD is not authorized to
8 impose application requirements that are more extensive than, and more
9 restrictive than, those eligibility requirements established by the ordinance.
10 Moreover, an inquiry into assets cannot be allowed simply because a
11 percentage of income payment might be unreasonable when applied to a zero
12 dollar income. The ordinance clearly addresses that situation when it provides
13 that “minimum bill amounts consistent with the goal of providing affordability
14 may be established for cases where a bill calculated under subsection 3(a)
15 would result in a nominal amount.”
- 16 ➤ PWD’s application requires applicants to “acknowledge” certain
17 “responsibilities” that are not authorized by the IWRAP statute as an
18 eligibility requirement. (Attachments to PA-V-30, Part 2). Amongst those
19 “responsibilities” is a pre-authorization for the City of Philadelphia to “make a
20 one-time electronic fund transfer from my account to collect a \$20 fee” in the
21 event that a TAP participant pays a bill with a check returned for insufficient

¹⁰ Indeed, the City in other circumstances has made clear that assets are not to be considered in seeking to enroll in municipal assistance programs. The municipal code section regarding “Homestead payment agreements,” for example, which is explicitly referenced in the ordinance establishing IWRAP, provides that “a taxpayer shall not be required to liquidate any assets, including other real property, in order to qualify for a homestead payment agreement.” (Section 19-1305(2)(d)(1), Philadelphia Municipal Code).

1 or uncollected funds. (Id. at para. 3). No other customer must give such a pre-
2 authorization for an automatic call upon their checking account. Included,
3 also, as a prerequisite to being found eligible for TAP is an authorization for
4 “the Water Revenue Bureau to verify information provided on this application
5 through the City and third party sources.” (Id. at para. 6). No limits are placed
6 on what information the WRB may seek verification of; or why the WRB
7 might seek “verification” of such unidentified “information”; or from which
8 “third party sources” the WRB may seek such verification of unidentified
9 “information.”

- 10 ➤ PWD requires that a TAP applicant provide an explanation for why any adult
11 household member over the age of 18 might “have no income.” (see e.g.,
12 Attachments to PA-V-30, Part 1, “Household Information”). Nothing in the
13 IWRAP ordinance authorizes PWD to demand that TAP applicants justify
14 why a household member might have no income. It makes no difference what
15 the reason might be. Such a household member might be a parent taking care
16 of children at home; might be disabled; might be elderly. None of those
17 circumstances, however, are household circumstances which the IWRAP
18 ordinance allows PWD to inquire into as a prerequisite to TAP eligibility.¹¹

19
20 **Q. DOES PWD REQUIRE INFORMATION THAT IT IS NOT ENTITLED TO**
21 **DEMAND?**

¹¹ Indeed, for PWD to possibly argue that PWD would find that some circumstances would be appropriate for an adult member of the household to have no income would necessarily imply that PWD reserved the right to find that other circumstances would be inappropriate for an adult member of the household to have no income. No basis exists in the ordinance for PWD to inquire into the reason(s) underlying a household’s income.

1 A. Yes. PWD appears to demand that a TAP applicant provide a Social Security Number
2 for every household member between the ages of 18 and 65. (See, e.g., Attachments to
3 PA-V-30, Part 1, “Household information”). The Pennsylvania PUC has addressed the
4 issue of Social Security Numbers (SSNs) in a series of proceedings involving the
5 Universal Service and Energy Conservation Plans (“USECPs”) of the state’s utilities.
6 See, for example, PECO 2013-2015 USECP, Docket No. M-2012-2290911, Order at 36-
7 38 (April 4, 2013); PGW 2014-2016 USECP, Docket No. M-2013-2366301, Order at 14-
8 20-11 (August 21, 2014). In case-after-case, the PUC has found that it is inappropriate
9 for a utility to pre-condition participation in bill affordability programs on the provision
10 of SSNs. There are legitimate questions of the legality, under federal law, of whether a
11 public benefit (such as TAP) can be made contingent upon a customer providing his or
12 her SSN. In addition, many income-eligible Pennsylvania customers may not have SSNs
13 and may instead use alternate forms of identification in lieu of Social Security numbers.
14 PWD’s requirement that TAP applicants provide Social Security Numbers as a
15 prerequisite to participating in TAP should be found unreasonable and unauthorized.

16
17 While I understand that the PWD is not subject to PUC jurisdiction, the decisions of the
18 PUC do represent a standard of what is “reasonable” for a utility to pursue in
19 Pennsylvania. For example, when the PUC finds that an SSN requirement is particularly
20 burdensome in the Philadelphia area due to a high concentration of immigrant
21 households, that finding is applicable to PWD as well. When the PUC finds that an SSN
22 requirement would condition CRP (or TAP in the case of PWD) enrollment upon having
23 a particular immigration status and there are immigration visas that do not require the

1 immigrant to apply for an SSN, that finding should apply to PWD as well. The attention
2 that the PUC has directed to the issue of SSN requirements as a precondition to
3 enrollment in a bill affordability issue should not be dismissed.

4
5 **Q. IS THERE ANOTHER OBSERVATION THAT YOU MAKE ABOUT TAP**
6 **APPLICATIONS?**

7 A. Yes. PWD appears to place a time limit between the time a customer requests a TAP
8 application and the time that customer returns the application seeking to enroll in TAP.
9 No time limit is authorized by the Philadelphia ordinance creating TAP. Indeed, PWD is
10 not even consistent with the time limits it imposes. In its November 2, 2017 letter to
11 customers, for example, PWD states that “you must complete and return the enclosed
12 package with all required documentation within 21 days from the date of this letter.”
13 (PA-V-30, Attachment_Nov17, cover letter).¹² In contrast, however, the first page of the
14 application contains the exhortation, in boldfaced type, that “applications must be
15 received within 14 days of requesting the form.” (Id.) Given that no time limit on
16 returning an application is authorized by the IWRAP ordinance, the fact that conflicting
17 deadlines are provided within the four corners of the same package sent to potential
18 applicants is one more practice that discourages applications from being returned.¹³

¹² If one assumes any reasonable period of time for mailing, however, the actual time allowed a recipient of the letter to “complete and return the enclosed package with all required documentation” would be much less. Time for mailing would be required both for the letter to reach the addressee and for the “enclosed package” to be returned to PWD.

¹³ PWD does not inform customers of the consequences of failing to return their application within the timeline provided, whether the potential applicant finds the 14 day deadline, or the 21 day deadline, to be most compelling. PWD’s placement of a time deadline on the return of an application, however, would seem to imply to the customer that a failure to meet that deadline would disqualify them from returning a TAP application, and thus make TAP enrollment unavailable. The deadline serves a chilling effect on the submission of applications if nothing else.

1
2 It is worth noting that these timelines, which commence either on the date PWD includes
3 on its letter or the date the customer requests the application, expose the customer to risk
4 of delay on PWD or the City's part. In the past, the City has experienced significant
5 delays in processing mail.¹⁴
6

7 Whether or not placing any time limit on the return of an application is authorized by the
8 IWRAP ordinance, the deadlines that are provided are unreasonably short. It is clearly
9 unreasonable for PWD to provide customers with a deadline of somewhere between 14 or
10 21 days (depending on which limit PWD chooses to enforce) when PWD then takes four
11 months or more (121+ days or more) before even providing a status update on an
12 application (as I describe in detail above).
13

14 **Q. WHAT DO YOU RECOMMEND?**

15 A. I recommend that:

- 16 ➤ PWD adopt a TAP application form that reflects the application form attached at
17 Appendix C from PECO.¹⁵
18 ➤ PWD eliminate the time limits placed upon customers within which customers must
19 return their application form once having been sent an application form;

¹⁴ See Philadelphia Inquirer, "Controller: City mail room a mess," February 3, 2016, available at http://www.philly.com/philly/news/politics/20160203_Controller_City_mailroom_a_mess_-_10_000_bills_notices_go_unsent.html ("A several-months-long investigation revealed that hundreds of water bill notices were still in the mail room one day before their due date.").

¹⁵ Adoption of a form reflective of PECO's CAP application also addresses the simplification issues I address in the next section of my testimony.

➤ PWD be directed to comply with the IWRAP legislation, which provides that a PWD customer must provide a completed application form limited to a proof that he or she: (1) is a resident at the property in question, and (2) qualifies for TAP because of financial hardship or Special Hardship.

Q. WHY ARE THESE ISSUES SUBJECT TO RESOLUTION IN THIS RATE PROCEEDING?

A. The unacceptable demonstrations that PWD requires in its TAP application directly affect the availability of a bill discount that, by municipal ordinance, is to be made available to Philadelphia residents. To the extent that PWD is imposing inappropriate conditions on the enrollment in TAP, it is denying customers the availability of a rate to which those customers are entitled to take service. The availability of a rate is an issue that would be subject to determination in a rate proceeding. Just as it would have been an appropriate issue for this proceeding if PWD had refused (hypothetically) to implement an income-based bill affordability program at all, it is also an appropriate issue when PWD refuses to implement an income-based bill affordability program for certain segments of the PWD customer base by imposing unreasonable, inappropriate and unlawful application terms for such enrollment to occur.

D. Simplifying the TAP Application.

Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

1 A. In this section of my testimony, I explain how PWD should simplify its TAP application
2 form, both to encourage more applications, to reduce the administrative burdens of
3 reviewing such forms, and to minimize the number of forms that would be considered
4 “incomplete.” More specifically, I explain why PWD should eliminate its mandate that
5 customers must “acknowledge,” as part of their TAP application, certain customer
6 “responsibilities,” many of which are speculative at best. PWD’s requirement that TAP
7 applicants “acknowledge” certain “responsibilities” serves no function other than to
8 discourage low-income customers from applying for, and receiving the benefits of, TAP.

9
10 The TAP application form has one page devoted to nothing but “acknowledgements” on
11 the part of the applicants of certain financial responsibilities that may or may not ever
12 arise. It is conspicuously evident that in its application form, PWD mandates customers
13 “acknowledge” their potential financial obligations without ever referencing their
14 financial benefits. Consider that:

- 15 ➤ PWD warns customers of the potential disconnection of service for
16 nonpayment, but never mentions that, as provided by municipal ordinance, the
17 discounted bill, set at an affordable percentage of income, will be accepted as
18 full payment of all of a customer’s current water liabilities.
- 19
20 ➤ PWD warns customers that they are liable to repay HELP loans and “repair
21 charges,” but fails to mention that, as provided by municipal ordinance, low-
22 income customers enrolled in TAP shall be required to make no additional
23 payment in respect to any pre-IWRAP arrears in order to maintain service.
- 24
25 ➤ PWD warns customers that they must pay to correct any violation if service is
26 off due to an uncorrected notice of violation or defect, or a determination that
27 providing service would endanger life, health, safety or property, but fails to
28 mention that, as provided by municipal ordinance, even a customer with an
29 income above 150% of Poverty shall be offered a payment plan that results in
30 a total bill, including arrearages, that is affordable.

- 1
- 2 ➤ PWD mandates that TAP applicants authorize the Water Revenue Bureau to
- 3 verify information provided on the application through the City and third
- 4 party sources, but somehow fails to mention that PWD is required by
- 5 municipal law to accept determinations of income and/or residency pursuant
- 6 to Section 19-1305 of the municipal code without any further documentation
- 7 by the applicant.
- 8

9 **Q. WHY ARE PWD’S REQUIRED “ACKNOWLEDGEMENTS” OF PARTICULAR**

10 **CONCERN TO YOU?**

11 A. I have three concerns. First, it has been repeatedly demonstrated in the world of public

12 benefits that the more complicated an application, the lower the rate at which eligible

13 households will seek to enroll in a public benefit program.¹⁶ Second, the more

14 complicated the application, the more complex the administrative review of the

15 application. We have found PWD taking two, three, four or more months simply to make

16 a status determination of applications (with a status determination including not only

17 approval or disapproval, but also a finding of whether an application is “complete”). This

18 is evidence unto itself that the application may be too complex. Third, the complexity of

19 the application lends itself to having more applications deemed to be “incomplete.”

20

21 **Q. ARE INCOMPLETE APPLICATIONS A BARRIER TO TAP ENROLLMENT?**

¹⁶ The literature in support of this proposition is too vast to comprehensively cite. However, one can beneficially examine the following: GAO (April 1999) Low-Income Medicare Beneficiaries: Further Outreach and Administrative Simplification Could Increase Enrollment, General Accounting Office: Washington D.C.; GAO (April 2000). Medicaid and SCHIP: Comparisons of Outreach, Enrollment Practices, and Benefits, Report No. GAO/HEHS-00-86, at n. 10, General Accounting Office: Washington D.C.; Laurie Martin, et al. (2014). Barriers to Enrollment in Health Coverage in Colorado, prepared by Rand Corporation for Colorado Health Foundation; Laura Summer (2009) Increasing Participation in Benefit Programs for Low-Income Seniors, prepared by Georgetown University Health Policy Institute for The Commonwealth Fund.

A. Yes. PWD prepares a “performance measures report” on a quarterly basis. In this document, PWD reports the disposition of TAP applications by the time required to make an initial “status update.” In the first two quarters,¹⁷ and for virtually all time periods, the primary “status determination” made has been that an application is “incomplete.” The data is set forth in Schedule RDC-1. A summary of that data is presented in Table 4 below. As can be seen, in the first quarter of TAP enrollment, more than half of all TAP applications were deemed to be incomplete. In the second quarter of enrollment, nearly half were determined to be incomplete. This rate of receiving incomplete applications is evidence that the application may be unreasonably complex. Moreover, the multiple layers of review to which PWD subjects TAP applications is further evidence that the TAP application is too complex.

Table 4. Incomplete Determinations by Reporting Period
(PA-III-2)

Status Updates Summary - Incompletes		
For applications submitted	July 1-September 30	October 1-December 31
This many were determined to be incomplete within 30 days:	1,526	234
This many were determined to be incomplete in 31-60 days:	2,215	833
This many were determined to be incomplete in 61-90 days:	332	664
This many were determined to be incomplete in 91-120 days:	149	151
This many were determined to be incomplete in 121+ days:	436	4
This many have been determined to be incomplete, in total:	4,658	1,886
Total Applications received	8,762	4,301
Percentage determined to be incomplete	53%	44%

Q. WHAT DO YOU RECOMMEND?

A. I recommend that PWD be directed to adopt an application that reflects the PECO application for its income-based Customer Assistance Program (“CAP”). I have attached a PECO CAP application to my testimony as Appendix C. As can be seen, the PECO

¹⁷ Insufficient time has elapsed for applications in the third quarter (January 1 through March 31) to have had a status determination made.

1 application is two-pages long, and is limited to collecting only the information that is
2 required to determine CAP eligibility.

3
4 **E. TAP Outreach and Eligibility Determinations Should Use City Income-Eligibility**
5 **Determinations.**

6
7 **Q. PLEASE DESCRIBE THE TAP IMPLEMENTATION AND OPERATION ISSUE**
8 **YOU DISCUSS IN THIS SECTION OF YOUR TESTIMONY.**

9 A. In this section of my testimony, I examine whether PWD is fully complying with the City
10 of Philadelphia’s IWRAP legislation regarding the determination of income and/or
11 residency. More specifically, I consider whether PWD is complying with Section 19-
12 1605-3(i)(2). That language provides that “the Department shall accept determinations of
13 income and/or residency made within the prior twelve months pursuant to §19-1305.”

14
15 **Q. UPON WHAT DO YOU BASE YOUR CONCERN ABOUT WHETHER PWD IS**
16 **IN COMPLIANCE WITH THIS SECTION?**

17 A. Despite the explicit language in the IWRAP enabling legislation, PWD at no place in the
18 application form notifies TAP applicants that if they are participants in the Philadelphia
19 program through which residents may receive an income-based payment agreement for
20 homestead properties, the documentation used to establish their eligibility for that
21 program shall also be accepted for a determination of TAP eligibility. Moreover, upon
22 inquiry by the Public Advocate, PWD has conceded the following:

- 23 ➤ PWD does not cross-check active or defaulted WRAP participants against
24 Philadelphia’s low-income taxpayer installment agreements to determine

1 income eligibility for TAP, as WRB only performs such a cross-check during
2 the application process. (PA-V-68).

3 ➤ PWD does not “accept” a determination of income and/or residency made
4 during the prior twelve months pursuant to 19-1305, but instead will develop
5 its own information and, if inconsistent with the information provided
6 pursuant to section 1305, will use its own information and forward that
7 information to the Department of Revenue’s Taxpayer Services for use as a
8 “change in circumstances” review of the Section 1305 agreement. (PA-V-68).

9 ➤ PWD could provide no written correspondence, whether it be e-mails, memos
10 or other written documents of any nature, between PWD and/or WRB and the
11 Department of Revenue’s Taxpayer Services that proposes, evaluates,
12 considers or discusses a potential collaboration between TAP and the
13 Taxpayer Services with respect to determining income eligibility. (PA-V-70).

14 In the meantime, and despite the mandate (the word “shall” in the IWRAP language
15 saying that PWD “shall accept” income and/or residence determinations” imposes a
16 mandatory duty), as described in detail above, PWD is taking months to even make its
17 first status determination on TAP applications. Moreover, even when those first status
18 determinations are made, half or more of the determinations are that the application is
19 “incomplete.” The most common reason an application is found to be “incomplete” is
20 because of missing income documentation. (PA-XII-2). Income documentation may be
21 deemed to be “missing,” an application may be deemed to be “incomplete,” and a TAP
22 applicant may be denied entry into the TAP program, even though PWD is failing to
23 cross-check the TAP applications against income determinations made by a program

1 which the TAP enabling legislation has mandated PWD “shall accept” as documentation
2 of income and/or residency.

3
4 **Q. WHAT ROLE DOES MISSING INCOME AND/OR RESIDENCY**
5 **DOCUMENTATION PLAY IN DENYING A TAP APPLICATION?**

6 A. PWD reports that from July 2017 through February 2019, it had “denied” 4,065 TAP
7 applications. (PA-V-41). Of those 4,065 denials, 2,929 (72%) were denied either because
8 the applicant failed to supply “missing information” (193) or, more specifically, had
9 “missing or invalid income or residency documentation” (2,736). (PA-V-41). These
10 denials occurred despite the fact that PWD has refused to comply with the specific
11 directive in the IWRAP ordinance that it “shall accept determinations of income and/or
12 residency” made pursuant to Section 19-1305 as sufficient to establish TAP income
13 and/or residency. Nearly three-of-four TAP denials, in other words, have been for
14 missing information that PWD had an obligation to confirm the existence or non-
15 existence of, but did not even attempt to do so.

16
17 **Q. WHAT IS THE ROLE OF HOMEOWNERSHIP IN DETERMINING**
18 **ELIGIBILITY FOR THE SECTION 1305 INCOME-BASED TAX PAYMENT**
19 **AGREEMENTS?**

20 A. Pursuant to Section 1305, a “homestead means a dwelling used as a home, occupied by a
21 taxpayer.” Section 1305 income-based agreements are directed toward “tax liabilities,”
22 which are defined as meaning “both property taxes which are delinquent and property
23 taxes which are currently due but not yet delinquent.” While a “homestead” might

1 extend to a renter if that renter is “by law” (e.g., not including a contractual obligation)
2 required to pay some part of the property taxes, by far the bulk of homesteads involve
3 homeowner situations.

4
5 This is significant in that as of January 13, 2018, more than 80% of all TAP enrollees
6 (4,181 homeowner enrollees / 5,142 total TAP enrollees = 0.813) have been homeowners.
7 Despite this substantial overlap, PWD is refusing to comply with the clear intent, and the
8 plain language, of the IWRAP/TAP enabling legislation that it “shall accept” income
9 and/or residency determinations of the tax agreement program for purposes of enrolling
10 households in TAP. In the process of refusing to comply with that language, PWD is
11 unreasonably delaying approvals of TAP enrollment, and unreasonably finding that TAP
12 applications are “incomplete” due primarily to a deemed lack of income information.

13
14 **Q. WHAT DO YOU RECOMMEND?**

15 A. I recommend that PWD be directed to comply with the TAP/IWRAP enabling legislation.
16 PWD should be directed to develop an agreement with the Taxpayer Services office to
17 immediately cross-check TAP applications against households previously found to be
18 eligible for the income-based taxpayer payment plans pursuant to Section 1305. PWD
19 should further be directed to comply with the mandate of the TAP/IWRAP enabling
20 legislation that it “shall accept” income and/or residency determinations made pursuant to
21 Section 19-1305 in determining TAP income and/or residency.

1 I further recommend that PWD be directed to cross-check all TAP applications having
2 been previously denied for “missing income and/or residency documentation” (PA-V-41)
3 against income and/or residency determinations made pursuant to Section 1305 and, in
4 those instances where the Section 1305 documentation establishes TAP eligibility, to
5 enroll those applicants in TAP retroactive to the first full billing cycle subsequent to the
6 date of the application.
7

8 **F. The Affordability of TAP Payment Plans should be Compared to Total Bills, Not**
9 **Merely to Bills for Current Service.**
10

11 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
12 **TESTIMONY.**

13 A. In this section of my testimony, I explain why PWD should be directed to comply with
14 the enabling legislation of IWRAP/TAP to enroll low-income customers in the most
15 affordable payment alternative. Subsection (3)(c) of the enabling legislation specifically
16 provides that “Prior to enrolling a customer in IWRAP and upon each recertification of
17 eligibility, the Department shall determine whether, on the basis of such customer’s
18 monthly bills, the customer would receive more affordable bills under another available
19 payment agreement or rate discount. In such event, the Department shall provide the
20 customer with such more affordable payment agreement and rate discount, if applicable,
21 in lieu of IWRAP.” Section 19-1605(3)(c).
22

23 **Q. WHAT CONCERN DO YOU ADDRESS IN THIS SECTION?**

1 A. PWD reports that between July 2017 and February 2018, it failed to enroll 779 TAP
2 applicants in TAP because PWD found that those applicants had a “more affordable”
3 option through the senior citizen discount plus an extended payment agreement (n=70), a
4 standard residential bill plus an extended payment agreement (n=498), or a WRBCC
5 agreement (n=211). In finding those “more affordable” options, PWD should be directed
6 to make the appropriate comparison. A TAP alternative involving repayment of an
7 existing arrearage must be compared to a TAP bill that does not involve repayment of
8 those arrearages. The comparisons, in other words, should be based on “total bills,” not
9 merely on bills that will be rendered for current service. A non-TAP agreement would
10 include repayment of an existing arrearage. In contrast, the TAP/IWRAP legislation
11 specifically provides that “low-income customers who are enrolled in IWRAP shall be
12 required to make no additional payment in respect to any pre-IWRAP arrears to maintain
13 service.”

14
15 **Q. DO YOU HAVE REASON TO BELIEVE THAT COMPARISON BETWEEN TAP**
16 **AND NON-TAP OPTIONS ARE NOT BASED ON TOTAL BILLS?**

17 A. Yes. PWD does not appear to take pre-existing arrearages into account in determining
18 whether a TAP or a non-TAP option is “more affordable.” PWD was asked to “provide a
19 detailed explanation of all ways in which pre-existing arrearages are taken into account in
20 a determination of whether a TAP applicant has a ‘more affordable alternative.’” PWD
21 responded that:

22 All pre-existing arrearages, except those disputed at the time of application
23 decision, are considered as the amount the customer would owe under a
24 standard or extended payment agreement. A standard payment agreement is

1 generally estimated such that pre-existing arrearages are paid off over 12
2 months. The monthly amount due under an extended payment agreement is
3 calculated as the difference between 4% of the customer's monthly income
4 and the expected regular or senior citizen discounted bills. The agreement is
5 set for as many months as needed for the customer to pay off pre-existing
6 arrearages at that rate.

7
8 (PA-XII-13). Three important observations jump out from this response. First, the
9 reference to 4% of income indicates that PWD is not taking arrearages into account for
10 TAP payments (which involve payments of from 2% to 3% of income). Second, the
11 references are to a "standard payment agreement" and an "extended payment agreement."
12 Neither such agreement is for a low-income customer. In particular, PWD concedes that
13 "extended payment agreements" are available to customers who have income above
14 150% and at or below 250% of the federal poverty guideline, which makes them
15 ineligible for TAP without a special hardship. (PA-V-10, PA-V-11, PA-V-12).

16
17 Perhaps most importantly, PWD makes no reference at all to a consideration of pre-
18 existing arrearages in considering what is more affordable to a customer when comparing
19 a TAP bill for a customer with pre-existing arrearages to a non-TAP bill. While the
20 numbers provided by PWD do not exactly match up in terms of time frames, they are
21 sufficiently close to allow conclusions to be drawn. PWD reports that through March 31,
22 2018, it had approved 6,472 TAP applications. (PA-XII-1). PWD further reports that
23 through February 2018 –note the one month difference in data—5,932 of its TAP
24 enrollees entered the program with pre-program arrears. (PA-III-15). Even if we
25 compare those two numbers, recognizing that the number of enrollees has one more
26 month of data than the number of enrollees with arrears, 92% ($5,932 / 6,472 = 0.917$) of

1 TAP participants are entering the program with pre-program arrears. To the extent that
2 this data is representative of total TAP applicants, it becomes important in how PWD
3 determines the most affordable alternative.
4

5 **Q. PLEASE EXPLAIN WHY IT IS IMPORTANT FOR TAP TO CONSIDER THE**
6 **TOTAL BILL.**

7 A. The presence of pre-existing arrears makes it critical to compare total bills, not merely
8 bills for current service, when determining whether “more affordable bills” are available
9 through a non-TAP alternative. Under TAP, of course, pursuant to the IWRAP/TAP
10 legislation, “low-income customers who are enrolled in IWRAP shall be required to
11 make no additional payment in respect to any pre-IWRAP arrears to maintain service.”
12 (Section 19-1605(3)(e)) (emphasis added). In contrast, without the enrollment in TAP,
13 the customer, even if low-income, would be required to retire their arrears over some
14 period of time. The legislation makes clear that TAP bills are to be compared not simply
15 against bills for current service without TAP. The legislation provides that PWD “shall
16 determine” whether “the customer would receive more affordable bills under another
17 available payment agreement or rate discount.” (emphasis added). The TAP bill, in other
18 words, which does not include arrears, is to be compared to other “available payment
19 agreements,” which would include arrearages.
20

21 **Q. WHAT DO YOU CONCLUDE?**

22 A. In making a determination of whether non-TAP alternatives present “more affordable”
23 options to TAP applicants, PWD should be directed to account for the total bill that

1 would be charged to the applicant in the absence of TAP. That total bill would include
2 the retirement of pre-existing arrearages. The comparison is not simply between TAP
3 bills to non-TAP bills for current service. PWD's failure to take the impact of freezing
4 pre-existing arrearages into account for TAP-eligible accounts (PA-XII-13) should be
5 disapproved.

6
7 **G. TAP Should Include an Arrearage Forgiveness Component.**

8 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
9 **TESTIMONY.**

10 A. In this section of my testimony, I explain why PWD should be directed to improve the
11 arrearage forgiveness program for TAP participants by permitting participants to earn
12 credits toward their pre-existing arrearages to retire those arrearages over a two-year
13 period.

14
15 **Q. HAS PWD PROPOSED ANY CHANGES TO TAP TO INCORPORATE**
16 **ARREARAGE FORGIVENESS IN THIS CASE?**

17 A. No. PWD has proposed no such changes. The lack of such a proposal is beyond
18 disheartening, and represents an abandonment of the fundamental acknowledgement, by
19 PWD and the Revenue Department, of the need to evaluate arrearage forgiveness.
20 Indeed, PWD and the Revenue Department, in issuing final regulations implementing
21 TAP, specifically stated, on March 10, 2017: "The Commissioners agree that they will re-
22 evaluate this issue [TAP arrearage forgiveness] based on the enrollment data obtained

1 during the initial enrollment period *and prior to the next general rate proceeding* before
2 the Philadelphia Water, Sewer and Storm Water Rate Board.”¹⁸ (emphasis added).

3
4 As discussed below, changes are now required to incorporate real arrearage forgiveness,
5 not just by TAP legislation, but by fundamental principles concerning low-income utility
6 programs. This issue is within the Board’s authority over rates and charges because the
7 recovery of arrearage costs is a customary and appropriate facet of a low-income rate
8 rider as I propose herein.

9
10 **Q. DOES THE TAP LEGISLATION PROVIDE FOR ARREARAGE**
11 **FORGIVENESS?**

12 A. Yes. Subsection 19-1605(3)(h.2) provides that “earned forgiveness of arrearages shall be
13 available under such terms and conditions as are adopted by regulation.” The PWD has
14 purportedly sought to implement this section by adopting a regulation which provides in
15 relevant part: “*After fifteen years of continued enrollment in TAP*, all arrears will be
16 removed in accordance with Philadelphia Code § 19-1605(1).” (PWD regulations,
17 Section 206.7(c)). Requiring fifteen years of continuous enrollment in TAP does not
18 make arrearage forgiveness “available” under subsection 1605(3)(h.2) of the IWRAP
19 legislation. Moreover, delaying forgiveness of pre-existing arrears until the customer has
20 had “fifteen years of continuous enrollment in TAP” does not comply with the spirit, if
21 not the letter of the IWRAP legislation which provides that “low-income customers who

¹⁸ Report of the Revenue and Water Commissioners on the Public Hearing with Respect to the Revenue Department’s Income-Based Water Rate Assistance Program Regulations, March 10, 2017 at 7, available at [http://regulations.phila-records.com/pdfs/Revenue%20Income%20Based%20Water%20Rate%20Assistance%20Program%20Regulations.p
df](http://regulations.phila-records.com/pdfs/Revenue%20Income%20Based%20Water%20Rate%20Assistance%20Program%20Regulations.pdf).

1 are enrolled in IWRAP shall be required to make no additional payment in respect to any
2 pre-IWRAP arrears to maintain service.” (Subsection 19-1605(3)(h),emphasis added).

3
4 Nor does PWD’s forgiveness of pre-program penalties after 24 months of participation
5 fulfill the mandates of the IWRAP legislation. The legislation adopted by City Council is
6 not limited to the late charges imposed on pre-existing arrears. The legislation
7 specifically establishes a rule that a program participant “shall be required to make no
8 additional payment in respect to any pre-IWRAP arrears to maintain service.” (Id.,
9 emphasis added).

10
11 PWD provides a pretextual “forgiveness” of arrears. The prerequisite to that forgiveness,
12 however, is unreasonable. The precondition of maintaining a “fifteen years of continuous
13 enrollment in TAP” is an unreasonable barrier to complying with the City Council’s
14 mandatory directive that arrearage forgiveness “shall be available.”

15
16 **Q. IS THERE OTHER DATA WHICH DEMONSTRATES THAT A 15-YEAR**
17 **CONTINUOUS TAP ENROLLMENT REQUIREMENT MAKES ARREARAGE**
18 **FORGIVENESS UNAVAILABLE TO TAP PARTICIPANTS?**

19 A. Yes. First, the Census Bureau has released data showing that poverty is not a permanent
20 condition.¹⁹ Indeed, the Census Bureau reports that the largest majority of people who
21 participate in a public assistance program (43%) only receive such assistance for between

¹⁹ Robin Anderson (March 2011). Dynamics of Economic Well-Being: Poverty: 2006-2006, U.S. Census Bureau, Household Economic Studies.

1 37 and 48 months.²⁰ Second, fifteen years is beyond the planning horizon of low-income
2 households.²¹ The very fact of poverty, in other words, will prevent people from being
3 able to access the “arrearage forgiveness” that the City Council has mandated be
4 available. When faced with limited resources, people tend to focus on the needs at hand,
5 rather than the long term, which might explain seemingly contradictory behavior
6 exhibited by poor people, such as taking out high interest loans.²²

7 Finally, it is unreasonable to expect low-income residents to maintain their living
8 situation in a particular home for fifteen years. Low-income households are
9 disproportionately mobile. For example, while 21% of all households have incomes less
10 than \$10,000, 25% of all households who move but stay in the same county have income
11 less than \$10,000. In addition, 23% of all households who move, stay in the state and
12 move to a different county. (Table B07410, American Community Survey, 5-year data).
13 PWD seeks to impose a precondition on the forgiveness of pre-existing arrearages (i.e.,
14 continued participation in TAP for fifteen years), in other words, that it knows will
15 virtually never, if ever, be met.

16
17 **Q. PLEASE EXPLAIN YOUR RECOMMENDATION ON THE PERIOD OF TIME**
18 **OVER WHICH ARREARAGES SHOULD BE FORGIVEN.**

²⁰ Shelley Irving and Tracey Loveless (My 2015). Dynamics of Economic Well-Being: Participation in Government Programs, 2009 – 2012, Who Gets Assistance?, U.S. Census Bureau, Household Economic Studies.

²¹ Even in the short-term, however, the continuing existence of these arrearages impede the ability of a homeowner to cure home mortgage defaults as well as to take out loans for home repairs. Allowing such barriers to continue is particularly unreasonable given that PWD requires, in its TAP application, that applicants acknowledge their “obligation” to make certain home repairs as a condition to having water service restored if that service is “off.” (Attachments to PA-V-30).

²² Some Consequences of Having Too Little, *Science*, 2 November 2012: Vol. 338 no. 6107 pp. 682-685.

1 A. I recommend that pre-existing arrearages be forgiven over a two-year period. There is a
2 financial reason, as well as a substantive program-related reason, for this
3 recommendation.

4
5 From a program perspective, pre-existing arrearages should be forgiven over a period of
6 time that falls within the planning horizon of a low-income program participant. One
7 purpose of providing bill credits against pre-existing arrearages is not simply to allow
8 those arrearages to be retired, but to allow the customer to see those arrearages being
9 retired in a meaningful time and at a meaningful rate. As a customer is provided the
10 opportunity to pay an affordable amount for his or her bill for current service, the
11 customer will also see the meaningful decrease of the account balance incurred during the
12 time in which bills were not affordable. My experience with low-income affordability
13 programs is that arrearage forgiveness periods that extend beyond two years have the
14 effect of extending beyond a customer's planning horizon, largely impeding one
15 important purpose of the program, which is to incent a regular payment pattern.

16
17 From a financial perspective, concentrating the forgiveness of pre-existing arrearages in
18 the first two years takes advantage of the lower costs of carrying these dollars. It also
19 allows the Department to take these pre-existing arrearages off-the-books more quickly,
20 so that they can be recognized as cash in the budget.²³

21

²³ Arrears subject to forgiveness do not just disappear. They are spread as costs over remaining rates. Rather than being carried as arrears, and to a large degree ultimately written-off, they appear as cash payments by non-program participants.

1 **Q. PLEASE DESCRIBE THE CONDITIONS UNDER WHICH YOU RECOMMEND**
2 **THAT FORGIVENESS FOR PRE-EXISTING ARREARAGES SHOULD BE**
3 **GRANTED.**

4 A. Arrears credits should be earned as bills for current service are paid over time. As data
5 from the New Jersey Universal Service Fund (USF) program and Pennsylvania PUC's
6 Customer Assistance Programs (CAPs) shows, it is reasonable to expect program
7 participants to pay 80% to 90% or more of their bills over an annual basis. We must
8 recognize that while that will be the annual result, low-income customers may miss an
9 occasional payment and then make that payment up the next month. The important
10 lessons to be teaching are two-fold. First, it is important to make some payment even if
11 the customer cannot make the entire payment. If the customer cannot pay an entire \$60
12 bill, he or she should make the \$40 payment they can make, so that the first \$20 in the
13 next month gets them their arrearage credit. Second, it is important to continue making
14 regular payments even if those payments do not always cover the entire current month's
15 bill. Both of these lessons are directed toward communicating and understanding the
16 importance for a customer to avoid falling into a hole and becoming stuck there. Failing
17 to recognize that low-income customers will get behind, and then catch up, impedes
18 rather than furthers accomplishing the objectives of IWRAP. Limiting arrearage
19 forgiveness to the forgiveness of penalties after 24 months recognizes the legitimacy of
20 these observations, but is substantively insufficient and procedurally in non-compliance
21 with the IWRAP legislation.

1 In sum, allowing credits for pre-existing arrearages to be granted when bill payments are
2 made, even if such bill payments are made in cure of a previously missed payment, has
3 not merely a policy and programmatic basis, but an empirical basis as well.
4

5 **Q. PLEASE EXPLAIN THE EXTENT OF PRE-EXISTING ARREARAGES FOR**
6 **TAP ENROLLEES.**

7 A. As I explain above, virtually all TAP enrollees enter the program with a level of pre-
8 existing arrearages. Comparing the number of program participants approved through
9 March of 2018 to the number of program enrollees with pre-existing arrearages through
10 February reveals that more than 90% of TAP enrollees enter TAP with a pre-existing
11 arrearage.
12

13 Those pre-existing arrearages are sufficiently large that they would likely never be paid
14 even in the absence of TAP. According to PWD data, the 5,932 TAP enrollees with pre-
15 existing arrearages through February 2018 brought \$20,808,473 dollars of pre-existing
16 arrearages into the program. (PA-III-15). That is an average of more than \$3,500 of pre-
17 existing arrearages per TAP participant with a pre-existing arrearage. Schedule RDC-2
18 presents the existence and level of pre-existing arrearages for TAP enrollees through
19 February 24, 2018. The data shows that these arrearages are at levels that could not
20 reasonably be expected to ever be paid, even in the absence of TAP. Schedule RDC-2
21 shows that between 95% and 98% of all TAP enrollees had some level of pre-existing
22 arrearages at the time they entered TAP. More than half had a pre-existing arrearage of
23 more than \$1,000; 35% or more had a pre-existing arrearage of more than \$2,500; one-

1 fifth or more had a pre-existing arrearage of \$5,000 or more. For PWD to delay the
2 “forgiveness” of these levels of pre-existing arrearages to TAP participants unless such
3 applicants have 15 years of continuous TAP participation does not merely delay, but
4 denies, the policy objective of the City Council to make forgiveness of these levels of
5 pre-existing arrearages, incurred during a time in which bills were unaffordable,
6 “available” to TAP participants.

7
8 **Q. DOES PWD ASSUME THAT THESE LEVELS OF ARREARS ARE**
9 **COLLECTABLE IN THE ABSENCE OF TAP?**

10 A. No. PWD provided the Public Advocate its “collectability” studies in response to
11 discovery. According to PWD’s own data, the average collection rate for bills that have
12 been outstanding for 25 months or more reached only 1.63% for the fiscal years 2012
13 through 2016. (PA-ADV-6, PA-ADV-55). For Fiscal Year 2014, the last year for which
14 two-year arrearage data is available, the total collections for bills outstanding for 25
15 months or more fell to 1.07%. (PA-ADV-55). Note, too, that these collectability studies
16 are for all PWD customers as a whole. The collectability from low-income customers
17 would be even lower, even though PWD does not engage in any collectability studies
18 specifically for low-income customers. (PA-V-3).

19
20 In its collectability studies, PWD distinguishes between “billings” and “receipts.” (PA-V-
21 4). Billings are those dollars appearing on bills rendered to retail customers, while
22 receipts are those dollars actually received in payment. (PA-V-4). PWD concedes that
23 the “percent collected” means “Total percent collected is calculated as the Total

1 Payments. . .for the time period of interest. . .divided by the Total Billings. . .for the fiscal
2 year of interest.” (PA-V-4).

3
4 In setting rates for any particular year, PWD eliminates those dollars it does not expect to
5 be paid. PWD states that “receipts refer to the cumulative anticipated actual revenues in
6 each fiscal year.” It goes on to state: “‘Billings’ are first projected based on existing rate
7 schedules and projected units of service, for each fiscal year. Appropriate collection
8 factors are then applied to Billings to estimate the actual cumulative ‘Receipts’ for the
9 fiscal year. The annual ‘revenue adjustments’ (RATE LEVELS) for each fiscal year are
10 then calculated based on the estimated cumulative Receipts and the corresponding net
11 revenue requirements of the fiscal year.” (PA-V-5). For PWD to “forgive” the pre-
12 existing arrearages for TAP participants, in other words, does not affect the “rate levels”
13 charged to non-TAP customers. PWD concedes that “rate levels” “for each fiscal year
14 are then calculated based on the estimated cumulative Receipts. . .” To the extent that
15 pre-existing arrearages represent billings rather than receipts, which they appear to do,
16 the dollars represented by those pre-existing arrears are not included in the calculus of
17 what rate levels are for remaining customers.

18
19 **Q. HOW DO YOU PROPOSE TO PAY FOR THE ARREARAGE FORGIVENESS?**

20 A. PWD already includes a component for arrearage forgiveness in its proposed TAP Rider.
21 The inclusion of arrearage forgiveness as I discuss above does not change the nature of
22 that cost recovery. With the one exception provided immediately below, the costs of

1 forgiven arrears would be recovered in a way no differently than that which is currently
2 proposed.

3
4 The exception is that I recommend that the over-collection of TAP costs from Fiscal Year
5 2018 be set aside to pay for the costs of arrearage forgiveness rather than being diverted
6 to an expansion of the Rate Stabilization Fund. In FY2018, PWD included \$16.3 million
7 in projected TAP costs in rates. (PA-V-49). In reality, PWD expects to incur only \$3.9
8 million in TAP costs during FY2018. (PA-V-50). PWD's 2018 rates, in other words, will
9 collect \$12.4 million in TAP costs that were never incurred. (PWD Statement 8 at 16).
10 PWD proposes to use that excess TAP revenue to further increase the balance in PWD's
11 Rate Stabilization Fund rather than devoting those dollars to TAP purposes. (PA-V-50).
12 In contrast, I recommend that those dollars, which were collected to fund TAP, be
13 devoted to TAP by funding arrearage forgiveness.

14
15 **Q. WHAT DO YOU RECOMMEND?**

16 A. I recommend that PWD be directed to comply with the IWRAP legislation which directs
17 PWD to make the forgiveness of pre-existing arrearages "available" to TAP program
18 participants. I recommend that forgiveness be provided for each complete payment that
19 is made by a TAP program participant in increments sufficient to allow the pre-existing
20 arrearages of each participant to be retired over a two year period.

H. TAP Should Improve its Outreach and Intake Methods.

Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

A. In this section of my testimony, I describe how PWD should improve its TAP outreach and intake processes. I make recommendations on how PWD might beneficially extend both its outreach and its intake.

The recommendations I make below are not in derogation of the need for PWD to more fully utilize the Department of Revenue through the Section 1305 income-based tax payment agreement process to determine eligibility for TAP. As I discuss in more detail above, the fact that PWD should use the 1305 plans to establish eligibility and residency is enshrined in the municipal ordinance creating IWRAP/TAP.

Q. DOES PWD ENGAGE IN A ROBUST TAP OUTREACH PROGRAM?

A. No. The best way by which to evaluate PWD's outreach program is by examining the results which that outreach generates. There is no question that PWD relies primarily on mass mailings to generate applications and to generate the submission of applications. (PA-III-2). Through March 1, 2018, PWD had generated 30,845 applications, of which 17,646 (57%) were generated by and for the Department's June and November mass mailings. (PA-III-2). Those mass mailings, however, were proportionately ineffective in generating applications actually submitted. Despite the heavy reliance on mass mailings, only 6,216 of the applications that were actually submitted were generated through

1 PWD's mass mailings. Only one-in-three (35%) of the TAP applications generated
2 through PWD's mass mailings resulted in a TAP application actually being submitted.

3
4 In contrast, the applications generated through means other than mass mailings were
5 much more effective. Through March 1, 2018, PWD had generated 13,199 TAP
6 applications through means other than its mass mailings. Of those, 9,113 applications
7 had been submitted to PWD. Nearly 70% ($9,113 / 13,199 = 0.6904$) of the applications
8 generated through means other than mass mailings, in other words, actually resulted in
9 applications being submitted. (PA-III-2). Even while nearly three-in-five (59%)
10 application submissions arose from outreach means other than PWD's mass mailings
11 (PA-III-2), the Department still refuses to contractually engage community-based
12 organizations ("CBOs") in being at the forefront of promoting the TAP program. (PA-
13 III-3, PA-III-4, PA-III-7). The under-utilization of community organizations is further
14 evident in the sources from which applications are submitted (or rather the sources from
15 which applications are not submitted). Of the 13,562 TAP applications submitted
16 through January 2018, not one was generated through a CBO. (PA-V-47).

17
18 Moreover, notwithstanding the relative ineffectiveness of its mass mailings, PWD refuses
19 to even engage its sister municipal utility (PGW) in conversations about an information
20 sharing agreement between PGW and PWD to enroll customers in both TAP and PGW's
21 income-based bill affordability program (Customer Responsibility Program, CRP). (PA-
22 V-43, PA-V-44, PA-V-45). Finally, as previously discussed in more detail, PWD
23 continues to refuse to engage in information sharing with the City of Philadelphia's

1 income-based tax payment agreement programs, even though the enabling IWRAP
2 legislation explicitly stated that PWD “shall accept” income and residency determinations
3 made under that program for purposes of TAP enrollment.
4

5 **Q, IS YOUR RECOMMENDATION OF THE USE OF COMMUNITY-BASED**
6 **ORGANIZATIONS AND INFORMATION SHARING COMMONLY ACCEPTED**
7 **AS THE BEST MEANS OF REACHING CUSTOMERS WITH PROGRAMS**
8 **SUCH AS TAP?**

9 A. Yes. The ability to identify hard-to-reach populations, to reach those populations with
10 messaging, to motivate those populations to take desired actions, and to provide the
11 means of allowing such actions to occur, is not simply an issue confronting public
12 utilities in general, and water utilities in particular. These are issues that confront any
13 number of industries and institutions. PWD is ill-served to ignore the considerable
14 learning that has occurred for service providers ranging from health care, to early
15 childhood education, to housing, to social service, to health insurance, and beyond.
16

17 Many common themes arise from the experience and study of these other industries that
18 water utilities would benefit from incorporating into their collective consciousness.

19 Many recommended actions have been identified, and verified as appropriate and
20 effective, that the water industry would benefit from adopting as their own. No reason
21 exists for water utilities to believe they are the first, let alone the exclusive, stakeholders
22 to consider the quandaries faced by hard-to-reach populations or that the water industry
23 poses difficulties and circumstances that are unique, either in magnitude or degree.

1
2 **Q. PLEASE EXPLAIN THE IMPORTANT FINDINGS FROM THIS RESEARCH.**

3 A. Using other community members as a mechanism to identify and engage hard-to-reach
4 populations has repeatedly been found to be one of the more effective mechanisms to use
5 in service of hard-to-reach populations. The Australia study on children and families
6 refers to this strategy as a means to “limit the distance between staff and service users.”
7

8 Similarly, Dr. Linda Wharton Boyd, of the D.C. Health Benefit Exchange Authority, told
9 the Pennsylvania Association of Community Health Centers that their “outreach mantra”
10 for “best practices for informing, educating, and enrolling hard-to-reach populations in
11 health insurance coverage” was “reach them where they live, work, shop, play and
12 pray.”²⁴ She said this approach involved “a wide-ranging grassroots approach with an
13 army of boots-on-the-ground.” The initiative entailed “a more well-defined hyper-local
14 approach targeting consumers more at the neighborhood level.” One part of their
15 campaign was called “each one: link one,” through which they promoted “because you
16 care, be the link: reach family, reach a friend, reach a neighbor or colleague.”
17

18 **Q. IS IT SIMPLY WHO MAKES THE CONTACT THAT IS IMPORTANT IN**
19 **OUTREACH?**

20 A. No. It is not simply who is charged with identifying and contacting hard-to-reach
21 populations, but it is how those populations are contacted as well. In-person contact,
22 rather than simply the provision of written notices, is important. A report on the
23 enrollment of hard-to-reach populations in health insurance under the federal Affordable

²⁴ Power of Innovative Tactics, *supra*.

1 Care Act²⁵ stated that “consumers who received in-person help. . .were nearly twice as
2 likely to sign up for a plan as those who tried to sign up online on their own, and they
3 were more likely to say that signing up was very easy.”²⁶
4

5 The evaluation found that “trusted messengers at the national and local levels were more
6 important than ever.” Building a “sustainable outreach and enrollment community”
7 involved “bolstering the capacity of partnership organizations and recruiting a broad
8 network of volunteers.” According to the evaluation, “Enroll America. . .partnered with
9 enrollment coalitions in 11 target states through the Get Covered America campaign to
10 recruit and/or train more than 2,400 volunteers –from groups such as churches, clinics,
11 food banks, nursing homes and law schools” to serve as counselors in their
12 communities.” The evaluation found that “partner collaboration has a multiplier effect.
13 Teaming up with established, trusted institutions made it possible for Enroll America, and
14 other organizations focused on enrollment, to meet a greater number of consumers with a
15 higher level of credibility. Among the organizations that Enroll America surveyed this
16 year, more than two-thirds identified collaboration as one of the most effective strategies
17 in their toolbox. . .”²⁷
18

19 One study funded by Blue Shield of California, and performed by Institute of Medicine
20 (IoM), undertook a comprehensive review of evaluations from organizations from all
21 across the nation that focused on “enrollment of hard-to-reach populations.” The IoM

²⁵ Enroll America, State of Enrollment: Helping America Get Covered and Stay Covered, 2014 – 2015, What We Learned.

²⁶ See also, Enroll America (June 2014). The State of Enrollment: Lessons Learned from Connecting America to Coverage.

²⁷ State of Enrollment, at 22.

1 report stated that “the marker of success was not only total enrollment numbers but
2 whether outreach and enrollment were better than expected for the populations of
3 interest.”²⁸ One purpose was to create “a conceptual model” that incorporated the
4 successful strategies and approaches. The lessons reported by IoM included the
5 following:

- 6 ➤ “Every source that we examined noted that in-person assistance and ‘touches’
7 were vital to enrollment effort, particularly among hard-to-reach populations.”
8
- 9 ➤ “Community partnerships were also an important resource for enrollment efforts
10 to reach hard-to-reach populations. Partnerships with longstanding and trusted
11 community organizations provided access to hard-to-reach communities and
12 served as trusted sources of information and trusted spaces for enrollment to
13 occur.”
14
- 15 ➤ “It is important to know where the community gets its health information and who
16 its trusted messengers are for that information. . .It is also important to understand
17 that different groups have different needs.”
18

19
20 **Q. PLEASE EXPLAIN THE NECESSITY OF RELYING ON “TRUSTED**
21 **SOURCES” IN OUTREACH FOR PROGRAMS SUCH AS TAP.**

22 A. The need to rely on “trusted sources” cannot be overstated based on the IoM report. The
23 IoM evaluation stated:

24
25 The need to create trust among consumers is the foundation upon which
26 successful strategies rest. First and foremost, it is essential to identify
27 community partners who are trusted resources in the population at which
28 enrollment efforts are aimed. All of the interviewees said that the most
29 important and successful method in reaching their intended audiences was
30 approaching consumers through a trust source; such an approach could occur

²⁸ Parker, et al. Successfully Engaging Hard-to-Reach Populations in Health Insurance: A Focus on Outreach, Sign Up and Retention, and Use. Institute of Medicine, Roundtable on Health Literacy, Collaborative on Health Literacy and Access, Health Care Coverage, and Care, Washington D.C.

1 either through their own organization, if it was a community-based trusted
2 source, or through a partnership with groups and individuals who were
3 trusted in the community. Although every community has different trusted
4 sources, each community organization and coalition interviewed highlighted
5 that identifying and working with trusted sources is key to a successful
6 outreach and enrollment process.

7
8 Trusted sources varied by community and culture and included advocacy
9 groups, social services and community support groups, faith-based groups,
10 and federally qualified health centers. Although different, these trusted
11 community partners had all been active in the communities prior to the
12 enrollment process and were either already aware of or uniquely positioned to
13 identify population-specific challenges and sensitive issues in the targeted
14 populations.

15
16 . . . Across all successful approaches, the key for building trust was
17 identifying the populations to be reached, assessing who would be a trusted
18 community partner, and using those partners to reach out and educate the
19 populations in trusted locations.

20
21 One important step is to “identify who the trusted advisors are in the various communities
22 of interest—that is, who do people in these communities turn to for advice about what is
23 correct information and what to do with it,” IoM found. These “trusted advisors” are
24 necessary because “in addition to profound financial challenges, many also do not trust
25 the system to advocate for them or to help them successfully navigate complex content
26 and tasks. . .”

27
28 In short, one of the continuing themes (amongst others) of the IoM study was that
29 “processes must be intentionally designed to build trust with targeted populations and
30 provide actionable steps for consumers. . . [B]eing trusted by the targeted community is

foundational to all implementation efforts. Deliberately considering and practically planning on how best to foster trust must be considered throughout all activities.”²⁹

A 2014 Robert Wood Johnson Foundation study built on a related RWJ study from 2013.³⁰ In that evaluation, RWJ built on the experience from CHIP to guide the experience for ACA:

Arguably one of the most significant innovations to emerge from CHIP was the creation of ‘application assistance’ models to support outreach and enrollment. By equipping staff of community-based organizations and providers with shortened, joint Medicaid/CHIP application forms, training them in how to administer these applications, and anointing them as official program representative certified to help families with enrollment, application assistance put ‘teeth’ into outreach.

...

CHIP and Medicaid outreach and application assistance efforts also taught policy makers the importance of enlisting the support and help of trusted community members and organizations—closely tied to ethnic and other communities of interest—in ‘reaching the hard to reach.’ Community partners can include a broad range of entities, including community-based nonprofit agencies, family resource centers, faith-based organizations, WIC programs and food banks, schools, Head Start and preschool programs.

Q. CAN THESE LESSONS BE GENERALIZED FOR PWD’S PURPOSES?

²⁹ See also California Pan-Ethnic Health Network (2014). Improving enrollment of communities of color in health coverage: Recommendations from first responders to covered California and Medi-Cal. California Pan-Ethnic Health Network: Oakland (CA); Jahnke et al. (2014). Marketplace consumer assistance programs and promising practices for enrolling racially and ethnically diverse communities. San Francisco Foundation: San Francisco (CA); Parker, et al. (2013). Amplifying the voice of the underserved in the implementation of the Affordable Care Act. Institute of Medicine: Washington D.C.

³⁰ Hill, et al. (October 2013). ACA Implementation—Monitoring and Tracking, Reaching and Enrolling the Uninsured: Early Efforts to Implement the Affordable Care Act, Urban Institute for the Robert Wood Johnson Foundation: Washington D.C.

1 A. Yes. The ability to generalize these lessons is also learned from state and private efforts
2 to identify and enroll children in the federal Children’s Health Insurance Program (CHIP,
3 sometimes known as SCHIP, State Children’s Health Insurance Program). One review of
4 CHIP initiatives, for example, stated that “regardless of the field or program in which
5 outreach is used, a goal of developing an outreach strategy, or an outreach campaign
6 consisting of several strategies, is to generate awareness, educate the public and, in this
7 case, enroll people in health insurance coverage.”³¹ The National Academy reported, as
8 with examples cited above, that important outreach elements identified from their survey
9 of CHIP programs included, for example, the use of community-based organizations as
10 partners.

11 According to a 2008 NASHP survey of CHIP programs, the percentage of
12 programs using CBOs to conduct outreach activities surpassed the percentage
13 using state agency staff compared to a similar survey from 2005. In addition,
14 a 2011 evaluation noted that states reported partnerships with CBOs as the
15 most effective partnerships due to the ‘prominence and trust’ these
16 organizations have within their communities.

17
18 The Academy’s report noted that “CBOs are viewed as trusted members of a community
19 and have well-established relationships and means of communications that could prove
20 beneficial to the state.” The personal contact, again, was noted as important. “The level
21 of engagement of partners varies, from volunteering to disseminate information about the
22 programs to actually contracting with the state to assist parents and other guardians of
23 eligible children complete an enrollment application.”³²

³¹ National Academy for State Health Policy (August 2012). Lessons Learned from Children’s Coverage Programs: Outreach, Marketing, and Enrollment; see also, Wachino (2009). Maximizing Kids’ Enrollment in Medicaid and SCHIP: What Works in Reaching, Enrolling and Maintaining Eligible Children, National Academy for State Health Policy: Washington D.C.).

³² See also, Chung, at al. (2010). Trusted Hands: The Role of Community Based Organizations in Enrolling Children in Public Health Insurance Programs, The Colorado Trust: Denver (CO); California Coverage and Health Initiatives

1
2 **Q. WHAT DO YOU RECOMMEND?**

3 A. The lessons from this diverse group of non-water initiatives appear clear for PWD's
4 efforts to define, reach, and engage Philadelphia's low-income population to enroll in
5 TAP. While the lessons stated above may appear to be repetitive, they are intended to be
6 repetitive, because they are becoming generally accepted. There is no, reason for the
7 PWD to begin anew, or to ignore the lessons and recommendations almost universally
8 advanced by other practitioners and researchers. Accordingly, based on the data and
9 discussion I present above, I recommend:

- 10 ➤ PWD should be directed to enter into an information sharing agreement
11 whereby information will be shared between PWD and the Philadelphia
12 municipal Department of Revenue's Section 1305 income-based property tax
13 agreement program to qualify households for TAP.
14
15 ➤ PWD should be directed to enter into an information sharing agreement
16 whereby information will be shared between PWD and PGW to qualify
17 households for TAP; and
18
19 ➤ PWD should be directed to set aside administrative funding, set at \$400,000 a
20 year, to contract with local community-based organizations to engage in TAP
21 outreach and intake.
22

23 **Q. DO YOU HAVE ANY OPINION ON PWD'S EFFORTS TO MAKE TAP**
24 **AVAILABLE TO LIMITED ENGLISH PROFICIENT HOUSEHOLDS IN**
25 **PHILADELPHIA.**

26 A. Yes. I begin by noting that the City Council's IWRAP ordinance specifically mandates
27 that "[t]he Department shall take reasonable steps to ensure meaningful access to IWRAP
28 and other payment agreements for Limited English Proficient (LEP) persons." (Section

(2011). A Trusted Voice: Leveraging the Local Experience of Community Based Organizations in Implementing the Affordable Care Act, California Coverage and Health Initiatives: Sacramento (CA).

1 1605(3)(c)). PWD acknowledges that there are TAP eligible LEP households in its
2 service territory. (PA-X-1). While PWD states that 10.4% of Philadelphia’s population
3 speaks English “less than very well,” the City is unable to apply those results to
4 determine how many LEP households in PWD’s service territory may be eligible for
5 TAP. (PA-X-2). Through March 28, 2018, however, PWD has received only 285 non-
6 English requests for applications (PA-X-4), has received only 189 non-English
7 applications (PA-X-5), and has approved only 55 Spanish TAP applications. (PA-X-3).
8 Given that PWD had approved 6,472 TAP applications through March 31, 2018, it is
9 evident that only a fraction of one percent ($55 / 6,472 = 0.0085$) of all TAP applicants are
10 from Philadelphia’s LEP population. Even without knowing the *precise* number of LEP
11 TAP-eligible customers, therefore, it would seem evident that TAP application approvals
12 have a substantial disproportionate under-enrollment of LEP households.

13
14 PWD has not conducted outreach in Spanish or other top languages. (PA-X-9, PA-X-10).
15 For example, no TAP informational sessions have been conducted in Spanish. (PA-X-
16 11). PWD’s primary efforts to reach LEP populations have been to provide point-of-
17 contact taglines advising that telephone interpreter services are available at WRB. (PA-X-
18 7, PA-X-8). When problems arise with applications, such as an incomplete application,
19 the communication with the applicant is in English, with only a tagline indicating that
20 telephone translations are available. (PA-X-15).

21
22 **Q. WHAT DO YOU RECOMMEND REGARDING LIMITED ENGLISH**
23 **CUSTOMERS?**

1 A. I have two recommendations on how PWD should modify its outreach to Limited English
2 customers. First, PWD should engage in a targeted “boots on the ground” outreach
3 campaign directed toward Limited English customers. This outreach campaign, as I
4 explain in more detail below, should involve identifying local champions, both
5 individuals and organizations, who carry particular trust and confidence in the Limited
6 English populations. These local champions should be charged with engaging in specific
7 activities directed toward their respective populations, including conducting community
8 education and informational workshops on TAP in Spanish and other top languages in the
9 community. Second, I recommend that PWD specifically target low-income LEP
10 communities for additional TAP advertising/outreach (include use of ethnic media -
11 radio, newspapers).

12
13 These recommendations are consistent with the findings and recommendations of the
14 National Regulatory Research Institute (“NRRI”). NRRI reported that “The results [of its
15 Consumer Utility Benchmark Survey] could suggest that utilities and commissions need
16 to assess their outreach to Hispanic customers to inform them of programs like Lifeline
17 and Link-Up. Nontraditional consumer education such as grass-roots campaigns might be
18 more appropriate for hard-to-reach groups such as Hispanics.”³³

19
20 As with my recommendations regarding the use of local champions, this builds on my
21 discussion of the need for outreach to be delivered through communication channels that
22 have particular trust in the LEP communities. An IoM study of outreach to various

³³ Vivian Davis (2003). Where Consumers Go for Help Paying Utility Bills, National Regulatory Research Institute, Ohio State University.

1 communities, which I will discuss in further detail below, reported that groups focusing
2 on Latino communities found that community health workers were “neutral and trusted
3 advisors.” “African American. . .communities often saw their faith leaders as trusted
4 advisors.” “Immigrant communities with limited English proficiency often relied on
5 neighbors and friends for information.” In some instances, particular industries “have
6 heavy representation in hard-to-reach communities. For example, some efforts were
7 aimed at leaders of taxicab drivers or beauty and nail salon owners as trusted advisors to
8 help engage specific populations.”³⁴ PWD should not ignore these lessons that would
9 help it reach the LEP populations that are so clearly, and so substantially, under-served
10 by TAP thus far.

11 12 **Part 2. TAP Cost Recovery.**

13 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
14 **TESTIMONY.**

15 A. In this section of my testimony, I examine the means by which PWD will be
16 compensated for its TAP costs. More specifically, I will examine PWD’s claim for
17 administrative costs and its claim for compensation for lost TAP revenue. I propose a
18 TAP Rate Rider through which PWD can be fully, but not excessively, compensated for
19 the real, incremental costs of delivering the TAP program.
20

³⁴ Parker, et al. Successfully Engaging Hard-to-Reach Populations in Health Insurance: A Focus on Outreach, Sign Up and Retention, and Use. Institute of Medicine, Roundtable on Health Literacy, Collaborative on Health Literacy and Access, Health Care Coverage, and Care, Washington D.C.

1 **A. TAP Cost Offsets in Revenues and Expenses.**

2 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
3 **TESTIMONY.**

4 A. In this section of my testimony, I explain why TAP cost recovery should reflect the lost
5 revenues from TAP participants currently embedded in PWD rates.

6
7 **Q. PLEASE SUMMARIZE THE PROBLEM WITH FAILING TO ACCOUNT FOR**
8 **EMBEDDED LOST REVENUES THROUGH THE TAP RIDER.**

9 A. Since the PWD’s compensation for the TAP discount is reconcilable (through the TAP
10 Rider), as TAP participation increases, PWD collects the entire amount of increased TAP
11 discounts associated with any increased participation as though that additional shortfall is
12 a “new” expense. Even though PWD makes an upward adjustment in the costs it collects
13 through the TAP Rider, it is not required to make a corresponding downward adjustment
14 to base rates to remove those dollars that were already included in base rates, but are now
15 instead being collected through the TAP Rider as part of the TAP discount.

16
17 Whenever a public utility, whether it be PWD or another utility, adopts a low-income bill
18 affordability program, there will, by definition, be some amount of discount offered to
19 program participants tied to bills that would have been rendered at standard residential
20 rates. The difference between the bill at standard residential rates and the discounted bill,
21 however, does not constitute the “lost revenue” to the utility. The “lost revenue” to the
22 utility is not the difference between billings and the discounted rate, but rather is the
23 difference between revenue and the discounted rate. If a utility is not fully collecting the

1 bills that it is rendering in the first place, the fact that some portion of that bill is set aside
2 as a discount does not represent lost revenue.

3
4 The participation by low-income customers in TAP, in other words, does not create
5 “new” costs. Instead, participation in TAP simply moves the unpaid bills out of the group
6 of customers known as “residential” customers and into the group of customers known as
7 “TAP participants.” To allow the dollars of TAP discounts to be added to the TAP Rider
8 without correspondingly adjusting for those dollars that already have been included in
9 base rates allows PWD to collect those dollars in both places.

10
11 **Q. TO WHAT EXTENT DOES PWD NOT COLLECT ALL OF THE REVENUE**
12 **THAT IT BILLS?**

13 A. PWD fails to collect the revenue that it bills to the extent that there are dollars that are not
14 reflected in actual “receipts.” PWD’s receipts are those bills that PWD actually collects.
15 PWD has calculated three different types of “billings collected.” First, it determines the
16 billings that have been collected at any point in time. Second, it determines the billings
17 that have been collected in the same fiscal year. Third, it determines the billings that
18 were collected within the same fiscal year plus one year. (PA-ADV-6). According to the
19 Department, in the most recent fiscal year for which it has complete data (2014), the
20 “Total Percent Collected” reached 94.84%. According to this data, in other words, out of
21 every \$100 PWD bills, it fails to collect \$5.16 irrespective of any discount provided
22 through TAP. At a minimum, that portion of the billings to TAP participants cannot be

assigned as lost income attributable to providing a TAP discount. Using the 5.16% figure, however, is not correct.

Q. DO YOU ACCOUNT FOR THE FACT THAT LOW-INCOME CUSTOMERS WILL GENERATE A HIGHER RATE OF NON-COLLECTION THAN RESIDENTIAL CUSTOMERS IN GENERAL?

A. Yes. Given the complete lack of information collected by PWD, I have turned to the information that is available for “confirmed low-income customers,”³⁵ as well as for residential customers as a whole, for Pennsylvania natural gas and electric utilities. The information for the most recent year (2016) is set forth in Schedule RDC-4. Schedule RDC-4 sets forth the ratio of the gross write-off rate for confirmed low-income customers to the gross write-off rate for residential customers as a whole for each Pennsylvania gas and electric utility. As can be seen, the low-income gross write-off ratio ranged up to 6.5 times higher than the gross write-off ratio for residential customers generally.

Aside from the specific numbers, the broader lesson from the Pennsylvania data is that the rate of non-collection for low-income customers is substantially higher than the rate of non-collection for residential customers as a whole. For PWD, if the rate of non-collection for customers as a whole is 5.16% (100% - 94.84% collectability), the rate for low-income residential customers will be substantially greater than 5.16%. That higher rate of non-collection for low-income customers must be taken into account in calculating lost revenue attributable to the TAP discount.

³⁵ A “confirmed low-income customer” is a term-of-art used by the Pennsylvania PUC and defined by PUC regulation.

1
2 **Q. DO YOU USE THE GROSS WRITE-OFF RATIO FOR PWD LOW-INCOME**
3 **CUSTOMERS IN YOUR CALCULATION?**

4 A. No. When PWD was asked to provide a gross write-off ratio for WRAP customers, it
5 claimed not even to know what the term meant. The Department responded in relevant
6 part that “the term ‘gross uncollectibles’ is vague and undefined. . .” (PA-V-1).

7 Similarly, when PWD was asked to provide the net uncollectible ratio for WRAP
8 customers, the Department responded in relevant part that “the term ‘net uncollectibles’
9 is vague and undefined. . .” (PA-V-2). PWD stated that it does not have information on
10 either the gross uncollectibles or the net uncollectibles of WRAP customers. (PA-V-1,
11 PA-V-2).

12
13 **Q. WHAT UNCOLLECTABLE RATE DO YOU USE FOR PWD’S LOW-INCOME**
14 **CUSTOMERS?**

15 A. I use an uncollectable rate of 13.1%. This is the average of the low-income uncollectable
16 rates for PECO and PGW (the other two utilities serving the City of Philadelphia). PGW
17 reports that the gross write-off ratio for its confirmed low-income customers is 21.0%.
18 PECO (electric) reports that the gross write-off ratio for its confirmed low-income
19 customers is 5.1%.

20
21 I use the average of the two utilities even though it is reasonable to expect PWD’s gross
22 write-off ratio to be somewhat higher. As I report above, PWD reports that between 95%
23 and 98% of customers enrolled in TAP brought a pre-existing arrearage with them.

Moreover, the average arrearage brought into the TAP program by these low-income customers was more than \$3,500. In contrast, according to the PECO and PGW data provided to the Pennsylvania PUC's Bureau of Consumer Services:

Percent Low-Income Accounts In Arrears and Average Arrears of Low-Income Accounts in Arrears		
	Pct LI Accounts in Arrears	Average LI Arrears
PECO (electric)	6.8%	\$537.34
PGW	10.6%	\$608.42
PWD ³⁶	95% - 98%	>\$3,500

To limit the bad debt offset for PWD's TAP enrollees to 13.1% is to adopt an extremely conservative estimate of the offset.

Q. DO YOU ADOPT A BAD DEBT OFFSET FOR ARREARAGE FORGIVENESS AS WELL?

A. Yes. I use a bad debt offset of 90.66% for PWD's arrearage forgiveness. Rather than looking at collectability factors for total revenues for arrearage forgiveness, I consider the collectability factors limited to dollars in arrears. I begin with the percentage of arrears that PWD reports that it eventually collects (65%), meaning that 35% of PWD's arrears are not ever collected. (PA-ADV-6). I then use a low-income multiplier to account for the fact that the collectability of low-income arrearages is less than the collectability for residential accounts generally. Again using the Philadelphia average, and using a three-year average to account for the longer-term nature of arrearages, I find the appropriate

³⁶ Low-income customers newly enrolled in TAP, July 2017 through February 2018.

1 low-income multiplier to be 2.59x. The bad debt offset for arrears subject to forgiveness
2 is thus 90.66%.

3
4 Again, this multiplier is a conservative estimate that gives a considerable “benefit of the
5 doubt” to PWD. PWD reports that it collects only 17.11% of its arrearages that are two
6 or more years (24+ months) old. (PA-ADV-6). The average pre-existing arrears brought
7 into TAP (exceeding \$3,500) easily falls within that range. My bad debt offset for all
8 arrears subject to forgiveness (90.66%) implies a collectability ratio of 9.34%. That
9 collectability ratio would be considerably better than what otherwise would be expected
10 for low-income arrears of the size and age being brought into TAP. A bad debt offset for
11 arrears subject to forgiveness of 90.66% is not only reasonable, it is conservative.

12
13 **Q. DOES THE DEPARTMENT’S COST ANALYSIS FOR TAP CONSIDER THE**
14 **COLLECTION RATE FOR LOW-INCOME BILLS IN THE ABSENCE OF A**
15 **BILL AFFORDABILITY PROGRAM OR HAVE ANY BASIS TO CONSIDER**
16 **SUCH A COLLECTION FACTOR?**

17 A. No. In short, the Department’s cost analysis simply assumes that 100% of the bills to
18 TAP participants, including the preprogram arrears, will be collected in the absence of
19 the TAP discount. We know this to be wrong. The Department assigns the difference
20 between the discounted TAP bill and 100% of the billed revenue at standard residential
21 rates as a cost of the program. We know this to be incorrect.

1 **Q. HAS ANY UTILITY COMMISSION RECOGNIZED THE NEED TO**
2 **IMPLEMENT SUCH A COST OFFSET?**

3 A. Yes. The Pennsylvania Public Utility Commission (“PUC”) set forth its policy on bad
4 debt in its CAP Policy Statement.³⁷ According to the Commission’s CAP Policy
5 Statement:

6 In evaluating utility CAPs for ratemaking purposes, the Commission will
7 consider both revenue and expense impacts. Revenue impact considerations
8 include a comparison between the amount of revenue collected from CAP
9 participants prior to and during their enrollment in the CAP. CAP expense
10 impacts include both the expenses associated with operating the CAPs as well
11 as the potential decrease of customary utility operating expenses. Operating
12 expenses include. . .uncollectible accounts expense for writing off bad debt
13 for these customers. When making CAP-related expense adjustments and
14 projections, utilities should indicate whether a customer's participation in a
15 CAP produced an immediate reduction in customary utility expenses and a
16 reduction in future customary expenses pertaining to that account.

17
18 Pennsylvania PUC, CAP Policy Statement, Section 69.266, 52 Pa. Code §69.266 (Supp.
19 389, April 2007) (emphasis added). Moreover, in examining a proposed bad debt offset
20 in a rate case involving the Philadelphia Gas Works (“PGW”), the PUC reiterated that
21 “the Commission’s CAP Policy Statement provides that the cost offset at issue should be
22 considered.”³⁸

³⁷ “CAP” is Pennsylvania’s “Customer Assistance Program,” the low-income bill affordability program mandated by the PUC.

³⁸ Pennsylvania PUC v. Philadelphia Gas Works, R-0006193, slip opinion, at 39, citing CAP Policy Statement (Order entered September 28, 2007). In reviewing the ALJ opinion, the Commission noted: “The ALJs also found that PGW never addressed whether double recovery is or is not possible when participation exceeds projections in CRP. Rather, PGW makes generalities of other reasons for increases in the CRP expense. The ALJs believe that the OCA made a convincing argument that double recovery is a possibility and can be alleviated by implementing a mechanism for reconciliation and that PGW did not provide a persuasive argument that the current practice guards against double recovery. “ Id. The Commission held: “We find the ALJs recommendation to be supported by the record as well as Section 1408 of the Code. Accordingly, we find OCA’s argument to be convincing. Double

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B. TAP Administrative Costs.

Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

A. In this section of my testimony, I review the claimed administrative costs associated with implementation of the TAP program. I conclude that the PWD administrative costs are excessive and, likely, non-incremental.

PWD reports that it has hired 22 staff people to administer TAP, with a total annual salary of \$827,643 as of July 1, 2017. (PA-V-34). PWD estimates that by the end of Fiscal Year 2018, it will have 11,200 customers enrolled in TAP. (PA-V-48, PA-V-54). Given the \$3.9 million in total TAP costs incurred in FY2018, PWD has been operating its program with administrative costs that reach 21% ($\$827,643 / \$3,900,000 = 0.2122$).

In contrast, Philadelphia’s other municipal utility, PGW, served 58,282 low-income customers with its bill affordability program (called the Customer Responsibility Program, or “CRP”) with an administrative cost of 2% in 2015. In 2016, PGW served 49,231 CRP customers with an administrative cost of 3%. (BCS Annual Report on Universal Service Programs and Collections Performance).

Q. HAS PWD DEMONSTRATED THAT ITS STAFF COSTS ARE COSTS THAT WOULD NOT HAVE BEEN INCURRED IN THE ABSENCE OF TAP?

recovery of uncollectible accounts expense is a possibility and can be alleviated by implementing a mechanism for reconciliation. “ Id., at 42.

1 A. No. PWD concedes that of its 22 TAP employees, “all 22 positions were filled by
2 persons who were already an employee of WRB or the City of Philadelphia.” (PA-V-36).
3 This is a remarkable admission. In the 2016 rate proceeding, I testified against PWD’s
4 estimated “incremental administrative cost” for implementing the IWRAP, now TAP,
5 program. Specifically, I was concerned by PWD’s claimed need for 22 new staff persons
6 for this program, which PWD’s witness specifically asserted were to be incremental
7 hires. As stated in my testimony from that proceeding, “Mr. Davis confirmed that each
8 of the 22 (non-IT) positions he identifies ‘are all new, incremental staff additions to WRB
9 that would not be staff positions at WRB in the absence of the Affordability Program.’”
10 2016 Rate Proceeding PA St. 3 at 38-39.

11
12 In fact, 14 of the 22 TAP employees simply represented transfers of existing WRB
13 employees to TAP. PWD reports: “In February 2017, 1 WRB employee transferred to
14 TAP. . . In June 2017, 2 WRB employees transferred to TAP. In July 2017, 11 WRB
15 employees were transferred to TAP.” (PA-V-36). To the extent that employees are not
16 new hires, but rather simply transfers from some other water position, their salaries do
17 not represent incremental costs that can be associated with TAP. If these costs were not
18 caused by TAP, then the costs should not be assigned to TAP as new expenses. These
19 salaries would have incurred even if TAP did not exist.

20
21 **Q. DO YOU HAVE CONCERNS ABOUT THE LEVEL OF TAP EMPLOYEES?**

22 A. Yes. The level of TAP employees appears to be excessive. PWD devotes 19 “collection
23 customer representatives” to staffing TAP. While PWD asserts that all employees work

1 on TAP activities only, PWD could provide no record-keeping outlining the work that
2 these 19 employees actually performed. (PA-V-37). It should be noted, however, that
3 these employees do not process paper applications that are returned to PWD by mail.
4 Instead, “Customers filling out paper applications (printed or mailed) mailed the
5 application to the application processing center (a service contracted through Vanguard).”
6 (PWD Statement 8, page 10). Moreover, applications that are filled out on-line
7 automatically populate the PWD information system. (Id., at 11).

8
9 Moreover, in its 2016 rate proceeding, PWD acknowledged that its proposed TAP hires
10 were in addition to its existing low-income (i.e., WRAP) staff. 2016 Rate Proceeding,
11 April 12, 2016 Technical Hearing at Pg. 90. The 22 positions, in other words, are not the
12 total staff devoted by PWD to TAP, but only the staff above and beyond the existing low-
13 income staff.

14
15 Some insights can be obtained into the workflow performed by PWD’s 19 “collection
16 customer representatives” over the course of July 2017 through February 2018. An
17 application that is “under review” by WRB falls into one of two categories: (1) in-
18 progress; or (2) exception. (PA-XII-5). PWD reports the “status change” for many, but
19 not all, time periods starting on October 29, 2017 and extending through February 24,
20 2018. It is thus possible to assess the status change for TAP applicants that fall into
21 categories that are “under review” by TAP staff. The number of status changes per
22 employee per day as reported by PWD is set forth in Table 5:

Table 5. TAP Status Change Decisions Per Employee per Day (October 29, 2017 – February 24, 2018) (PA-III-2)				
Reporting Period ³⁹	Total Status Change from or to “In-Progress”	No. TAP Employees	No Work Days Per Period	Status Changes per Employee per Day
10/29-11/04	364	19	5	4
11/12-11/18	523	19	5	6
11/19-11/25	309	19	5	3
12/10-12/16	880	19	5	9
12/31-01/06	317	19	5	3
01/07-01/13	872	19	5	9
01/14-01-20	690	19	5	7
01/21-01/27	1,026	19	5	11
01/28/02/03	891	19	5	9
02/04-02/10	529	19	5	6
02/11-02/17	686	19	5	7
02/18-02/24	350	19	5	4

Given that TAP’s administrative employees are actively reviewing only eleven or fewer TAP applications per day, and making status change determinations, it would appear that TAP is administratively over-staffed. In six of the twelve periods reported, TAP employees review and made status changes for six or fewer TAP applicants per day, or fewer than one per hour.

Q. WHAT ROLE MIGHT OUT-SOURCING INTAKE AND ENROLLMENT FUNCTIONS PLAY IN CONTROLLING ADMINISTRATIVE COSTS?

A. Out-sourcing intake and enrollment functions for TAP is a mechanism that would help PWD control its administrative costs. Out-sourcing was recommended by the

³⁹ Some periods are missing because PWD could not provide reports for those periods.

1 Department's own Management Audit. The 2016 Audit stated: "The WRAP application
2 process, as observed by RFC, could benefit from a number of alterations to improve
3 efficiency. RFC suggests entirely or partially outsourcing qualification and
4 requalification to another agency that also provides social services based on set criteria."
5 (2016 PWD Exhibit HL-2, at 84).

6
7 Since a utility is not designed to operate as an intake and enrollment center for means-
8 tested affordability programs, and lacks the trained staff needed to engage in such intake
9 and enrollment, the process of contracting the intake and enrollment process to third party
10 community-based organizations is nearly universal in the utility industry. It is
11 noteworthy that the Pennsylvania Public Utility Commission requires the involvement of
12 community-based organizations in the administration of the various affordable CAP
13 programs operated around the state. The PUC's CAP regulations provide in relevant part:

14 (6) Administration. If feasible, the utility should include nonprofit
15 community based organizations in the operation of the CAP. The utility
16 should incorporate the following components into the CAP administration:

17
18 (i) Outreach. Outreach may be conducted by nonprofit,
19 community-based organizations and should be targeted to low
20 income payment troubled customers. The utility should make
21 automatic referrals to CAP when a low-income customer calls
22 to make payment arrangements.

23
24 (ii) Intake and verification. Income verification may be completed
25 through a certification process that is satisfactory to the utility
26 or certification through a government agency. Intake may also
27 be conducted by those organizations and should include
28 verification of the following: (A) Identification of the CAP
29 applicant. (B) The annual household income. (C) The family
30 size. (D) The ratepayer status. (E) The class of service —
31 heating or nonheating.

1
2 (iii) Calculation of payment. Calculation of the monthly CAP
3 payment should be the responsibility of the utility. The utility
4 may develop a payment chart so that the assisting community-
5 based organizations may determine payment amounts during
6 the intake interview.
7

8 (52 Pa. Code, Section 69.265). As I previously noted, the use of these community-based
9 organizations as the doorway through which low-income customers may enter an
10 affordability program has yielded administrative costs substantively lower than those
11 estimated by PWD to perform such tasks in-house. The availability and efficiency of
12 such a process is yet further reason not to approve PWD's proposal to maintain all of its
13 existing administrative spending, plus add new and additional spending for 22 new TAP
14 administrative staff.
15

16 **Q. WHAT DO YOU RECOMMEND?**

17 A. I recommend that TAP operate under an administrative cost ceiling of ten percent of total
18 benefits. Administrative expenses exceeding ten percent would not be subject to rate
19 recovery. Instead, TAP administrative staffing would be required to work within that cost
20 constraint. Moreover, I recommend that the salaries of TAP staff transferred from
21 elsewhere in WRB not be included as TAP costs, unless and until PWD can demonstrate
22 that these costs are incremental to TAP. To the extent that PWD's existing internal
23 administrative TAP procedures would not allow the program to be administered within
24 this administrative cost ceiling, PWD should seek to outsource the process to entities that
25 could operate within these financial constraints. PWD ratepayers should not be required

1 to pay more for the Department's unwillingness to seek out more efficient administrative
2 processes.

3
4 **C. TAP Rider.**

5 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
6 **TESTIMONY.**

7 A. In this section of my testimony, I examine the reasonableness of collecting TAP costs
8 through a reconcilable TAP Rider. In this discussion, I identify certain major problems
9 with the TAP Rider proposed by PWD and propose a reasonable alternative that corrects
10 those problems.

11
12 **i. The Problems with PWD's Proposed TAP Rider.**

13 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
14 **TESTIMONY.**

15 A. In this section of my testimony, I review the TAP Rider proposed in PWD's testimony
16 and exhibits and identify where it is unjust and unreasonable. I find eight major problems
17 with the TAP Rider set forth in the testimony of Raftelis Financial Consultants. (PWD
18 Statement 8).

19
20 **Q. PLEASE EXPLAIN THE FIRST PROBLEM WITH PWD'S RIDER AS**
21 **PROPOSED.**

22 A. The first major problem I find with the proposed PWD Rider is that the Rider does not
23 account for embedded lost revenues. The Rider that PWD has proposed in this

1 proceeding uses the term “lost revenue” to describe the costs of providing the TAP
2 discount. The term “revenue,” however, is not the proper term to use. PWD concedes
3 that “the lost revenue is equal to the sum of TAP discounts applied to current charges on
4 TAP bills. As the terms ‘billings’ and ‘payments’ are used in the attachment to PWD’s
5 response to PA ADV 6, the lost revenue is equivalent to ‘lost billings’.” (PA-V-51).

6
7 The dollars that PWD will “lose” because of the TAP discount, however, do not involve
8 “lost billings,” but rather involve lost “receipts.” To the extent that PWD would not
9 collect “billings” from low-income customers, even in the absence of the TAP program,
10 those lost dollars cannot be attributed to TAP and should not be collected as a TAP cost.
11 Indeed, to allow PWD to collect those lost billings would be to allow PWD to collect
12 those dollars twice. The first time would be in the current charges based on the amount
13 of lost dollars that are being lost even in the absence of TAP. The second time would be
14 through the TAP Rider.

15
16 **Q. OUTSIDE OF THE PROPOSED TAP RIDER, DOES PWD RECOGNIZE AND**
17 **UTILIZE THE DISTINCTION BETWEEN BILLINGS AND RECEIPTS?**

18 A. Yes. In setting rates, PWD takes into account the “collectability factor” for the bills it
19 renders. (PA-ADV-6). The result of this collectability analysis is a determination of the
20 “percent collected.” PWD explains the “percent collected” as being “Total percent
21 collected is calculated as the Total Payments. . .for the time period of interest. . .divided
22 by the Total Billings. . .for the fiscal year of interest.” (PA-V-4).

1 In setting rates for any particular year, PWD eliminates those dollars it does not expect to
2 be paid. PWD states that “receipts refer to the cumulative anticipated actual revenues in
3 each fiscal year.” It goes on to state: “‘billings’ are first projected based on existing rate
4 schedules and projected units of service, for each fiscal year. Appropriate collection
5 factors are then applied to Billings to estimate the actual cumulative ‘Receipts’ for the
6 fiscal year. The annual ‘revenue adjustments’ (RATE LEVELS) for each fiscal year are
7 then calculated based on the estimated cumulative Receipts and the corresponding net
8 revenue requirements of the fiscal year.” (PA-V-5).

9
10 PWD’s proposed Rider establishes TAP cost recovery as though 100% of those TAP
11 discounts would have been collected even in the absence of TAP. We know, however,
12 that is not the case. And we know that the amount of billings not collected in the absence
13 of TAP (i.e., the difference between “billings” and “receipts”) is already embedded in,
14 and collected through, rates even without the TAP Rider. Allowing those embedded lost
15 revenues to be collected again through the TAP Rider would be to allow PWD to collect
16 the same dollars twice.

17
18 **Q. PLEASE EXPLAIN THE SECOND PROBLEM WITH PWD’S RIDER AS**
19 **PROPOSED.**

20 A. The second major problem I find with the proposed TAP Rider is that PWD proposes to
21 collect LICAP costs through the TAP Rider. PWD St. No. 8 at 21. LICAP costs,
22 however, should be included in base rates. Expenses associated with LICAP are not
23 highly variable and do not vary beyond the control of PWD. In this sense, they differ

1 from TAP discounts that may increase/decrease for reasons varying from the
2 participation rate in TAP, to the mix of participants between poverty levels, to weather
3 conditions that may affect the amount of water consumption (and thus the shortfall
4 between bills at standard residential rates and bills at TAP rates). Since LICAP costs are
5 not highly variable, and since they do not vary based on circumstances beyond the
6 control of PWD, it is inappropriate for PWD to include those costs in the Rider.
7

8 **Q. ARE THERE PROGRAM COSTS SIMILAR TO LICAP THAT PWD INCLUDES**
9 **IN BASE RATES RATHER THAN COLLECTING THROUGH A**
10 **RECONCILABLE RATE RIDER?**

11 A. Yes. The Water Department proposes to provide an annual grant amount of \$25.0
12 million during FY 2019 through FY 2023 towards the Stormwater Management Incentive
13 Program (SMIP) and Green Acres Retrofit Program (GARP). This cost of GARP and
14 SMIP is included in the O&M projections for this rate case. (PWD Statement 9A, pages
15 36-37). As shown in Table 6, the costs of GARP and SMIP are variable from one year to
16 another. From FY2015 to FY2016, the costs declined by more than \$2.5 million. In
17 contrast, from FY16 to FY17, the costs increased by nearly \$5.5 million.

Table 6. Annual Expenditures on GARP and SMIP
(PA-V-18)

FY15:	\$13,758,993
FY16:	\$11,208,295
FY17:	\$16,666,524
FY18: ⁴⁰	\$16,400,920

Despite the fact that GARP and SMIP have substantially greater expenditures than does LICAP, and despite the fact that expenditures on GARP and SMIP are variable from one year to another, PWD does not propose to reconcile actual expenditures on GARP and/or SMIP to budgeted expenditures through a reconcilable Rider. (PA-V-17). No reason exists for PWD to treat LICAP expenditures differently and to reconcile LICAP expenditures through the TAP Rider. If PWD underspends its LICAP budget in any given year, it should be required to roll those unexpended dollars into the next program year. If PWD overspends its LICAP budget, whether those dollars create a need for rate recovery should be determined in a comprehensive review of PWD revenues and expenditures in total, not by isolating LICAP expenditures for consideration as a single issue independent of all other swings in total PWD revenues and expenditures. LICAP should be excluded from the TAP Rider.

Q. PLEASE EXPLAIN THE THIRD PROBLEM WITH PWD’S RIDER AS PROPOSED.

A. The third major problem I find with the proposed PWD Rider is that PWD proposes to adjust the cost recovery of TAP based only on an examination of expenses, not on an examination of the combined net impact of expenditures and revenues. Through the TAP

⁴⁰ Through February 27, 2018.

1 Rider, PWD is proposing to gain compensation for TAP credits on a per unit of
2 consumption basis. Given this cost recovery, the degree to which PWD is compensated
3 for TAP varies not only on the level of the per unit charge imposed through the Rider, but
4 also on the numbers of units of consumption to which the Rider is applied in any given
5 Fiscal Year. To the extent that consumption increases beyond that which has been
6 projected for the Fiscal Year, in other words, TAP cost recovery will increase as well. To
7 the extent that consumption decreases beyond that which was projected for the Fiscal
8 Year, TAP cost recovery will decrease.

9
10 The over- or under-recovery of TAP costs, in other words, depends not merely on what
11 level of TAP costs is included in the per unit of consumption charge, but also on what
12 level of consumption bears those charges in a year. The over- or under-recovery of TAP
13 costs depends on the relationship between the TAP revenues generated and the TAP
14 expenditures incurred. For example, if TAP expenditures increase because of weather
15 related circumstances that cause water consumption to increase, it is not only “possible,”
16 but “likely,” that the increased collection of TAP costs associated with that increased
17 consumption would be sufficient to compensate PWD for the increased TAP costs
18 without adjusting the Rider. The TAP Rider proposed by PWD inappropriately accounts
19 only for the level of TAP expenditures. The TAP Rider proposed by PWD should be
20 rejected for this reason alone, if for no other.

21
22 **Q. PLEASE EXPLAIN THE FOURTH PROBLEM WITH PWD’S RIDER AS**
23 **PROPOSED.**

1 A. The fourth major problem I find with the proposed PWD Rider involves the allocation of
2 TAP costs between water and sewer (i.e., wastewater) services. PWD proposes that TAP
3 costs should “be apportioned between water and wastewater utilities based on the
4 proportion of water and wastewater revenue requirements.” (Statement 9B, Schedule BV-
5 S1, page 4). This is an unreasonable and irrational basis upon which to allocate the costs
6 of TAP between services. TAP costs are incurred not based on dollars of expenditures
7 (i.e., “revenue requirement”), but rather upon dollars of billings.

8
9 PWD has been inconsistent in explaining how the annual lost revenue caused by
10 participation in the TAP program will be allocated between services. While PWD’s
11 testimony states one mechanism for allocation, PWD states in discovery that “the TAP
12 annual revenue loss is allocated between water and wastewater based on the distribution
13 of the typical residential monthly bill.” (Advance Discovery, PA Colton Set II , PA-RDC-
14 4). This approach is as objectionable as the allocation methodology identified in the
15 Company’s testimony. No rational nexus exists between the systemwide revenues of
16 water and wastewater and “the distribution of a typical residential monthly bill.” The
17 costs of TAP should be allocated based on the relative contribution of each service to
18 systemwide revenues.

19
20 **Q. PLEASE EXPLAIN THE FIFTH PROBLEM WITH PWD’S RIDER AS**
21 **PROPOSED.**

22 A. The fifth major problem I find with the proposed PWD Rider is that the proposed Rider
23 unreasonably seeks to make annual adjustments based on a percentage of bills rather than

1 on a per unit of consumption charge. According to PWD’s testimony, “The percentage
2 adjustment to the water quantity charge will be determined as the ratio of the water true-
3 up amount to the water quantity revenue of the Next Rate Period. This same percentage
4 adjustment will be applied to each of the four separate block rates.” (Statement 9B,
5 Exhibit BV-SI, page 4).

6
7 Under this PWD proposal, in other words, the biggest impact of making an adjustment
8 under the proposed Rider will fall on the smallest users. PWD provided an example of
9 the adjustment that would occur through its proposed Rider given a hypothetical 10%
10 increase in TAP costs and a hypothetical 10% decrease in TAP costs. PWD stated that
11 under the assumptions used in its illustration, a 10% increase in costs would result in a
12 0.3% adjustment to rates. Accordingly, the increase in charges per MCF for a customer
13 using 0 – 2 MCF would be from \$50.00 per MCF to \$50.17 per MCF, while the increase
14 in charges per MCF for a customer using 2.1 to 100 MCF would be from \$45.00 per
15 MCF to \$45.15 per MCF. Similar disproportionate changes to small users would occur
16 given a hypothetical 10% decrease in TAP costs. (Advance Discovery, PA Colton Set II,
17 PA-RDC-1, PA-RDC-2).

18
19 No reason exists to impose a greater responsibility for bearing TAP costs on small users.
20 Indeed, to impose the Rider costs as a percentage change in bill is a veiled mechanism to
21 transfer costs from the system as a whole not only to residential customers generally, but

1 to low-income, low-use residential customers in particular.⁴¹ The proposal by PWD to
2 impose the Rider adjustment as a percentage bill change, rather than as a per unit of
3 consumption charge, should be rejected.

4
5 **Q. PLEASE EXPLAIN THE SIXTH PROBLEM WITH PWD’S RIDER AS**
6 **PROPOSED.**

7 A. The sixth major problem I find with the proposed PWD Rider is the complexity of the
8 cost recovery incorporated into the Rider. One objective of TAP cost recovery is to make
9 the cost recovery transparent and simple. Even PWD sets this forth as an objective.
10 According to the TAP Rider “White Paper” attached as an Exhibit to the Black and
11 Veatch testimony in this proceeding, one objective of the TAP Rider is to “be simple to
12 administer.” (Statement 9B, Schedule BV-S1, page 3).

13
14 The TAP Rider proposed by PWD in this proceeding is anything but transparent or
15 simple. For example, when asked to explain its proposed allocation of costs between
16 water, wastewater and stormwater services, even PWD conceded that, under its current
17 proposal, “since the annual TAP Revenue Loss is subject to multiple levels of cost of
18 service allocation and recovered via multiple rate structure components, it is not feasible
19 to delineate specific allocation factors at the water, sewer and stormwater rate component
20 level.” (Advance Discovery, PA Colton, Set II, PA-RDC-4).

21

⁴¹ PWD has conceded that low-income customers have lower consumption than residential customers generally. To the extent that additional burdens are disproportionately placed on low use customers, they are by implication also being placed on low-income customers.

1 In contrast, the Public Advocate’s approach, allocating TAP costs based on the relative
2 total systemwide levels of each services’ revenues, is easy to implement and transparent
3 to review. Moreover, the annual Rider is a per unit of consumption charge determined by
4 dividing the expected TAP costs by the projected usage, and then adjusting for over- or
5 under-collections from the previous year. In turn, the over- or under-collection is
6 determined simply by comparing actual TAP costs to actual revenue collected through
7 the Rider. If those numbers (i.e., costs and revenues) are not identical, there is either an
8 over-collection or an under-collection (depending on which one was bigger).

9
10 The simplicity of this approach stands in stark contrast to that approach proposed by
11 PWD, under which the TAP costs are “subject to multiple levels of cost of service
12 allocation and recovered via multiple rate structure components.” The TAP Rider
13 appended to my testimony stands in contrast to the PWD Rider under which it is not even
14 “feasible” for the PWD, when asked, “to delineate specific allocation factors at the water,
15 sewer and stormwater rate component level.”

16
17 **Q. PLEASE EXPLAIN THE SEVENTH PROBLEM WITH PWD’S RIDER AS**
18 **PROPOSED.**

19 A. The seventh major problem I find with the proposed PWD Rider is that the Rider is based
20 on a number of assumed data points or estimated elements. PWD urges that its proposed
21 Rider is based on “actual costs.” However, that is not accurate. According to the PWD
22 explanation of its proposed Rider, to accommodate its proposed approach, “the PWD
23 would need to use 9 to 10 months of actual TAP Revenue Loss and LiCAP expense data

1 of the True-up Period, and annualize those for the True-up Period.” (Statement 9B,
2 Exhibit BV-S1, page 6). (emphasis added). Since PWD does not propose to ever
3 consider the relationship between the actual TAP costs incurred and the TAP costs
4 collected through its Rider, any difference between the TAP Revenue Loss and the usage
5 estimated in its process to “annualize those for the True-Up Period” is simply ignored.
6 While PWD may argue that this aspect of its Rider is “easy to administer,” one reason it
7 is “easy” is because unless PWD’s “annualized” data is accurate, the resulting Rider is
8 just plain wrong and is never corrected.

9
10 **Q. PLEASE EXPLAIN THE EIGHTH PROBLEM WITH PWD’S RIDER AS**
11 **PROPOSED.**

12 A. The eighth major problem I find with the proposed PWD Rider is that the PWD proposal
13 irrationally proposes to adjust for what it terms to be “emergencies.” PWD proposes to
14 implement an “emergency adjustment” to the Rider whenever “the net true-up amount
15 increases to the point where PWD anticipates that the Water Fund would not be able to
16 meet debt service coverage requirements and/or bond covenant requirements (including
17 the insurance covenant) at the end of the current fiscal year.” (Statement 9B, Exhibit
18 BV-S1, page 5).

19
20 A number of problems march forward from this proposal. First, PWD does not define or
21 set any standards on what might merit PWD’s “anticipation” that the Water Fund would
22 not be able to meet its debt service coverage requirements and/or bond covenant
23 requirements. Second, PWD proposes that this adjustment to rates be allowed to occur

1 with no regulatory or public review at all. Adjustments are instead, evidently, based
2 exclusively upon the undefined principle of an “anticipated” inability to meet debt service
3 requirements and/or bond covenant requirements determined exclusively by PWD and/or
4 WRB. Third, PWD proposes that the “anticipated” impact on debt service requirements
5 and/or bond covenant requirements be related exclusively to TAP expenses without
6 consideration of any other revenues or expenses. In fact, in those circumstances where
7 PWD might have an inability to meet its financial obligations, that inability would be
8 based on a combination of changes in revenues and expenses. The inability would not
9 flow exclusively from changes in TAP expenses and, accordingly, it would be unjust,
10 unreasonable, and inappropriate to allow PWD to impose an unreviewed rate hike
11 through an adjustment to the TAP Rate Rider.

12
13 The PWD proposal to allow for an “emergency” adjustment to the TAP Rider if the
14 Department “anticipates” that increases in TAP costs will result in a violation of its
15 financial obligations should be denied.

16
17 **Q. DO YOU NOT SHARE PWD’S CONCERNS THAT CHANGES IN TAP COSTS**
18 **MIGHT HAVE AN IMPACT ON PWD’S FINANCIAL OBLIGATIONS?**

19 A. No. The Public Advocate asked PWD to provide, for Fiscal Year 2018 through Fiscal
20 Year 2021, “the increase in TAP costs that, standing alone, with all other costs and
21 revenue held equal, would result in a violation of PWD bond indenture coverage.” PWD
22 responded that “the increase in TAP revenue losses (in thousands of dollars) that would
23 result in a violation of bond indenture coverage” would be:

FY 2018	FY 2019	FY 2020	FY 2021
\$36,477	\$16,039	\$20,916	\$20,950
SOURCE: PA-V-56 (in thousands of dollars)			

Based upon my use of PWD's Confidential Rate Model, I have confirmed that, in calculating the numbers in the table above, PWD did not alter any other assumptions. Accordingly, although the amounts reported above are correct based on PWD's model, they disregard the availability of potential transfers from its Rate Stabilization Fund, which would enable PWD to avoid a violation of its bond indenture. Similarly, when asked to "indicate the increase in TAP costs that, standing alone, with all other costs and revenues held equal, would result in a violation of any policy or policies regarding withdrawals from reserves," PWD indicated the following increases would be required for such violations to arise:

FY 2018	FY 2019	FY 2020	FY 2021
\$90,284	\$64,513	\$62,253	\$72,485
SOURCE: PA-V-57 (in thousands of dollars).			

In both cases, it is important to note that the millions of dollars indicated in the Tables above do not represent the total costs of TAP. Rather, they represent the increase in TAP costs that would be above and beyond the TAP Rider recovery approved from the prior year. Note, also, that the changes must be a one-year increase or the increase would have been captured in the prior year's calculation of the Rate Rider. In fact, given that the emergency relief is interim relief (i.e., between the calculation of the Rate Rider for one year and the calculation of the Rate Rider for the next year), the increase in TAP revenue losses must really arise in less than one year.

1 Finally, it is important to note that given the Public Advocate's proposal to collect TAP
2 costs on a per unit of consumption basis, to the extent that any increase in TAP revenue
3 losses can be attributed to increased TAP consumption, that increase must be above and
4 beyond the increase in TAP revenue collection arising from similar rises in water
5 consumption by all other ratepayers. If TAP revenue losses increase due to increased
6 water consumption by TAP participants, TAP cost recovery also increases due to the
7 same increases in water consumption by all other customers as well.

8
9 **ii. An Appropriate TAP Rider.**

10 **Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR**
11 **TESTIMONY.**

12 A. In this section of my testimony, I propose that the Department promulgate a TAP Rider
13 designed to collect the net incremental real costs of the TAP program. The adoption of
14 such a Rider is necessitated by the fact, in particular, that program participation may,
15 throughout any given year, vary from the participation that is estimated in setting the
16 previous year's TAP costs. If program participation increases, the Department should be
17 allowed to recover the net incremental real costs of the increased TAP participation. If
18 program participation decreases, the Department should not be allowed to recover non-
19 existent program expenses.

20
21 **Q. ARE SUCH RIDERS COMMON WITH LOW-INCOME BILL AFFORDABILITY**
22 **PROGRAMS IN PENNSYLVANIA?**

1 A. Yes. Each Pennsylvania natural gas and electric utility operating a low-income bill
2 affordability program recovers program costs through a rider such as that which I propose
3 in this proceeding. This is based on the Pennsylvania PUC's discussion in its CAP cost
4 recovery order, which stated in relevant part:⁴²

5 With these ratemaking principles in mind as we proceed forward, the statutory
6 requirements that the Commission allow "full recovery" of CAP costs cannot
7 be effectuated by a policy of including these costs in base rates. Base rate
8 treatment of universal service costs puts the utility at risk of not recovering the
9 full amount of its prudently-incurred costs, which conflicts with the direction
10 given by the General Assembly in the Competition Acts. In addition, the
11 policy arguments for base rate recovery of most utility expenses provided by
12 some of the commenting parties cannot override the policy decision of the
13 General Assembly to require "full recovery" of universal service costs.
14 Allowing recovery through a surcharge rather than a base rate will establish a
15 charge which tracks the actual amount spent and allows customer rates to be
16 adjusted on a regular basis to recover the actual costs. Accordingly, the
17 Commission must allow recovery through a surcharge that is either reconciled
18 or adjusted frequently to track changes in the level of CAP costs consistent
19 with the direction given in the Competition Acts.⁴³

20
21 The Commission continued in relevant part:

22
23 A true indication of the Commission's initial legal interpretation of the
24 Electric Competition Act is in the final orders that the Commission entered
25 prior to submission of the restructuring settlements. In every one of these
26 orders, the Commission held that the electric utility was entitled to recover its
27 universal service costs through a surcharge that would be reconciled pursuant
28 to 66 Pa. C.S. § 1307(f). For example, the Commission stated in the initial
29 PECO restructuring order:

30
31 We accept PECO's proposal to adopt a reconcilable Universal Service Fund
32 Charge that is separately identified for cost accounting but included within the
33 distribution portion of a customer's bill. The USFC shall be reconcilable
34 pursuant to Section 1307.

⁴² Customer Assistance Programs: Funding Levels and Cost Recovery Mechanism, Docket M-00051923, Final Investigatory Order (October 19, 2006).

⁴³ CAP Funding Level and Cost Recovery Mechanism, at 15,

1 All of these decisions support the interpretation of “full recovery” set forth
2 above.⁴⁴
3
4

5 Finally, the Commission noted the particular applicability of the use of a reconcilable
6 surcharge for PGW as a municipal utility operating on a cash flow basis.⁴⁵ This same
7 reasoning would apply to PWD.
8

9 **Q. DOES THE RIDER APPEAR AS A SEPARATE LINE-ITEM ON A**
10 **CUSTOMER’S BILL?**

11 A. No. The costs collected through the Rider appear as an undifferentiated element of the
12 volumetric charges appearing on a customer’s bill. There is no reason for it to appear as
13 a separate line-item on the bill. Allowing the TAP Rider to appear as a separate line-item
14 fails to treat this program as an integrated component of the utility’s operations and
15 improperly isolates this one item of expense for separate line-item recovery. What I
16 propose mirrors what the Pennsylvania PUC has previously done. For example, the PUC
17 stated that “We accept PECO’s proposal to adopt a reconcilable Universal Service Fund
18 Charge that is separately identified for cost accounting but included within the
19 distribution portion of a customer’s bill.”⁴⁶ No separate line items exist on PWD bills for
20 the senior citizen discount, charitable discounts, PHA discounts, stormwater CAP, or
21 other similar programs. These programs have an aggregated value substantially greater
22 than the TAP program.
23

⁴⁴ CAP Funding Level and Cost Recovery Mechanism, at 17 – 18 (internal citations omitted).

⁴⁵ CAP Funding Level and Cost Recovery Mechanism, at 20.

⁴⁶ *Application of PECO Energy Co. for Approval of a Restructuring Plan*, R-00973953, 1997 Pa. PUC Lexis 51 (December 23, 1997).

1 **Q. SHOULD PWD BE ALLOWED TO RECOVER ADMINISTRATIVE COSTS**
2 **THROUGH YOUR PROPOSED RATE RIDER?**

3 A. No. Administrative costs are not costs that substantially vary based on the operation of
4 the program from year-to-year. As a result, these costs should be included in base rates.
5 For example, the IT oversight, to the extent that one accepts that it exists at all, does not
6 increase if the program participation increases. The same would be true with space.
7 Expenditures on space do not increase in relation to the size of the participant population.
8 The size (and cost) of the IT system does not vary based on the size of the participant
9 population. Since the administrative costs of the program do not vary based on the size
10 of the participant population, there is no need to allow the collection of administrative
11 costs through anything other than through base rates. Moreover, as discussed above, a
12 substantial part, if not all, of the TAP administrative costs are already included in base
13 rates.

14
15 **Q. WHAT DO YOU PROPOSE AS A COST RECOVERY MECHANISM FOR TAP?**

16 A. I propose a reconcilable surcharge such as the proposed Rider set forth in Schedule RDC-
17 3. This Rider would go into effect in FY 2020 in lieu of PWD's lost revenue cost
18 assumptions (and associated base rate recovery) for years starting with FY 2020. See
19 PWD St. 8 at 16.

20
21 **Q. DOES THE RATE RIDER YOU PROPOSE IN SCHEDULE RDC-3 RESOLVE**
22 **THE PROBLEMS YOU IDENTIFY ABOVE WITH RESPECT TO THE TAP**
23 **RIDER PROPOSED BY PWD?**

1 A. Yes. The TAP Rider I propose in Schedule RDC-3 resolves each of the problems that I
2 have identified above with the TAP Rider proposed by PWD.

3
4 **Q. WHAT DO YOU PROPOSE FOR A FISCAL YEAR 2019 IMPLEMENTATION?**

5 A. I agree to accept PWD's estimated \$9,800,000 in FY2019 TAP expenses. Since FY2018
6 TAP costs were not collected on a per-unit of consumption basis, there is no basis upon
7 which to determine an over- or under-collection for purposes of the Rider. Otherwise,
8 given the estimated FY2019 expenses, the TAP Rider would operate for FY2019 as is set
9 forth in Schedule RDC-3.

10
11 **Part 3. Public Fire Protection Costs.**

12 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
13 **TESTIMONY.**

14 A. In this section of my testimony, I examine whether Public Fire Protection costs should be
15 collected through charges imposed on ratepayers of the Philadelphia Water Department
16 rather than through taxes collected by the City of Philadelphia. I conclude that Public
17 Fire Protection is not a utility service but rather a governmental service the costs of which
18 should be paid through taxes. I conclude further that collecting Public Fire Protection
19 costs through water rates represents an inappropriate transfer of cost responsibility from
20 property owners to tenants. These tenants not only have a lower ability to pay such
21 charges but derive fewer benefits from the protection.

1 **Q. ON WHAT DOES PWD BASE ITS AUTHORITY TO CHARGE FOR PUBLIC**
2 **FIRE PROTECTION THROUGH WATER RATES?**

3 A. In its Direct Testimony in this proceeding, Black and Veatch stated, on behalf of PWD
4 that “per the City’s directive, effective FY 2019, the Water Fund will recover the annual
5 Public Fire Protection costs through its water rates and charges, from all of its other retail
6 water customers.” (Statement 9A, page 26). When asked for a copy of that “directive,”
7 however, PWD provided a copy of the letter which I have attached to my testimony as
8 Appendix D (PA-V-6, Attachment). Several key observations stand out in this letter.

- 9 ➤ The letter which PWD claims, in its testimony filed on February 12, 2018, is
10 the “directive” upon which it relied in filing its public fire protection charge in
11 this rate case is dated March 2, 2018. This “directive” provided by PWD, in
12 other words, is dated three weeks after PWD filed its proposed rates.
13
- 14 ➤ The letter which PWD cites as the “directive” upon which it relied in
15 submitting a rate case including public fire protection charges is not a
16 directive at all. All the letter states is that “it is the Administration’s position
17 that the charges for fire protection should be transferred from the tax payer to
18 the water rate payer.” (emphasis added).
19
- 20 ➤ At most, the letter asserts that, in the opinion of the letter writer, “from a
21 policy perspective, the Water Department’s services as they relate to the Fire
22 Department are more appropriately assigned to rate payers rather than tax
23 payers.” (emphasis added). There is no explicit “directive” in the statement of
24 what the letter writer considers to be appropriate “policy.”
25

26 **Q. HAS THE “POLICY” SET FORTH IN THE MARCH 2, 2018 LETTER BEEN**
27 **ADOPTED BY ANY ELECTED OFFICIAL IN PHILADELPHIA?**

28 A. PWD could point to no adoption of a policy that public fire protection costs should be
29 included in water charges rather than in taxes. The Public Advocate asked PWD to
30 provide: (1) the date on which the City of Philadelphia adopted a new policy whereby

1 water user rates would pay for the cost of public fire protection; (2) the identity of the
2 body adopting the new policy; (3) the agenda for the meeting at which the new policy
3 was adopted; and (4) the minutes of the meeting at which the new policy was adopted.
4 PWD could provide no such information. (PA-V-8).

5
6 Moreover, PWD engaged in no conversations with, and generated no correspondence to,
7 any member of the Philadelphia City Council, with the Mayor and/or Mayor's staff, or
8 with any non-PWD municipal employee (including any consultant) regarding any
9 proposal and/or decision to recover the costs of public fire protection through water rates
10 and charges. (PA-V-7).

11
12 **Q. IS THE "POSITION" OF THE "MANAGING DIRECTOR'S OFFICE AND THE**
13 **FIRE DEPARTMENT" THAT, "FROM A POLICY PERSPECTIVE," FIRE**
14 **PROTECTION COSTS ARE "APPROPRIATELY ASSIGNED TO RATE**
15 **PAYERS RATHER THAN TAX PAYERS" IN CONFLICT WITH ANY OTHER**
16 **PHILADELPHIA POLICY?**

17 A. What the Managing Director's Office and the Fire Department "are recommending. .
18 ."from a policy perspective" is in direct conflict with the Philadelphia municipal code.
19 Philadelphia Code Section 13-101(4)(b), which is a provision of the Code that predated
20 the Rate Board and which was maintained when the Rate Board was established,
21 explicitly provides:

22 The rates and charges shall yield not more than the total appropriation from
23 the Water Fund to the Water Department and to all other departments, boards
24 or commissions, plus a reasonable sum to cover unforeseeable or unusual

1 expenses, reasonably anticipated cost increases or distribution in expected
2 revenue, less the cost of supplying water to city facilities and fire systems. . .
3

4 Irrespective of what the Managing Director’s Office and the Fire Department believe is
5 appropriate “from a policy perspective,” the Philadelphia municipal code explicitly
6 provides that water rates and charges are to be “less the cost of supplying water to city
7 facilities and fire systems.”
8

9 **Q. PLEASE RESPOND TO THE WATER DEPARTMENT’S DISCUSSION OF THE**
10 **“INDUSTRY PRACTICES” REGARDING THE RECOVERY OF MUNICIPAL**
11 **FIRE PROTECTION COSTS THROUGH WATER CHARGES.**

12 A. The Water Department’s Black and Veatch testimony asserts that the Department’s
13 proposal to collect public fire protection costs through water rates and charges is
14 “consistent with industry accepted practice.” (Statement 9A, page 27). However, the
15 Public Advocate asked PWD to “provide a list of all Pennsylvania municipal water
16 utilities, including a municipal department, authority or other entity operating or
17 managing municipal water service not regulated by the Pennsylvania PUC, that collects
18 public fire protection costs through water rates and/or charges.” PWD responded “no
19 such list is available.” (PA-III-8). Not only is no such list available to PWD, but no such
20 list is available to Black and Veatch either. (PA-III-8).
21

22 **Q. PLEASE EXPLAIN WHY PUBLIC FIRE PROTECTION COSTS SHOULD BE**
23 **PAID THROUGH TAX DOLLARS RATHER THAN THROUGH RATEPAYER**
24 **CHARGES.**

1 A. A variety of reasons exist why public fire protection costs should be paid through tax
2 dollars rather than through water rate charges. First, public fire protection is a public
3 good. In this country, firms can generally limit access to any particular good to the
4 people who pay for it. Most (if not all) of the benefit of the good goes to the purchaser.
5 In contrast, public goods differ in both of these respects. While Philadelphia could
6 perhaps theoretically provide fire protection only to those people who paid for it, it is not
7 likely to do so. Moreover, protecting one property from fire results in delivering
8 neighboring properties with a reduced fire risk as well. Since individuals are generally
9 unwilling to pay for such goods, these public goods are thus provided by government and
10 funded by taxes.

11
12 In addition, owners of property that are served by fire hydrants (and the associated water)
13 indirectly pay part of the cost of such fire protection. The presence of fire hydrants
14 makes these properties more valuable. In turn, that increased value is reflected in their
15 tax bill. In contrast, by moving the public fire protection costs to water charges, the
16 owners are allowed to pocket the increased value of the property while imposing all of
17 the costs of such fire protection on water users. For example, tenants are required to pay
18 to increase the value of their landlord's property.

19
20 **Q. ARE THERE ANALOGOUS PUBLIC SERVICES THAT ARE PROVIDED BY**
21 **THE CITY AND PAID THROUGH TAXES RATHER THAN THROUGH THE**
22 **ASSOCIATED UTILITY SERVICE?**

1 A. Yes. One closely analogous service is the provision of street lighting. Street lighting is a
2 public function that is provided through the government and funded by taxes. Everyone
3 benefits from street lighting, not simply electric customers. The reasoning is set forth in
4 a series of Washington state supreme court rulings. In 1999, Seattle adopted an
5 ordinance transferring responsibility to pay for street lights from the Seattle general fund
6 to all City Light ratepayers. In 2003, the Washington state supreme court, in Okeson v.
7 City of Seattle, ruled that street lights were a basic governmental function because they
8 benefit the general public and, as a result, they must be paid for by Seattle's general fund.
9 Seattle City Light was ordered to refund the cost of street lights to ratepayers. In Okeson,
10 the City of Seattle argued that fire hydrants were also a governmental function, and yet
11 the costs of those fire hydrants were included in water charges. In Lane v. City of
12 Seattle, the state supreme court agreed, and directed the City to remove those fire hydrant
13 costs from water charges. I do not cite these two Washington decisions as legal
14 precedent. Rather, I note the decisions as evidence of the policy that: (1) public fire
15 protection is a governmental, and not a utility, function; and (2) governmental functions
16 should be paid by taxes, not by utility charges.

17
18 **Q. ARE THERE COST CAUSATION CONCERNS WITH THE PROPOSAL TO**
19 **COLLECT THE COSTS OF PUBLIC FIRE PROTECTION THROUGH WATER**
20 **CHARGES?**

21 A. Yes. The costs incurred by the City of Philadelphia are driven by the well-meaning
22 desire to protect the public from fire hazards. Unlike water bills rendered to the public,
23 however, the cost of this fire service is not caused by the need to maintain the system to

1 serve customers under PWD’s rate structure.⁴⁷ Instead, the costs are caused by the need
2 to maintain buildings throughout the City for the benefit of everyone who lives in, works
3 in, plays in, shops in or otherwise visits physical structures within the City. These costs
4 are simply not causally linked to the provision of water/sewer service to PWD’s
5 customers. Given this lack of utility cost causation, to include the costs of fire protection
6 in PWD water charges is to use those charges as a general revenue raising mechanism for
7 the City, rather than as a mechanism to recover the costs of providing municipal water
8 service. This proposed use of water charges to raise general revenues is inappropriate
9 and should be rejected.

10
11 **Q. IS THERE A BASIC INEQUITY IN SHIFTING THE COSTS OF PROVIDING**
12 **PUBLIC FIRE PROTECTION FROM TAXPAYERS TO RATEPAYERS?**

13 A. Yes. Switching the recovery of public fire protection costs from taxpayers to water
14 charges creates a substantial inequity between differing types of housing units, along with
15 the customers who live in them. Consider the situations that PWD admitted would arise
16 by including public fire protection costs in water charges rather than in taxes. PWD
17 conceded that a four-plex (i.e., a single building with four apartments) with single meters
18 would pay the same for fire protection as four single-family homes. (PA-V-10). The cost
19 of providing fire protection to a multi-unit home such as a four-plex would not be four
20 times greater than the cost of providing fire protection to a single family home (just like

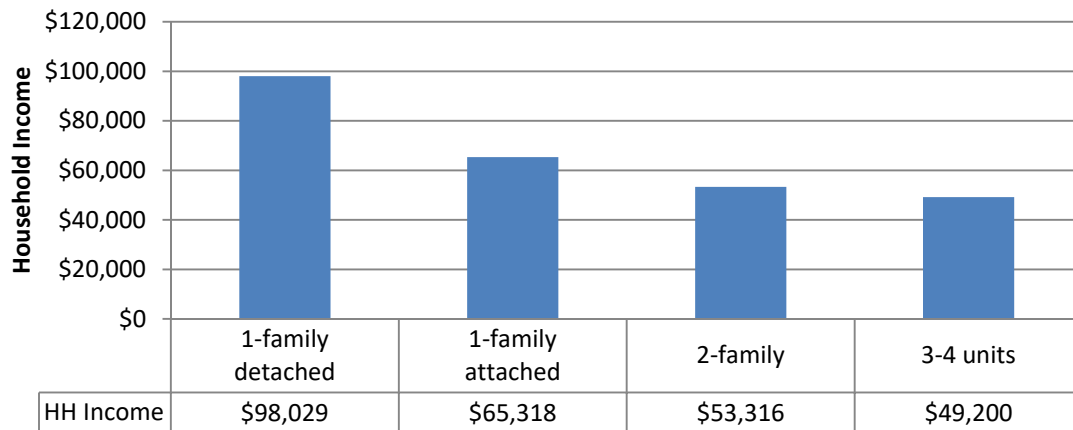
⁴⁷ The Fire Department does not view its mission as serving the ratepayers. In its 2018 Budget Testimony the Fire Department acknowledged its mission as follows: “The mission of the Philadelphia Fire Department (PFD) is to serve the public by providing comprehensive all-hazard prevention, risk reduction and emergency response and to ensure the health and safety of its members. The PFD provides direct services to residents by combating fires, responding to medical emergencies, investigating the cause and origin of fires and educating Philadelphians on safety and risk reduction.” Philadelphia Fire Department Fiscal Year 2018 Budget Testimony, April 18, 2017 at 1. (emphasis added).

1 providing fire protection to similar duplexes (double-deckers) or triplexes (triple-deckers)
2 would not be two to three times higher. Despite this, residents of small multi-family
3 homes would be paying multiple times more for public fire protection than would
4 residents of a single family home.

5
6 This disparate impact by housing type imposes higher rates on lower income customers.
7 Chart 1 below shows the income inequality in transferring those costs from taxes to water
8 charges, particularly when the water charges reflect neither the cost of providing service
9 nor the benefits derived from the service being provided. As Chart 1 demonstrates, in
10 Philadelphia, incomes for owners of detached single-family homes⁴⁸ are substantially
11 higher than the household incomes for owners of units in double-deckers and units in
12 buildings with three to four units. While the single-family homeowner has an annual
13 income of roughly \$100,000, owners of units in two-family homes have annual incomes
14 of nearly half that amount, while owners of units in dwellings with three to four units
15 have annual income less than \$50,000.

⁴⁸ The reference population was limited to homeowners with water bills.

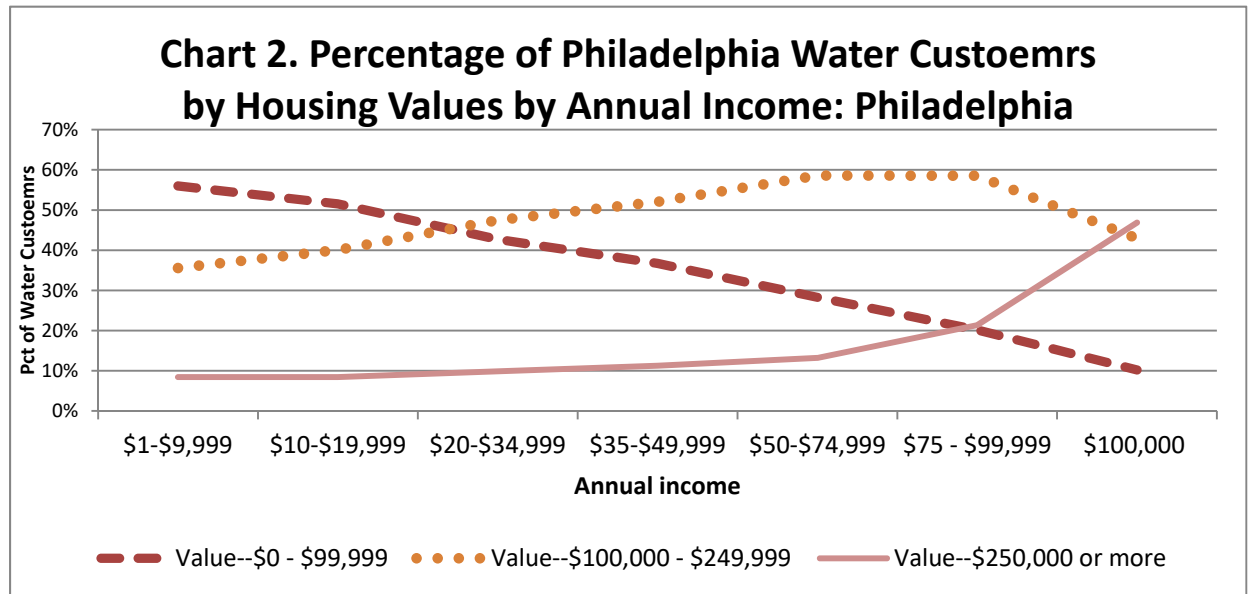
**Chart 1. Household Income by Housing Type:
Philadelphia Households with Water Bills (2016)**



Q. IS THERE ANY OTHER INEQUITY YOU FIND IN THE TRANSFER OF PUBLIC FIRE PROTECTION COSTS TO WATER CHARGES RATHER THAN TAXES?

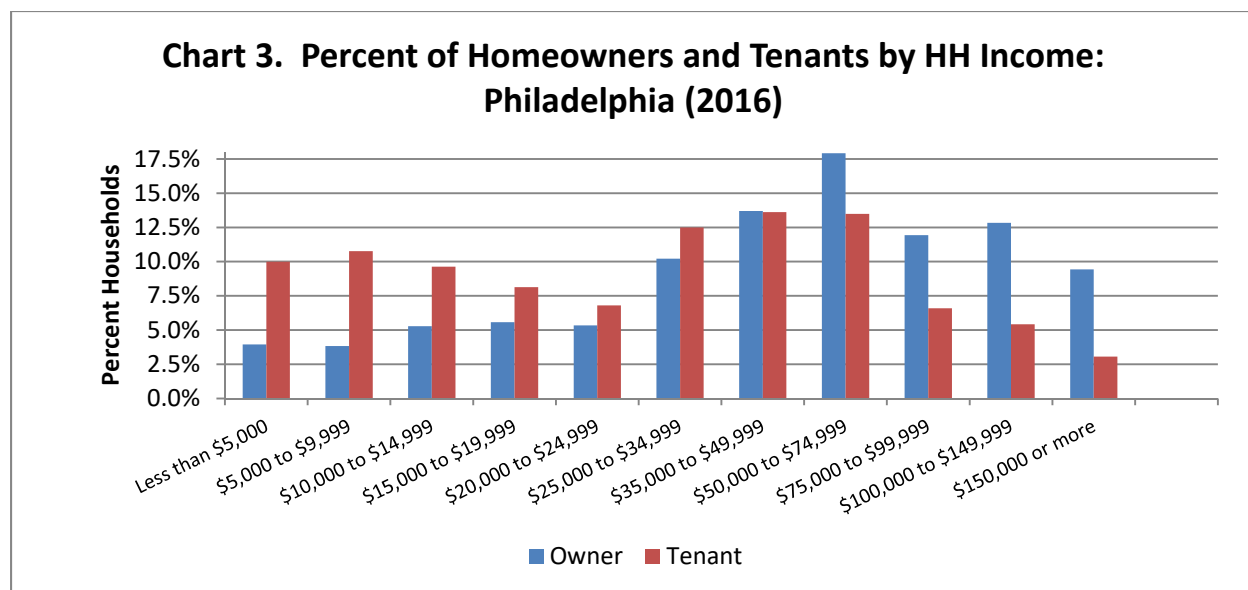
A. Yes. The transfer of fire protection costs to water charges represents a major transfer of cost responsibility from higher income households to lower income households. This transfer is counter to the benefits that a homeowner derives from public fire protection. A person owning a more valuable home derives more benefit from public fire protection than a householder owning a less valuable home. Yet rather than reflecting that added benefit in the additional taxes that would result from a higher home value, the Water Department's proposal would transfer the costs of protecting those higher value homes to lower-income ratepayers. Chart 2 below shows housing values in the City of Philadelphia by annual income. Chart 2 demonstrates that as incomes increase, fewer and fewer households have low value homes. Conversely, Chart 2 shows that the highest penetration of lower value homes (50% - 60%) are owned by households with the lowest

income. Virtually none of the low value homes are owned by higher income households.



Q. DO YOU FIND A THIRD INEQUITY IN TRANSFERRING THE RECOVERY OF PUBLIC FIRE COSTS FROM TAXES TO WATER BILLS?

A. Yes. As PWD concedes, its proposal to transfer the recovery of the costs of public fire protection would transfer the costs of fire protection (paid through taxes) from the non-occupant owner of a home with direct billed water service to the occupant tenant of a home with direct billed water service. (PA-V-12). This transfer of cost responsibility involves a substantial transfer of costs from higher income property owners to lower income tenants. Chart 3 below documents the income disparity between homeowners and tenants in Philadelphia. As can be seen, a substantially higher proportion of tenants live with incomes at the lowest income levels (e.g., below \$20,000 a year) and a substantially higher proportion of homeowners live with higher incomes (e.g., income greater than \$75,000). While this chart does not provide the income levels of non-occupant owners, it does indicate the income differential between those who can afford to own and those who cannot.



Q. DO YOU FIND ANY FINAL INEQUITY IN TRANSFERRING THE RECOVERY OF PUBLIC FIRE PROTECTION COSTS FROM TAXPAYERS TO WATER CUSTOMERS?

A. Yes. I strongly disagree with the position, articulated by the City, that: “Rate payers, those who own structures in the City, directly benefit from fire protection services. Tax payers is a broader group of individuals, many of whom do not directly benefit from loss of a structure due to a fire.”⁴⁹ These individuals include individuals purchasing goods and services, employees that reside outside the City and visitors to the City.” (Appendix D).

First, I disagree with the implication that “rate payers” and “those who own structures in the City” are a coterminous group. Obviously, the regulations of PWD clearly recognize the distinction between customers who are owners, customers who are tenants, and customers who are occupants of a property. And, while I do not have data for the PWD

⁴⁹ I assume that the letter intended to refer to people who benefit from providing protections from loss of a structure due to fire. Otherwise, the statement is nonsensical. It is not evident how taxpayers would “benefit from loss of a structure due to a fire.”

1 customer base as a whole, we know from data presented in this proceeding that nearly
2 one-in-five enrollees in the TAP program are either tenants or occupants, not
3 homeowners ([586 TAP Tenants + 375 TAP Occupants] / 5,142 total TAP participants =
4 0.1869). (PA-V-76). Not all “rate payers” are “those who own structures in the City.”

5
6 Second, I agree that the group of “tax payers” is larger than the group of “rate payers.”
7 According to the City of Philadelphia “Fiscal Year Estimated Revenues: General Fund,”
8 from which public fire protection costs would be paid in the absence of charging those
9 costs to water customers, out of the \$4.615 billion in total funds in the General Fund:

- 10 ➤ \$1,627 million comes from city wage earnings and net profits tax;
- 11 ➤ \$428 million comes from business income and receipts tax;
- 12 ➤ \$216 million comes from sales tax;
- 13 ➤ \$78 million comes from beverage tax.

14 (The Mayor’s Operating Budget in Brief for FY2019, at page 9, March 2018). Contrary
15 to what is argued by the City, and recognizing that the letter the City provided in
16 response to the Public Advocate’s discovery was written months after PWD first
17 proposed to include the costs of public fire protection in water charges, the tax payers
18 who pay these municipal taxes certainly benefit from public fire protection as much as, if
19 not more than, water users do. To assert that people who work in Philadelphia; buy
20 products and services in Philadelphia, including beverages; engage in profit-making
21 enterprises in Philadelphia, do not “benefit” from the protection of buildings from the
22 threat of destruction or harm by fire is blatantly in error. Moreover, to assert that the
23 people who work in, visit, or buy products and services from businesses that operate in

1 buildings in Philadelphia do not benefit from public fire protection is equally in error.
2 Yet despite these populations who benefit, the Water Department's proposal would
3 impose the entire burden of paying to provide those benefits would fall on water
4 customers, many of whom are poor and near-poor.
5

6 **Q. IS THERE A PARTICULAR EXAMPLE OF THE INEQUITIES THAT ARISE**
7 **FROM THE MISCHARACTERIZATIONS INCLUDED IN THE LETTER UPON**
8 **WHICH PWD RELIES AS ITS "DIRECTIVE" TO MOVE PUBLIC FIRE**
9 **PROTECTION COSTS TO WATER RATES?**

10 A. Yes. Let me consider tenants in particular. Under the existing mechanism through which
11 public fire protection costs are paid by the General Fund, tenants may pay a proportionate
12 share of public fire protection costs to the extent that they earn taxable income in
13 Philadelphia, purchase goods and services in Philadelphia, or engage in other activities
14 that generate local tax revenue utilized to pay such fire department costs. The same goes
15 for those who work in, but reside outside of Philadelphia, or who otherwise engage in
16 activities that generate tax revenue for the City. Indeed, tenants would even pay a share
17 of property taxes devoted to fire protection to the extent that the housing market allows
18 property owners to include all or a portion of their real estate taxes in the rents that they
19 charge.
20

21 In contrast, if the PWD proposal to move public fire protection costs exclusively to water
22 customers is adopted, tenants would bear the full cost of providing fire protection in
23 respect of the building in which they live. Certainly, the residents of the building would

1 derive benefit from having the building protected from destruction or harm by fire.

2 However, the owners of that building would also derive benefit from having the building
3 protected from destruction or harm by fire. Under the PWD proposal, however, assuming
4 that the tenant is a water customer, the tenant pays the cost of that fire protection while
5 the property owner pockets a substantial portion of the benefit.

6
7 **Q. WHAT IS YOUR FINAL CONCLUSION?**

8 A. My conclusions are several-fold. First, there is no “directive” to PWD to include the
9 costs of public fire protection in water charges rather than in taxes. The only
10 correspondence produced by PWD was dated months after PWD first made its proposal
11 regarding public fire protection charges. Second, even the letter produced by PWD does
12 not provide a directive to PWD to include public fire protection costs in water charges.
13 Instead, that letter simply sets forth what “the Administration’s position” is “from a
14 policy perspective.” As I demonstrate above, that “policy perspective” is based on
15 seriously flawed assertions.

16
17 Finally, and perhaps most importantly, irrespective of what “the Administration’s
18 position” might be, the Philadelphia City Code could hardly be more clear than when it
19 explicitly states that water rates and charges “shall yield not more than the total
20 appropriation from the Water Fund to the Water Department and to all other departments,
21 boards of commissions. . .less the cost of supplying water to city facilities and fire
22 systems. . .” Whatever the Administration’s “position” might be “from a policy
23 perspective,” the City Code bars the inclusion of these costs in water rates and charges.

1
2 **Part 4. Barring Unfair and Deceptive Shutoff Notices.**

3 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
4 **TESTIMONY.**

5 A. In this section of my testimony, I identify an unfair and deceptive collection practice in
6 which PWD regularly engages. PWD's issuance of deceptive notices of disconnection
7 for nonpayment should be barred. A notice of disconnection for nonpayment should be
8 issued when, but only when, PWD has made the decision to disconnect service in the
9 absence of a customer paying his or her bill.

10
11 **Q. WHAT GIVES RISE FOR YOUR CONCERN?**

12 A. PWD issues four or more notices threatening the disconnection of service for
13 nonpayment for every one disconnection of service it actually implements. (PA-ADV-
14 61). When a utility engages in such over-noticing of disconnections, customers learn to
15 ignore such notices as not being meaningful. When PWD repeatedly issues shutoff
16 notices warning customers of an imminent pending service disconnection unless bills are
17 paid in full, without following up those notices by performing the threatened collection
18 activity, it conveys the message that customers may ignore the shutoff notice with no
19 adverse result arising. Sending multiple shutoff notices when PWD has no present intent
20 to disconnect results in a "wolf-like" notice being issued.⁵⁰

⁵⁰ In *Palmer v. Columbia Gas*, 479 F.2d 153 (6th Cir. 1973), the court found that the company issued between 120,000 and 140,000 notices per year, only about 4% of which were followed by actual terminations. The Federal Circuit Court held that "it is clear that the flood of final notices sent out by the company was, as the District Court expressed it, 'a wolf kind of notice' which does not conform to the constitutional requirements that notice be truly informative and be given at a meaningful time." As the *Palmer* court noted: "what we have here is a wolf kind of notice that is very convenient for the computer to issue, but is not, I think, what the statute contemplates, which. . .is

1

2 **Q. WHAT IS THE SIGNIFICANCE OF THIS DATA FROM A CUSTOMER**
3 **SERVICE PERSPECTIVE?**

4 A. The provision of a notice of a service disconnection when there is no present intent to
5 engage in the discontinuance is counterproductive to the entire purpose of a notice. The
6 purpose of a notice is to provide a clear and believable warning that a service termination is
7 about to occur. In response to such a notice, the customer must either take the steps
8 necessary to prevent the service termination or take those steps needed to protect himself or
9 herself against the dangers to life, health and property that might result from the loss of
10 service.

11

12 In other words, in addition to the regulatory compliance issues involved with providing false
13 and deceptive disconnection notices, when PWD provides false notices of an impending
14 disconnection of service for nonpayment, it violates its obligation to provide a clear and
15 meaningful notice of a pending shutoff as well. A utility shutoff notice should be made at a
16 meaningful time and in a meaningful manner. To meet these standards, the notice should
17 contain specific information and meet specific standards. To fulfill the standard that the
18 notice be meaningful, it should give a clear and believable warning that termination is about
19 to occur.

20

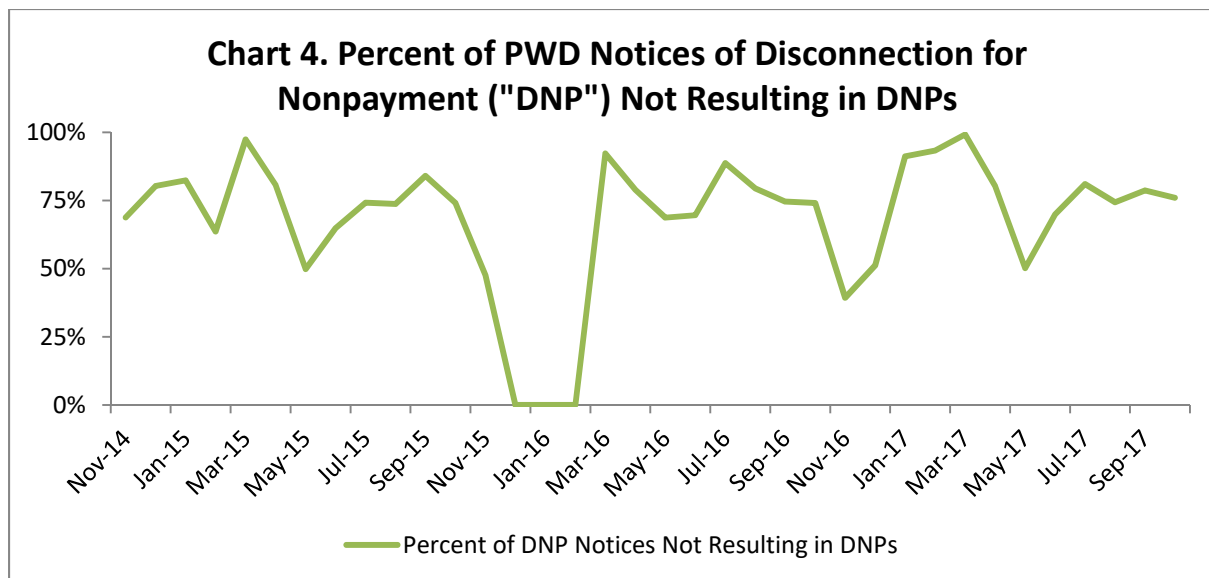
a meaningful notice that applies to the person who is going to be affected by it and will be followed by some action.”

1 In contrast to these standards, the repeated issuance of shutoff notices with no intent to carry
2 through with the threatened service termination violates each of these principles. PWD
3 should not be allowed to “cry wolf” with respect to shutoffs for nonpayment.
4

5 **Q. HAVE YOU HAD OCCASION TO REVIEW WHAT A PWD DISCONNECTION**
6 **NOTICE TELLS THE CUSTOMER?**

7 A. Yes. PWD provided a copy of its standard residential notice of disconnection in response
8 to a request by the Public Advocate. (PA-ADV-69). I have appended that disconnect
9 notice as Appendix E. That sample notice states that “your water will be shut off on or
10 after 09/21/2015.” It states further that “to avoid suspension of service, please make
11 payment immediately.” It states finally, “payments must be received by shut-off date in
12 person or by mail. . .”
13

14 None of these three statements are true. It is not true that a customer’s water service
15 “will be” shutoff after a date certain. Indeed, we know from the data in Chart 4 below
16 that PWD fails to disconnect service in 70% to more than 90% of the instances in which
17 it issues a disconnect notice. Hence, when PWD threatens to terminate service unless
18 payment is made “immediately,” that threat is patently untrue. Moreover, when PWD
19 tells a customer that their payment “must” be received in-person or by mail on or before
20 the date provided in the shutoff notice, that statement is untrue.



Q. IS IT NOT POSSIBLE THAT PWD DOES NOT DISCONNECT CUSTOMERS SIMPLY BECAUSE THOSE CUSTOMERS MAKE THEIR BILL PAYMENTS AFTER RECEIVING A SHUTOFF NOTICE?

A. No. The “Payment Pattern Reports” provided by PWD clearly indicate that PWD customers carry long-term arrears. (PA-ADV-66, Attachments). The shutoff notices that PWD issues do not result in an immediate payment. Moreover, the Public Advocate specifically requested the following information from PWD:

Of the residential accounts receiving a notice of an impending shut off for nonpayment, for each month for the most recent 36 months available, please provide:

- a. The total number of accounts that did not have their service shut off by the date specified in the shut off notice;
- b. The total number of accounts that did not have their service shut off for nonpayment after receiving a shut off notice for nonpayment that voluntarily terminated their accounts;
- c. The total number of accounts that did not have their service shut off because the customer paid their bills in full prior to their scheduled shut off;
- d. The total number of accounts that did not have their service shut off because the customer paid their bills less than in full but sufficient to avoid their scheduled shut off;

- 1 e. The total number of accounts that did not have their service shut off even though
2 they retained an arrears that was sufficient large (or sufficiently old) to trigger a
3 shut off); and
4 f. The total number of accounts on which account no payments were made prior to
5 the issuance of the next bill after issuance of the shut off notice.
6

7 PWD could provide none of the requested data. (PA-ADV-64). PWD does not know
8 how effective, if at all, rendering shutoff notices is as a collection device. What we do
9 know, however, is that over-noticing disconnections, which involves threatening the
10 disconnection of service when no such disconnection is planned, is an unfair, untruthful
11 and deceptive collection device.
12

13 **Q. IS THERE ANY STANDARD OF REASONABLENESS THAT HAS BEEN**
14 **ESTABLISHED FOR THREATENING TO TAKE A COLLECTION ACTION**
15 **AGAINST A CUSTOMER THAT THE COMPANY HAS NO PRESENT INTENT**
16 **TO ACTUALLY PURSUE?**

17 A. Yes. The standard for measuring “intent” to take a collection activity is well-established.
18 Collectors may not assert that they “will” undertake a certain collection action unless the
19 decision to take that action has been made at the time the assertion is made. Collectors
20 may not assert that they “may” take a certain collection action unless taking that action is
21 the usual course of action. Of course, collectors may never assert that they intend to take
22 a collection action that is prohibited. PWD meets none of these standards by which to
23 judge the fairness of its use of disconnection notices as a reasonable response to
24 nonpayment.
25

26 **Q. WHAT DO YOU RECOMMEND?**

1 A. I recommend that PWD be directed to refrain from issuing notices of disconnection for
2 nonpayment unless and until the Department has made an affirmative decision for the
3 particular account to disconnect service for nonpayment if payment has not been made by
4 a date certain. PWD should be directed to cease its threat that customers “must” make
5 payments “immediately.” PWD should finally be directed to cease threatening its
6 customers that service “will be shutoff” by a specified date unless the decision to engage
7 in that shutoff has been made at the time the threat is conveyed. Given that the
8 disconnection and threatened disconnection of service directly affects the ability of
9 customers to receive service from PWD, preventing the use of unfair and deceptive
10 collection practices that impede the continuing access to service places a review of those
11 unfair and deceptive collection practices within the oversight undertaken in this rate
12 proceeding.

13
14 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

15 A. Yes it does.

Colton Schedules

Initial Status Updates <= 30 Days		
Initial Status Update	July 1-September 30	October 1-December 31
Approved	1,271	153
Denied	64	7
Incomplete	1,526	234
Initial Status Updates <= 30 Days	2,861	394
Percent found incomplete	53%	59%
Initial Status Updates Made in >30 and <= 60 Days		
Initial Status Update	July 1-September 30	October 1-December 31
Approved	474	549
Denied	13	60
Incomplete	2,215	833
Initial Status Updates Made in >30 and <= 60 Days	2,702	1,442
Percent found incomplete	82%	58%
Initial Status Updates Made in >60 and <= 90 Days		
Initial Status Update	July 1-September 30	October 1-December 31
Approved	163	711
Denied	33	107
Incomplete	332	664
Initial Status Updates Made in >60 and <= 90 Days	528	1,482
Percent found incomplete	63%	45%
Initial Status Updates Made in >90 and <= 120 Days		
Initial Status Update	July 1-September 30	October 1-December 31
Approved	418	325
Denied	45	94
Incomplete	149	151
Initial Status Updates Made in >90 and <= 120 Days	612	570
Percent found incomplete	24%	26%
Initial Status Updates Made in >120 Days		
Initial Status Update	July 1-September 30	October 1-December 31
Approved	1,393	30
Denied	217	9
Incomplete	436	4
Initial Status Updates Made in >120 Days	2,046	43
Percent found incomplete	21%	9%

Status Updates Summary - Incompletes		
For applications submitted	July 1-September 30	October 1-December 31
This many were determined to be incomplete within 30 days:	1,526	234
This many were determined to be incomplete in 31-60 days:	2,215	833
This many were determined to be incomplete in 61-90 days:	332	664
This many were determined to be incomplete in 91-120 days:	149	151
This many were determined to be incomplete in 121+ days:	436	4
This many have been determined to be incomplete, in total:	4,658	1,886
Total Applications received	8762	4301
Percentage found to be incomplete	53%	44%

Schedule RDC-2

Pre-Existing Arrearages of TAP Enrollees by Poverty Level (PA-III-2)				
Level of pre-existing arrearage	Less than or equal to 50%	Above 50% but Less than or Equal to 100%	Above 100% but Less than or equal to 150%	Above 150%
Less than or equal to \$0	36	158	45	-
More than \$0 but less than or equal to \$50	28	104	32	-
More than \$50 but less than or equal to \$100	67	212	87	-
More than \$100 but less than or equal to \$250	115	236	121	1
More than \$250 but less than or equal to \$500	156	273	196	3
More than \$500 but less than or equal to \$1,000	228	380	253	16
More than \$1,000 but less than or equal to \$2,500	277	673	421	24
More than \$2,500 but less than or equal to \$5,000	211	595	328	22
More than \$5,000 but less than or equal to \$10,000	172	524	226	19
More than \$10,000 but less than or equal to \$20,000	80	234	103	1
More than \$20,000	28	53	24	2
Totals	1,398	3,442	1,836	88
More than \$0	1,362	3,284	1,791	88
More than \$1000	768	2,079	1,102	68
More than \$2,500	491	1,406	681	44
More than \$5,000	280	811	353	22
Pct more than \$0	97.4%	95.4%	97.5%	100.0%
Pct more than \$1,000	54.9%	60.4%	60.0%	77.3%
Pct more than \$2,500	35.1%	40.8%	37.1%	50.0%
Pct more than \$5,000	20.0%	23.6%	19.2%	25.0%

Variable Distribution Service Charge rates for water and sewer service shall include an undifferentiated per CCF charge for recovery of the net incremental real costs of the Tiered Rate Assistance Program (TAP), calculated in the manner set forth below. As shown below, the rider applicable for any Fiscal Year is based on costs and revenues associated with TAP over a 12-month Rate Period preceding the Fiscal Year. The TAP Rider shall be increased or decreased annually to reflect changes in the level of TAP costs in the manner described below:

COMPUTATION OF TAP RIDER.

The TAP Rider per CCF (\$0.0000) shall be computed to the nearest one-hundredth cent (\$0.0001¢) in accordance with the formula set forth below:

$$\text{TAPC} = \frac{(C + \text{AF}) - (E + I)}{S}$$

WHERE:

AF = Cost in dollars of the Reconcilable Arrearage Forgiveness Costs for the Rate Period.

C = Cost in dollars of the Reconcilable TAP Costs for the Rate Period.

E = the net over-collection or under-collection of Reconcilable TAP Costs and Reconcilable Arrearage Forgiveness Costs in the Rate Period. The net over-collection or under-collection shall be determined for the most recent period, beginning with the month following the last month which was included in the previous over-collection or under-collection calculation reflected in rates. The “E” term is determined in two steps: first, calculating the product of TAPC from the Rate Period times the actual usage from the Rate Period (“U”); second, subtracting this product from the sum of total Reconcilable TAP Costs and total Reconcilable Arrearage Forgiveness Costs in the Rate Period. If E is an under-collection, it is a negative.

I = Interest on any over- or (under)-recovery balance, computed by multiplying the over/(under) collection from the prior year times an annual simple interest rate of 6%.

TAPC = Tiered Rate Assistance Program Charge determined to the nearest one-hundredth cent (\$0.0001) to be included in the rate for each CCF of Variable Distribution Service Charge to recover the sum of Reconcilable TAP Costs plus Reconcilable TAP Arrearage Forgiveness Costs.

S = projected CCF of water service to be billed to all customer classes (exclusive of TAP customers) during the projected period when rates will be in effect, i.e., the 12-months of the Fiscal Year following the Rate Period.

U = the actual CCF of water consumption for the Rate Period net of the actual water consumption of TAP participants during the Rate Period.

In computing the TAP Rider, per CCF, pursuant to the formula above, the following definitions shall apply:

Over-collection or Under-collection –The revenue calculated by multiplying the TAPC times actual water consumption delivered by Philadelphia Water in the Rate Period, net of the actual water consumption delivered to residential customers in the months of the Rate Period in which those customers were participating in TAP, minus the sum of Reconcilable TAP costs and Reconcilable TAP Arrears Forgiveness Costs. An under-collection is a negative number.

Reconcilable TAP Arrearage Forgiveness Costs – The credits appearing on TAP participant bills toward pre-existing arrearages (TAP arrearage forgiveness). Pre-existing arrears are those arrears appearing on the bill of a TAP participant in the month in which the TAP participant applies for TAP services net of a Low-Income Arrearage Embedded Lost Revenue Adjustment of 90.66%.

Rate Period – The most recently completed 12 month period available at the time of the TAP Rider filing, with the exception of first Fiscal Year in which this Rider is in effect. For that first Fiscal Year, the TAP Rider may be calculated based on the first nine months of the Fiscal Year and three months of imputed data.

Reconcilable TAP Costs – The sum of the monthly difference between the sum of the current water charges, sewer charges, stormwater charges and customer charges that would have been charged to TAP participants had they been billed at standard residential rates and the bills that are charged to TAP customers given the TAP discount (sometimes referred to as the TAP revenue shortfalls) for all TAP participants, which difference is calculated net of a Low-Income Embedded Lost Revenue Adjustment of 13.1% for the Rate Period.

Total TAP costs will be allocated between water and sewer services based on the percentage of total Philadelphia Water Department revenue billed to each service respectively.

The TAP Rider, so computed, shall be included in distribution rates charged to Customers not participating in TAP. The amount of the TAP Rider, per CCF, will vary, if appropriate, based upon annual filings by the Department. The TAP Rider shall appear as an undifferentiated element of the monthly customer service charge.

The Department's annual TAP Rider filing and its annual reconciliation statement shall be submitted to the Board, and provided to the Public Advocate, 90 days prior to new rates being effective each fiscal year, or at such time as the Board may prescribe. The TAP Rider mechanism is subject to annual audit review in a manner deemed appropriate by the Board.

The Department's annual TAP Rider filing and annual reconciliation statement shall be subject to public review and, upon complaint to the Board, a formal hearing process, including participation by the Public Advocate.

Residential Bad Debt ("BD") and Low-Income Bad Debt: Pennsylvania Gas and Electric Utilities (2016) 2016 (BCS Universal Service and Collections Annual Report)			
	Res BD	LI BD	Ratio: LI to Res
Duquesne	1.6%	3.1%	1.9
Met Ed	2.4%	10.6%	4.4
PECO Electric	1.2%	5.1%	4.3
Pennelec	2.4%	8.9%	3.7
Penn Power	1.6%	7.2%	4.5
PPL	2.8%	10.5%	3.8
West Penn Power	1.9%	10.9%	5.7
CGPA	2.2%	8.7%	4.0
NFG	3.2%	16.4%	5.1
PECO Gas	0.3%	1.5%	5.0
Peoples	4.4%	4.4%	1.0
Peoples - Equitable	2.2%	2.2%	1.0
PGW	15.0%	21.0%	1.4
UGI-Gas	2.5%	16.3%	6.5
UGI-PNG	1.9%	11.3%	5.9

Appendix A: Colton Vitae

ROGER D. COLTON

BUSINESS ADDRESS:

Fisher Sheehan & Colton
Public Finance and General Economics
34 Warwick Road, Belmont, MA 02478
617-484-0597 (voice) *** 617-484-0594 (fax)
roger@fsconline.com (e-mail)
<http://www.fsconline.com> (www address)

EDUCATION:

J.D. (Order of the Coif), University of Florida (1981)

M.A. (Economics), McGregor School, Antioch University (1993)

B.A. Iowa State University (1975) (journalism, political science, speech)

PROFESSIONAL EXPERIENCE:

Fisher, Sheehan and Colton, Public Finance and General Economics: 1985 - present.

As a co-founder of this economics consulting partnership, Colton provides services in a variety of areas, including: regulatory economics, poverty law and economics, public benefits, fair housing, community development, energy efficiency, utility law and economics (energy, telecommunications, water/sewer), government budgeting, and planning and zoning.

Colton has testified in state and federal courts in the United States and Canada, as well as before regulatory and legislative bodies in more than three dozen states. He is particularly noted for creative program design and implementation within tight budget constraints.

Commentator: Belmont Citizen-Herald: 2014 – present

Author of biweekly “Community Conversations” column for Belmont Citizen-Herald, weekly newspaper (June 2014 to present).

Host of biweekly “Community Conversations” podcast, Belmont Citizen-Herald, BMC Podcast Network (October 2016 to present)

National Consumer Law Center (NCLC): 1986 - 1994

As a staff attorney with NCLC, Colton worked on low-income energy and utility issues. He pioneered cost-justifications for low-income affordable energy rates, as well as developing models to quantify the non-energy benefits (*e.g.*, reduced credit and collection costs, reduced working capital) of low-income energy efficiency. He designed and implemented low-income affordable rate and fuel assistance programs across the country. Colton was

charged with developing new practical and theoretical underpinnings for solutions to low-income energy problems.

Community Action Research Group (CARG): 1981 - 1985

As staff attorney for this non-profit research and consulting organization, Colton worked primarily on energy and utility issues. He provided legal representation to low-income persons on public utility issues; provided legal and technical assistance to consumer and labor organizations; and provided legal and technical assistance to a variety of state and local governments nationwide on natural gas, electric, and telecommunications issues. He routinely appeared as an expert witness before regulatory agencies and legislative committees regarding energy and telecommunications issues.

PROFESSIONAL AFFILIATIONS:

Columnist: Belmont Citizen-Herald
Producer: Belmont Media Center: BMC Podcast Network
Newscaster: Belmont Media Center: Belmont Journal
Member: Belmont Town Meeting
Vice-chair: Belmont Light General Manager Screening Committee
Chair: Belmont Goes Solar
Coordinator: BelmontBudget.org (Belmont's Community Budget Forum)
Coordinator: Belmont Affordable Shelter Fund (BASF)
Chair: Belmont Solar Initiative Oversight Committee
Member: City of Detroit Blue Ribbon Panel on Water Affordability
Chair: Belmont Energy Committee
Member: Massachusetts Municipal Energy Group (Mass Municipal Association)
Past Chair: Housing Work Group, Belmont (MA) Comprehensive Planning Process
Past Member: Board of Directors, Belmont Housing Trust, Inc.
Past Chair: Waverley Square Fire Station Re-use Study Committee (Belmont MA)
Past Member: Belmont (MA) Energy and Facilities Work Group
Past Member: Belmont (MA) Uplands Advisory Committee
Past Member: Advisory Board: Fair Housing Center of Greater Boston.
Past Chair: Fair Housing Committee, Town of Belmont (MA)
Past Member: Aggregation Advisory Committee, New York State Energy Research and Development Authority.
Past Member: Board of Directors, Vermont Energy Investment Corporation.
Past Member: Board of Directors, National Fuel Funds Network
Past Member: Board of Directors, Affordable Comfort, Inc. (ACI)
Past Member: National Advisory Committee, U.S. Department of Health and Human Services, Administration for Children and Families, Performance Goals for Low-Income Home Energy Assistance.
Past Member: Editorial Advisory Board, International Library, *Public Utility Law Anthology*.
Past Member: ASHRAE Guidelines Committee, GPC-8, *Energy Cost Allocation of Comfort HVAC Systems for Multiple Occupancy Buildings*

Past Member: National Advisory Committee, U.S. Department of Housing and Urban Development, Calculation of Utility Allowances for Public Housing.

Past Member: National Advisory Board: Energy Financing Alternatives for Subsidized Housing, New York State Energy Research and Development Authority.

PROFESSIONAL ASSOCIATIONS:

National Association of Housing and Redevelopment Officials (NAHRO)

National Society of Newspaper Columnists (NSNC)

Association for Enterprise Opportunity (AEO)

Iowa State Bar Association

Energy Bar Association

Association for Institutional Thought (AFIT)

Association for Evolutionary Economics (AEE)

Society for the Study of Social Problems (SSSO)

International Society for Policy Studies

Association for Social Economics

BOOKS

Colton, *et al.*, *Access to Utility Service*, National Consumer Law Center: Boston (4th edition 2008).

Colton, *et al.*, *Tenants' Rights to Utility Service*, National Consumer Law Center: Boston (1994).

Colton, *The Regulation of Rural Electric Cooperatives*, National Consumer Law Center: Boston (1992).

JOURNAL PUBLICATIONS

Colton (March 2015). Quality Assurance: Evaluating Glare from Roof-Mounted PV Arrays, *Solar Professional*.

Colton (January 2015). "Assessing Solar PV Glare In Dense Residential Neighborhoods." *Solar Industry*.

Colton (January 2015). "Owning up to the Problem: Limiting the Use of an Assets Test for Determining Home Energy Assistance Eligibility." *Clearinghouse Review*.

Colton (November 2003). "Winter Weather Payments: The Impact of Iowa's Winter Utility Shutoff Moratorium on Utility Bill Payments by Low-Income Customers." 16(9) *Electricity Journal* 59.

Colton (March 2002). "Energy Consumption and Expenditures by Low-Income Households," 15(3) *Electricity Journal* 70.

Colton, Roger and Stephen Colton (Spring 2002). "An Alternative to Regulation in the Control of Occupational Exposure to Tuberculosis in Homeless Shelters," *New Solutions: Journal of Environmental and Occupational Health Policy*.

Colton (2001). "The Lawfulness of Utility Actions Seeking to Impose as a Condition of Service Liability for a Roommate's Debt Incurred at a Prior Address," *Clearinghouse Review*.

Colton (2001). "Limiting The "Family Necessaries" Doctrine as a Means of Imposing Third Party Liability for Utility Bills," *Clearinghouse Review*.

Colton (2001). "Prepayment Utility Meters and the Low-Income Consumer." *Journal of Housing and Community Development Law* (American Bar Association).

Colton, Brown and Ackermann (June 2000). "Mergers and the Public Interest: Saving the Savings for the Poorest Customers." *Public Utilities Fortnightly*.

Colton. (2000). "Aggregation and the Low-Income Consumer." *LEAP Newsletter*.

Colton. (1999). "Challenging Entrance and Transfer Fees in Mobile Home Park Lot Rentals." *Clearinghouse Review*.

Colton and Adams (1999). "Y2K and Communities of Color," *Media Alert: The Quarterly Publication of the National Black Media Coalition*.

Colton and Sheehan (1999). "The Problem of Mass Evictions in Mobile Home Parks Subject to Conversion." *Journal of Housing and Community Development Law* (American Bar Association).

Colton (1999). "Utility Rate Classifications and Group Homes as "Residential" Customers," *Clearinghouse Review*.

Colton (1998). "Provider of Last Resort: Lessons from the Insurance Industry." *The Electricity Journal*.

Colton and Adams (1998). "Fingerprints for Check Cashing: Where Lies the Real Fraud," *Media Alert: The Quarterly Publication of the National Black Media Coalition*.

Colton. (1998). "Universal Service: A Performance-Based Measure for a Competitive Industry," *Public Utilities Fortnightly*.

Colton, Roger and Stephen Colton (1998). "Evaluating Hospital Mergers," 17 *Health Affairs* 5:260.

Colton. (1998). "Supportive Housing Facilities as "Low-Income Residential" Customers for Energy Efficiency Purposes," 7 *Journal of Housing and Community Development Law* 406 (American Bar Association).

Colton, Frisof and King. (1998). "Lessons for the Health Care Industry from America's Experience with Public Utilities." 18 *Journal of Public Health Policy* 389.

Colton (1997). "Fair Housing and Affordable Housing: Availability, Distribution and Quality." 1997 *Colloqui: Cornell Journal of Planning and Urban Issues* 9.

Colton, (1997). "Competition Comes to Electricity: Industry Gains, People and the Environment Lose," *Dollars and Sense*.

Colton (1996). "The Road Oft Taken: Unaffordable Home Energy Bills, Forced Mobility And Childhood Education in Missouri." 2 *Journal on Children and Poverty* 23.

Colton and Sheehan. (1995). "Utility Franchise Charges and the Rental of City Property." 72 *New Jersey Municipalities* 9:10.

Colton. (1995). "Arguing Against Utilities' Claims of Federal Preemption of Customer-Service Regulations." 29 *Clearinghouse Review* 772.

Colton and Labella. (1995). "Landlord Failure to Resolve Shared Meter Problems Breaches Tenant's Right to Quiet Enjoyment." 29 *Clearinghouse Review* 536.

Colton and Morrissey. (1995). "Tenants' Rights to Pretermination Notice in Cases of Landlords' Nonpayment of Utilities". 29 *Clearinghouse Review* 277.

Colton. (1995). "The Perverse Incentives of Fair Market Rents." 52 *Journal of Housing and Community Development* 6.

Colton (1994). "Energy Efficiency and Low-Income Housing: Energy Policy Hurts the Poor." XVI *ShelterForce: The Journal of Affordable Housing Strategies* 9.

Colton (1994). "The Use of Consumer Credit Reports in Establishing Creditworthiness for Utility Deposits." *Clearinghouse Review*.

Colton (1994). "Institutional and Regulatory Issues Affecting Bank Product Diversification Into the Sale of Insurance," *Journal of the American Society of CLU and ChFC*.

Colton. (1993). "The Use of State Utility Regulations to Control the 'Unregulated' Utility." 27 *Clearinghouse Review* 443.

Colton and Smith. (1993). "The Duty of a Public Utility to Mitigate 'Damages' from Nonpayment through the Offer of Conservation Programs." 3 *Boston University Public Interest Law Journal* 239.

Colton and Sheehan. (1993). "Cash for Clunkers Program Can Hurt the Poor," 19 *State Legislatures: National Conference of State Legislatures* 5:33.

Colton. (1993). "Consumer Information and Workable Competition in the Telecommunications Industry." XXVII *Journal of Economic Issues* 775.

Colton and Sheehan. (1992). "Mobile Home Rent Control: Protecting Local Regulation," *Land Use Law and Zoning Digest*.

Colton and Smith. (1992 - 1993). "Co-op Membership and Utility Shutoffs: Service Protections that Arise as an Incident of REC 'Membership.'" 29 *Idaho Law Review* 1, reprinted, XV *Public Utilities Law Anthology* 451.

Colton and Smith. (1992). "Protections for the Low-Income Customer of Unregulated Utilities: Federal Fuel Assistance as More than Cash Grants." 13 *Hamline University Journal of Public Law and Policy* 263.

Colton (1992). "CHAS: The Energy Connection," 49 *The Journal of Housing* 35, reprinted, 19 *Current Municipal Problems* 173.

Colton (March 1991). "A Cost-Based Response to Low-Income Energy Problems." *Public Utilities Fortnightly*.

Colton. (1991). "Protecting Against the Harms of the Mistaken Utility Undercharge." 39 *Washington University Journal of Urban and Contemporary Law* 99, reprinted, XIV *Public Utilities Anthology* 787.

Colton. (1990). "Customer Consumption Patterns within an Income-Based Energy Assistance Program." 24 *Journal of Economic Issues* 1079

Colton (1990). "Heightening the Burden of Proof in Utility Shutoff Cases Involving Allegations of Fraud." 33 *Howard L. Review* 137.

Colton (1990). "When the Phone Company is not the Phone Company: Credit Reporting in the Post-Divestiture Era." 24 *Clearinghouse Review* 98.

Colton (1990). "Discrimination as a Sword: Use of an 'Effects Test' in Utility Litigation." 37 *Washington University Journal of Urban and Contemporary Law* 97, reprinted, XIII *Public Utilities Anthology* 813.

Colton (1989). "Statutes of Limitations: Barring the Delinquent Disconnection of Utility Service." 23 *Clearinghouse Review* 2.

Colton & Sheehan. (1989). "Raising Local Revenue through Utility Franchise Fees: When the Fee Fits, Foot It." 21 *The Urban Lawyer* 55, reprinted, XII *Public Utilities Anthology* 653, reprinted, Freilich and Bushek (1995). *Exactions, Impacts Fees and Dedications: Shaping Land Use Development and Funding Infrastructure in the Dolan Era*, American Bar Association: Chicago.

Colton (1989). "Unlawful Utility Disconnections as a Tort: Gaining Compensation for the Harms of Unlawful Shutoffs." 22 *Clearinghouse Review* 609.

Colton, Sheehan & Uehling. (1987). "Seven cum Eleven: Rolling the Toxic Dice in the U.S. Supreme Court," 14 *Boston College Environmental L. Rev.* 345.

Colton & Sheehan. (1987). "A New Basis for Conservation Programs for the Poor: Expanding the Concept of Avoided Costs," 21 *Clearinghouse Review* 135.

Colton & Fisher. (1987). "Public Inducement of Local Economic Development: Legal Constraints on Government Equity Funding Programs." 31 *Washington University J. of Urban and Contemporary Law* 45.

Colton & Sheehan. (1986). "The Illinois Review of Natural Gas Procurement Practices: Permissible Regulation or Federally Preempted Activity?" 35 *DePaul Law Review* 317, reprinted, IX *Public Utilities Anthology* 221.

Colton (1986). "Utility Involvement in Energy Management: The Role of a State Power Plant Certification Statute." 16 *Environmental Law* 175, reprinted, IX *Public Utilities Anthology* 381.

Colton (1986). "Utility Service for Tenants of Delinquent Landlords," 20 *Clearinghouse Review* 554.

Colton (1985). "Municipal Utility Financing of Energy Conservation: Can Loans only be Made through an IOU?" 64 *Nebraska Law Review* 189.

Colton (1985). "Excess Capacity: A Case Study in Ratemaking Theory and Application." 20 *Tulsa Law Journal* 402, reprinted, VIII *Public Utilities Anthology* 739.

Colton (1985). "Conservation, Cost-Containment and Full Energy Service Corporations: Iowa's New Definition of 'Reasonably Adequate Utility Service.'" 34 *Drake Law Journal* 1.

Colton (1982). "Mandatory Utility Financing of Conservation and Solar Measures." 3 *Solar Law Reporter* 167.

Colton (1982). "The Use of Canons of Statutory Construction: A Case Study from Iowa, or When Does 'GHOTI' Spell 'Fish'?" 5 *Seton Hall Legislative Journal* 149.

Colton (1977). "The Case for a Broad Construction of 'Use' in Section 4(f) of the Department of Transportation Act." 21 *St. Louis Law Journal* 113.

Colton (1984). "Prudence, Planning and Principled Ratemaking." 35 *Hastings Law Journal* 721.

Colton (1983). "Excess Capacity: Who Gets the Charge from the Power Plant?" 33 *Hastings Law Journal* 1133.

Colton (1983). "Old McDonald (Inc.) Has a Farm. . . Maybe, or Nebraska's Corporate Farm Ban; Is it Constitutional?" 6 *University of Arkansas at Little Rock Law Review* 247.

OTHER PUBLICATIONS

Colton (2015). *The 2015 Home Energy Affordability Gap: Connecticut*, prepared for Operation Fuel (Bloomfield, CT).

Coltn (2015). *Re-Sequencing Posting Utility Bill Payments: A Case Study Involving Philadelphia Gas Works*.

Colton (2015). *State Legislative Steps to Implement the Human Right to Water in California*, prepared for the Unitarian Universalist Service Committee (Cambridge MA).

Colton (2014). *The 2014 Home Energy Affordability Gap: Connecticut*, prepared for Operation Fuel, (Bloomfield, CT).

Colton (2014). *The Equity of Efficiency: Distributing Utility Usage Reduction Dollars for Affordable Multi-family Housing*, prepared for the Natural Resources Defense Council (New York, NY).

Colton (2014). *Assessing Rooftop Solar PV Glare in Dense Urban Residential Neighborhoods: Determining Whether and How Much of a Problem*, submitted to American Planning Association: Chicago (IL).

Colton (2013). *White Paper: Utility Communications with Residential Customers and Vulnerable Residential Customers In Response to Severe Weather-Related Outages*, prepared for Pennsylvania Office of Consumer Advocate.

Colton (2013). *Massachusetts Analysis of Impediments to Fair Housing: Fiscal Zoning and the "Childproofing" of a Community*, presented to Massachusetts Department of Housing and Community Development.

Colton (2013). *Home Energy Affordability in New York: The Affordability Gap (2012)*, prepared for New York State Energy Research and Development Authority (NYSERDA).

Colton (2013). *Home Energy Affordability in Connecticut: The Affordability Gap (2012)*, prepared for Operation Fuel (Bloomfield, CT).

Colton (2013). *Owning up to the Problem: Limiting the Use of an Assets Test for Determining Home Energy Assistance Eligibility*.

Colton (2013). *Privacy Protections for Consumer Information Held by Minnesota Rate-Regulated Utilities*, prepared for Legal Services Advocacy Project (St. Paul, MN).

Colton (2013). *Proposal for the Use of Pervious Pavement for Repaving the Belmont High School Parking Lot*, prepared for Sustainable Belmont: Belmont (MA).

Colton (2012). *Home Energy Affordability in New York: 2011*, prepared for the New York State Energy Research and Development Authority (NYSERDA) (Albany NY).

Colton (2012). *A Fuel Assistance Tracking Mechanism: Measuring the Impact of Changes in Weather and Prices on the Bill Payment Coverage Capacity of LIHEAP*, prepared for Iowa Department of Human Rights: Des Moines (IA).

Colton (2012). *Home Energy Affordability Gap: 2012: Connecticut Legislative Districts*, prepared for Operation Fuel (Bloomfield, CT).

Colton (2012). *Attributes of Massachusetts Gas/Electric Arrearage Management Programs (AMPS): 2011 Program Year*, prepared for Fisher, Sheehan & Colton, Public Finance and General Economics, Belmont (MA).

Colton (2012). *Customer and Housing Unit Characteristics in the Fitchburg Gas and Electric Service Territory*, prepared for Unitil Corporation, d/b/a Fitchburg Gas and Electric Company (Portsmouth, NH).

Colton (2012). *Public Service Company of Colorado's (PSCo) Pilot Energy Assistance Program (PEAP) and Electric Assistance Program (EAP) 2011 Final Evaluation Report*, prepared for Xcel Energy (Denver CO).

Colton (2012). *Home Energy Affordability Gap: 2011: Connecticut Legislative Districts*, prepared for Operation Fuel (Bloomfield, CT).

Colton (2011). *Home Energy Affordability in Idaho: Low-Income Energy Affordability Needs and Resources*, prepared for Community Action Partnership of Idaho (Boise, ID).

Colton (2011). *Home Energy Affordability Gap in New York*, prepared for the New York State Energy Research Development Authority (NYSERDA) (Albany, NY).

Colton (2011). *Home Energy Affordability Gap: 2010: Connecticut Legislative Districts*, prepared for Operation Fuel (Bloomfield, CT).

Colton (2011). *Section 8 Utility Allowances and Changes in Home Energy Prices in Pennsylvania*, prepared for Pennsylvania Utility Law Project: Harrisburg (PA).

Colton (2010). *Interim Report on Xcel Energy's Pilot Energy Assistance Program*, prepared for Xcel Energy (Denver, CO).

Colton (2010). *Home Energy Affordability Gap: 2009: Connecticut Legislative Districts*, prepared for Operation Fuel (Bloomfield, CT).

Colton (2010). *Home Energy Affordability in Manitoba: A Low-Income Affordability Program for Manitoba Hydro*, prepared for Resource Conservation of Manitoba, Winnipeg (MAN).

Colton (2009). *Mirror, Mirror on the Wall: How Well Does Belmont's Town Meeting Reflect the Community at Large*, prepared for Fisher, Sheehan & Colton, Public Finance and General Economics, Belmont (MA).

Colton (2009). *An Outcomes Planning Approach to Serving TPU Low-Income Customers*, prepared for Tacoma Public Utilities, Tacoma (WA).

Colton (2009). *An Outcome Evaluation of Indiana's Low-Income Rate Affordability Programs: 2008 – 2009*, prepared for Citizens Gas and Coke Utility, Northern Indiana Public Service Company, Vectren Energy Delivery Indianapolis (IN).

Roger Colton (2009). *The Earned Income Tax Credit (EITC) as "Energy Assistance" in Pennsylvania*, prepared for Pennsylvania Utility Law Project (PULP).

Colton (2009). *Energy Efficiency as a Homebuyer Affordability Tool in Pennsylvania*, prepared for Pennsylvania Utility Law Project, Harrisburg (PA).

Colton (2009). *Energy Efficient Utility Allowances as a Usage Reduction Tool in Pennsylvania*, prepared for Pennsylvania Utility Law Project, Harrisburg (PA).

Colton (2009). *Home Energy Consumption Expenditures by Income (Pennsylvania)*, prepared for Pennsylvania Utility Law Project, Harrisburg (PA).

Colton (2009). *The Contribution of Utility Bills to the Unaffordability of Low-Income Rental Housing in Pennsylvania*, prepared for Pennsylvania Utility Law Project, Harrisburg (PA).

Colton (2009). *The Integration of Federal LIHEAP Benefits with Ratepayer-Funded Percentage of Income Payment Programs (PIPPs): Legal and Policy Questions Involving the Distribution of Benefits*, prepared for Pennsylvania Office of Consumer Advocate, Harrisburg (PA).

Colton (2008). *Home Energy Affordability in Indiana: Current Needs and Future Potentials*, prepared for Indiana Community Action Association.

Colton (2008). *Public Health Outcomes Associated with Energy Poverty: An Analysis of Behavioral Risk Factor Surveillance System (BRFSS) Data from Iowa*, prepared for Iowa Department of Human Rights.

Colton (2008). *Indiana Billing and Collection Reporting: Natural Gas and Electric Utilities: 2007*, prepared for Coalition to Keep Indiana Warm.

Colton (2008). *Inverted Block Tariffs and Universal Lifeline Rates: Their Use and Usability in Delivering Low-Income Electric Rate Relief*, prepared for Hydro-Quebec.

Colton (2007). *Best Practices: Low-Income Affordability Programs, Articulating and Applying Rating Criteria*, prepared for Hydro-Quebec.

Colton (2007). *An Outcome Evaluation of Indiana's Low-Income Rate Affordability Programs*, performed for Citizens Gas & Coke Utility, Vectren Energy Delivery, Northern Indiana Public Service Company.

Colton (2007). *A Multi-state Study of Low-Income Programs*, in collaboration with Apprise, Inc., prepared for multiple study sponsors.

Colton (2007). *The Law and Economics of Determining Hot Water Energy Use in Calculating Utility Allowances for Public and Assisted Housing*.

Colton (2007). *Comments of Belmont Housing Trust on Energy Conservation Standards for Residential Furnaces and Boilers*, Belmont Housing Trust (Belmont MA).

Colton (2006). *Indiana Billing and Collection Reporting: Natural Gas and Electric Utilities: 2006*, prepared for Coalition to Keep Indiana Warm.

Colton (2006). *Home Energy Affordability in Maryland: Necessary Regulatory and Legislative Actions*, prepared for the Maryland Office of Peoples Counsel.

Colton (2006). *A Ratepayer Funded Home Energy Affordability Program for Low-Income Households: A Universal Service Program for Ontario's Energy Utilities*, prepared for the Low-Income Energy Network (Toronto).

Colton (2006). *Georgia REACH Project Energize: Final Program Evaluation*, prepared for the Georgia Department of Human Resources.

Colton (2006). *Experimental Low-Income Program (ELIP): Empire District Electric Company, Final Program Evaluation*, prepared for Empire District Electric Company.

Colton (2006). *Municipal Aggregation for Retail Natural Gas and Electric Service: Potentials, Pitfalls and Policy Implications*, prepared for Maryland Office of Peoples Counsel.

Colton (2005). *Indiana Billing and Collection Reporting: Natural Gas and Electric Utilities: 2005*, prepared for Coalition to Keep Indiana Warm.

Colton (2005). *Impact Evaluation of NIPSCO Winter Warmth Program*, prepared for Northern Indiana Public Service Company.

Colton (2005). *A Water Affordability Program for the Detroit Water and Sewer Department*, prepared for Michigan Poverty Law Center.

Colton (2004). *Paid but Unaffordable: The Consequences of Energy Poverty in Missouri*, prepared for the National Low-Income Home Energy Consortium.

Sheehan and Colton (2004). *Fair Housing Plan: An Analysis of Impediments and Strategies on How to Address Them: Washington County/Beaverton (OR)*, prepared for Washington County Department of Community Development.

Colton (2004). *Controlling Tuberculosis in Fulton County (GA) Homeless Shelters: A Needs Assessment*, prepared for the Georgia Department of Human Resources, Division of Public Health.

Colton (2003). *The Impact of Missouri Gas Energy's Experimental Low-Income Rate (ELIR) On Utility Bill Payments by Low-Income Customers: Preliminary Assessment*, prepared for Missouri Gas Energy.

Colton (2003). *The Economic Development Impacts of Home Energy Assistance: The Entergy States*, prepared for Entergy Services, Inc.

Colton (2003). *Energy Efficiency as an Affordable Housing Tool in Colorado*, prepared for Colorado Energy Assistance Foundation.

Colton (2003). *The Discriminatory Impact of Conditioning Iowa's Winter Utility Shutoff Protections on the Receipt of LIHEAP*.

Colton (2003). *The Economic Development Impacts of Home Energy Assistance in Colorado*, Colorado Energy Assistance Foundation.

Colton (2003). *Measuring the Outcomes of Home Energy Assistance through a Home Energy Insecurity Scale*, prepared for the U.S. Department of Health and Human Services, Administration for Children and Families.

Colton (2002). *Low-Income Home Energy Affordability in Maryland*, prepared for Office of Peoples Counsel.

Colton (2002). *Winter Weather Payments: The Impact of Iowa's Winter Utility Shutoff Moratorium On Utility Bill Payments by Low-Income Customer*, prepared for Iowa Department of Human Rights.

Colton (2002). *A Fragile Income: Deferred Payment Plans and the Ability-to-Pay of Working Poor Utility Customers*, prepared for National Fuel Funds Network.

Colton (2002). *Credit where Credit is Due: Public Utilities and the Earned Income Tax Credit for Working Poor Utility Customers*, prepared for National Fuel Funds Network.

Colton (2002). *Payments Problems, Income Status, Weather and Prices: Costs and Savings of a Capped Bill Program*, prepared for WeatherWise.

Colton (2001). *Integrating Government-Funded and Ratepayer-Funded Low-Income Energy Assistance Programs*, prepared for U.S. Department of Health and Human Services (HHS) and Oak Ridge National Laboratory.

Colton (2001). *In Harm's Way: Home Heating, Fire Hazards, and Low-Income Households*, prepared for National Fuel Funds Network.

Colton (2001). *Structuring Low-income Affordability Programs Funded through System Benefits Charges: A Case Study from New Hampshire*, prepared for Oak Ridge National Laboratory.

Colton (2001). *System Benefits Charges: Why All Customer Classes Should Pay*.

Colton (2001). *Reducing Energy Distress: “Seeing RED” Project Evaluation* (evaluation of Iowa REACH project), prepared for Iowa Department of Human Rights.

Colton (2001). *Group Buying of Propane and Fuel Oil in New York State: A Feasibility Study*, prepared for New York State Community Action Association.

Colton (2000). *Establishing Telecommunications Lifeline Eligibility: The Use of Public Benefit Programs and its Impact on Lawful Immigrants*, prepared for Dayton (OH) Legal Aide.

Colton (2000). *Outreach Strategies for Iowa’s LIHEAP Program Innovation in Improved Targeting*, prepared for Iowa Department of Human Rights.

Colton (1999). *Integration of LIHEAP with Energy Assistance Programs Created through Electric and/or Natural Gas Restructuring*, prepared for U.S. Department of Health and Human Services, Administration for Children and Families (Nov. 1999).

Colton (1999). *Fair Housing in the Suburbs: The Role of a Merged Fleet Boston in The Diversification of the Suburbs: Report to the Federal Reserve Board Concerning the Merger of BankBoston Corp. and Fleet Financial Group*, prepared for Belmont Fair Housing Committee/Belmont Housing Partnership.

Colton (1999). *Measuring LIHEAP’s Results: Responding to Home Energy Unaffordability*, prepared for Iowa Department of Human Resources.

Colton (1999). *Monitoring the Impact of Electric Restructuring on Low-Income Consumers: The What, How and Why of Data Collection*, prepared for U.S. Department of Health and Human Services, Administration for Children and Families.

Colton (1999). *Developing Consumer Education Programs in a Restructured Electric Industry*, prepared for Central Missouri Counties Community Development Corporation.

Colton (1999). *Electric Restructuring and the Low-Income Consumer: Legislative Implications for Colorado*, prepared for Colorado General Assembly.

Colton (1998). *Low-Income Electric Rate Affordability in Virginia: Funding Low-Income Assistance*, prepared for Virginia Council Against Poverty.

Colton and Alexander (1998). *The Implications of an Increased Federal Role in the Regulation of Electricity on State Regulation of Consumer Protection and Universal Service Programs*.

R. Colton and S. Colton (1998). *The Occupational Control of Tuberculosis in Homeless Shelters*, prepared for the U.S. Occupational Safety and Health Administration.

Colton (1998). *Consumer Aggregation and Sophisticated Purchasing: Electric Restructuring Lessons from the Health Care Industry*.

Colton (1998). *The Connection Between Affordable Housing and Educational Excellence in Belmont*, prepared for Belmont Fair Housing Committee.

Colton (1998). *Serving the Affordable Housing Needs of Belmont’s Older Residents*, prepared for Belmont Fair Housing Committee.

Colton (1998). *The Costs of a Universal Service Fund in Minnesota: Electric and Natural Gas*, prepared for the Energy Cents Coalition.

Colton (1998). *Controlling the Occupational Exposure to Tuberculosis in Homeless Shelters: Applying Federal OSHA Standards to Volunteers*, prepared for the U.S. Occupational Safety and Health Administration.

Colton (1998). *Natural Gas Prices by Customer Class Pre- and Post-Deregulation: A State-by-State Briefing Guide*.

Colton (1997). *Public Housing Utility Allowances for the Metro Dade Housing Agency, prepared for Legal Services Corporation of Greater Miami*.

Colton (1997). *Low-Income Energy Needs in Maryland: An Overview*, prepared for Maryland Office of Peoples Counsel.

Colton (1997). *Non-Energy Benefits from Low-Income Fuel Assistance*.

Colton (1997). *Structuring a Public Purpose Distribution Fee for Missouri*, prepared for Missouri Department of Natural Resources.

Colton (1997). *The Low-Income Interest in Utility Mergers and Acquisitions*.

Colton (1997). *The Obligation to Serve and a Restructured Electric Industry*, prepared for U.S. Department of Energy, Oak Ridge National Laboratory.

Colton (1997). *Structuring and Evaluating a Direct Vendor Payment Shadow Billing Program for Publicly Assisted Housing in Houston*, prepared under contract to Gulf Coast Legal Foundation (with funding by Houston Lighting Company).

Colton (1997). *The For-Profit Conversion of the New England Education Loan Marketing Corporation: Lessons from Non-Profit Hospital Conversions*.

Colton (1997). *Rental Housing Affordability in Burlington, Vermont: A Report to the Burlington City Council*.

Colton (1997). *Structuring a "Wires Charge" for New Hampshire: A Framework for Administration and Operation*, prepared under contract to the New Hampshire Community Action Association.

Colton (1997). *Electric Industry Restructuring the Regulation of Electric Service Providers: The Role of the Fair Housing Act*.

Colton (1996). *Mountains States Legal Foundation: Leading Light or Flickering Flame?*.

Colton (1996). *Wrong Way Street: Reversing the Subsidy Flowing From Low-Income Customers in a Competitive Electric Industry*.

Colton (1996). *Setting Income Eligibility for Fuel Assistance and Energy Efficiency Programs in a Competitive Electric Industry: The Marginal Impacts of Increasing Household Income*.

Colton (1996). *Fair Housing and Affordable Housing in Belmont, Massachusetts: Data on Availability, Distribution and Quality.*

Colton (1996). *Accounting for Utility Allowances for Heating Costs in Setting LIHEAP Benefits in Washington State.*

Colton (1996). *Determining Household Energy Consumption in Washington State in the Absence of 12 Months of Usage Data.*

Colton (1996). *Allocating Undesignated Utility Allowances to Heat in Washington State Subsidized Housing Units.*

Colton (1996). *The Implications of Minimum and Maximum Benefits in Washington State's LIHEAP Program.*

Colton (1996). *Targeting Impacts of Proposed Washington State LIHEAP Distribution Formula.*

Colton and Sheehan (1996). *Fair Housing Analysis of Impediments Study for Washington County (Oregon)..*

Colton (1996). *Structuring a Low-Income "Wires Charge" for New Jersey*, prepared for Citizens Against Rate Escalation (CARE).

Colton (1996). *Structuring a Low-Income "Wires Charge" for Kentucky*, prepared for Louisville Legal Aide Association.

Colton (1996). *Structuring a Low-Income "Wires Charge" for Iowa*, prepared for Iowa Bureau of Human Resources, Office of Weatherization.

Colton (1996). *Structuring a Low-Income "Wires Charge" for Montana*, prepared for Energy Share of Montana.

Colton (1996). *Structuring a Low-Income "Wires Charge" for Oklahoma*, prepared for Oklahoma State Association of Community Action Agencies.

Colton (1996). *Structuring a Low-Income "Wires Charge" for Ohio*, prepared for Ohio Legal Services Corporation.

Colton (1996). *Structuring a Low-Income "Wires Charge" for Indiana*, prepared for Indiana Citizen Action Campaign.

Colton (1996). *Changing Paradigms for Delivering Energy Efficiency to the Low-Income Consumer by Competitive Utilities: The Need for a Shelter-Based Approach.*

Colton (1996). *Shawmut Bank and Community Reinvestment in Boston: Community Credit Needs and Affordable Housing.*

Colton (1995). *Addressing Residential Collections Problems through the Offer of New Services in a Competitive Electric Industry.*

Colton and Elwood (1995). *Affordable Payment Plans: Can they be Justified?*, prepared for 1995 Affordable Comfort Tutorial.

Colton (1995). *Understanding "Redlining" in a Competitive Electric Utility Industry*).

Colton (1995). *Energy Efficiency as a Credit Enhancement: Public Utilities and the Affordability of First-Time Homeownership*.

Colton (1995). *Competition in the Electric Industry: Assessing the Impacts on Residential, Commercial and Low-Income Customers*, prepared under contract to the National Association of Regulatory Utility Commissioners.

Colton (1995). *Performance-Based Evaluation of Customer Collections in a Competitive Electric Utility Industry*.

Colton (1995). *Poverty Law and Economics: Calculating the Household Budget*, prepared for presentation to National Legal Aid and Defender Association, Substantive Law Training.

Colton (1995). *The Need for Regulation in a Competitive Electric Utility Industry*.

Colton (1995). *Rewriting the Social Compact: A Competitive Electric Industry and its Core Customer*.

Colton (1995). *The Road Oft Taken: Unaffordable Home Energy Bills, Forced Mobility, and Childhood Education in Missouri*, prepared for the Missouri Association of Head Start Directors.

Colton (revised 1995). *Models of Low-Income Utility Rates*, prepared under contract to Washington Gas Company.

Colton (1995). *Beyond Social Welfare: Promoting the Earned Income Tax Credit (EITC) as an Economic Development Strategy by Public Utilities*.

Colton (1995). *Should Regulation of Electricity Depend on the Absence of Competition?*.

Colton (1995). *Comprehensive Credit and Collection Strategies in a Competitive Electric Utility Industry*, prepared under contract to Hydro-Quebec.

Colton (1995). *Economically Stranded Investment in a Competitive Electric Industry: A Primer for Cities, Consumers and Small Business Advocates*.

Colton (1995). *Funding Minority and Low-Income Energy Efficiency in a Competitive Electric Industry*.

Colton (1995). *Competitive Solicitation as an Integrated Resource Planning Model: Its Competitive Impacts on Small Businesses Serving Low-Income Households*, prepared under contract to the Arkansas State Weatherization

Colton (1995). *Reviewing Utility Low-Income DSM Programs: A Suggested Framework for Analysis*.

Colton (1995). *Least-Cost Integrated Resource Planning in Arkansas: The Role of Low-Income Energy Efficiency* prepared under contract to the Arkansas State Weatherization Assistance Program.

Colton (1995). *Home Energy Assistance Review and Reform in Colorado*, prepared for Colorado Energy Assistance Foundation (CEAF).

Colton, *et al.* (1995). *An Assessment of Low-Income Energy Needs in Washington State*. Prepared under contract to the Washington state Department of Community Development.

Colton (1994). *Addressing Low-Income Inability-to-Pay Utility Bills During the Winter Months On Tribal Lands Served By Electric Co-ops: A Model Tribal Winter Utility Shutoff Regulation* .

Colton (1994). *An Earned Income Tax Credit Utility Intervention Kit* .

Colton (1994). *Telecommunications Credit and Collections and Controlling SNET Uncollectibles*, prepared under contract to the Connecticut Office of Consumer Counsel.

Colton (1994). *Customer Deposit Demands by U.S. West: Reasonable Rationales and the Proper Assessment of Risk*, prepared on behalf of the Staff of the Washington Utilities and Transportation Commission.

Colton (1994). *Credit and Collection Fees and Low-Income Households: Ensuring Effectiveness and Cost-Effectiveness*, prepared on behalf of the Missouri Office of Public Counsel.

Colton (1994). *Determining the Cost-Effectiveness of Utility Late Payment Charges*.

Colton (1994). *Determining the Cost-Effectiveness of Imposing Customer Deposits for Utility Service*.

Colton (1994). *Weatherization Assistance Program Evaluations: Assessing the Impact on Low-Income Ability-to-Pay*.

Colton (1994). *DSM Planning in a Restrictive Environment*.

Part 1: *Why Ramping Down DSM Expenditures Can Be "Pro" DSM*

Part 2: *Low-Income Opposition to DSM: Ill-Defined and Misguided*

Part 3: *Low-Income DSM Expenditures as a Non-Resource Acquisition Strategy: The Potential for Niche Marketing*

Colton (1994). *Loan Guarantees as a Utility Investment in Energy Efficiency for Low-Income Housing*.

Colton and Sheehan.(1994). *"Linked Deposits" as a Utility Investment in Energy Efficiency for Low-Income Housing*.

Colton (1994). *Securitizing Utility Avoided Costs: Creating an Energy Efficiency "Product" for Private Investment in WAP*.

Colton and Sheehan (1994). *Economic Development Utility Rates: Targeting, Justifying, Enforcing*, prepared under contract to Texas ROSE.

Colton and Sheehan (1993). *Affordable Housing and Section 8 Utility Allowances: An Evaluation and a Proposal for Action:*

Part I: *Adequacy of Annual Allowances*.

Part II: *Adequacy of Monthly Allowances*.

Colton (1993). *Methods of Measuring Energy Needs of the Poor: An Introduction*.

Colton and Sheehan (1993). *Identifying Savings Arising From Low-Income Programs*.

Colton (1993). *Low-Income Programs And Their Impact on Reducing Utility Working Capital Allowances*.

Colton, *et al.* (1993). *Funding Social Services Through Voluntary Contribution Programs: A Proposal for SNET Participation in Funding INFOLINE's Information and Referral Services in Connecticut*. Prepared under contract with United Way of Connecticut.

Colton (1993). *Universal Residential Telephone Service: Needs and Strategies*. Prepared for National Association of State Regulatory Utility Commissioners (NARUC).

Colton et al. (1992). *The Impact of Rising Water and Sewer Rates on the Poor: The Case of Eastern Massachusetts*, prepared for National Consumer Law Center.

Colton. (1994). *Public Utility Credit and Collection Activities: Establishing Standards and Applying them to Low-Income Utility Programs*. Prepared under contract to the national office of the American Association of Retired Persons.

Colton (1992). *Filling the Gaps: Financing Low-Income Energy Assistance in Connecticut*. Prepared under contract to the Connecticut State Department of Human Resources.

Colton and Quinn. (1992). *The Impact on Low-Income People of the Increased Cost for Basic Telephone Service: A Study of Low-income Massachusetts Resident's Telephone Usage Patterns and Their Perceptions of Telephone Service Quality*. Prepared under contract to the Massachusetts Office of the Attorney General.

Colton and Quinn. (1991). *The ABC's of Arrearage Forgiveness*. Prepared with a grant from the Mary Reynolds Babcock Foundation.

Colton and Sable (1991). *A California Advocate's Guide to Telephone Customer Service Issues*. Prepared with funding from the California Telecommunications Education Trust Fund.

Colton and Levinson. (1991). *Poverty and Energy in North Carolina: Combining Public and Private Resources to Solve a Public and Private Problem*. Prepared under contract to the North Carolina General Assembly.

Colton. (1991). *The Percentage of Income Payment Plan in Jefferson County, Kentucky: One Alternative to Distributing LIHEAP Benefits*. Prepared with funds provided by the City of Louisville, Kentucky and the Louisville Community Foundation.

Colton. (1991). *The Energy Assurance Program for Ohio: A Cost-Based Response to Low-Income Energy Problems*. Prepared for Cincinnati Legal Aid Society, Dayton Legal Society, and Cleveland Legal Aid Society.

Colton. (1991). *Utility-Financed Low-Income DSM: Winning for Everybody*. Prepared with funds provided by the Public Welfare Foundation and the Mary Reynolds Babcock Foundation.

Colton (1991). *Percentage of Income Payment Plans as an Alternative Distribution of LIHEAP Benefits: Good Business, Good Government, Good Social Policy*. Prepared under contract to the New England Electric System (NEES).

Colton (1991). *The Forced Mobility of Low-Income Customers: The Indirect Impacts of Shutoffs on Utilities and their Customers*.

Colton (1990). *Controlling Uncollectible Accounts in Pennsylvania: A Blueprint for Action*. Prepared under contract to the Pennsylvania Office of Consumer Advocate.

Colton (1990). *Nonparticipation in Public Benefit Programs: Lessons for Fuel Assistance*.

Colton (1990). *Understanding Why Customers Don't Pay: The Need for Flexible Collection Techniques*. Prepared under contract to the Philadelphia Public Advocate.

Colton (1990). *A Regulatory Response to Low-income Energy Needs in Colorado: A Proposal*. Prepared for the Legal Aid Society of Metro Denver.

Colton (1990). *Determining the Cost-Effectiveness of Utility Credit and Collection Techniques*. Prepared with funds provided by the Mary Reynolds Babcock Foundation.

Colton (1990). *Energy Use and the Poor: The Association of Consumption with Income*.

Colton (1989). *Identifying Consumer Characteristics Which are Important to Determining the Existence of Workable Competition in the Interexchange Telecommunications Industry*. Prepared under contract to the Office of Public Counsel of the Florida Legislature.

Colton (1989). *The Interexchange Telecommunications Industry: Should Regulation Depend on the Absence of Competition*. Prepared under contract to the Office of Public Counsel of the Florida Legislature.

Colton (1989). *Fuel Assistance Alternatives for Utah*. Prepared under contract to the Utah State Energy Office.

Colton (1989). *Losing the Fight in Utah: High Energy Bills and Low-Income Consumers*. Prepared under contract with the Utah State Energy Office.

Colton (1989). *The Denial of Local Telephone Service for Nonpayment of Toll Bills: A Review and Assessment of Regulatory Litigation* (2d ed.).

Colton (1988). *Customer Service Regulations for Residential Telephone Customers in the Post-Divestiture Era: A Study of Michigan Bell Telephone Company*. Prepared under contract to the Michigan Divestiture Research Fund.

Colton (1988). *Low-Income Utility Protections in Maine*. (3 volumes). Prepared under contract to the Maine Public Utilities Commission.

- a. **Volume 1:** *An Evaluation of Low-Income Utility Protections in Maine: Winter Requests for Disconnect Permission.*
- b. **Volume 2:** *An Evaluation of Low-Income Utility Protections in Maine: Payment Arrangements for Maine's Electric Utilities.*

c. **Volume 3:** ***An Evaluation of Low-Income Utility Protections in Maine: Fuel Assistance and Family Crisis Benefits.***

Colton (1988). *The Recapture of Interest on LIHEAP Payments to Unregulated Fuel Vendors: An Evaluation of the 1987 Maine Program.* Prepared with a grant from the Jessie B. Cox Charitable Trust.

Colton (1988). *An Evaluation of the Warwick (Rhode Island) Percentage of Income Payment Plan.* Prepared under contract to the Rhode Island Governor's Office of Energy Assistance.

Colton, Hill & Fox (1986). *The Crisis Continues: Addressing the Energy Plight of Low-Income Pennsylvanians Through Percentage of Income Plans.* Prepared under contract to the Pennsylvania Utility Law Project.

Fisher, Sheehan and Colton (1986). *Public/Private Enterprise as an Economic Development Strategy for States and Cities.* Prepared under contract to the United States Department of Commerce, Economic Development Administration.

Colton (1985). *Creative Financing for Local Energy Projects: A Manual for City and County Government in Iowa.* Prepared under contract to the Iowa Energy Policy Council.

Colton (1985). *The Great Rate Debate: Rate Design for the Omaha Public Power District.* Prepared under contract to the Omaha Public Power District.

Grenier and Colton (1984). *Utility Conservation Financing Programs for Nebraska's Publicly Owned Utilities: Legal Issues and Considerations.* Prepared under contract to the Nebraska Energy Office.

Colton (1984). *The Financial Implications to the Utility Industry of Pursuing Energy Management Strategies.* Prepared under contract to the Nebraska Energy Office.

COLTON EXPERIENCE AS EXPERT WITNESS**1988 – PRESENT**

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O UGI-Electric	Office of Consumer Advocate	R-2017-2640058	Customer service / Low-income cost recovery	Pennsylvania	18
I/M/O Philadelphia Water Department requested rates for 2019 - 2021	Philadelphia Public Advocate	None	Water rate:: low-income program cost recovery / public fire protection / storm water charge exemptions	Philadelphia	18
I/M/O Commonwealth Edison Prepayment Meters	Illinois Office of Attorney General	17-0837	Electric customer service	Illinois	18
I/M/O 2018/2020 Statewide Energy Efficiency Plan	The Way Home / New Hampshire Legal Assistance	DE 17-136	Non-energy impacts / Low-income energy efficiency	New Hampshire	17
I/M/O DTE (electric) / gas EWR (energy waste reduction) plan	Sierra Club / Natural Resources Defense Council	Case No. U-18262	Low-income energy efficiency	Michigan	17
I/M/O DTE (electric)	Sierra Club / Natural Resources Defense Council	Case No. U-18255	Low-income energy efficiency	Michigan	17
I/M/O Merger of AltaGas and WGL Holdings	Office of People's Counsel	Case No. 9449	Low-income / charitable contributions / community impacts	Maryland	17
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	R-2017-2587783	Low-income / rate design	Pennsylvania	17
I/M/O UGI-Peoples Natural Gas	Office of Consumer Advocate	R-2016-2580030	Low-income	Pennsylvania	17
I/M/O Peoples Natural Gas	Office of Attorney General	16-0376	Low-income	Illinois	17
I/M/O UGI-PNG	Office of Consumer Advocate	R-2016-2580030	Rate design/EE&CP/Low-Income	Pennsylvania	17

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I/M/O Pacific Gas and Electric Company	TURN	15-09-001	Electric bill affordability	California	16
I/M/O FirstEnergy Companies (Met Ed, Penelec, PennPower, West Penn Power)	Office of Consumer Advocate	R-2016-2537349, R-2016-2537352, R-2016-2537355, R-2016-2537359 (consolidated)	Rate design / low-income program cost recovery	Pennsylvania	16
I/M/O PGW Demand Side Management	Office of Consumer Advocate	P-2014-2459362	Demand Side Management	Pennsylvania	16
I/M/O Columbia Gas of Pennsylvania	Office of Consumer Advocate	R-2016-2529660	Rate design / customer service / Low-income program cost recovery	Pennsylvania	16
I/M/O Philadelphia Water Department	Public Advocate, City of Philadelphia	N/A	Low-income program design	Philadelphia	16
I/M/O UGI Gas	Office of Consumer Advocate	M-2015-2518438	Rate design, energy efficiency, customer service	Pennsylvania	16
Keener v. Consumers Energy	Keener (plaintiff)	15-146908-NO	Collections	State District Ct--MI	16
I/M/O Energy Efficiency and Conservation Plan, Phase III, PECO Energy	Office of Consumer Advocate	M-2015-2515691	Multi-Family Energy Efficiency	Pennsylvania	16
I/M/O Energy Efficiency and Conservation Plan, Phase III, Duquesne Light Company	Office of Consumer Advocate	M-2015-2515375	Multi-Family Energy Efficiency	Pennsylvania	16
I/M/O Energy Efficiency and Conservation Plan, Phase III, FirstEnergy Companies (Metropolitan Edison, Penelec, Penn Power, West Penn Power)	Office of Consumer Advocate	M-2015-2514767; M-2015-2514768; M-2015-2514769; M-2015-2514772	Multi-Family Energy Efficiency	Pennsylvania	16
I/M/O Energy Efficiency and Conservation Plan, Phase III, PPL Electric Corporation	Office of Consumer Advocate	M-2015-251-2515642	Multi-Family Energy Efficiency	Pennsylvania	16
I/M/O BC Hydro	Public Interest Action Centre	N/A	Rate design / terms and conditions / energy efficiency	British Columbia	15 - 16

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Augustin v. Philadelphia Gas Works	Augustin (Plaintiffs)	2:14—cv-04238	Constitutional notice issues	U.S. District Court (E.D. PA)	15
I/M/O PPL Utilities	Office of Consumer Advocate	R-2015-2469275	Rate design / customer service	Pennsylvania	15
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2015-2468056	Rate design / customer service	Pennsylvania	15
I/M/O PECO Energy Company	Office of Consumer Advocate	R-2015-2468981	Rate design / customer service	Pennsylvania	15
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	P-2014-2459362	Demand Side Management	Pennsylvania	15
I/M/O SBG Management v. Philadelphia Gas Works	SBG Management	C-2012-2308454	Customer service	Pennsylvania	15
I/M/O Manitoba Hydro	Resource Action Centre		Low-income affordability	Manitoba	15
I/M/O FirstEnergy Companies (Met Ed, WPP, Penelec, Penn Power)	Office of Consumer Advocate	R-2014-2428742 (8743, 8744, 8745)	Rate design / customer service / storm communications	Pennsylvania	14
I/M/O Xcel Energy Company	Energy CENTS Coalition	E002/GR-13-868	Rate design / energy conservation	Minnesota	14
I/M/O Peoples Gas Light and Coke Company / North Shore Gas	Office of Attorney General	14-0224 / 14--0225	Rate design / customer service	Illinois	14
I/M/O Columbia Gas of Pennsylvania	Office of Consumer Advocate	R-2014-2406274	Rate design / customer service	Pennsylvania	14
I/M/O Duquesne Light Company Rates	Office of Consumer Advocate	R-2013-2372129	Rate design / customer service / storm communications	Pennsylvania	13
I/M/O Duquesne Light Company Universal Service	Office of Consumer Advocate	M-2013-2350946	Low-income program design	Pennsylvania	13
I/M/O Peoples-TWP	Office of Consumer Advocate	P-2013-2355886	Low-income program design / rate design	Pennsylvania	13
I/M/O PECO CAP Shopping Plan	Office of Consumer Advocate	P-2013-2283641	Retail shopping	Pennsylvania	13
I/M/O PECO Universal Service Programs	Office of Consumer Advocate	M-201202290911	Low-income program design	Pennsylvania	13

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I/M/O Privacy of Consumer Information	Legal Services Advocacy Project	CI-12-1344	Privacy of SSNs & consumer information	Minnesota	13
I/M/O Atlantic City Electric Company	Division of Rate Counsel	BPU-12121071	Customer service / Storm communications	New Jersey	13
I/M/O Jersey Central Power and Light Company	Division of Rate counsel	BPU-12111052	Customer service / Storm communications	New Jersey	13
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2012-2321748	Universal service	Pennsylvania	13
I/M/O Public Service Company of Colorado Low-Income Program Design	Xcel Energy d/b/a PSCo	12A--EG	Low-income program design / cost recovery	Colorado	12
I/M/O Philadelphia Water Department.	Philadelphia Public Advocate	No. Docket No.	Customer service	Philadelphia	12
I/M/O PPL Electric Power Corporation	Office of Consumer Advocate	R-2012-2290597	Rate design / low-income programs	Pennsylvania	12
I/M/O Peoples Natural Gas Company	Office of Consumer Advocate	R-2012-2285985	Rate design / low-income programs	Pennsylvania	12
I/M/O Merger of Constellation/Exelon	Office of Peoples Counsel	CASE 9271	Customer Service	Maryland	11
I/M/O Duke Energy Carolinas	North Carolina Justice Center	E-7, SUB-989	Customer service/low-income rates	North Carolina	11
Re. Duke Energy/Progress Energy merger	NC Equal Justice foundation	E-2, SUB 998	Low-income merger impacts	North Carolina	11
Re. Atlantic City Electric Company	Division of Rate Counsel	ER1186469	Customer Service	New Jersey	11
Re. Camelot Utilities	Office of Attorney General	11-0549	Rate shock	Illinois	11
Re. UGI—Central Penn Gas	Office of Consumer Advocate	R-2010-2214415	Low-income program design/cost recovery	Pennsylvania	11
Re. National Fuel Gas	Office of Consumer Advocate	M-2010-2192210	Low-income program cost recovery	Pennsylvania	11
Re. Philadelphia Gas Works	Office of Consumer Advocate	P-2010-2178610	Program design	Pennsylvania	11
Re. PPL	Office of Consumer Advocate	M-2010-2179796	Low-income program cost recovery	Pennsylvania	11
Re. Columbia Gas Company	Office of Consumer Advocate	R-2010-2215623	Rate design/Low-income program cost recovery	Pennsylvania	11
Crowder et al. v. Village of Kauffman	Crowder (plaintiffs)	3:09-CV-02181-M	Section 8 utility allowances	Texas Fed Court	11
I/M/O Peoples Natural Gas Company.	Office of Consumer Advocate	T-2010-220172	Low-income program design/cost recovery	Pennsylvania	11

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I/M/O Commonwealth Edison	Office of Attorney General	10-0467	Rate design/revenue requirement	Illinois	10
I/M/O National Grid d/b/a Energy North	NH Legal Assistance	DG-10-017	Rate design/revenue requirement	New Hampshire	10
I/M/O Duquesne Light Company	Office of Consumer Advocate	R-2010-2179522	Low-income program cost recovery	Pennsylvania	10
I/M/O Avista Natural Gas Corporation	The Opportunity Council	UE-100467	Low-income assistance/rate design	Washington	10
I/M/O Manitoba Hydro	Resource Conservation Manitoba (RCM)	CASE NO. 17/10	Low-income program design	Manitoba	10
I/M/O TW Phillips	Office of Consumer Advocate	R-2010-2167797	Low-income program cost recovery	Pennsylvania	10
I/M/O PECO Energy—Gas Division	Office of Consumer Advocate	R-2010-2161592	Low-income program cost recovery	Pennsylvania	10
I/M/O PECO Energy—Electric Division	Office of Consumer Advocate	R-2010-2161575	Low-income program cost recovery	Pennsylvania	10
I/M/O PPL Energy	Office of Consumer Advocate	R-2010-2161694	Low-income program cost recovery	Pennsylvania	10
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2009-2149262	Low-income program design/cost recovery	Pennsylvania	10
I/M/O Atlantic City Electric Company	Office of Rate Council	R09080664	Customer service	New Jersey	10
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	R-2009-2139884	Low-income program cost recovery	Pennsylvania	10
I/M/O Philadelphia Gas Works	Office of Consumer Advocates	R-2009-2097639	Low-income program design	Pennsylvania	10
I/M/O Xcel Energy Company	Xcel Energy Company (PSCo)	085-146G	Low-income program design	Colorado	09
I/M/O Atmos Energy Company	Atmos Energy Company	09AL-507G	Low-income program funding	Colorado	09
I/M/O New Hampshire CORE Energy Efficiency Programs	New Hampshire Legal Assistance	D-09-170	Low-income efficiency funding	New Hampshire	09
I/M/O Public Service Company of New Mexico (electric)	Community Action of New Mexico	08-00273-UT	Rate Design	New Mexico	09
I/M/O UGI Pennsylvania Natural Gas Company (PNG)	Office of Consumer Advocate	R-2008-2079675	Low-income program	Pennsylvania	09
I/M/O UGI Central Penn Gas Company (CPG)	Office of Consumer Advocate	R-2008-2079660	Low-income program	Pennsylvania	09
I/M/O PECO Electric (provider of last resort)	Office of Consumer Advocate	R-2008-2028394	Low-income program	Pennsylvania	08

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I/M/O Equitable Gas Company	Office of Consumer Advocate	R-2008-2029325	Low-income program	Pennsylvania	08
I/M/O Columbia Gas Company	Office of Ohio Consumers' Counsel	08-072-GA-AIR	Rate design	Ohio	08
I/M/O Dominion East Ohio Gas Company	Office of Ohio Consumers' Counsel	07-829-GA-AIR	Rate design	Ohio	08
I/M/O Vectren Energy Delivery Company	Office of Ohio Consumers' Counsel	07-1080-GA-AIR	Rate design	Ohio	08
I/M/O Public Service Company of North Carolina	NC Department of Justice	G-5, SUB 495	Rate design	North Carolina	08
I/M/O Piedmont Natural Gas Company	NC Department of Justice	G-9, SUB 550	Rate design	North Carolina	08
I/M/O National Grid	New Hampshire Legal Assistance	DG-08-009	Low-income rate assistance	New Hampshire	08
I/M/O EmPower Maryland	Office of Peoples Counsel	PC-12	Low-income energy efficiency	Maryland	08
I/M/O Duke Energy Carolinas Save-a-Watt Program	NC Equal Justice Foundation	E-7, SUB 831	Low-income energy efficiency	North Carolina	08
I/M/O Zia Natural Gas Company	Community Action New Mexico	08-00036-UT	Low-income/low-use rate design	New Mexico	08
I/M/O Universal Service Fund Support for the Affordability of Local Rural Telecomm Service	Office of Consumer Advocate	I-0004010	Telecomm service affordability	Pennsylvania	08
I/M/O Philadelphia Water Department	Public Advocate	No Docket No.	Credit and Collections	Philadelphia	08
I/M/O Portland General Electric Company	Community Action--Oregon	UE-197	General rate case	Oregon	08
I/M/O Philadelphia Electric Company (electric)	Office of Consumer Advocate	M-00061945	Low-income program	Pennsylvania	08
I/M/O Philadelphia Electric Company (gas)	Office of Consumer Advocate	R-2008-2028394	Low-income program	Pennsylvania	08
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2008-2011621	Low-income program	Pennsylvania	08
I/M/O Public Service Company of New Mexico	Community Action New Mexico	08-00092-UT	Fuel adjustment clause	New Mexico	08
I/M/O Petition of Direct Energy for Low-Income Aggregation	Office of Peoples Counsel	CASE 9117	Low-income electricity aggregation	Maryland	07
I/M/O Office of Consumer Advocate et al. v. Verizon and Verizon North	Office of Consumer Advocate	C-20077197	Lifeline telecommunications rates	Pennsylvania	07
I/M/O Pennsylvania Power Company	Office of Consumer Advocate	P-00072437	Low-income program	Pennsylvania	07

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I/M/O National Fuel Gas Distribution Corporation	Office of Consumer Advocate	M-00072019	Low-income program	Pennsylvania	07
I/M/O Public Service of New Mexico--Electric	Community Action New Mexico	07-00077-UT	Low-income programs	New Mexico	07
I/M/O Citizens Gas/NIPSCO/Vectren for Universal Service Program	Citizens Gas & Coke Utility/Northern Indiana Public Service/Vectren Energy	CASE 43077	Low-income program design	Indiana	07
I/M/O PPL Electric	Office of Consumer Advocate	R-00072155	Low-income program	Pennsylvania	07
I/M/O Section 15 Challenge to NSPI Rates	Energy Affordability Coalition	P-886	Discrimination in utility regulation	Nova Scotia	07
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	R-00061931	Low-income programs / credit and collections	Pennsylvania	07
I/M/O Equitable Gas Company	Office of Consumer Advocate	M-00061959	Low-income program	Pennsylvania	07
I/M/O Public Service Company of New Mexico	Community Action of New Mexico	Case No. 06-000210-UT	Late charges / winter moratorium / decoupling	New Mexico	06
I/M/O Verizon Massachusetts	ABCD	Case NO. DTE 06-26	Late charges	Massachusetts	06
I/M/O Section 11 Proceeding, Energy Restructuring	Office of Peoples Counsel	PC9074	Low-income needs and responses	Maryland	06
I/M/O Citizens Gas/NIPSCO/Vectren for Univ. Svc. Program	Citizens Gas & Coke Utility/Northern Indiana Public Service/Vectren Energy	Case No. 43077	Low-income program design	Indiana	06
I/M/O Public Service Co. of North Carolina	North Carolina Attorney General/Dept. of Justice	G-5, Sub 481	Low-income energy usage	North Carolina	06
I/M/O Electric Assistance Program	New Hampshire Legal Assistance	DE 06-079	Electric low-income program design	New Hampshire	06
I/M/O Verizon Petition for Alternative Regulation	New Hampshire Legal Assistance	DM-06-072	Basic local telephone service	New Hampshire	06
I/M/O Pennsylvania Electric Co/Metropolitan Edison Co.	Office of Consumer Advocate	N/A	Universal service cost recovery	Pennsylvania	06
I/M/O Duquesne Light Company	Office of Consumer Advocates	R-00061346	Universal service cost recovery	Pennsylvania	06
I/M/O Natural Gas DSM Planning	Low-Income Energy Network	EB-2006-0021	Low-income gas DSM program.	Ontario	06
I/M/O Union Gas Co.	Action Centre for Tenants Ontario (ACTO)	EB-2005-0520	Low-income program design	Ontario	06

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I/M/O Public Service of New Mexico merchant plant	Community Action New Mexico	05-00275-UT	Low-income energy usage	New Mexico	06
I/M/O Customer Assistance Program design and cost recovery	Office of Consumer Advocate	M-00051923	Low-income program design	Pennsylvania	06
I/M/O NIPSCO Proposal to Extend Winter Warmth Program	Northern Indiana Public Service Company	Case 42927	Low-income energy program evaluation	Indiana	05
I/M/O Piedmont Natural Gas	North Carolina Attorney General/Dept. of Justice	G-9, Sub 499	Low-income energy usage	North Carolina	05
I/M/O PSEG merger with Exelon Corp.	Division of Ratepayer Advocate	EM05020106	Low-income issues	New Jersey	05
Re. Philadelphia Water Department	Public Advocate	No docket number	Water collection factors	Philadelphia	05
I/M/O statewide natural gas universal service program	New Hampshire Legal Assistance	N/A	Universal service	New Hampshire	05
I/M/O Sub-metering requirements for residential rental properties	Tenants Advocacy Centre of Ontario	EB-2005-0252	Sub-metering consumer protections	Ontario	05
I/M/O National Fuel Gas Distribution Corp.	Office of Consumer Advocate	R-00049656	Universal service	Pennsylvania	05
I/M/O Philadelphia Gas Works (PGW)	Office of Consumer Advocate	R-00049157	Low-income and residential collections	Pennsylvania	04
I/M/O Nova Scotia Power, Inc.	Dalhousie Legal Aid Service	NSUARB-P-881	Universal service	Nova Scotia	04
I/M/O Lifeline Telephone Service	National Ass'n State Consumer Advocates (NASUCA)	WC 03-109	Lifeline rate eligibility	FCC	04
Mackay v. Verizon North	Office of Consumer Advocate	C20042544	Lifeline rates—vertical services	Pennsylvania	04
I/M/O PECO Energy	Office of Consumer Advocate	N/A	Low-income rates	Pennsylvania	04
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	P00042090	Credit and collections	Pennsylvania	04
I/M/O Citizens Gas & Coke/Vectren	Citizens Action Coalition of Indiana	Case 42590	Universal service	Indiana	04
I/M/O PPL Electric Corporation	Office of Consumer Advocate	R00049255	Universal service	Pennsylvania	04
I/M/O Consumers New Jersey Water Company	Division of Ratepayer Advocate	N/A	Low-income water rate	New Jersey	04
I/M/O Washington Gas Light Company	Office of Peoples Counsel	Case 8982	Low-income gas rate	Maryland	04

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O National Fuel Gas	Office of Consumer Advocate	R-00038168	Low-income program design	Pennsylvania	03
I/M/O Washington Gas Light Company	Office of Peoples Counsel	Case 8959	Low-income gas rate	Maryland	03
Golden v. City of Columbus	Helen Golden	C2-01-710	ECOA disparate impacts	Ohio	02
Huegel v. City of Easton	Phyllis Huegel	00-CV-5077	Credit and collection	Pennsylvania	02
I/M/O Universal Service Fund	Public Utility Commission staff	N/A	Universal service funding	New Hampshire	02
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	M-00021612	Universal service	Pennsylvania	02
I/M/O Washington Gas Light Company	Office of Peoples Counsel	Case 8920	Rate design	Maryland	02
I/M/O Consumers Illinois Water Company	Illinois Citizens Utility Board	02-155	Credit and collection	Illinois	02
I/M/O Public Service Electric & Gas Rates	Division of Ratepayer Advocate	GR01050328	Universal service	New Jersey	01
I/M/O Pennsylvania-American Water Company	Office of Consumer Advocate	R-00016339	Low-income rates and water conservation	Pennsylvania	01
I/M/O Louisville Gas & Electric Prepayment Meters	Kentucky Community Action Association	200-548	Low-income energy	Kentucky	01
I/M/O NICOR Budget Billing Plan Interest Charge	Cook County State's Attorney	01-0175	Rate Design	Illinois	01
I/M/O Rules Re. Payment Plans for High Natural Gas Prices	Cook County State's Attorney	01-0789	Budget Billing Plans	Illinois	01
I/M/O Philadelphia Water Department	Office of Public Advocate	No docket number	Credit and collections	Philadelphia	01
I/M/O Missouri Gas Energy	Office of Peoples Counsel	GR-2001-292	Low-income rate relief	Missouri	01
I/M/O Bell Atlantic--New Jersey Alternative Regulation	Division of Ratepayer Advocate	T001020095	Telecommunications universal service	New Jersey	01
I/M/O Entergy Merger	Low-Income Intervenor	2000-UA925	Consumer protections	Mississippi	01
I/M/O T.W. Phillips Gas and Oil Co.	Office of Consumer Advocate	R00994790	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O Peoples Natural Gas Company	Office of Consumer Advocate	R-00994782	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O UGI Gas Company	Office of Consumer Advocate	R-00994786	Ratemaking of universal service costs.	Pennsylvania	00

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O PFG Gas Company	Office of Consumer Advocate	R00994788	Ratemaking of universal service costs.	Pennsylvania	00
Armstrong v. Gallia Metropolitan Housing Authority	Equal Justice Foundation	2:98-CV-373	Public housing utility allowances	Ohio	00
I/M/O Bell Atlantic--New Jersey Alternative Regulation	Division of Ratepayer Advocate	T099120934	Telecommunications universal service	New Jersey	00
I/M/O Universal Service Fund for Gas and Electric Utilities	Division of Ratepayer Advocate	EX00200091	Design and funding of low-income programs	New Jersey	00
I/M/O Consolidated Edison Merger with Northeast Utilities	Save Our Homes Organization	DE 00-009	Merger impacts on low-income	New Hampshire	00
I/M/O UtiliCorp Merger with St. Joseph Light & Power	Missouri Dept. of Natural Resources	EM2000-292	Merger impacts on low-income	Missouri	00
I/M/O UtiliCorp Merger with Empire District Electric	Missouri Dept. of Natural Resources	EM2000-369	Merger impacts on low-income	Missouri	00
I/M/O PacifiCorp	The Opportunity Council	UE-991832	Low-income energy affordability	Washington	00
I/M/O Public Service Co. of Colorado	Colorado Energy Assistance Foundation	99S-609G	Natural gas rate design	Colorado	00
I/M/O Avista Energy Corp.	Spokane Neighborhood Action Program	UE9911606	Low-income energy affordability	Washington	00
I/M/O TW Phillips Energy Co.	Office of Consumer Advocate	R-00994790	Universal service	Pennsylvania	00
I/M/O PECO Energy Company	Office of Consumer Advocate	R-00994787	Universal service	Pennsylvania	00
I/M/O National Fuel Gas Distribution Corp.	Office of Consumer Advocate	R-00994785	Universal service	Pennsylvania	00
I/M/O PFG Gas Company/Northern Penn Gas	Office of Consumer Advocate	R-00005277	Universal service	Pennsylvania	00
I/M/O UGI Energy Company	Office of Consumer Advocate	R-00994786	Universal service	Pennsylvania	00
Re. PSCO/NSP Merger	Colorado Energy Assistance Foundation	99A-377EG	Merger impacts on low-income	Colorado	99 - 00
I/M/O Peoples Gas Company	Office of Consumer Advocate	R-00994782	Universal service	Pennsylvania	99
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-00994781	Universal service	Pennsylvania	99

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O PG Energy Company	Office of Consumer Advocate	R-00994783	Universal service	Pennsylvania	99
I/M/O Equitable Gas Company	Office of Consumer Advocate	R-00994784	Universal service	Pennsylvania	99
Allerruzzo v. Klarchek	Barlow Allerruzzo	N/A	Mobile home fees and sales	Illinois	99
I/M/O Restructuring New Jersey's Natural Gas Industry	Division of Ratepayer Advocate	GO99030123	Universal service	New Jersey	99
I/M/O Bell Atlantic Local Competition	Public Utility Law Project	P-00991648	Lifeline telecommunications rates	Pennsylvania	99
I/M/O Merger Application for SBC and Ameritech Ohio	Edgemont Neighborhood Association	N/A	Merger impacts on low-income consumers	Ohio	98 - 99
Davis v. American General Finance	Thomas Davis	N/A	Damages in "loan flipping" case	Ohio	98 - 99
Griffin v. Associates Financial Service Corp.	Earlie Griffin	N/A	Damages in "loan flipping" case	Ohio	98 - 99
I/M/O Baltimore Gas and Electric Restructuring Plan	Maryland Office of Peoples Counsel	Case No. 8794	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Delmarva Power and Light Restructuring Plan	Maryland Office of Peoples Counsel	Case No. 8795	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Potomac Electric Power Co. Restructuring Plan	Maryland Office of Peoples Counsel	Case No. 8796	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Potomac Edison Restructuring Plan	Maryland Office of Peoples Counsel	Case No. 8797	Consumer protection/basic generation service	Maryland	98 - 99
VMHOA v. LaPierre	Vermont Mobile Home Owners Association	N/A	Mobile home tying	Vermont	98
Re. Restructuring Plan of Virginia Electric Power	VMH Energy Services, Inc.	PUE960296	Consumer protection/basic generation service	Virginia	98
Mackey v. Spring Lake Mobile Home Estates	Timothy Mackey	N/A	Mobile home fees	State ct: Illinois	98
Re. Restructuring Plan of Atlantic City Electric	New Jersey Division of Ratepayer Advocate	E097070457	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Jersey Central Power & Light	New Jersey Division of Ratepayer	E097070466	Low-income issues	New Jersey	97-98

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
	Advocate				
Re. Restructuring Plan of Public Service Electric & Gas	New Jersey Division of Ratepayer Advocate	E097070463	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Rockland Electric	New Jersey Division of Ratepayer Advocate	E09707466	Low-income issues	New Jersey	97-98
Appleby v. Metropolitan Dade County Housing Agency	Legal Services of Greater Miami	N/A	HUD utility allowances	Fed. court: So. Florida	97 - 98
Re. Restructuring Plan of PECO Energy Company	Energy Coordinating Agency of Philadelphia	R-00973953	Universal service	Pennsylvania	97
Re. IES Industries Merger	Iowa Community Action Association	SPU-96-6	Low-income issues	Iowa	97
Re. New Hampshire Electric Restructuring	NH Comm. Action Ass'n	N/A	Wires charge	New Hampshire	97
Re. Merger of Atlantic City Electric and Connectiv	Division of Ratepayer Advocate	EM97020103	Low-income	New Jersey	97
Re. Connecticut Power and Light	City of Hartford	92-11-11	Low-income	Connecticut	97
Re. Comprehensive Review of RI Telecomm Industry	Consumer Intervenors	1997	Consumer protections	Rhode Island	97
Re. Natural Gas Competition in Wisconsin	Wisconsin Community Action Association	N/A	Universal service	Wisconsin	96
Re. Baltimore Gas and Electric Merger	Maryland Office of Peoples Counsel	CASE NO. 8725	Low-income issues	Maryland	96
Re. Northern States Power Merger	Energy Cents Coalition	E-002/PA-95-500	Low-income issues	Minnesota	96
Re. Public Service Co. of Colorado Merger	Colorado Energy Assistance Foundation	N/A	Low-income issues	Colorado	96
Re. Massachusetts Restructuring Regulations	Fisher, Sheehan & Colton	DPU-96-100	Low-income issues/energy efficiency	Massachusetts	96
I/M/O PGW FY1996 Tariff Revisions	Philadelphia Public Advocate	No Docket No.	Credit and collection / customer service	Philadelphia	96

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
Re. FERC Merger Guidelines	National Coalition of Low-Income Groups	RM-96-6-000	Low-income interests in mergers	Washington D.C.	96
Re. Joseph Keliikuli III	Joseph Keliikuli III	N/A	Damages from lack of homestead	Honolulu	96
Re. Theresa Mahaulu	Theresa Mahaulu	N/A	Damages from lack of homestead	Honolulu	95
Re. Joseph Ching, Sr.	Re. Joseph Ching, Sr.	N/A	Damages from lack of homestead	Honolulu	95
Joseph Keaulana, Jr.	Joseph Keaulana, Jr.	N/A	Damages from lack of homestead	Honolulu	95
Re. Utility Allowances for Section 8 Housing	National Coalition of Low-Income Groups	N/A	Fair Market Rent Setting	Washington D.C.	95
Re. PGW Customer Service Tariff Revisions	Philadelphia Public Advocate	No Docket No.	Credit and collection	Philadelphia	95
Re. Customer Responsibility Program	Philadelphia Public Advocate	No Docket No.	Low-income rates	Philadelphia	95
Re. Houston Lighting and Power Co.	Gulf Coast Legal Services	12065	Low-Income Rates	Texas	95
I/M/O Petition to Stay PGW's Suspension of CRP customers who did Not Assign LIHEAP Grant to PGW	Philadelphia Public Advocate	No Docket No.	Low-Income rates	Philadelphia	95
Re. PGW Tariff Changes, Programs and Information Systems	Philadelphia Public Advocate	No Docket No.	Credit and collection	Philadelphia	95
Re. Request for Modification of Winter Moratorium	Philadelphia Public Advocate	No Docket No.	Credit and collection	Philadelphia	95
Re. Dept of Hawaii Homelands Trust Homestead Production	Native Hawaiian Legal Corporation	N/A	Prudence of trust management	Honolulu	94
Re. SNET Request for Modified Shutoff Procedures	Office of Consumer Counsel	94-06-73	Credit and collection	Connecticut	94
Re. Central Light and Power Co.	United Farm Workers	128280	Low-income rates/DSM	Texas	94
Blackwell v. Philadelphia Electric Co.	Gloria Blackwell	N/A	Role of shutoff regulations	Penn. courts	94
U.S. West Request for Waiver of Rules	Wash. Util. & Transp. Comm'n Staff	UT-930482	Telecommunications regulation	Washington	94
Re. U.S. West Request for Full Toll Denial	Colorado Office of Consumer	93A-6113	Telecommunications regulation	Colorado	94

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
	Counsel				
Washington Gas Light Company	Community Family Life Services	Case 934	Low-income rates & energy efficiency	Washington D.C.	94
Clark v. Peterborough Electric Utility	Peterborough Community Legal Centre	6900/91	Discrimination of tenant deposits	Ontario, Canada	94
Dorsey v. Housing Auth. of Baltimore	Baltimore Legal Aide	N/A	Public housing utility allowances	Federal district court	93
Penn Bell Telephone Co.	Penn. Utility Law Project	P00930715	Low-income phone rates	Pennsylvania	93
Philadelphia Gas Works	Philadelphia Public Advocate	No Docket No.	Low-income rates	Philadelphia	93
Central Maine Power Co.	Maine Assn Ind. Neighborhoods	Docket No. 91-151-C	Low-income rates	Maine	92
New England Telephone Company	Mass Attorney General	92-100	Low-income phone rates	Massachusetts	92
Philadelphia Gas Works	Philadelphia Public Advocate	No Docket No.	Low-income DSM	Philadelphia	92
Philadelphia Water Dept.	Philadelphia Public Advocate	No Docket No.	Low-income rates	Philadelphia	92
Public Service Co. of Colorado	Land and Water Fund	91A-783EG	Low-income DSM	Colorado	92
Sierra Pacific Power Co.	Washoe Legal Services	N/A	Low-income DSM	Nevada	92
Consumers Power Co.	Michigan Legal Services	No Docket No.	Low-income rates	Michigan	92
Columbia Gas	Office of Consumer Advocate (OCA)	R9013873	Energy Assurance Program	Pennsylvania	91
Mass. Elec. Co.	Mass Elec Co.	N/A	Percentage of Income Plan	Massachusetts	91
AT&T	TURN	90-07-5015	Inter-LATA competition	California	91
Generic Investigation into Uncollectibles	Office of Consumer Advocate	I-900002	Controlling uncollectibles	Pennsylvania	91
Union Heat Light & Power	Kentucky Legal Services (KLS)	90-041	Energy Assurance Program	Kentucky	90
Philadelphia Water	Philadelphia Public Advocate (PPA)	No Docket No.	Controlling accounts receivable	Philadelphia	90
Philadelphia Gas Works	PPA	No Docket No.	Controlling accounts receivable	Philadelphia	90

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
Mississippi Power Co.	Southeast Mississippi Legal Services Corp.	90-UN-0287	Formula ratemaking	Mississippi	90
West Kentucky Gas	KLS	90-013	Energy Assurance Program	Kentucky	90
Philadelphia Electric Co.	PPA	N/A	Low-income rate program	Philadelphia	90
Montana Power Co.	Montana Ass'n of Human Res. Council Directors	N/A	Low-income rate proposals	Montana	90
Columbia Gas Co.	Office of Consumer Advocate	R-891468	Energy Assurance Program	Pennsylvania	90
Philadelphia Gas Works	PPA	No Docket No.	Energy Assurance Program	Philadelphia	89
Southwestern Bell Telephone Co.	SEMLSC	NF-89749	Formula ratemaking	Mississippi	90
Generic Investigation into Low-income Programs	Vermont State Department of Public Service	Case No. 5308	Low-income rate proposals	Vermont	89
Generic Investigation into Dmnd Side Management Measures	Vermont DPS	N/A	Low-income conservation programs	Vermont	89
National Fuel Gas	Office of Consumer Advocate	N/A	Low-income fuel funds	Pennsylvania	89
Montana Power Co.	Human Resource Develop. Council District XI	N/A	Low-income conservation	Montana	88
Washington Water Power Co.	Idaho Legal Service Corp.	N/A	Rate base, rate design, cost-allocations	Idaho	88

Appendix B: PWD TAP Application

November 2, 2017

Questions:

www.phila.gov

(215) 686 6880

(215) 685 6300

Monday-Friday, 8am-5pm

Dear Customer:

Your current *WRBCC/assistance* agreement is due for recertification. The terms of the agreement require that your household information is submitted to review for eligibility in any assistance program available.

Please note: Our rules have changed. Customers who fail to renew their current WRBCC agreements by the plan's end date will be removed from their current WRBCC plan and will not be granted a replacement WRBCC plan.

Enclosed is a new Customer Assistance Application. A completed application package provides all the information we need to determine which program results in the lowest bill for you. Please review the instructions included with the application and return all information in the enclosed envelope.

You must complete and return the enclosed package with all required documentation within 21 days from the date of this letter.

If you have any questions, please call Customer Service at 215-686-6880 or 215-685-6300. We are also partnering with the Utility Emergency Services Fund (UESF), Community Legal Services (CLS) and your local Neighborhood Energy Center (NEC).


Thank you.

Customer Assistance Application

This form is used to apply for assistance, including Tiered Assistance Program (TAP), and Senior Citizen Discount. For customers currently enrolled in existing assistance programs, this form can also be used to apply for recertification.

How to Complete this Form

- 1. Read.** Read through the entire application first, including the Program Eligibility Guidelines.
- 2. Gather.** Use the checklist below to help make sure you've gathered all the information and documentation you'll need.
- 3. Fill & Sign.** Fill in the form. Sign the bottom section of Part 1 and Part 2, and sign any of the attachments that apply to your application.
- 4. Enclose.** Place copies of all required documentation in the envelope. Please **do not send originals**; supporting documents sent will **NOT** be returned.
- 5. Submit.** When you're finished, you can mail your completed form and documentation to us at:
**Water Revenue Bureau
Customer Assistance Application Processing Center
P.O. Box 51270, Philadelphia, PA 19115**

 **Tip:** Make a copy of your completed application and supporting documents for your files.

 **Don't delay!** Applications must be received within 14 days of requesting the form.

Application Checklist: Here's what you'll need to gather in order to fill out this application.

☐ Applicant & Household Info

We'll need **names, birth dates, monthly income amounts** and **social security numbers** for household members, including the applicant.

☐ Proof of Residency

The following, dated within the past 6 months, are examples of acceptable documentation. **ONLY ONE** is needed:

- 1. Current government issued ID**
(such as driver's license or ID card) with current address
OR
- 2. Current rental agreement**
or agreement for sale for the dwelling unit
OR
- 3. Recent utility bill, tax bill,**
or other tax record
OR
- 4. Lease, rent book, or money order receipts**

☐ Income Documentation

The following are examples of acceptable documentation. You will need **ONE** of the following for **EACH** source of income in the household:

- 1. Prior year's federal income tax return**
OR
- 2. Pay stubs** (must be consecutive and cover at least 30 days)
OR
- 3. Benefit award letters** or statements (such as unemployment compensation printout, worker's compensation award, Social Security, pension, or welfare benefits)
OR
- 4. Income support statement form (Attachment A)** from individual providing support

If you are reporting zero income:

We will ask about other assets you may own (including real estate, vehicles, savings, or securities)

FOR SPECIAL HARDSHIP ONLY:

☐ Hardship Documentation

The following are examples of acceptable documentation. **ONLY ONE** is needed:

- Official document(s) demonstrating hardship claim, such as:
 - **Birth or adoption certificate**
 - **Employment termination letter**
 - **Unemployment compensation printout**
 - **Hospital admission or discharge documentation**
 - **Death certificate**
 - **Safe harbor program admission documentation**
 - **Monthly expense statements such as mortgage or rental agreement, utility bills, etc.**OR
- Proof of recent hardship claim approval by a state or local agency
OR
- Other documentation approved by the Water Revenue Bureau

Applicant and Household Information

Applicant Information All information must be current. Please type or print clearly.

Recertifying (or renewing) applicants are also required to complete this section.

Name of Applicant

Water Access Code (9 Digits)

Email Address

Social Security Number

Daytime Phone Number

Date of Birth (MM/DD/YY)

Address of Property

Mailing Address (if different than address of property)



Proof of residency at this property address (such as a gov't issued ID, utility bill or tax bill) must be enclosed with your application. Full list of acceptable documentation appears in the Application Checklist.

Your Gross (pre-tax) Monthly Income ➤ \$

If this amount is zero, complete **Attachment B**.

Household Information All information must be current. Please type or print clearly.

Number of Other People
Living In Household
(do not include yourself)

Number of Children
Under Age 18

Do You Receive Child Support?

☐

No

☐

Yes

Monthly Child Support Amount ▼

\$

If yes: Please attach a copy of **either:** A current Child Support document. (log in and print out from childsupport.state.pa.us) OR **Attachment A**

Please list information for all other members of your household in the table below. Do not include yourself.

If household members are over age 18 and have no income: In the Gross Monthly Income column, write '0', and please make a note of their current situation. You can use 'S' for 'Student', or 'U' for 'Unemployed'.

Household Member's First and Last Name	Social Security Number	Birth Date (mm/dd/yy)	Relationship To Applicant	Gross Monthly Income ▼
				\$
				\$
				\$
				\$
				\$
				\$
				\$



If you have any income support from a non-household member, you must complete **Attachment A**.



Social security number is only required for those household members between the ages of 18 and 65.



Income Documentation for all sources in the household must be enclosed with your application.

Your Signature ➤

Date (mm/dd/yy)

Customer Responsibilities

Applicant Please add your initials inside the boxes to acknowledge each responsibility.

1. I agree to abide by all the Customer Assistance Program rules and requirements.
2. I agree to pay the Water Revenue Bureau the required monthly program payment amount.
3. I agree that if my check is returned unpaid for insufficient or uncollected funds,
 - (1) I authorize The City of Philadelphia or its agent to make a one-time electronic fund transfer from my account to collect a fee of \$20;
 - AND
 - (2) The City of Philadelphia or its agent may re-present my check electronically to my depository institution for payment.
4. I agree to recertify as required by the program (if interested) by submitting an application with updated household income and other required information.
5. I agree to report all changes in household size and income, even if the changes occur before my required recertification date.
6. I authorize the Water Revenue Bureau to verify information provided on this application through the City and third party sources.
7. I understand that if my service is off due to an uncorrected notice of violation or defect, or a determination that providing service would endanger life, health, safety or property, I must correct the violation and/or make any necessary repairs before service will be restored.
8. I understand that fraudulent applications or unauthorized use of service (providing water for use at a location other than my primary residence) will result in removal from the program and additional consequences (which shall include back charges).
9. I agree to be enrolled in the program that will result in the lowest monthly bill for me, whether it is TAP, WRAP Recertification, Senior Discount, standard or extended payment agreement, or regular billing.
10. I understand that my bill is due when rendered, and if any amount due from me is more than two billing periods delinquent, I may be subject to termination of service.
11. I agree to pay the Water Revenue Bureau the monthly TAP payment amount and, if applicable, repair charges and HELP loans. *
12. I agree to accept and reasonably maintain any free conservation measures offered by the Water Department. *

* Responsibilities with an asterisk will only apply if you are enrolled in TAP. Please initial all responsibilities even if you are not sure which program you are eligible for.

All information provided on this application is true and complete. By signing below, I acknowledge that I have provided complete and correct information, have read and understand this document, and agree to the Customer Responsibilities above.

Print Name ➤

Date (mm/dd/yy)

Your Signature ➤



**This page is mandatory for ALL applications.
Your application cannot be processed without signing this page.**

Income Support Documentation Form

Include this attachment to document any income support received from a person outside of your household.

Recipient of Support All information must be current. Please type or print clearly.

Name of Applicant

Water Access Code (9 Digits)

Email Address

Address Of Property

Daytime Phone Number

Person Providing Income to Applicant All information must be current. Please type or print clearly.

Name of Person Providing Support

Relationship to Applicant

Daytime Phone Number

Address of Person Providing Support

Email Address



To verify income support, we must be able to reach the person providing support by using the contact information provided above.

When did this person start providing support to the applicant? (Month and Year)

How much financial support do they provide, and how often?

\$

per

Are they still providing this support to the applicant?

☐

No

☐

Yes

By signing here, I certify that all information provided on this attachment is true and complete.

Applicant's Signature ➤

Date (mm/dd/yy)

Zero Income Documentation Form

Include this attachment if you are reporting zero income on your application.

Applicant Information All information must be current. Please type or print clearly.

Name of Applicant

Water Access Code (9 Digits)

Email Address

Address Of Property

Daytime Phone Number

Applicant Financial Information Please answer the following questions. Please type or print clearly.

I have cash or money in bank account(s) (or other financial institution) totaling over \$500

☐ No ☐ Yes

I own real estate other than my primary residence valued over \$10,000

☐ No ☐ Yes

I own securities (stocks, bonds, CDs, etc.) valued over \$500

☐ No ☐ Yes

I own other assets (e.g., vehicles) not mentioned above valued over \$500

☐ No ☐ Yes

In the space below, please provide a brief explanation of your source of livelihood or means of support ▼

By signing here, I certify that all information provided on this attachment is true and complete.

Applicant's Signature ►

Date (mm/dd/yy)

Special Hardship Claim

Include this attachment if you want to be considered for Special Hardship benefits. For the purpose of this application, **Special Hardship** is when you have at least one of the situations listed in the Hardship Claim Guidelines table below (or other similar situation as determined by a Water Revenue Bureau Supervisor) within the past 12 months, **and** your household income is **greater than 150%** of Federal Poverty Level (FPL) as shown in the Program Eligibility Guidelines table on page 7.

i If your documented income is **less than 150%** of FPL, you can apply for TAP benefits **without** needing to fill out this form.

Hardship Claim Guidelines	
Hardship Type	Code
Increase in household size	A
Loss of job (lasting over 4 months)	B
Serious illness of household member (lasting over 9 months)	C
Death of primary wage earner	D
Domestic violence or abuse	E
Household Expenses	F
Other	G

! You must enclose some form of hardship documentation along with this attachment. The following are examples of acceptable forms of hardship documentation.

- Official document demonstrating hardship claim, such as:
 - birth or adoption certificate
 - employment termination letter
 - unemployment compensation printout
 - hospital admission or discharge documentation
 - death certificate
 - safe harbor program admission documentation
 OR
- Proof of current monthly household expenses, including most recent bills or statements for:
 - Housing (mortgage, rent, real estate taxes)
 - Utilities (heating oil, gas, electricity, telephone)
 - Other expenses (must be paid by you) (medical, childcare, child support)
 OR
- Proof of recent hardship claim approval by a state or local agency
- OR
- Other documentation approved by the Water Revenue Bureau

Which letter code from the table above best describes the situation for your household?



If you selected "Other" (G): Please provide a description of your hardship situation:

By signing here, I certify that all information provided on this attachment is true and complete.

Applicant's Signature ➤

Date (mm/dd/yy)

Assistance Programs Eligibility Guidelines

Below is an overview of the Water Revenue Bureau’s (WRB) income-based assistance and benefits. When you provide a completed application, along with all required documentation, WRB uses the application to determine and enroll you in the program that is most beneficial to you.

Tiered Assistance Program (TAP) Benefits

If your household income is equal to or less than 150% of the **Federal Poverty Level (FPL)**, your monthly water bill payment could be fixed at between 2% and 3% of household income.

Is your household income greater than TAP limits of 150% of FPL?

Special Hardship Claims:
If your household has special circumstances (such as the loss of a job or death of a primary wage earner), your monthly water bill payment could be fixed at 4% of household income. For more information, see **Attachment C**.

If your income is between 150–250% of FPL you may still be eligible for monthly payments of about 4% of household income.

Senior Citizen Discount

Seniors may be eligible for monthly bills discounted by 25% if household income is less than \$31,500 per year.

Monthly Gross (pre-tax) Household Income and Potential Assistance Benefits		
Household Size	Maximum Gross Income (150% of FPL)	Maximum Gross Income (250% of FPL)
1 person	\$1,508 / month	\$2,513 / month
2 people	\$2,030 / month	\$3,383 / month
3 people	\$2,553 / month	\$4,254 / month
4 people	\$3,075 / month	\$5,125 / month
5 people	\$3,598 / month	\$5,996 / month
6 people	\$4,120 / month	\$6,867 / month
7 people	\$4,643 / month	\$7,738 / month
8 people	\$5,165 / month	\$8,608 / month
For each additional person:	Add \$523 to the amount above	Add \$871 to the amount above

If monthly household income is within the limits shown in this column, you may be eligible for **monthly water bills fixed at between 2% and 3% of household income.**

If monthly household income is within the limits shown in this column, you may be eligible for **monthly water bills of about 4% of household income.**

Appendix C: PECO CAP Application

PECO Universal Services - Customer Assistance Program (CAP) Application

INSTRUCTIONS: Please complete the application below. Attach proof of total gross income (before taxes) for each household member including yourself, and sign your name at the X.

- PLEASE COMPLETE ALL INFORMATION IN ORDER FOR THIS APPLICATION TO BE PROCESSED.** *(Please Print Clearly)*
- 1. Enter your account number, home phone number, name, address, and cell phone number
 - 2. Enter the name of all members of your household including yourself
 - 3. Attach proof of gross household income for all members in your household including yourself

- There are four (4) ways to complete and submit your CAP application:
- 1. **Mail** the completed application along with the required proof of income to:
PECO CAP, P.O. Box 570, Jackson, MI 49204-9806
 - 2. **Fax** information to 1-866-362-8906 (Toll Free) (Note: you must include account number and name on every page)
 - 3. **On-line** at PECO.com/help - click "CAP" and then click "Apply"
 - 4. E-mail - PECOCAP@exeloncorp.com

You can receive CAP application updates via text message by checking the text message "check box" next to cell phone number below. Otherwise, you will be notified by mail.

ACCOUNT NUMBER	Home Phone	
NAME Last	First	Middle Initial
ADDRESS	Apt. Number	
City	State	Zip Code
Cell Phone	<input type="checkbox"/> Check here to receive a status update via text message. Message & data rates may apply.	

See back of this application for acceptable sources of income

List all the people who live with you, starting with yourself. Include all adults and children. Attach proof of all income for all household members including you. Attach additional sheet, if needed.

Name (Last, First, M.I.)	*Social Security # or ITIN #	Birth Date	Relationship	Source of Income <i>See back for sources</i>
			SELF	

My signature on this CAP application gives my permission to PECO or its authorized agent to: (a) check any information I give about where I live, my jobs, income, resources, and energy supplier for me or any member of my household; (b) find out about the costs of my shelter, and heating use; (c) complete any survey or reporting to a governmental agency that it may be requested to do by that agency; (d) obtain a consumer credit report on me or any member of my household and; (e) obtain a copy of the federal income tax return for me or any member of my household. I authorize the release of limited information to approved agencies which provide other energy/weatherization assistance for which I may be eligible. I certify that the information I gave is true, correct and complete to the best of my knowledge. I understand that if I give false information, I can be denied or removed from CAP and subject to repay any CAP benefits received to date. You must sign this application to receive the CAP fixed credit benefit.

DO NOT SEND BILL PAYMENT WITH THIS APPLICATION.

**Social Security number or ITIN is optional*

X _____
Applicant's Signature



**** CAP Acceptable Proof of Income Documents – Last 30 Days of Gross Income ****

**** Please send copies only ****

Type of Income	Acceptable Proof of Income
Employment	<ul style="list-style-type: none">• Pay Stubs - Last 30 days of Gross Income• Employer Verification Letter on Company Letterhead
Unemployment	<ul style="list-style-type: none">• Unemployment Award Letter
Pension	<ul style="list-style-type: none">• Monthly Check• Monthly Bank Statement showing direct deposit• Pension Award Letter
Workmen's Compensation	<ul style="list-style-type: none">• Workmen's Compensation Checks – Last 30 Days• Workmen's Compensation Award Letter• Monthly Bank Statement showing Workmen's Compensation deposits
Veteran's Benefit	<ul style="list-style-type: none">• Veteran's Benefit Award Letter• Veteran's Benefit Check – Last 30 Days• Monthly Bank Statement showing Veteran's Benefit Showing Direct Deposit
Department of Public Welfare (DPW)	<ul style="list-style-type: none">• DPW Award Letter for Cash Benefits Only• COMPASS Account Detail Print Out
Child Support	<ul style="list-style-type: none">• Child Support Court Order• Domestic Relations "Financial Obligation" Form from Court• Letter from person providing voluntary Child Support that is not Court Ordered (include amount paid and frequency)
Spousal Support	<ul style="list-style-type: none">• Alimony Monthly Check• Monthly Bank Statement• Alimony Court Order
Social Security <i>(SSI, SSD, Survivor Benefits, etc.)</i>	<ul style="list-style-type: none">• Social Security Award Letter for Current Year• SSI Award Letter• SS Disability Award Letter• Survivor Benefit Award Letter
Rental Income	<ul style="list-style-type: none">• Rental Lease• Cancelled Rental Checks• Rental Receipt
Self Employed	<ul style="list-style-type: none">• 1040 Form
No Income	<ul style="list-style-type: none">• Unemployment Denial Letter• Workmen's Compensation Exhaustion of Benefit or Denial Letter• Veteran's Benefit Denial Letter• DPW Benefit STOP Notice• Social Security Benefits Denial Letter• Form letter proclaiming no income – Go to www.PECO.com/help or Call 1-800-774-7040 for the PECO CAP No-Income Form• Letter From Person (<i>i.e. Family Member</i>) who helps you pay your bills

If you need help with your application, please call 1-800-774-7040

Appendix D: PWD Response to PA-V-6



CITY OF PHILADELPHIA

Office of the Managing Director
MICHAEL DIBERARDINIS
Managing Director

1401 John F. Kennedy Boulevard
Suite 1430
Philadelphia, PA 19102-1683

March 2, 2018

Commissioner Debra McCarty
Philadelphia, Water Department
1101 Market Street, 5th Floor
Philadelphia, PA

Dear Commissioner McCarty:

Currently, the Fire Department pays approximately \$8 million from their General Fund allocation to the Water Department for the cost of maintaining a water distribution system capable of providing fire protection across the city. In return, the Water Department maintains hydrants, adequate capacity in the water mains and delivers water service to fight fires.

The Managing Director's Office and the Fire Department are recommending that the costs associated with fire protection which are currently borne by the tax payers be transferred to the water rate payers. This is not unlike how other large municipalities address these costs.

From a policy perspective, the Water Department's services as they relate to the Fire Department are more appropriately assigned to rate payers rather than tax payers. Rate payers, those who own structures in the City, directly benefit from fire protection services. Tax payers is a broader group of individuals, many of whom do not directly benefit from loss of a structure due to a fire. These individuals include individuals purchasing goods and services, employees that reside outside the City and visitors to the City.

Further, rate payers benefit by the Fire Department's a Class 1 Public Protection Classification issued by the Insurance Service Office, which may lower property insurance premiums.

In conclusion, it is the Administration's position that the charges for fire protection should be transferred from the tax payer to the water rate payer.

Sincerely,

Brian Abernathy
First Deputy Managing Director

Appendix E: PWD Disconnect Notice

*** IMPORTANT NOTICE ***

- Your water service will be shut off on or after 09/21/2015.
- To avoid suspension of service, please make payment immediately.
- If your service is suspended, a Restoration Fee will be added to the balance due.
- A Visitation Fee is added to the balance due if we show up to suspend service and payment is made at the property.
- Suspension of water service may affect your fire suppression system if a single / combined domestic and fire service line serves the property.
- For your convenience, Customer Service is available Monday through Friday, 8:00 AM to 5:00 PM. We can be reached at 215-686-6880.
- If you have already made your payment, thank you! Please disregard this notice.

City of Philadelphia,
Department of Revenue
P.O. BOX 41496
Philadelphia, Pa. 19101-1496

SHUT-OFF BILL

WATER/SEWER



YOUR WATER SERVICE IS SUBJECT TO
SHUT-OFF FOR NON-PAYMENT. FOR
FURTHER INFORMATION SEE REVERSE
SIDE OF THIS BILL.

PAYMENTS MUST BE RECEIVED BEFORE
SHUT-OFF DATE IN PERSON OR BY MAIL
AT MSB 1401 JFK BLVD. CONCOURSE LEVEL,
PHILADELPHIA, PA. 19102-1663.
MAKE CHECKS PAYABLE: CITY OF PHILA.

PRINCIPAL	PENALTY	CYCLE	CODE SEE ORIG. BILL	AMOUNT BILLED
34.31	2.26	15-05		36.57
80.86	3.02	15-06		83.88
40.58	4.24	15-07		44.82
54.01	2.65	15-08		56.66

PAY AT ONCE**221.93**

IF YOU HAVE ANY QUESTIONS
CALL 215-686-6880 IMMEDIATELY.

RETAIN THIS PORTION
OF BILL IF YOUR
PAYMENT IS MAILED.

PRESENT BOTH
PORTIONS WHEN
PAYING IN PERSON.

WATSON GIRTHA TR
95 SPRINGFIELD RD
ALDAN PA 19018-3130

OWNER'S NAME AND PROPERTY BILLED (IF OTHER THAN ABOVE)

1735 S RINGGOLD ST

SERVICE
41R

ACCOUNT NUMBER
0436846001735001

BILL INCLUDES PAYMENTS
RECEIVED ON OR BEFORE

➤ 08/05/15

83-T-118(RREV.3/14) WBS000

DETACH HERE

ACCOUNT NUMBER	DIST.	SEW%	CYCLE	SERVICE	CODE	PRINCIPAL	PENALTY	AMOUNT BILLED
0436846001735001								
WATSON GIRTHA TR 95 SPRINGFIELD RD ALDAN PA 19018-3130 OWNER'S NAME AND PROPERTY BILLED (IF OTHER THAN ABOVE) 1735 S RINGGOLD ST			15-05	41R		34.31	2.26	36.57
			15-06	41R		80.86	3.02	83.88
			15-07	41R		40.58	4.24	44.82
			15-08	41R		54.01	2.65	56.66

SHUT-OFF BILL
WATER/SEWER

PAY AT ONCE 221.93

33372000000999068460017350017000002219300000209760430000100000000002

MAIL THIS PORTION
OF BILL ONLY

IF NOT PAID ADDITIONAL PENALTY WILL BE ADDED TO
THE NEXT REGULAR BILL. DO NOT STAPLE, PIN OR FOLD.

City of Philadelphia
Department of Revenue
P.O. Box 41496
Phila., Pa. 19101-1496

<div>WATER REVENUE BUREAU</div> <div>1401 JFK Boulevard Philadelphia, PA. 19102-1663</div>	<div>EL NEGOCIADO DE ACUEDUCTO</div> <div>1401 JFK Boulevard Filadelfia, PA. 19102-1663</div>
<p style="text-align: center;">TO STOP THE WATER SHUT-OFF</p> <p>You must do one of the following on or before the shut-off date by 4:00 p.m.:</p> <p>IF YOU ARE A TENANT You must go to the Water Revenue Bureau at the above address between 8:30 a.m. and 4 p.m. to give information and sign a sworn statement that you are a tenant and not the owner of the building.</p> <p>TENANTS DO NOT HAVE TO PAY THE OWNER'S DELINQUENT WATER BILLS.</p> <p>IF YOU ARE AN OWNER You must go to the Water Revenue Bureau at the above address between 8:30 a.m. and 4 p.m. to :</p> <ol style="list-style-type: none"> 1. Pay the bill; (if you mail the payment, it must be received by the Water Revenue Bureau on or before the shut-off date); or 2. Make a payment agreement or renegotiate an existing agreement. (Your ability to pay will be considered) ; or 3. Request a hearing to: <ul style="list-style-type: none"> --Dispute your responsibility for the bill, --Dispute the amount due, or any other errors in the bill, --Dispute whether the standard payment agreement terms have been properly applied. <p style="text-align: center;">YOU HAVE A RIGHT TO A HEARING BEFORE YOUR WATER IS SHUT-OFF</p> <p>TO REQUEST A HEARING : Go to the Water Revenue Bureau at the above address between 8:30 a.m. and 4 p.m. on or before the shut-off date. Mailed requests for hearings are permitted, but must be received by the Water Revenue Bureau on or before this date.</p> <p>You will be notified of the time and place of the hearing.</p> <p>IF YOU REQUEST A HEARING, YOUR WATER SERVICE WILL BE CONTINUED UNTIL A FINAL DECISION HAS BEEN MADE.</p> <p>CALL 215-686-6880 IF YOU ARE ILL OR OTHERWISE CANNOT GO TO THE WATER REVENUE BUREAU IN PERSON, OR IF YOU NEED FURTHER INFORMATION OR EXPLANATION OF YOUR RIGHTS.</p>	<p style="text-align: center;">PARA EVITAR LA SUSPENSION DEL SERVICIO DEL SUMINISTRO DE AGUA</p> <p>Debera realizar una de las opciones subsiguientes en o antes de la fecha de suspension de suministro, previo las 4:00 p.m.:</p> <p>SI ES USTED INQUILINO Vaya al Negociado de la Renta por Servicios de Acueducto en la direccion antes citada entre las 8:30 a.m. y las 4:00 p.m. para dar informacion y firmar una declaracion jurada donde indique que es usted inquilino y no propietario del edificio.</p> <p>EL INQUILINO NO TIENE QUE PAGAR LAS FACTURAS DE AGUA DEL PROPIETARIO.</p> <p>SI ES USTED PROPIETARIO Vaya al Negociado de la Renta por Servicio de Acueducto (Water Revenue Bureau) en la direccion antes citada entre las 8:30 a.m. y las 4:00 p.m. para :</p> <ol style="list-style-type: none"> 1. Pagar la factura; (si envia el pago por correo, este debera recibirse en el Negociado en o antes de la fecha de suspension del servicio); o 2. Hacer un acuerdo de pago o renegociar uno en vigencia (Su capacidad de pagar se tomara en consideracion); o 3. Solicitar una audiencia para: <ul style="list-style-type: none"> --Debatir su responsabilidad de pago, --Debatir la cantidad adeudada, o cualquier error en la factura, --Debatir si las condiciones del acuerdo de pago fijo han sido aplicadas correctamente. <p style="text-align: center;">USTED TIENE DERECHO A UNA AUDIENCIA ANTES DE LA SUSPENSION DEL SERVICIO DE ACUEDUCTO</p> <p>PARA SOLICITAR UNA AUDIENCIA : Vaya al Negociado (Water Revenue Bureau) en la direccion que esta citado arriba entre las 8:30 a.m. y las 4:00 P.M., en o antes de la fecha de suspension del servicio de agua. Audiencia pedida por correo es permitido, pero estas deberan recibirse en el Negociado antes de la fecha de la suspension del servicio.</p> <p>Se le notificara la fecha y lugar de la audiencia.</p> <p style="text-align: center;">SI SOLICITA UNA AUDIENCIA, EL SUMINISTRO DE AGUA SE CONTINUARA HASTA QUE SE HALLA LLEGADO A UNA DECISION FINAL.</p> <p>LIAME AL 215-686-6880 SI ESTA ENFERMO O SI NO PUEDE IR PERSONALMENTE AL NEGOCIADO (WATER REVENUE BUREAU), O SI NECESITA INFORMACION O DETALLES ADICIONALES DE SU DERECHOS.</p>



*** IMPORTANT NOTICE ***

- Your water service will be shut off on or after 11/21/2016.
- To avoid suspension of service, please make payment immediately. If you have already made your payment, please disregard this notice.
- If your service is suspended, a Restoration Fee will be added to the balance due.
- A Visitation Fee is added to the balance due if we show up to suspend service and payment is made at the property.
- If you are a tenant who is not responsible for paying the water bill according to your rental agreement, you may have additional rights to prevent your water from being shut off. Please call the Water Revenue Bureau at 215-686-6880.
- Suspension of water service may affect your fire suppression system if a single / combined domestic and fire service line serves the property.
- For your convenience, Customer Service is available Monday through Friday, 8:00 AM to 5:00 PM. We can be reached at 215-686-6880.

City of Philadelphia
Department of Revenue
P.O. Box 41496
Philadelphia, PA 19101-1496

SHUT-OFF BILL

WATER/SEWER



YOUR WATER SERVICE IS SUBJECT TO
SHUT-OFF FOR NON-PAYMENT. FOR
FURTHER INFORMATION SEE REVERSE
SIDE OF THIS BILL.

PAYMENTS MUST BE RECEIVED BEFORE
SHUT-OFF DATE IN PERSON OR BY MAIL
AT MSB 1401 JFK BLVD. CONCOURSE LEVEL,
PHILADELPHIA, PA 19102-1663.
MAKE CHECKS PAYABLE: CITY OF PHILA.

PRINCIPAL	PENALTY	CYCLE	CODE SEE ORIG. BILL	AMOUNT BILLED
44.17	0.00	16-04		44.17
99.53	0.00	16-09		99.53
121.03	7.19	16-10		128.22
99.53	6.80	16-11		106.33

IF YOU HAVE ANY QUESTIONS
CALL 215-686-6880 IMMEDIATELY.

PAY AT ONCE \$378.25

RETAIN THIS PORTION
OF BILL IF YOUR
PAYMENT IS MAILED.

PRESENT BOTH
PORTIONS WHEN
PAYING IN PERSON.

EVELYN BURTON
1602 S 24TH ST
PHILADELPHIA PA 19145

SERVICE
41R

ACCOUNT NUMBER
0438827001602001

BILL INCLUDES PAYMENTS
RECEIVED ON OR BEFORE

➤ 11/08/16

OWNER'S NAME AND PROPERTY BILLED (IF OTHER THAN ABOVE)



83-T-118R (REV.10/16) WBS000

DETACH HERE

ACCOUNT NUMBER	DIST.	SEW%	CYCLE	SERVICE	CODE	PRINCIPAL	PENALTY	AMOUNT BILLED
0438827001602001								
EVELYN BURTON 1602 S 24TH ST PHILADELPHIA PA 19145 OWNER'S NAME AND PROPERTY BILLED (IF OTHER THAN ABOVE)			16-04	41R		44.17	0.00	44.17
			16-09	41R		99.53	0.00	99.53
			16-10	41R		121.03	7.19	128.22
			16-11	41R		99.53	6.80	106.33

SHUT-OFF BILL

WATER/SEWER

PAY AT ONCE \$378.25

33372000000999088270016020017000003782500000364260430000100000000000

MAIL THIS PORTION
OF BILL ONLY

IF NOT PAID, ADDITIONAL PENALTY WILL BE ADDED TO
THE NEXT REGULAR BILL. DO NOT STAPLE, PIN, OR FOLD.

City of Philadelphia
Department of Revenue
P.O. Box 41496
Phila., PA 19101-1496

<div>WATER REVENUE BUREAU</div> <div>1401 JFK Boulevard Philadelphia, PA. 19102-1663</div>	<div>EL NEGOCIADO DE ACUEDUCTO</div> <div>1401 JFK Boulevard Filadelfia, PA. 19102-1663</div>
<p style="text-align: center;">TO STOP THE WATER SHUT-OFF</p> <p>You must do one of the following on or before the shut-off date by 4:00 p.m.:</p> <p>IF YOU ARE A TENANT You must go to the Water Revenue Bureau at the above address between 8:30 a.m. and 4 p.m. to give information and sign a sworn statement that you are a tenant and not the owner of the building.</p> <p>TENANTS DO NOT HAVE TO PAY THE OWNER'S DELINQUENT WATER BILLS.</p> <p>IF YOU ARE AN OWNER You must go to the Water Revenue Bureau at the above address between 8:30 a.m. and 4 p.m. to :</p> <ol style="list-style-type: none"> 1. Pay the bill; (if you mail the payment, it must be received by the Water Revenue Bureau on or before the shut-off date); or 2. Make a payment agreement or renegotiate an existing agreement. (Your ability to pay will be considered) ; or 3. Request a hearing to: <ul style="list-style-type: none"> --Dispute your responsibility for the bill, --Dispute the amount due, or any other errors in the bill, --Dispute whether the standard payment agreement terms have been properly applied. <p style="text-align: center;">YOU HAVE A RIGHT TO A HEARING BEFORE YOUR WATER IS SHUT-OFF</p> <p>TO REQUEST A HEARING : Go to the Water Revenue Bureau at the above address between 8:30 a.m. and 4 p.m. on or before the shut-off date. Mailed requests for hearings are permitted, but must be received by the Water Revenue Bureau on or before this date.</p> <p>You will be notified of the time and place of the hearing.</p> <p>IF YOU REQUEST A HEARING, YOUR WATER SERVICE WILL BE CONTINUED UNTIL A FINAL DECISION HAS BEEN MADE.</p> <p>CALL 215-686-6880 IF YOU ARE ILL OR OTHERWISE CANNOT GO TO THE WATER REVENUE BUREAU IN PERSON, OR IF YOU NEED FURTHER INFORMATION OR EXPLANATION OF YOUR RIGHTS.</p>	<p style="text-align: center;">PARA EVITAR LA SUSPENSION DEL SERVICIO DEL SUMINISTRO DE AGUA</p> <p>Debera realizar una de las opciones subsiguientes en o antes de la fecha de suspension de suministro, previo las 4:00 p.m.:</p> <p>SI ES USTED INQUILINO Vaya al Negociado de la Renta por Servicios de Acueducto en la direccion antes citada entre las 8:30 a.m. y las 4:00 p.m. para dar informacion y firmar una declaracion jurada donde indique que es usted inquilino y no propietario del edificio.</p> <p>EL INQUILINO NO TIENE QUE PAGAR LAS FACTURAS DE AGUA DEL PROPIETARIO.</p> <p>SI ES USTED PROPIETARIO Vaya al Negociado de la Renta por Servicio de Acueducto (Water Revenue Bureau) en la direccion antes citada entre las 8:30 a.m. y las 4:00 p.m. para :</p> <ol style="list-style-type: none"> 1. Pagar la factura; (si envia el pago por correo, este debera recibirse en el Negociado en o antes de la fecha de suspension del servicio); o 2. Hacer un acuerdo de pago o renegociar uno en vigencia (Su capacidad de pagar se tomara en consideracion); o 3. Solicitar una audiencia para: <ul style="list-style-type: none"> --Debatir su responsabilidad de pago, --Debatir la cantidad adeudada, o cualquier error en la factura, --Debatir si las condiciones del acuerdo de pago fijo han sido aplicadas correctamente. <p style="text-align: center;">USTED TIENE DERECHO A UNA AUDIENCIA ANTES DE LA SUSPENSION DEL SERVICIO DE ACUEDUCTO</p> <p>PARA SOLICITAR UNA AUDIENCIA : Vaya al Negociado (Water Revenue Bureau) en la direccion que esta citado arriba entre las 8:30 a.m. y las 4:00 P.M., en o antes de la fecha de suspension del servicio de agua. Audiencia pedida por correo es permitido, pero estas deberan recibirse en el Negociado antes de la fecha de la suspension del servicio.</p> <p>Se le notificara la fecha y lugar de la audiencia.</p> <p style="text-align: center;">SI SOLICITA UNA AUDIENCIA, EL SUMINISTRO DE AGUA SE CONTINUARA HASTA QUE SE HALLA LLEGADO A UNA DECISION FINAL.</p> <p>Llame al 215-686-6880 si esta enfermo o si no puede ir personalmente al Negociado (Water Revenue Bureau), o si necesita informacion o detalles adicionales de su derechos.</p>



*** IMPORTANT NOTICE ***

- Your water service will be shut off on or after 05/22/2017.
- To avoid suspension of service, please make payment immediately. If you have already made your payment, please disregard this notice.
- If your service is suspended, a Restoration Fee will be added to the balance due.
- A Visitation Fee is added to the balance due if we show up to suspend service and payment is made at the property.
- If you are a tenant who is not responsible for paying the water bill according to your rental agreement, you may have additional rights to prevent your water from being shut off. Please call the Water Revenue Bureau at 215-686-6880.
- Suspension of water service may affect your fire suppression system if a single / combined domestic and fire service line serves the property.
- For your convenience, Customer Service is available Monday through Friday, 8:00 AM to 5:00 PM. We can be reached at 215-686-6880.

City of Philadelphia
Department of Revenue
P.O. Box 41496
Philadelphia, PA 19101-1496

SHUT-OFF BILL

WATER/SEWER



YOUR WATER SERVICE IS SUBJECT TO
SHUT-OFF FOR NON-PAYMENT. FOR
FURTHER INFORMATION SEE REVERSE
SIDE OF THIS BILL.

PAYMENTS MUST BE RECEIVED BEFORE
SHUT-OFF DATE IN PERSON OR BY MAIL
AT MSB 1401 JFK BLVD. CONCOURSE LEVEL,
PHILADELPHIA, PA 19102-1663.
MAKE CHECKS PAYABLE: CITY OF PHILA.

PRINCIPAL	PENALTY	CYCLE	CODE SEE ORIG. BILL	AMOUNT BILLED
49.37	1.18	17-02		50.55
42.20	2.48	17-03		44.68
42.20	2.38	17-04		44.58

IF YOU HAVE ANY QUESTIONS
CALL 215-686-6880 IMMEDIATELY.

PAY AT ONCE \$139.81

RETAIN THIS PORTION
OF BILL IF YOUR
PAYMENT IS MAILED.

PRESENT BOTH
PORTIONS WHEN
PAYING IN PERSON.

REED & GERRITT INCOME
STE 2261
1208 AVENUE M
BROOKLYN NY 11230-5204

SERVICE
41R

ACCOUNT NUMBER
0428833001432001

BILL INCLUDES PAYMENTS
RECEIVED ON OR BEFORE

➤ 04/04/17

OWNER'S NAME AND PROPERTY BILLED (IF OTHER THAN ABOVE)

1432 S 27TH ST

DETACH HERE

83-T-118R (REV.10/16) WBS000

ACCOUNT NUMBER	DIST.	SEW%	CYCLE	SERVICE	CODE	PRINCIPAL	PENALTY	AMOUNT BILLED
0428833001432001								
REED & GERRITT INCOME STE 2261 1208 AVENUE M BROOKLYN NY 11230-5204			17-02	41R		49.37	1.18	50.55
			17-03	41R		42.20	2.48	44.68
			17-04	41R		42.20	2.38	44.58
OWNER'S NAME AND PROPERTY BILLED (IF OTHER THAN ABOVE)								
1432 S 27TH ST								

SHUT-OFF BILL

WATER/SEWER

PAY AT ONCE \$139.81

33372000000999088330014320017000001398100000133770420000100000000002

MAIL THIS PORTION
OF BILL ONLY

IF NOT PAID, ADDITIONAL PENALTY WILL BE ADDED TO
THE NEXT REGULAR BILL. DO NOT STAPLE, PIN, OR FOLD.

City of Philadelphia
Department of Revenue
P.O. Box 41496
Phila., PA 19101-1496

WATER REVENUE BUREAU 1401 JFK Boulevard Philadelphia, PA. 19102-1663	EL NEGOCIADO DE ACUEDUCTO 1401 JFK Boulevard Filadelfia, PA. 19102-1663
<p style="text-align: center;">TO STOP THE WATER SHUT-OFF</p> <p>You must do one of the following on or before the shut-off date by 4:00 p.m.:</p> <p>IF YOU ARE A TENANT You must go to the Water Revenue Bureau at the above address between 8:30 a.m. and 4 p.m. to give information and sign a sworn statement that you are a tenant and not the owner of the building.</p> <p>TENANTS DO NOT HAVE TO PAY THE OWNER'S DELINQUENT WATER BILLS.</p> <p>IF YOU ARE AN OWNER You must go to the Water Revenue Bureau at the above address between 8:30 a.m. and 4 p.m. to :</p> <ol style="list-style-type: none"> 1. Pay the bill; (if you mail the payment, it must be received by the Water Revenue Bureau on or before the shut-off date); or 2. Make a payment agreement or renegotiate an existing agreement. (Your ability to pay will be considered) ; or 3. Request a hearing to: <ul style="list-style-type: none"> --Dispute your responsibility for the bill, --Dispute the amount due, or any other errors in the bill, --Dispute whether the standard payment agreement terms have been properly applied. <p style="text-align: center;">YOU HAVE A RIGHT TO A HEARING BEFORE YOUR WATER IS SHUT-OFF</p> <p>TO REQUEST A HEARING : Go to the Water Revenue Bureau at the above address between 8:30 a.m. and 4 p.m. on or before the shut-off date. Mailed requests for hearings are permitted, but must be received by the Water Revenue Bureau on or before this date.</p> <p>You will be notified of the time and place of the hearing.</p> <p>IF YOU REQUEST A HEARING, YOUR WATER SERVICE WILL BE CONTINUED UNTIL A FINAL DECISION HAS BEEN MADE.</p> <p>CALL 215-686-6880 IF YOU ARE ILL OR OTHERWISE CANNOT GO TO THE WATER REVENUE BUREAU IN PERSON, OR IF YOU NEED FURTHER INFORMATION OR EXPLANATION OF YOUR RIGHTS.</p>	<p style="text-align: center;">PARA EVITAR LA SUSPENSION DEL SERVICIO DEL SUMINISTRO DE AGUA</p> <p>Debera realizar una de las opciones subsiguientes en o antes de la fecha de suspension de suministro, previo las 4:00 p.m.:</p> <p>SI ES USTED INQUILINO Vaya al Negociado de la Renta por Servicios de Acueducto en la direccion antes citada entre las 8:30 a.m. y las 4:00 p.m. para dar informacion y firmar una declaracion jurada donde indique que es usted inquilino y no propietario del edificio.</p> <p>EL INQUILINO NO TIENE QUE PAGAR LAS FACTURAS DE AGUA DEL PROPIETARIO.</p> <p>SI ES USTED PROPIETARIO Vaya al Negociado de la Renta por Servicio de Acueducto (Water Revenue Bureau) en la direccion antes citada entre las 8:30 a.m. y las 4:00 p.m. para :</p> <ol style="list-style-type: none"> 1. Pagar la factura; (si envia el pago por correo, este debera recibirse en el Negociado en o antes de la fecha de suspension del servicio); o 2. Hacer un acuerdo de pago o renegociar uno en vigencia (Su capacidad de pagar se tomara en consideracion); o 3. Solicitar una audiencia para: <ul style="list-style-type: none"> --Debatir su responsabilidad de pago, --Debatir la cantidad adeudada, o cualquier error en la factura, --Debatir si las condiciones del acuerdo de pago fijo han sido aplicadas correctamente. <p style="text-align: center;">USTED TIENE DERECHO A UNA AUDIENCIA ANTES DE LA SUSPENSION DEL SERVICIO DE ACUEDUCTO</p> <p>PARA SOLICITAR UNA AUDIENCIA : Vaya al Negociado (Water Revenue Bureau) en la direccion que esta citado arriba entre las 8:30 a.m. y las 4:00 P.M., en o antes de la fecha de suspension del servicio de agua. Audiencia pedida por correo es permitido, pero estas deberan recibirse en el Negociado antes de la fecha de la suspension del servicio.</p> <p>Se le notificara la fecha y lugar de la audiencia.</p> <p style="text-align: center;">SI SOLICITA UNA AUDIENCIA, EL SUMINISTRO DE AGUA SE CONTINUARA HASTA QUE SE HALLA LLEGADO A UNA DECISION FINAL.</p> <p>Llame al 215-686-6880 si esta enfermo o si no puede ir personalmente al Negociado (Water Revenue Bureau), o si necesita informacion o detalles adicionales de su derechos.</p>