

COMMONWEALTH OF PENNSYLVANIA



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October 24, 2023

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Petition of UGI Utilities, Inc. – Electric  
Division for Approval of Phase IV of its  
Energy Efficiency and Conservation Plan;  
Docket No. M-2023-3043230

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served on the parties as indicated in the enclosed Certificate of Service.

Respectfully submitted,

/s/ Melanie J. El Atieh  
Melanie J. El Atieh  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 209323  
MElAtieh@paoca.org

Enclosures:

cc: The Honorable Mark A. Hoyer (**email only**)  
Nick Miskanic, ALJ's Legal Assistant (**email only**: [nmiskanic@pa.gov](mailto:nmiskanic@pa.gov))  
Certificate of Service

\*4854-1534-4266

CERTIFICATE OF SERVICE

Petition of UGI Utilities, Inc. – Electric :  
Division for Approval of Phase IV of its : Docket No. M-2023-3043230  
Energy Efficiency and Conservation Plan :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 24th day of October 2023.

**SERVICE BY E-MAIL ONLY**

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Phone: (717) 783-5048  
Dated: October 24, 2023  
\*4859-4234-1766

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of UGI Utilities, Inc. – Electric                                   :  
Division for Approval Of Phase IV of its                                   :  
Energy Efficiency and Conservation Plan                                   : M-2023-3043230

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PREHEARING MEMORANDUM  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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**I. INTRODUCTION**

On September 25, 2023, UGI Utilities, Inc. – Electric Division (UGI Electric or Company) filed a Petition for Approval of Phase IV of its voluntary Energy Efficiency and Conservation (EE&C) Plan for the period of June 1, 2024, through May 31, 2029 (Phase IV EE&C Plan or Plan). UGI Electric is not subject to the mandatory energy efficiency requirements of Act 129<sup>1</sup> because it serves fewer than 100,000 customers. 66 Pa.C.S. § 2806.1(1). In the Petition, the Company requests the Commission’s approval to (1) establish and implement the voluntary Phase IV EE&C Plan for the period of June 1, 2024, through May 31, 2029; and (2) to recover the costs it will incur in the provision and management of the voluntary Plan through a Section 1307 automatic adjustment rate. Petition at ¶¶ 42-43

On October 11, 2023, the Office of Consumer Advocate (OCA) filed an Answer, and the Office of Small Business Advocate (OSBA) filed an Answer.

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<sup>1</sup> Act 129 of 2008, P.L. 1592, 66 Pa.C.S §§ 2806.1 and 2806.2 (Act 129). On November 14, 2008, Act 129 became law in the Commonwealth and was made applicable to electric distribution companies (EDCs) with 100,000 or more customers.

## **II. ISSUES**

The OCA plans to address the following issues in this proceeding: (1) the effectiveness and reasonableness of the proposed EE&C programs in the Plan; (2) the reasonableness of the forecasted participation in and savings resulting from the proposed EE&C programs; (3) the cost-effectiveness of the Plan; (4) whether the proposed spending and cost allocations among residential, including low-income, and non-residential customers are consistent with the Commission's prior guidance, reasonable, and in the interests of consumers; (5) the ability for low-income customers to participate in the Plan; (6) whether the proposed cost recovery mechanism in Phase IV is reasonable; and (7) whether the Company has reasonably complied with the settlement approved by the Commission in Phase III.

The OCA reserves the right to address any other issue that is raised in the Petition based on any relevant evidence that is gathered during the discovery process.

## **III. WITNESSES**

At this time, the OCA has not yet determined whether it will present a witness. Once the OCA determines that a witness is necessary for any portion of its case, it will notify all parties of record immediately.

## **IV. DISCOVERY**

In order to effectively investigate and adequately develop a record in this proceeding, the OCA requests a modification to the Commission's procedural rules, 52 Pa. Code Section 5.321, *et seq.*, on a going-forward basis, as set forth below:

1. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served within ten (10) calendar days of service of the interrogatories or requests for production.

2. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service; unresolved objections shall be served in writing on the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.

3. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of written objections.

4. Answers to motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of such motions.

5. Requests for admission be deemed admitted unless answered within ten (10) days or objected to within five (5) days of service.

6. Discovery requests and discovery related pleadings (such as objections, motions, and answers to same) served after 4:30 p.m. Monday through Thursday or after 12:00 p.m. on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.

7. Answers to on-the-record data requests will be provided within five (5) calendar days.

## **V. SERVICE ON THE OCA**

The OCA will be represented in this proceeding by Melanie J. El Atieh and Darryl A. Lawrence, Senior Assistant Consumer Advocates. The OCA asks that all documents should be served by electronic mail (e-mail) on the OCA as follows:

Attorneys:

Melanie J. El Atieh  
Senior Assistant Consumer Advocate  
E-Mail: [melatieh@paoca.org](mailto:melatieh@paoca.org)

Darryl A. Lawrence  
Senior Assistant Consumer Advocate  
E-Mail: [DLawrence@paoca.org](mailto:DLawrence@paoca.org)

With a copy to:

Lauren Myers  
Administrative Officer  
E-mail: [LMyers@paoca.org](mailto:LMyers@paoca.org)

Ryan Marshall  
Clerical Assistant  
E-mail: [RMarshall@paoca.org](mailto:RMarshall@paoca.org)

**VI. PROPOSED SCHEDULE**

The OCA will work with the parties to develop a litigation schedule that is acceptable to the Presiding Officer and the parties.

**VII. SETTLEMENT**

The OCA is willing to participate in settlement discussions.

Respectfully submitted,

*/s/ Melanie J. El Atieh*  
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Senior Assistant Consumer Advocate  
PA Attorney ID # 209323  
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DATED: October 24, 2023

Counsel for:  
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Consumer Advocate