**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :

:

v. : R-2015-2518438

:

UGI Utilities, Inc. – Gas Division :

**PREHEARING CONFERENCE ORDER**

FIRST PREHEARING ORDER

A prehearing conference has been scheduled in the above-captioned proceeding for **Wednesday, February 17, 2016, at 10:00 a.m. in Hearing Room 3**, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The parties are directed to comply with the following:

1. **All parties must serve the Presiding Officers directly** (electronically at [scolwell@.pa.gov](mailto:scolwell@.pa.gov) and [sthaas@pa.gov](mailto:sthaas@pa.gov), and by hard copy) with any document you file in this proceeding**.** If you send us any document or correspondence, you must also send a copy to all other parties in the case. It is not sufficient to file documents with the Secretary’s Bureau and expect us to receive copies of your filing. The current service list is attached to this order. Our correct address is:

Administrative Law Judge Susan D. Colwell

Administrative Law Judge Steven K. Haas

Pennsylvania Public Utility Commission

PO Box 3265

Harrisburg PA 17105-3265

2. Parties may arrange service among themselves as they agree. The parties are permitted, without further order, to omit the service of discovery and responses, but not pleadings, to parties who indicate that they do not wish to be served with such documents. PA Code references in this Order are accessible at [www.pacode.com](http://www.pacode.com).

3. Pursuant to 52 Pa. Code §§1.21-1.23, you may represent yourself, if you are an individual or sole proprietorship, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted pro hac vice, represent you. However, if you are a partnership, corporation, trust, association, joint venture, other business organization, trust, trustee, legal representative, receiver, agency, governmental entity, municipality or other political subdivision, you *must* have an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted pro hac vice represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall ensure that their appearances are entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

4. Failure of a party to participate in the prehearing conference shall constitute a waiver of all objections to the agreements reached, and any orders or rulings issued with respect thereto.

5. Please review the regulation pertaining to prehearing conferences, 52 Pa. Code § 5.222. Be prepared to discuss possibilities for settlement, discovery issues, issues relating to the public input and evidentiary hearings that will be held, service among parties and all other procedural issues relevant to this proceeding. In addition, note subsection (d), which provides, in part:

(d) Parties and counsel are expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. 52 Pa. Code § 5.222.

6. The following matters shall be addressed at the prehearing conference:

(a) Establishment of the official service list, and an informal e-mail distribution list.

(b) Participation in the public input hearings.

(c) Modification of the Commission’s rules pertaining to discovery (52 Pa. Code, Subchapter D) and subpoenas (52 Pa. Code §5.421).

(d) Other matters that may aid in the orderly conduct and disposition of the proceeding and the furtherance of justice, including but not limited to the following:

(1) Simplification of the issues;

(2) The obtaining of admissions as to, or stipulations of, facts not in dispute, or the authenticity of documents which might properly shorten the hearing;

(3) Limitations as to the number of witnesses.

(4) Limitations of time and scope for direct and cross-examinations

7. **On or before 12:00 p.m., Monday, February 15, 2016**, each litigating party shall file and serve a prehearing memorandum which shall include (1) a proposed litigation schedule, (2) a list of the issues and sub-issues in this proceeding that the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed, and (3) the names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness’ testimony. If a party is unable to prepare and serve a prehearing memorandum, it must be prepared to state on the record the issues they intend to address and the witnesses to be presented.

8. Please review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, inter alia, that participants try to initiate discovery as early in the proceeding as possible, and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. The parties are expected to pursue resolution of discovery issues among themselves; motions to compel should be filed only after such efforts have failed.

Date: February 4, 2016

Susan D. Colwell

Administrative Law Judge

Steven K. Haas

Administrative Law Judge

**R-2015-2518438 - PA PUBLIC UTILITY COMMISSION v. UGI UTILITIES INC**KENT MURPHY ESQUIRE

MARK C MORROW ESQUIRE**\***

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*Representing UGI Utilities, Inc.*TANYA MCCLOSKEY ESQUIRE

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***C-2016-2527150***

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