**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of Pike County Light :

And Power Company, Buyer Corning Natural :

Gas Holding Corporation and Seller Orange : A-2015-2517036

And Rockland Utilities, Inc. for a Certificate : A-2015-2517111

Of Public Convenience Approving the Transfer : G-2015-2517113

By Sale of 100% of the Stock of Pike County : G-2015-2517114

Light And Power Company from Seller Orange : S-2015-2517115

And Rockland Utilities, Inc. to Buyer Corning : S-2015-2517116

Natural Gas Holding Corporation :

**ORDER DIRECTING CORNING NATURAL GAS HOLDING CORPORATION TO RESUBMIT ITS TESTIMONY IN STANDARD FORMAT**

On December 4, 2015, Pike County Light and Power Company (PCLP) and Orange and Rockland Utilities, Inc. (O&R), (collectively Joint Applicants) filed a Joint Application seeking approval to transfer control and ownership interests to Corning natural Gas holding Corporation (CNGHC). The Application asks for all necessary authority, approvals and certificates of public convenience pursuant to Sections 1102(a)(3), 2102(b) and 1901(a) and (c) of the Public Utility Code, 66 Pa.C.S. §§ 11102(a)(3), 2102(b) and 1901(a) and (c) regarding the transfer of all of O&R's ownership interests in PCLP to CNGHC, the affiliated interest agreements, and the securities transactions involving Pike.

Notice of the filings was published in the *Pennsylvania Bulletin* on December 19, 2015, 45 Pa.B. 7272, and January 4, 2016 was set as the deadline for the filing of formal protests and petitions to intervene.

On December 23, 2015, the Office of Consumer Advocate (OCA) filed its Protest and Public Statement. Also on December 23, 2015, the Office of Small Business Advocate filed its notice of appearance. On January 12, 2016, a notice of prehearing conference was issued, scheduling the prehearing conference for Monday, February 1, 2016.

The Joint Applicants, OCA and OSBA filed prehearing memos. The prehearing conference was held as scheduled, with the following counsel attending: on behalf of PCLP, John J. Gallagher, Esq.; on behalf of O&R, John Carley, Esq.; on behalf of CNGHC, Thomas J. Sniscak, Esq., and William Lehman, Esq.; on behalf of OCA, Aron J. Beatty, Esq., and Brandon Pierce, Esq.; and on behalf of OSBA, Daniel Asmus, Esq.

The parties worked to establish a mutually acceptable litigation schedule, and agreed upon modifications to the Commission's discovery regulations. These were adopted in the Scheduling Order issued March 19, 2016.

On February 22, 2016, PCLP filed its Statement No. Transfer Panel-I, which was the direct testimony of Francis W. Peverly, Kenneth A. Kosier, and Kate Trischitta, introduced individually and then the substantive testimony itself presented as a single voice. A group email to counsel inquired as to the reason behind submitting panel testimony instead of one statement per witness, and the response was:

Pike has presented its testimony in a panel format in numerous cases here in Pennsylvania, including its recently completed electric and gas general bas rate cases in 2014.  It has been the practice of Pike, Orange and Rockland and Consolidated Edison to present testimony in this fashion for the ease of review in a single document for the parties and the administrative law judges in several jurisdictions. Such a format also permits the company to address many issues in a more efficient manner.  I have found no prohibition in the Commission’s rules concerning a panel format.  Lastly, we have not received any objections from the parties or judges in any of Pike’s previous cases and I have been notified by the parties in this proceeding that they have no objections to this format as well, with the clear understanding the all the witnesses on the panel will be available for cross examination.

In my Order issued March 25, 2016, I stated that:

While I have no doubt that this panel format is easier for the Company and that it has been used successfully in other cases, I cannot approve of its use in this case. Multiple signatures on a single document is "more efficient," but it is used in sponsoring comments, or position papers and the like, not in the presentation of direct testimony. Prepared testimony is presented in question and answer format as if the questions were asked and answered in person. That all three witnesses would give absolutely identical answers to all questions is simply not credible and can reasonably be seen as undermining the integrity of the prepared testimony system developed here at the Commission. It gives the appearance that none of the witnesses actually provided the answers, and that the answers might have been written by only one of them or by counsel, which is an appearance that I am certain PCLP wishes to avoid.

Accordingly, PCLP is directed to re-serve testimony in the standard format, with each witness sponsoring a separate, distinct statement. As this is beyond the period of time when the direct testimony was due and the other parties have relied upon it to prepare their own testimony, the deadline for which is fast approaching, PCLP may not introduce new issues but is limited to taking the information in its panel testimony and attributing it to the proper sponsor.

Unfortunately, CNGHC Statement 4 and 4-R used the same panel format which all parties should now be aware is unacceptable.

Accordingly, CNGHC is directed to re-serve testimony in the standard format, with each witness sponsoring a separate, distinct statement. As this is beyond the period of time when the direct and rebuttal testimony was due and the other parties rely upon it to prepare their own testimony, CNGHC may not introduce new issues but is limited to taking the information in its panel testimony and attributing it to the proper sponsor.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Corning Natural Gas Holding Company shall withdraw its prepared testimony statements 4 and 4-R from the Commission's Secretary as improvidently filed.

2. That Corning Natural Gas Holding Company shall serve its testimony in standard format with only one witness testifying per statement submitted no later than ten days from the date of this Order.

3. That the substance of the testimony shall not go beyond that which appears in the already-served testimony of Statements 4 and 4-R that has been served on all parties.

4. Failure to comply with this Order may result in the striking of the direct testimony in its totality.

Dated: April 20, 2016 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Susan D. Colwell

Administrative Law Judge

**A-2015-2517111 Joint Application of Pike County Light and Power Company, buyer Corning Natural Gas Holding Corporation and Seller Orange and Rockland Utilities, Inc**

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