**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2016-2529660

Office of Consumer Advocate : C-2016-2535301

Office of Small Business Advocate : C-2016-2538051

Pennsylvania State University : C-2016-2541623

Columbia Industrial Intervenors : C-2016-2541753

Ralph Miller : C-2016-2538611

Michael Pikus: C-2016-2538843

:

v. :

:

Columbia Gas of Pennsylvania, Inc. :

**PREHEARING ORDER**

On March 18, 2016, Columbia Gas of Pennsylvania, Inc. (Columbia or the Company) filed Supplement No. 241 to Tariff Gas - Pa. P.U.C. No. 9 at Docket No. R-2016-2529660 (Supplement No. 241), with an effective date of May 17, 2016. Columbia proposed to increase rates to produce additional annual operating revenues of $55.3 million, or 11.23%, over present revenues. The Company also proposed to increase the residential fixed monthly charge by $2.76 from $16.75 to $19.51.

On March 22, 2016, the Office of Consumer Advocate (OCA) filed a public statement and formal complaint at Docket No. C-2016-2535301. On March 24, 2016, the Bureau of Investigation & Enforcement (I&E) filed a Notice of Appearance. On April 4, 2016, the Office of Small Business Advocate (OSBA) filed a public statement and formal complaint at Docket No. C-2016-2538051.

On April 5, 2016, Community Action Association of Pennsylvania (CAAP) filed a Petition to Intervene on behalf of nine member community action agencies which are customers of Columbia.

On April 6, 2016, Shipley Choice, LLC; AMERIGreen Energy; Interstate Gas Supply; and Dominion Retail (NGS Parties) filed a Petition to Intervene. On April 12, 2016, the Coalition for Affordable Utility Services and Energy-Efficiency in Pennsylvania (CAUSE-PA) filed a Petition to Intervene.

On April 25, 2016, the Pennsylvania State University (PSU) and the Columbia Industrial Intervenors (CII) filed formal complaints at C-2016-2541623 and C-2016-2541753, respectively. Also on April 25, 2016, Direct Energy Business, LLC; Direct Energy Services, LLC; and Direct Energy Business Marketing, LLC (collectively, Direct Energy) filed a Petition to Intervene.

By Order entered April 21, 2016, the Commission suspended the implementation of Supplement No. 241 by operation of law, pursuant to 66 Pa.C.S.A. § 1308(d), until December 19, 2016, unless permitted by Commission Order to become effective at an earlier date, and instituted an investigation into the lawfulness, justness, and reasonableness of the rates, rules, and regulations proposed in Supplement No. 241. On April 22, 2016, the Office of Administrative Law Judge (OALJ) scheduled a prehearing conference to be conducted telephonically on April 28, 2016.

On April 28, 2016, Administrative Law Judge Katrina L. Dunderdale conducted a call-in telephonic prehearing conference with the parties in which various procedural matters were discussed and a litigation schedule was established. The participants appeared via telephone while the Administrative Law Judge appeared by conference phone from Pittsburgh. Present during the call-in telephonic prehearing conference were counsel representing the following: Columbia Gas; OCA; OSBA; BIE; CII; CAAP; PSU; NGS Parties; Direct Energy; and CAUSE-PA.

The parties addressed the following matters: the procedural schedule; service of documents; identification of witnesses and subject area of testimony; timing of motions with respect to prepared written testimony; location and start time of hearings; need for public input hearings including the location and dates for a public input hearing; discovery modifications; the official service list; consolidation of formal complaints filed against the base rate proceedings; and four petitions to intervene. This prehearing order memorializes those matters discussed, decided and agreed to by the parties during the prehearing conference on April 28, 2016.

Consolidation

The following cases were docketed separately as complaints but arose from Columbia’s base rate filing. Therefore, they will be consolidated into the proceeding docketed at Number R-2016-2529660, pursuant to 52 Pa.Code § 5.81:

Office of Consumer Advocate at C-2016-2535301

Office of Small Business Advocate at C-2016-2538051

Pennsylvania State University at C-2016-2541623

Columbia Industrial Intervenors at C-2016-2541753

Ralph Miller at C-2016-2538611

Michael Pikus at C-2016-2538843

Petitions to Intervene

To date, petitions to intervene have been filed by four entities: CAAP; CAUSE-PA; NGS Parties and Direct Energy. No party objected to the granting of the petitions. Accordingly, the petitions to intervene were granted and this judicial grant will be confirmed in the Ordering Paragraphs, herein.

Identification of Company Filing

The Company will identify its filing, including the marking of statements and exhibits, when it presents the filing at the start of the initial hearing.

Procedural Schedule

The parties attending the prehearing conference agreed to the following litigation schedule. All due dates are for service “in-hand” by 4:00 p.m. Electronic or e-mail service will satisfy the “in-hand” requirement if done by 4:00 p.m. Electronic or e-mail service should be followed by service of a hard copy that may be served by first-class mail.

**Litigation Schedule**

Other Party’s Direct Testimony June 16, 2016

Written Rebuttal Testimony July 13, 2016

Written Surrebuttal Testimony July 25, 2016

Written Rejoinder Outlines July 29, 2016

Hearings – Harrisburg August 2-4, 2016

Close of Record August 5, 2016

Main Briefs August 23, 2016

Reply Briefs September 2, 2016

Last Public Meeting before suspension date December 8, 2016

Service of Documents

The above filing dates are all in-hand dates (by 4:00 p.m.) to the parties and the presiding officer. The parties are also directed to provide an e-version (Word 2007 or earlier compatible version) and hard copy of testimony and briefs to any technical advisors in the Commission’s Bureau of Technical Utility Services once informed by the presiding officer as to who they are. In addition, the Company is directed to supply an e-version of its Petition and previously-filed testimony to the presiding officer. All parties are reminded to serve the Administrative Law Judge directly with all filed documents, and to provide an e-version as well which is Word 2007 or earlier compatible version.

Upon agreement of the parties and with the concurrence of the Administrative Law Judge, service of documents made via electronic mail (by 4:00 p.m.) on the due date will be considered in-hand service, provided a hard copy is sent by the following day via first-class mail. In the event a party does not or cannot accept service via electronic mail, and that party is not located in Harrisburg, the parties will effectuate service in-hand by the close of business on the following business day by mailing to that party by express mail.

This Commission’s requirements for the preparation and filing of written testimony and related exhibits are set forth in 52 Pa.Code § 5.412. In addition, the lines and pages are to be numbered.

Evidentiary Hearings

The evidentiary hearing scheduled will commence at **9:00 a.m.** on each day, beginning on **Tuesday, August 2, 2016** and continue through **Thursday, August 4, 2016**. OCA requested, with no party objecting, that its witness, Jerome Mierzwa, be permitted to testify via telephone because he cannot be physically present in Harrisburg from August 2, 2016 through August 4, 2016. The parties must inform the presiding officer before **Friday, July 29, 2016** in the event the parties intend to submit little or no new testimony at the evidentiary hearing with no more than limited cross examination anticipated. In that event, the presiding officer will conduct the evidentiary hearing telephonically from the Commission’s offices in Piatt Place, 301 Fifth Avenue, Pittsburgh, Pennsylvania 15222.

Witness Lists

The presiding officer requested, and the utility agreed, that the utility will coordinate an agreement amongst the parties as to the order of witnesses, with the understanding the utility’s witnesses will go first. Counsel for the utility will provide that list to the presiding officer on or before **July 29, 2016**.

Any party which has not set forth its witness list, including the subject area of proposed testimony, in its Prehearing Memorandum must provide that information to the presiding officer and the other parties no later than two (2) weeks prior to the due date for direct testimony. Motions with respect to written testimony must be presented in writing no later than 24 hours prior to the day the witness is scheduled to testify.

Public Input Hearings

OCA requested a public input hearing in the territory served by Columbia. OCA noted it received three consumer requests for public input hearings from individuals who reside in Allegheny County, Butler County and Greene County. In addition, OCA received a request from State Senator Camera Bartolotta for a public input hearing in either Washington, Beaver or Greene counties. Commission policy provides at least one public input hearing should be held in a utility’s service area if the Commission determines there is substantial public interest in a rate proceeding. 52 Pa.Code § 69.321(b). After discussion, the parties agreed one evening public input hearing should be conducted in an easily accessible location within Washington County on May 25, 2016 or May 26, 2016. Therefore, I find substantial public interest in this proceeding exists to warrant holding one public input hearing. Consistent with the discussion held at the prehearing conference, a public input hearing will be scheduled for **May 25, 2016**, at 6:00 p.m. in a location to be determined in Washington County.

Columbia is to advertise the public input hearing in a timely fashion and to work with any interested parties in regard to the wording of the public input hearing announcements, and where and how the public input hearing announcements are to be published and/or broadcast. Prior to the initial public input hearing, Columbia is to file with the Secretary’s Bureau a document which provides the wording of the public input hearing announcement, where it appeared and on what dates.

Discovery

The parties agreed to modify discovery rules as proposed by OCA in Section VI of its prehearing memorandum and those modifications are included here as if set out in full. Furthermore, all parties are urged to engage in informal discovery whenever possible and to the extent necessary in this remanded proceeding. This Commission’s procedures for discovery are set forth in 52 Pa.Code §§ 5.321 *et seq.* The presiding officer will rule on objections to discovery in an expeditious manner, and may do so as part of an informal telephone conference. The parties **should not** send discovery material **or cover letters** to the presiding officer unless attached to a motion to compel. All motions to compel **must** contain a certification from counsel setting forth the informal steps taken to resolve the dispute including dates and times.

Stipulations

The parties are to engage in discussions with each other prior to the date of the evidentiary hearings and be prepared to submit into the record all stipulations as to facts. The stipulations must be in writing and signed by respective counsel for the parties.

Settlements

This Commission encourages settlements. 52 Pa.Code § 5.231(a). In this case a joint settlement petition should be served on the presiding officer on or before the date set for filing reply briefs (*i.e*., September 2, 2016).

Briefs

The parties should comply with the briefing requirements set forth in 52 Pa. Code §5.501 *et seq.* and as further specified in Attachment A (“Special Instructions for Briefs and Exceptions in Major General Rate Increase Proceedings”). Please provide the Administrative Law Judge and the Fixed Utility Services’ advisors with one printed copy and one electronic copy of each brief and reply brief in a format compatible with the Word 2007 format. Page limitations and the use of a common brief outline will be discussed with the parties on the last day of hearings or, in the event of a settlement, by separate interim order.

Official Service List

The official service list will be comprised of those parties in attendance at the Prehearing Conference on April 28, 2016, and any additional parties whose future formal complaint is consolidated herein by separate order. Each party will be limited to one address on the service list. A complete service list is attached hereto.

THEREFORE,

IT IS ORDERED:

1. That the procedural schedule and other matters set forth herein are adopted for this proceeding.

2. That, except for requests reasonably made during a hearing, any requests for a change in the scheduled dates must be submitted to the Administrative Law Judge in writing no later than five (5) business days prior to the scheduled date. 52 Pa.Code § 1.15(b). Requests for changes must establish good cause, must state the agreement or opposition of other parties, and must be sent to the presiding officer and all parties of record.

3. That the Petitions to Intervene of Community Action Association of Pennsylvania; CAUSE-PA; NGS Parties and Direct Energy are granted.

4. That evidentiary hearings will be scheduled in this proceeding to be conducted in Harrisburg starting at **9:00 a.m**. on each day from **August 2, 2016 through August 4, 2016**.

5. That one public input hearing shall be conducted in Washington County on **May 25, 2016**, at 6:00 p.m. A scheduling notice will be issued by the Office of Administrative Law Judge which specifies the date, time, location and site for each public input hearing.

6. That Columbia Gas of Pennsylvania, Inc. will be responsible to advertise the public input hearings in a timely fashion. Columbia Gas of Pennsylvania, Inc. will work with any interested party in the wording of the public input hearing announcements, plus where and how the public input hearing announcements will be published and/or broadcast. Prior to the initial public input hearing, Columbia Gas of Pennsylvania, Inc. will file with the Secretary’s

Bureau a document which provides the wording of the public input hearing announcement, where it appeared and on what dates.

7. That the rate proceeding docketed at No. R-2016-2529660 is consolidated with the formal complaints docketed below:

Office of Consumer Advocate at C-2016-2535301

Office of Small Business Advocate at C-2016-2538051

Pennsylvania State University at C-2016-2541623

Columbia Industrial Intervenors at C-2016-2541753

Ralph Miller at C-2016-2538611

Michael Pikus at C-2016-2538843

Date: April 29, 2016 /s/ Katrina L. Dunderdale

Administrative Law Judge

**R-2016-2529660 - PA PUBLIC UTILITY COMMISSION v. COLUMBIA GAS OF PENNSYLVANIA INC***(Revised 4/29/16)*

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