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March 9, 2017

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Philadelphia Gas Works Universal Service Plan for 2017-2020 Submitted in Compliance with 52 Pa. Code § 62.4, Docket No. M-2016-2542415

Dear Secretary Chiavetta:

The letter is in response to the twenty-seven discovery requests that the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”) attached to its comments filed on March 7, 2017 in the above-referenced docket wherein the Commission is reviewing the Universal Service Plan for 2017-2020 (“USECP”) of Philadelphia Gas Works (“PGW”).¹ While CAUSE-PA states that its comments were filed as permitted by the Commission in its January 26, 2017 Tentative Order, CAUSE-PA’s discovery requests seek information and data far beyond the scope of the issues identified by the Commission in the Tentative Order and are not consistent with the Commission’s discovery rules or the process established in this case for the Commission to review PGW’s USECP. As such, PGW’s resources and attention are best spent addressing the concerns identified by the Commission and complying with the process established by the Commission and, therefore, PGW declines to provide responses.²

Pursuant to 52 Pa. Code § 5.321 of the Commission’s regulations, discovery is permitted where: (1) a complaint has been filed; (2) the Commission institutes an investigation; or, (3) the Commission institutes an on-the-record proceeding. None of these has happened here. Rather, consistent with past practice, the Commission is charged with the responsibility of reviewing and approving PGW’s USECP and members of the Bureau of Consumer Services (“BCS”) act as the

¹ As evidenced by the Certificate of Service filed with the Commission, CAUSE-PA served these discovery requests to PGW on March 2, 2017.

² Because CAUSE-PA’s actions here are outside the Commission’s established discovery process, PGW is not submitting formal objections pursuant to 52 Pa Code § 5.345(c). If, however, the Commission deems otherwise, PGW specifically reserves its right to object to the discovery responses on the basis that they are: (1) sought in bad faith; (2) would cause unreasonable burden or expense to prepare; and/or, (3) would require the making of an unreasonable investigation.

Commission's advisory team in this non-adjudicatory proceeding.³ Consistent with this well-established process, the Commission issued a Tentative Order on January 26, 2017 requesting that PGW provide supplemental information in response to the issues identified by the Commission and invited interested stakeholders to submit comments and reply comments. PGW filed its nearly ninety-page supplemental information on February 15, 2017 and CAUSE-PA, among others, filed comments on March 7, 2017. As such, the Tentative Order makes clear that the Commission has evaluated PGW's USECP and has established the process for this non-adjudicatory proceeding – which is not one that permits interested stakeholders to submit discovery requests to the company. To the extent the Commission wishes to extend that right to interested stakeholders then it will, as stated in the Tentative Order, “refer this matter, in whole or in part, to the OALJ for hearing and decision.”⁴

For all these reasons, PGW will not be providing responses to the twenty-seven discovery requests attached by CAUSE-PA to its March 7, 2017 comments.

Please feel free to contact me if you need anything further.

Sincerely,



Deanne M. O'Dell

DMO/lww

cc: Cert. of Service

³ As the Commission “reminded the parties” in PGW’s most recently approved USECP proceeding, “BCS is the Commission bureau vested with Commission oversight of universal service provisions.” *Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2014-2016 Submitted in Compliance with 52 Pa. Code § 62.4*, Docket No. M-2013-2366301, Final Order entered August 22, 2014 at 71.

⁴ Tentative Order at 41-42. In fact, issues regarding PGW’s Low Income Usage Reduction Program (“LIURP”) were just subjected to a two-year, on-the-record litigation process before an administrative law judge. See *Petition of Philadelphia Gas Works for Approval of Demand-Side Management Plan for FY 206-2020, et. al.*, Docket No. P-2014-2459362, Final Opinion and Order entered November 1, 2016 at 2-4.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of PGW's Letter Objection upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

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Dated: March 9, 2017

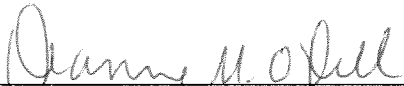
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