**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :

Bureau of Investigation and Enforcement :

: C-2016-2437295

v. :

:

Peoples Natural Gas Company, LLC :

**ORDER ESTABLISHING LITIGATION SCHEDULE**

A prehearing conference was held in this proceeding on Wednesday, May 24, 2017, at 10:00 a.m. in Harrisburg. Present were counsel for the Bureau of Investigation and Enforcement (I&E), Adam Young, and counsel for Peoples Natural Gas Company, LLC (Peoples), Lillian S. Harris. This order sets forth the procedural matters addressed and agreed upon at the prehearing conference.

ORDER

THEREFORE,

IT IS ORDERED:

1. That, pursuant to 52 Pa.Code §1.55, each party shall be limited to one entry on the service list for purposes of the service of documents. Any changes should be communicated to me, via e-mail ([sthaas@pa.gov](mailto:sthaas@pa.gov)) or in writing as soon as possible. The service list is as follows:

|  |  |  |
| --- | --- | --- |
| **Party** | **Counsel** | **E-Mail** |
|  |  |  |
| I&E | Adam Young | adyoung@pa.gov[[1]](#footnote-1) |
| Peoples | Lillian S. Harris | [lharris@postschell.com](mailto:lharris@postschell.com) |
|  |  |  |

2. That the above parties shall receive all documents and shall copy all other parties on documents they file with the Commission or serve on me. The above parties will be expected to conduct discovery, attend hearings, cross-examine witnesses, etc., unless the other parties and I are informed otherwise.

3. That the following schedule is adopted:

Prehearing conference May 24, 2017

Direct testimony of I&E July 21, 2017 Second prehearing conference August 17, 2017

Rebuttal testimony of Peoples September 14, 2017

Surrebuttal testimony of I&E October 6, 2017

Oral rejoinder outline October 25, 2017

Hearings (including oral rejoinder) November 1-2, 2017

Close of the record November 22, 2017

Main briefs December 21, 2017

Reply briefs January 8, 2018

4. That in accordance with the schedule set forth in paragraph 3 above and 52 Pa.Code § 5.412, the parties shall serve the documents listed above so that the documents are received in-hand by the parties no later than 4:30 p.m. on the dates listed. Parties may serve the documents listed above via e-mail or facsimile to meet this requirement, with hard copy to follow to be delivered the next day via overnight delivery. Parties shall not file testimony with the Commission, but shall file a certificate of service.

5. That written testimony shall comply with the requirements of 52 Pa.Code § 5.412 and shall be marked with numerical, sequential statement numbers.

6. That all parties shall comply with the provisions of 52 Pa.Code § 5.243(e) which prohibits the introduction of evidence during rebuttal which should have been included in the party’s case-in-chief or which substantially varies from the party’s case-in-chief, unless the party is introducing evidence in support of a proposed settlement.

7. The parties shall conduct discovery pursuant to 52 Pa.Code §§ 5.321-5.373. The parties should cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require our participation to resolve. All motions to compel shall contain a certification by counsel setting forth the specific actions the parties have undertaken to resolve their discovery disputes informally. If a motion to compel does not contain this certification, we shall contact the parties and direct them to resolve the matter informally and provide the certification if they are unsuccessful. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

8. That the evidentiary hearings will be held in Harrisburg and will commence at 10:00 a.m. unless changed by me.

9. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve precious administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.

10. That the evidentiary hearings in this matter constitute formal legal proceedings and will be conducted in accordance with the Commission’s Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.

11. That each party shall file copies of its briefs with the Secretary, in accordance with 52 Pa.Code § 5.502, and shall serve one copy, in-hand, on me and all other parties no later than 4:30 p.m. on the dates listed. In addition, each party shall e-mail its briefs in Microsoft Word 2010 or equivalent to me.

12. That all briefs shall comply with the requirements of 52 Pa.Code §§ 5.501 and 5.502, and in addition to the mandatory contents set forth in 52 Pa.Code § 5.501(a), all main briefs, regardless of length, must contain:

A. A history of the proceeding;

B. A discussion;

C. Proposed findings of facts (with record citations to transcript pages or exhibits where supporting evidence appears);

D. Proposed conclusions of law (with citations to supporting statutes, regulations or relevant case law); and

E. Proposed ordering paragraphs specifically identifying the relief sought.

13. That if a party does not file a reply brief, I will assume that the party does not dispute the assertions, contentions or arguments made by the other parties in their main briefs. While it is not necessary in a reply brief to repeat a particular argument or discussion contained in the main brief, the reply brief should note where the responsive argument is located in the main brief and how it responds to the other parties’ assertions, contentions or arguments.

14. That any brief not filed and served on or before the deadline fixed thereto will not be accepted for filing, except by permission for good cause.

15. That any provision of this prehearing order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa.Code § 5.223(a).

Date: May 25, 2017

Steven K. Haas

Administrative Law Judge

**C-2016-2437295 – PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF INVESTIGATION & ENFORCEMENT v PEOPLES NATURAL GAS CO LLC - EQUITABLE DIVISION**

ADAM D YOUNG ESQUIRE

PA PUC BUREAU OF INVESTIGATION & ENFORCEMENT

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***Accepts e-Service***

LILLIAN S HARRIS ESQUIRE

POST & SCHELL PC

17 NORTH SECOND STREET 12TH FLOOR

HARRISBURG PA 17101

***Accepts e-Service***

1. Mr. Young informed the court and the parties that he will be leaving the Commission for other employment on June 12, 2017. The service list will be updated at that time. [↑](#footnote-ref-1)