**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of UGI Utilities, Inc. - Electric :

Division for Approval of Phase III of its : M-2018-3004144

Energy Efficiency and Conservation Plan :

**SCHEDULING ORDER**

A prehearing conference in this matter was scheduled for Wednesday, October 10, 2018 at 10:00 a.m. In accordance with the provisions of 66 Pa.C.S. §333 and 52 Pa.Code §§5.221-5.224, a prehearing conference order was issued on September 19, 2018 outlining various procedures as well as matters to be addressed at the prehearing conference.

In response to the prehearing conference order, the parties submitted prehearing memoranda outlining their respective positions on procedural matters, modifications to the Commission’s rules relating to discovery as well as a proposed litigation schedule. The prehearing conference convened on October 10, 2018 as scheduled. The following counsel appeared on the behalf of the respective parties:

Devin Ryan ………….…………. UGI Utilities – Electric Division (UGI)

Christy Appleby………………… Office of Consumer Advocate (OCA)

Steven Gray ……………………. Office of Small Business Advocate (OSBA)

Joseph Vullo …………..……….. Commission on Economic Opportunity (CEO)

During the conference, various procedural matters were discussed. The following procedural schedule was agreed upon:

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| Other Parties Direct Testimony | November 6, 2018 |
| Rebuttal Testimony | November 28, 2018 |
| Surrebuttal Testimony | December 12, 2018 |
| Evidentiary Hearing | December 19, 2018 |
| Main Briefs | January 17, 2019 |
| Reply Briefs | January 31, 2019 |

 The hearing will be held in Harrisburg in a hearing room in the Commonwealth Keystone Building and will begin at 10:00 a.m.

 The parties have indicated that there is no present need for a public input hearing at this time.

 UGI indicated that it intends to file a motion for issuance of a protective order in this matter.

 Additionally, there was an agreement among the parties for modifications to the Commission’s discovery rules for this case. Those modifications are:

 (1) Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service.

 (2) Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories; unresolved objections shall be served upon the ALJ within five (5) days of service of the interrogatories.

 (3) Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.

 (4) Answers to motions to dismiss objections and/or answering of interrogatories shall be filed within three (3) calendar days of service of such motions.

 (5) Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within ten (10) calendar days of service.

 (6) Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

 (7) Answers to on-the-record data requests shall be served in-hand within seven (7) calendar days of the requests.

 (8) Interrogatories served after noon on Friday or after noon on the day before a holiday will be due as if served the following business day.

 All time periods established in the foregoing discovery schedule will be calculated using calendar days.

 On September 26, 2018 CEO filed a petition to intervene in this matter. This petition was discussed at the time of the prehearing conference. The petition was granted without objection from any party.

 Finally, the parties are reminded that Commission policy promotes settlements. 52 Pa.Code § 5.231(a). The parties are encouraged to commence settlement discussions as early as possible. Even if the parties are unable to settle this case, they may still resolve some of the questions or issues during their discussions. If the parties reach an agreement on all issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled. Any settlement, however, must be supported by substantial record evidence. 2 Pa.C.S. § 704.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the following schedule is adopted for this proceeding:

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| --- | --- |
| Other Parties Direct Testimony | November 6, 2018 |
| Rebuttal Testimony | November 28, 2018 |
| Surrebuttal Testimony | December 12, 2018 |
| Evidentiary Hearing | December 19, 2018 |
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2. That the parties shall receive all documents and shall copy all other parties on documents they file with the Commission or serve on the undersigned. The parties are expected to conduct discovery, attend hearings, or present or cross-examine witnesses, as appropriate. The parties shall serve the documents listed above so that the documents are received in-hand by the parties and presiding officer no later than 4:00 p.m. on the dates listed, unless otherwise indicated. Parties may serve the documents listed above via e-mail or facsimile to meet this requirement, with hard copy to follow by regular first-class mail, as long as the electronic version is Microsoft Word compatible and no larger than 5 MB per email. The parties shall file a certificate of service and not testimony with the Commission.

 3. That written testimony shall comply with the requirements of 52 Pa.Code § 5.412 and shall be marked with numerical, sequential statement numbers. Parties serving pre-served testimony pursuant to 52 Pa.Code § 5.412(f) are required, within thirty (30) days after the final hearing, to either eFile with or provide to the Secretary’s Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding, consistent with the Commission’s Implementation Order, dated January 10, 2013, at Docket No. M-2012-2331973.

 4. 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.

 5. That the parties shall conduct discovery pursuant to 52 Pa.Code §§5.321-5.373 as modified consistent with the discussion above. The parties are encouraged to cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require formal resolution. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

 6. That the evidentiary hearing will be held in Harrisburg and will commence at 10:00 a.m. on December 19, 2018, unless changed by the presiding officer.

 7. 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 administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.

 8. That the evidentiary hearing in this matter constitutes a formal legal proceeding 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.

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

 10. That the petition to intervene filed by CEO is granted without objection.

Date: October 12, 2018 /s/

 Benjamin J. Myers Administrative Law Judge

**M-2018-3004144 – PENNSYLVANIA PUBLIC UTILITIES COMMISSION v.** **UGI UTILITIES INCORPORATED-ELECTRIC DIVISION** *Revised 10/12/18*

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