



COMMONWEALTH OF PENNSYLVANIA

January 28, 2019

**E-FILED**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**Re: Petition of Valley Energy, Inc. for Expansion Project Surcharge and Waiver of  
Tariff Rule 4 / Docket No. P-2018-3006500**

Dear Secretary Chiavetta:

Enclosed for filing please find the Prehearing Memorandum, on behalf of the Office of Small Business Advocate ("OSBA"), in the above-captioned proceeding. I respectfully request that a copy of any documents filed in this case also be shared with our witness at the address below:

Brian Kalcic  
Excel Consulting  
225 S. Meramec Avenue, Suite 720 T  
St. Louis, MO 63105  
[excel.consulting@sbcglobal.net](mailto:excel.consulting@sbcglobal.net)

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Sharon E. Webb  
Assistant Small Business Advocate  
Attorney ID No. 73995

***Enclosures***

cc: Brian Kalcic  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of Valley Energy, Inc. for** :  
**Expansion Project Surcharge and** : **Docket No. P-2018-3006500**  
**Waiver of Tariff Rule 4** :

**OFFICE OF SMALL BUSINESS ADVOCATE  
PREHEARING MEMORANDUM**

**I. INTRODUCTION**

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business consumers of utility services before the Pennsylvania Public Utility Commission (the “Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§399.41 – 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to this proceeding. Please address all correspondence as follows:

Sharon E. Webb  
Assistant Small Business Advocate  
Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[swebb@pa.gov](mailto:swebb@pa.gov)

## **II. BACKGROUND**

On or about December 11, 2018, Valley Energy, Inc. (“Valley”) filed the instant Petition seeking Commission approval of proposed Rider EA Surcharge, and waiver of Valley’s Tariff Rule No. 4.

The OSBA filed an Answer, Notice of Appearance and Public Statement in this case on December 27, 2018.

Administrative Law Judge (“ALJ”) Dennis J. Buckley issued a Prehearing Conference Order setting January 29, 2019, as the date for a Prehearing Conference. This Prehearing Memorandum is being distributed in compliance with that Prehearing Conference Order.

## **III. WITNESS**

Assisting in the development and presentation of OSBA’s position in this rate cases will be:

Brian Kalcic  
Excel Consulting  
225 S. Meramec Avenue, Suite 720 T  
St. Louis, MO 63105  
[excel.consulting@sbcglobal.net](mailto:excel.consulting@sbcglobal.net)

The OSBA requests that all parties serve copies of all documents, including discovery, testimony and briefs, upon Mr. Kalcic, simultaneously with service upon the OSBA. The OSBA anticipates that it will present testimony by Mr. Kalcic.

#### **IV. IDENTIFICATION OF ISSUES**

The OSBA is participating in this case to ensure that the interests of small business customers of Valley are adequately represented and protected. As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of the parties, primarily through discovery, cross-examination of witnesses appearing for those parties, submission of testimony and briefing of the issues that arise in this proceeding. The OSBA will particularly focus on issues where the impact upon the interests of Valley's small business customers would be unjustifiably different from or disproportionate to the impact on other classes of customers, or otherwise lacking in reasonableness or basic fairness.

The preliminary issues identified by the OSBA include:

1. Whether Valley's proposed East Athens Expansion Project would be revenue neutral to general ratepayers under all circumstances; and
2. Whether Valley's proposed waiver of Tariff Rule 4 is necessary and reasonable.

The OSBA reserves the right to pursue additional issues as they may arise throughout the course of the proceedings.

#### **V. DISCOVERY**

The OSBA has not yet served interrogatories.

#### **VI. SERVICE OF DOCUMENTS**

The OSBA agrees to accept electronic delivery of documents on the due date as satisfying the in-hand requirement, if followed by hard copy delivery to the OSBA and its witness by first class mail. Electronic service only is not acceptable.

**VII. SETTLEMENT**

The OSBA is willing to enter into settlement discussions at any phase of these proceedings.

**VIII. PROCEDURAL SCHEDULE**

The OSBA agrees to work with the ALJ and other parties to arrive at a mutually acceptable procedural schedule.

Respectfully submitted,



---

Sharon E. Webb  
Assistant Small Business Advocate  
Attorney ID No. 73995

For:

John R. Evans  
Small Business Advocate

Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)

Dated: January 28, 2019

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of Valley Energy, Inc. for** :  
**Expansion Project Surcharge and** : **Docket No. P-2018-3006500**  
**Waiver of Tariff Rule 4** :

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email and/or First-Class mail (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Dennis J. Buckley  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[debuckley@pa.gov](mailto:debuckley@pa.gov)  
**(Email and Hand Delivery)**

J.D. Moore, Esquire  
Office of Consumer Advocate  
555 Walnut Street, 5th Floor  
Harrisburg, PA 17101  
[JMoore@paoca.org](mailto:JMoore@paoca.org)  
*(Counsel for OCA)*  
**(Email and Hand Delivery)**

Allison C. Kaster, Esquire  
Bureau of Investigation & Enforcement  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[akaster@pa.gov](mailto:akaster@pa.gov)  
*(Counsel for BIE)*  
**(Email and Hand Delivery)**

Pamela C. Polacek, Esquire  
Matthew L. Garber, Esquire  
McNees Wallace & Nurick LLC  
100 Pine Street  
PO Box 1166  
Harrisburg, PA 17108  
[ppolacek@mcneeslaw.com](mailto:ppolacek@mcneeslaw.com)  
[mgarber@mcneeslaw.com](mailto:mgarber@mcneeslaw.com)  
*(Counsel for Valley Energy)*

DATE: January 28, 2019

  
\_\_\_\_\_  
Sharon E. Webb  
Assistant Small Business Advocate  
Attorney ID No. 73995