**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2018-3006818

Office of Consumer Advocate : C-2019-3007711

Office of Small Business Advocate : C-2019-3007752

Charles Hagins : C-2019-3007698

Daniel Killmeyer : C-2019-3007635

Samuel Givens : C-2019-3007959

Sean D. Ferris : C-2019-3007904

:

v. :

:

Peoples Natural Gas Company, LLC :

**PREHEARING CONFERENCE ORDER**

On January 28, 2019, Peoples Natural Gas Company LLC (Peoples or the company) filed Retail Tariff Gas – Pa. P.U.C. No. 47 and Supplier Tariff Gas – Pa.P.U.C. No. S-3 to become effective March 29, 2019, containing proposed changes in rates, rules and regulations calculated to produce $94.9 million (14.2%) in additional fully-projected future test year annual revenues.

If the company’s entire request is approved, the total bill for a Peoples Division residential customer using 86 Mcf per year would increase from $74.24 to $84.73 per month or by 14.1%. The total bill for a Peoples Division commercial customer using 238 Mcf per year would increase from $150.79 to $172.56 per month or by 14.4%. The total bill for a Peoples Division industrial customer using 3,224 Mcf per year would increase from $1,684.32 to $1,957.16 or by 16.2%. The total bill for an Equitable Division residential customer using 86 Mcf per year would increase from $70.79 to $84.73 per month or by 19.7%. The total bill for an Equitable Division commercial customer using 238 Mcf per year would increase from $158.79 to $172.56 per month or by 8.7%. The total bill for an Equitable Division industrial customer using 3,224 Mcf per year would decrease from $2,140.64 to $2,050.63 per month or by 4.2%.

On February 7, 2019, the Office of Small Business Advocate (OSBA) filed a notice of appearance, a formal complaint, a public statement and a verification. Also on February 7, 2019, the Office of Consumer Advocate (OCA) filed a formal complaint and public statement. On February 15, 2019, the Community Action Association of Pennsylvania (CAAP) filed a petition to intervene. Also on February 15, 2019, the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA) filed a petition to intervene and answer.

In addition, formal complaints were filed by the following customers of Peoples: Sean D. Ferris, Samuel Givens, Charles F. Hagins and Daniel Killmeyer. Various additional consumers of Peoples filed an opposition to the rate increase.

On February 28, 2019, the Commission suspended the filing by operation law until October 29, 2019 pursuant to Section 1308(d) of the Public Utility Code, unless permitted by the Commission to become effective at an earlier date. The Commission added that investigation and analysis of the proposed tariff filings and the supporting data indicate that the proposed changes in rates, rules and regulations may be unlawful, unjust, unreasonable and contrary to the public interest. The Commission determined that the investigation shall include consideration of the lawfulness, justness and reasonableness of the company’s existing rates, rules and regulations and assigned the case to the Office of Administrative Law Judge for the prompt scheduling of hearings as may be necessary culminating in the issuance of a Recommended Decision.

As a result, on March 4, 2019, a hearing notice was issued establishing an initial in-person prehearing conference for this matter for Thursday March 14, 2019 at 10:00 a.m. in Hearing Room 5 of the Commonwealth Keystone Building in Harrisburg and assigning me as the presiding officer. Parties will be permitted to participate in the prehearing conference by telephone upon request.

In accordance with Section 333 of the Public Utility Code, 66 Pa.C.S. § 333, and Sections 5.221-5.224 of the Commission’s regulations, 52 Pa.Code §§ 5.221-5.224, this prehearing conference order is being issued.

ORDER

THEREFORE,

IT IS ORDERED:

1. That an Initial Prehearing Conference shall be held on **Thursday, March 14, 2019** beginning at 10:00 a.m. in person in Hearing Room 5 of the Commonwealth Keystone Building in Harrisburg. **Any party wishing to participate in the initial prehearing conference on March 14, 2019 by telephone must seek permission from the presiding officer in advance to do so**.
2. That absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the time thereof, without good case shown, shall constitute a waiver of all objections to the agreements reached and an order or ruling with respect thereto. **A parties list will be established at the initial prehearing conference that will be used for the remainder of the case**. If a party does not appear at, or file a petition to intervene by, the initial prehearing conference, or otherwise express an interest in being on the parties list, that party may be excluded from this case.
3. That all parties shall review the regulations relating to discovery, specifically 52 Pa.Code § 5.331(b), which provides, among other things, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa.Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371 – 5.372.
4. That pursuant to 52 Pa.Code §§ 1.21 – 1.23, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you. **However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you in this proceeding**. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).
5. That you must serve me directly with a copy of any document that you file in this proceeding. If you send me any correspondence or document, you must send a copy to all other parties. My address is:

Joel H. Cheskis

Deputy Chief Administrative Law Judge

Pennsylvania Public Utility Commission

Commonwealth Keystone Building

400 North Street

Harrisburg, PA 17120

Telephone: (717) 787-1399

Email: [jcheskis@pa.gov](mailto:jcheskis@pa.gov)

For your convenience, a copy of the Commission’s current service list of the parties to this proceeding is enclosed with this order.

1. That parties shall review the regulations pertaining to prehearing conferences, in particular 52 Pa.Code §5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable.

1. That pursuant to 52 Pa.Code §1.55, each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number and business e-mail address of the person they wish to have listed on the service list.
2. That on or before **Monday, March 11, 2019**, the parties shall serve me and each other with a Prehearing Conference Memorandum addressing:

a.) The information described in Paragraph 7, above.

b.) A statement regarding possible settlement of the case, subject to approval of the Pennsylvania Public Utility Commission.

c.) Any proposed modifications to the Commission’s discovery regulations.

d.) A proposed schedule for litigation which provides for reply briefs to be filed no later than **July 22, 2019**.

e.) Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witnesses’ testimony.

f.) A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed.

1. That the parties are directed to confer to identify specific dates, times and locations, with site information, including telephone numbers and persons to contact, and provide a joint status e‑mail ALJ by March 21, 2019. The parties are also to confer and attempt to reach a consensus regarding the content of the notice, newspaper advertisement of the public input hearings and other forms of notifying the public in the service territory. The results of these discussions must also be included in the status e-mail.
2. That parties serving pre-served testimony pursuant to 52 Pa.Code § 5.412(f) shall be 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.
3. That a request for a change of the scheduled Initial Prehearing Conference date shall state the agreement or opposition of other parties and shall be submitted in writing no later than five (5) days prior to the initial prehearing conference. 52 Pa.Code §1.15(b). Requests for change must be sent to me with copies to all parties of record.

Date: March 4, 2019 /s/

Joel H. Cheskis

Deputy Chief Administrative Law Judge

**R-2018-3006818 - PA PUBLIC UTILITY COMMISSION v. PEOPLES NATURAL GAS CO LLC**

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