



June 12, 2020

Via Electronic Filing

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

Re: *Pennsylvania Public Utility Commission v. Philadelphia Gas Works*
2020 Base Rate Case Filing / Docket No. R-2020-3017206

Dear Secretary Chiavetta,

Enclosed for filing in the above-referenced proceeding, please find the Motion to Dismiss Objections and Direct Answers to Interrogatories of the Environmental Stakeholders. Should you have any questions, please contact me at dmcdougall@earthjustice.org. As evidenced by the attached Certificate of Service, all parties to the proceeding are being served with a copy of this document. Thank you.

Sincerely,

/s/ Devin McDougall

Staff Attorney

Earthjustice

1617 John F. Kennedy Blvd., Suite 1130

Philadelphia, PA 19103

dmcdougall@earthjustice.org

(917) 628-7411

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	Docket No. R-2020-3017206
	:	
v.	:	
	:	
Philadelphia Gas Works	:	
	:	
	:	
	:	

**MOTION TO DISMISS OBJECTIONS AND DIRECT ANSWERS TO
INTERROGATORIES OF THE ENVIRONMENTAL STAKEHOLDERS**

Pursuant to 52 Pa. Code § 5.342(g), Sierra Club and Clean Air Council (hereinafter “Environmental Stakeholders”), respectfully move that the Administrative Law Judge dismiss the objections (“Objections”) of Philadelphia Gas Works (“PGW”) and order PGW to timely reply to Environmental Stakeholder Set I Interrogatories, Nos. 2–4, 7–12, and Set II Interrogatories, Nos. 1–3 in the above-captioned proceeding. Environmental Stakeholders and PGW have discussed, but were unable to resolve, the Objections. The Objections, as served, are attached hereto as Appendix A.

I. INTRODUCTION

As offered in our petition to intervene, Environmental Stakeholders engaged in this proceeding to help develop the record, ensuring that environmental and energy efficiency issues of significant public interest are adequately considered as the Commission considers whether the proposed rates are just and reasonable.¹ On June 1, 2020, the ALJ granted Environmental Stakeholders’ petition to intervene, noting that our participation would “not appear to

¹ Environmental Stakeholders’ Petition to Intervene, Docket No. R-2020-3017206, ¶ 8 (May 22, 2020) (“Pet. To Intervene”).

significantly broaden the matter beyond issues of operation and Maintenance, Environmental Remediation or the lawfulness, justness, and reasonableness of the rates, rules, and regulations currently raised by the parties in this matter.”²

The next day, Environmental Stakeholders served two sets of Interrogatories to PGW. On June 9, 2020, PGW filed its written Objections.³ As explained in further detail below, the interrogatories are relevant to the question of whether PGW’s proposed increases will result in just and reasonable rates for customers, putting them squarely within this Commission’s jurisdiction and directly relevant to the subject matter of this proceeding. Environmental Stakeholders respectfully ask the ALJ to dismiss PGW’s Objections and compel answers to the following interrogatories: Environmental Stakeholders’ Set I, Nos. 2–4, 7–12; and Set II, Nos. 1–3. These interrogatories are not only relevant, they are critical to the ability of the Environmental Stakeholders to help develop the record relating to environmental and energy efficiency issues that go to the heart of whether or not PGW’s proposed rates are just and reasonable.

II. BACKGROUND

A. Procedural Background

On February 28, 2020, PGW filed a proposed rate increase seeking, *inter alia*, a \$70 million increase to its annual distribution revenues, a 10.5% increase, and a 40% increase in the fixed monthly residential charge.⁴ As proposed, PGW’s new rates would increase a typical PGW residential heating bill by \$11.16, from \$99.52 to \$110.68 per month. PGW explains that these increases are necessary, in part, due to increased efficiency, which reduces usage and lowers

² Order Granting Petition to Intervene of Environmental Stakeholders, Docket No. R-2020-3017206, at 2 (June 1, 2020) (“June 1 Order”).

³ See Appendix A.

⁴ PGW 2020 Rate Filing, Vol. I, Part 1 of 3, Statement of Reasons at 1, Docket No. R-2020-3017206 (Feb. 28, 2020).

customer bills, and progressively warmer temperatures in PGW's service territory. PGW further explains the need for a substantial rate increase in order to continue modernizing its system and provide safe and adequate service.⁵ In particular, with the requested \$70 million rate increase, PGW projects that it could replace all cast iron main inventory in 34.6 years (reduced from 40.1 years), by 2055.⁶

B. Legal Standard

The Commission's regulations broadly define the scope of discovery.⁷ Discovery may be obtained on "any matter, not privileged, which is relevant to the subject matter involved in the pending action . . ."⁸ At the discovery stage, information sought need not be admissible at hearing, so long as it appears reasonably calculated to lead to the discovery of admissible evidence.⁹

In practice, the Commission has instructed that "the relevancy test should be liberally applied when considering discovery requests."¹⁰ Relevancy in discovery is broader than relevancy at trial. At hearing, information is relevant if it "logically tends to establish a material

⁵ PGW 2020 Rate Filing, Vol. II, *Direct Testimony of Gregory Stunder* at 4, Docket No. R-2020-3017206 (Feb. 28, 2020) ("PGW St. No. 1").

⁶ *Id.* at 5 (assuming 34.6 years cited by witness begins with current year).

⁷ 52 Pa. Code § 5.321(c):

Scope. Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

⁸ 52 Pa. Code § 5.321(c); *see also* *PECO Energy Co. v. Ins. Co. of N. Am.*, 2004 PA Super 221, ¶ 7, 852 A.2d 1230, 1233 (Pa. Super. Ct. 2004) (explaining discovery is "liberally allowed with respect to any matter, not privileged, which is relevant to the cause being tried") (citation omitted).

⁹ 52 Pa. Code § 5.321(c).

¹⁰ *Pennsylvania Pub. Util. Comm'n v. Equitable Gas Co.*, 61 Pa. P.U.C. 468 (May 15, 1986).

fact in the case, tends to make a fact at issue more or less probable, or supports a reasonable inference or presumption regarding the existence of a material fact.”¹¹ In discovery, this relevancy standard is broadened to include information related to the subject matter of the proceeding and reasonably calculated to lead to the discovery of admissible evidence.¹²

The party objecting to discovery—here, PGW—bears the burden of establishing the right to refuse discovery.¹³ Because the requested information is relevant and squarely within the scope of this ratemaking proceeding, PGW cannot carry its burden. PGW’s Objections should be dismissed and answers compelled.

III. ARGUMENT

A. Introduction

Of the fifteen interrogatories served by Environmental Stakeholders, PGW objected to twelve: Set I Nos. 2–4 and 7–12, and Set II Nos. 1–3; and refused to answer ten interrogatories: Set I Nos. 4, 7–12, and Set II Nos. 1–3. Environmental Stakeholders maintain that PGW’s Objections are without merit. All of the interrogatories at issue in this motion are relevant to the reasonableness and prudence of the planned expenditures underlying PGW’s proposed rates. For that reason, and as argued below, Environmental Stakeholders ask the ALJ to dismiss PGW’s Objections and compel timely and complete responses.

¹¹ *EQT Prod. Co. v. Borough of Jefferson Hills*, 208 A.3d 1010, 1025 (Pa. 2019) (citing *Commonwealth v. Johnson*, 639 Pa. 196, 160 A.3d 127, 146 (2017); *Commonwealth v. DeJesus*, 584 Pa. 29, 880 A.2d 608, 615 (2005)).

¹² 52 Pa. Code § 5.321(c); *see also In re Greco Appeal*, 30 Pa. D. & C.3d 661, 663 (Pa. Com. Pl. 1984) (“If there is any conceivable basis of relevancy, the discovery should be permitted.”).

¹³ *Koken v. One Beacon Ins. Co.*, 911 A.2d 1021, 1025 (Pa. Commw. Ct. 2006).

B. PGW failed to meet its burden to show that Interrogatories Set I, Nos. 2 and 3 are outside this scope of this proceeding and its Objections should be dismissed.

As discussed above, PGW bears the burden of establishing that any materials requested in Environmental Stakeholders Interrogatories are not relevant or should otherwise be excluded from discovery. Because PGW has failed to do so with respect to Environmental Stakeholders' Interrogatories in Set 1, Nos. 2 and 3, its Objections should be dismissed.

The Environmental Stakeholders' Interrogatories in Set 1, Nos. 2 and 3 asked PGW to provide materials concerning the utility's EnergySense Program and other energy efficiency programs, including any related analyses, reports, cost-benefit studies and analyses, savings projections, and Evaluation, Measurement and Verification studies. In its Objection No. 1, PGW argues that information about the utility's energy efficiency programs lies outside the scope of the current proceeding and should be excluded from discovery.¹⁴

PGW's argument mischaracterizes the nature of Environmental Stakeholders' interest in this proceeding and the purpose of the Interrogatories in question. Environmental Stakeholders are not seeking modifications to PGW's Energy Conservation Plan or attempting to "litigate PGW's energy efficiency programs."¹⁵ Instead, they challenge the utility's proposed rate increase as unjust and unreasonable considering, *inter alia*, its likely effect on energy efficiency and environmental conservation.¹⁶ The Commission acknowledged as much in its Order granting permission to intervene, which noted that Environmental Stakeholders' "energy efficiency or environmental concerns" would not "significantly broaden the matter beyond issues of Operation

¹⁴ Philadelphia Gas Works' Objections to the Interrogatories of Clean Air Council, Set I, Nos. 2-4 and 7-12, Docket No. R-2020-3017206, at 1-2 (June 9, 2020).

¹⁵ *Id.*

¹⁶ See Pet. to Intervene at ¶ 14 ("The Environmental Stakeholders plan to focus on the traditional and core rate case questions about whether the utility has adequately justified its proposed rate increases").

and Maintenance, Environmental Remediation or the lawfulness, justness, and reasonableness of the rates, rules, and regulations currently raised by the parties in this matter.”¹⁷

The requested information concerning PGW’s energy efficiency programs is plainly relevant to the justness and reasonableness of the proposed rate increase. When determining just and reasonable rates, the Commission must consider, “in addition to all other relevant evidence of record, the efficiency, effectiveness and adequacy of service of each utility.”¹⁸ In addition, the Commission’s regulations require that any proposed voluntary rate increase under Section 1308 be calculated to cover the “reasonable and prudent operating expenses” of the utility.¹⁹ Insofar as PGW’s programmatic efforts at energy conservation factor into the forecasting of future demand and system load, they bear directly on the reasonableness and prudence of the predicted operating expenses upon which the proposed rate increase is based. Accordingly, information concerning the scope and effectiveness of PGW’s energy conservation programs is relevant to the current proceeding.

In this case, PGW has justified its proposed rate increase in part based on an asserted need to replace the utility’s aging and at-risk distribution infrastructure.²⁰ Environmental Stakeholders assert that to the extent that energy conservation may offer a more cost-effective and environmentally sustainable alternative to wholesale replacement of PGW’s distribution infrastructure, the utility’s conservation plans are relevant to the reasonableness of the proposed rate increase.

¹⁷ June 1 Order at 2.

¹⁸ 66 Pa. C.S. § 523(a).

¹⁹ 52 Pa. Code § 69.2702(b).

²⁰ See PGW St. No. 1 at 5 (stating that the rate increase will allow the utility to replace its at-risk pipes on an expedited schedule of 34.6 rather than 40.1 years).

PGW's suggestion that Environmental Stakeholders should have brought their concerns in the separate proceedings concerning the utility's Demand Side Management Program Implementation Plan and Universal Service and Energy Conservation Plan is also without merit. As discussed above, Environmental Stakeholders' interest here is the reasonableness of the PGW's proposed rate increase, a question which was not at issue in either of the referenced proceedings.²¹

Because PGW has failed to meet its burden of proving that the materials in Environmental Stakeholders' Interrogatories in Set 1, Nos. 2 and 3 are not relevant, Environmental Stakeholders respectfully request that the Commission dismiss Objection No. 1 and compel production of the requested materials.

C. Interrogatory No. 4, Set I, directly relates to whether the proposed rates are just and reasonable, and PGW's Objection should be dismissed and its response compelled.

Environmental Stakeholders' Set I No. 4 asks PGW to provide all analyses it may have related to building electrification, including electrification as an alternative to the repair or extension of gas infrastructure. PGW objects on the grounds that electrification is outside this Commission's jurisdiction and beyond the scope of this proceeding. PGW's objection again fundamentally misunderstands the relevance of the requested information. Because an analysis of building electrification directly relates to whether it is reasonable and prudent to accelerate capital investment in PGW's distribution system, the request is squarely within the Commission's jurisdiction and goes to the heart of this ratemaking proceeding.

²¹ See Petition of Philadelphia Gas Works for Approval of Demand Side Management Plan for FY 2016-2020 and Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2014-2016 52 Pa. Code § 62.4 – Request for Waivers, Docket No. P-2014-2459362 (Dec. 27, 2018); Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2022 (Apr. 28, 2016) and Petition to Amend Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2022, Docket Nos. M-2016-2542415, et al. (Apr. 10, 2020).

In this proceeding, the Commission must determine whether the proposed increases requested by PGW will result in just and reasonable rates. That determination will require the Commission to consider whether PGW has proposed reasonable and prudent operating expenses as the Commission deems appropriate and in the public interest.²² Identification of reasonable and prudent expenses requires an evaluation of alternatives and identification of cost-effective solutions.

Before investing tens of millions of dollars in infrastructure repair and expansion, it is reasonable and prudent for a gas utility to consider building electrification trends and opportunities. For example, increased building electrification in PGW's service territory will impact long-term customer demand, depressing future revenue. And an analysis of building electrification could show that incentivizing or fully funding customer transitions from gas to electric could be less costly than repairing and extending PGW's gas infrastructure.

Environmental Stakeholders' Set I, No. 4 does little more than ask PGW to share any analyses considering how building electrification might impact its future operations or render capital intensive capital projects imprudent. No expansion of Commission jurisdiction is needed to evaluate whether PGW considered an issue that will directly impact its revenues and business model before proposing a \$70 million revenue increase. Accordingly, Environmental Stakeholders ask the ALJ to dismiss PGW's objection and compel an answer to Set I, No. 4.

D. Interrogatory Nos. 7–12, Set I, are squarely within the Commission's jurisdiction and directly relate to the issue of whether PGW's proposed rate increase is just and reasonable.

In order to consider the reasonableness of PGW's proposed rate increase, Environmental Stakeholders' Interrogatories Set I, Nos. 7–12 asked PGW to identify actions, analyses,

²² 52 Pa. Code § 69.2702(b).

presentations, and other information related to how PGW acted on or considered Governor Tom Wolf's Executive Order No. 2019-01 and Philadelphia City Council Resolutions Nos. 170706 and 190728. Collectively, these orders acknowledge the importance of mitigating the worst impacts of climate change, set specific state and local greenhouse gas emission reduction targets, and commit the City of Philadelphia to transition to 100% clean energy by 2050.²³ Again misconstruing the purpose of the request, PGW objects on the grounds that the requests are beyond the scope of the proceeding and this Commission's jurisdiction. PGW's objection should be denied, as the interrogatories relate to whether or not PGW's proposed rate increase reasonably forecasts future system needs in light of commitments made by State and City governments—important indicators of the public interest.

The Commission has authority and jurisdiction to evaluate the lawfulness, justness, and reasonableness of PGW's existing and proposed rates. Here, PGW seeks a significant rate increase to accelerate investments in its distribution infrastructure. Before approving a rate increase predicated on a need for accelerated infrastructure investments, the Commission must be certain that those investments are reasonable and prudent and in the public interest.²⁴ Whether PGW has considered State and Local government commitments to transition away from dependence on fossil fuels is directly relevant to whether its proposed infrastructure investments are indeed reasonable and prudent.

PGW's proposed rate increase to enable accelerated replacement of distribution infrastructure intrinsically assumes the long-term value of the investments will outweigh their

²³ Executive Order No. 2019-01, signed January 8, 2019, commits the Commonwealth to “strive to achieve a 26 percent reduction of net greenhouse gas emissions statewide by 2025 from 2005 levels, and an 80 percent reduction of net greenhouse gas emissions by 2050 from 2005 levels.” The City of Philadelphia, via Resolution No. 190728, aims to transition to the use of 100% Clean Renewable Energy by 2050—within 30 years.

²⁴ 52 Pa. Code § 69.2702(b).

costs and that these particular investments are more reasonable and prudent than any alternatives. But PGW has completely failed to assess the impacts of a dynamic legal and policy context on the viability, reasonableness, and prudence of its contemplated investments, and the record must be developed on these points. As PGW asks for a rate increase to accelerate infrastructure investments that will allow it to replace all mains by 2055,²⁵ the City of Philadelphia passed a resolution to transition to the use of 100% clean renewable energy for municipal operations by 2030, for electricity City-wide by 2035, and for all energy—including heating—by 2050.²⁶ Meaning, the city PGW serves has committed to making the delivery of gas for heating obsolete *five years before* PGW would even finish its infrastructure projects.

Because such a municipal commitment both fundamentally impacts PGW's business and indicates where the public interest lies, Set I, Nos. 7–12 go to issues at the heart of this Commission's jurisdiction. Environmental Stakeholders' Set I, Nos. 7–12, are each relevant to establishing whether and how PGW evaluated the prudence of accelerated investment in distribution infrastructure at a time when State and Local governments have committed themselves to transition away from fossil fuels—if at all. No special or additional jurisdiction over environmental issues is urged or needed for this Commission to consider whether PGW's plan to spend ratepayer dollars makes sense. Accordingly, Environmental Stakeholders ask the ALJ to dismiss PGW's objection and compel an answer to Set I, Nos. 7–12.

E. Interrogatory Nos. 1–3, Set II, are squarely within the Commission's jurisdiction and directly relate to the reasonableness of PGW's proposed rate increase.

Environmental Stakeholders' Set II, Nos. 1–3, asked PGW to provide analyses of current and projected GHG emissions from PGW operations, the volume of methane leaking from the

²⁵ See PGW St. No. 1 at 5 (stating that the rate increase will allow the utility to replace its at-risk pipes on an expedited schedule of 34.6 rather than 40.1 years).

²⁶ Resolution No. 190728 (Sept. 19, 2019).

distribution network, including identification of any high hazard components, and steps or procedures to identify the largest methane leaks in the distribution network. PGW objects and refuses to answer on the grounds that the regulation of methane emissions and their environmental effects is outside the scope of this Commission's jurisdiction. As above, PGW's Objections fundamentally misconstrue the relevance of the interrogatories. PGW's objection to Set II, Nos. 1–3, should be dismissed and answers compelled.

Interrogatories Set II, Nos. 1–3 are directly relevant to whether the planned investments underlying the proposed rate increase are reasonable. It would be unjust and unreasonable to commit customers to pay for imprudent capital expenditures. The Governor's Executive Order No. 2019-01 specifically concerns greenhouse gas emissions, explicitly including methane, and orders dramatic reduction targets as early as 2025. City Council Resolution No. 170706 commits Philadelphia to meet Paris Climate Accord commitments, including reductions in greenhouse gases. Inventories of emissions, including leaks, from PGW's distribution system (Set II, No. 1) are relevant to assessing the reductions PGW may be able to achieve by investment in new distribution system infrastructure.

Interrogatories Set II, Nos. 2–3 are further relevant to assessing the extent to which PGW has identified and targeted methane hazards on its distribution system, thereby efficiently improving the safety, reliability, and efficiency of its system. PGW itself recognizes the direct connection between the proposed rate increase and improved safety, efficiency, and reliability, and thus the relevance of discovery related to the prevalence and targeting of dangerous leaks.²⁷

²⁷ See, e.g., PGW St. No. 1, at 3–4 (explaining rate increase necessary to be “able to continue with [] significant efforts to improve the safety, efficiency and reliability” of PGW's system); PGW 2020 Rate Filing, Vol. II, *Direct Testimony of Daniel J. Hartman* at 14, Docket No. R-2020-3017206 (Feb. 28, 2020) (explaining rate increase needed to fund ongoing capital improvement program, which ensures funding for the safety and reliability of the system).

The interrogatories are thus not at all concerned with the direct regulation of methane, as PGW incorrectly suggests, but rather focus on the traditional ratemaking issues of whether PGW's planned investments are reasonable, prudent, and consistent with the public interest.

IV. CONCLUSION

For the reasons discussed above, Environmental Stakeholders respectfully ask that the Administrative Law Judge dismiss PGW's Objections to Environmental Stakeholders' Set I Nos. 2-4, 7-12, and Set II, Nos. 1-3, and compel PGW to provide complete and timely responses to the same.

June 12, 2020

Respectfully submitted,

/s/

Devin McDougall, Staff Attorney
Earthjustice
1617 John F. Kennedy Blvd., Suite 1130
Philadelphia, PA 19103
dmcdougall@earthjustice.org
(917) 628-7411

/s/

Cassandra McCrae, Associate Attorney
Earthjustice
1617 John F. Kennedy Blvd., Suite 1130
Philadelphia, PA 19103
cmccrae@earthjustice.org
(407) 462-1342

/s/

Logan Welde
Staff Attorney & Director of Legislative Affairs
Clean Air Council
135 S 19th St, Suite 300
Philadelphia, PA 19103
lwelde@cleanair.org
(215) 567-4004

Appendix A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et al.	:	
	:	Docket No. R-2020-3017206
	:	
v.	:	
	:	
Philadelphia Gas Works	:	

**INTERROGATORIES OF CLEAN AIR COUNCIL
TO PHILADELPHIA GAS WORKS**

SET 1

Pursuant to 52 Pa. Code § 5.341, Clean Air Council respectfully submits the following Interrogatories to Philadelphia Gas Works (“PGW”), to be answered by those officers, employees, agents, or contractors who have knowledge of the requested facts and who are authorized to answer on behalf of PGW. To the extent possible, Clean Air Council requests that verified answers be forwarded as answers are completed, rather than waiting for the set to be complete.

Instructions

1. These interrogatories shall be construed as a continuing request. PGW is obliged to change, supplement, and correct all answers to interrogatories to conform to available information, including any information that first becomes available after PGW files its responses to these interrogatories.
2. Restate the interrogatory immediately preceding each response.
3. Identify the name, title, and business address of each person(s) providing each response.
4. Provide the date on which the response was created.

5. Divulge all information that is within the knowledge, possession, control, or custody of PGW or may be reasonably ascertained by PGW. The terms “PGW” or “Company” as used herein include Philadelphia Gas Works and its attorneys, agents, employees, contractors, or other representatives.
6. As used herein, the words “document,” “documentation,” or “workpaper” include, but are not limited to, the original and all copies in whatever form, stored or contained in or on whatever media or medium, including but not limited to computerized memory, magnetic, electronic, or optical media, regardless of origin and whether or not including additional writing thereon or attached thereto, and may consist of:
 - a. notations of any sort concerning conversations, telephone calls, meetings, or other communications;
 - b. bulletins, transcripts, diaries, emails, memoranda, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys;
 - c. worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments, and written comments concerning the foregoing.
7. Provide a verification by the responsible witness that all facts contained in the response are true and correct to the best of the witness’s knowledge, information, and belief.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et	:	
al.	:	Docket No. R-2020-3017206
	:	
v.	:	
	:	
Philadelphia Gas Works	:	

**CLEAN AIR COUNCIL
INTERROGATORIES – SET I**

CAC-I-1 Please provide all discovery responses provided to all other parties in this proceeding.

CAC-I-2 Please provide all materials filed by PGW with the Pennsylvania Public Utility Commission concerning PGW’s EnergySense Program and any other PGW energy efficiency programs since January 1, 2015.

CAC-I-3 Please provide all analyses, reports, cost-benefit studies and analyses, savings projections, and Evaluation, Measurement and Verification (“EM&V”) studies produced by or for PGW concerning its EnergySense Program and any other energy efficiency programs of PGW. Please provide all analyses in their native electronic format with formulas intact.

CAC-I-4 Please provide all analyses, reports, cost-benefit studies and analyses, savings projections, and Evaluation, Measurement and Verification (“EM&V”) studies produced by or for PGW concerning building electrification, including building electrification as an alternative to the repair and/or extension of gas infrastructure. Please provide all analyses in their native electronic format with formulas intact.

CAC-I-5 Please provide all analyses, reports, or cost-benefit studies produced by or for PGW concerning the impact that changing the balance of fixed and variable charges on customer bills would have on PGW’s EnergySense or any other PGW energy efficiency programs. Please provide all analyses in their native electronic format with formulas intact.

CAC-I-6 Please provide all analyses, reports, or cost-benefit studies produced by or for PGW concerning the impact that changing the balance of fixed and variable charges on customer bills would have on low-income PGW ratepayers. Please provide all analyses in their native electronic format with formulas intact.

CAC-I-7 Governor Tom Wolf issued Executive Order No 2019-01 on January 8, 2019, describing climate change as “the most critical environmental threat confronting the world” and stating, in part, that “The Commonwealth shall strive to achieve a 26 percent

reduction of net greenhouse gas emissions statewide by 2025 from 2005 levels, and an 80 percent reduction of net greenhouse gas emissions by 2050 from 2005 levels.” Please explain what actions PGW intends to take in order to reduce greenhouse gas (“GHG”) emissions associated with natural gas usage consistent with Executive Order 2019-01. Please provide all analyses performed by or for PGW of such actions in their native electronic format, with formulas intact.

CAC-I-8 Please provide all reports, presentations, and analyses provided to the PGW leadership or to the Philadelphia Facilities Management Corporation (“PFMC”) concerning Executive Order 2019-01 and PGW’s response to Executive Order 2019-01. Please provide minutes of PGW or PFMC meetings at which Executive Order 2019-01 was discussed.

CAC-I-9 The Philadelphia City Council adopted Resolution No. 170706 on September 14, 2017, stating in part that “The responsible direction of investment capital being necessary to fund responses to the crisis of climate disruption, Philadelphia encourages divestment from fossil fuels and investment in energy efficiency and renewable energy alternatives” and committing the city of Philadelphia “to doing its part to meet the obligations of the United States under the Paris Accord to limit global warming to 1.5° C above pre-industrial levels.” Resolution No. 170706 further asks public agencies, including PGW, “to join the City’s commitment to meet the goals of the Paris Accord.” Please explain what actions PGW has taken or intends to take in pursuit of the City’s commitment to meet the goals of the Paris Accord. Please provide all analyses performed by or for PGW of such actions in their native electronic format, with formulas intact.

CAC-I-10 Please provide all reports, presentations, and analyses provided to the PGW leadership or to the Philadelphia Facilities Management Corporation (“PFMC”) concerning Resolution No. 170706 and PGW’s response to Resolution No. 170706. Please provide minutes of PGW or PFMC meetings at which Resolution No. 170706 was discussed.

CAC-I-11 The Philadelphia City Council adopted Resolution No. 190728 on September 26, 2019, reiterating the commitment made by the city under Resolution No. 170706 and stating in part that “The Philadelphia Office of Sustainability, has issued Powering Our Future: A Clean Energy Vision for Philadelphia, outlining ways to achieve 80% carbon emissions reduction in the built environment by 2050” and resolving, among other matters, that “the City of Philadelphia shall take measures to achieve a fair and equitable transition to the use of 100% clean renewable energy for electricity in municipal operations by 2030, for electricity City-wide by 2035, and for all energy (including heat and transportation) city-wide by 2050 or sooner.” Please explain what actions PGW has taken or intends to take in pursuit of the City’s commitment to use 100% clean renewable energy for all energy, including heat, city-wide by 2050 or sooner. Please provide all analyses performed by or for PGW of such actions in their native electronic format, with formulas intact.

CAC-I-12 Please provide all reports, presentations, and analyses provided to the PGW leadership or to the Philadelphia Facilities Management Corporation (“PFMC”) concerning Resolution No. 190728 and PGW’s response to Resolution No. 190728. Please provide minutes of PGW or PFMC meetings at which Resolution No. 190728 was discussed.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et al.	:	
	:	Docket No. R-2020-3017206
	:	
v.	:	
	:	
Philadelphia Gas Works	:	

**INTERROGATORIES OF CLEAN AIR COUNCIL
TO PHILADELPHIA GAS WORKS**

SET II

Pursuant to 52 Pa. Code § 5.341, Clean Air Council respectfully submits the following Interrogatories to Philadelphia Gas Works (“PGW”), to be answered by those officers, employees, agents, or contractors who have knowledge of the requested facts and who are authorized to answer on behalf of PGW. To the extent possible, Clean Air Council requests that verified answers be forwarded as answers are completed, rather than waiting for the set to be complete.

Instructions

1. These interrogatories shall be construed as a continuing request. PGW is obliged to change, supplement, and correct all answers to interrogatories to conform to available information, including any information that first becomes available after PGW files its responses to these interrogatories.
2. Restate the interrogatory immediately preceding each response.
3. Identify the name, title, and business address of each person(s) providing each response.
4. Provide the date on which the response was created.

5. Divulge all information that is within the knowledge, possession, control, or custody of PGW or may be reasonably ascertained by PGW. The terms “PGW” or “Company” as used herein include Philadelphia Gas Works and its attorneys, agents, employees, contractors, or other representatives.
6. As used herein, the words “document,” “documentation,” or “workpaper” include, but are not limited to, the original and all copies in whatever form, stored or contained in or on whatever media or medium, including but not limited to computerized memory, magnetic, electronic, or optical media, regardless of origin and whether or not including additional writing thereon or attached thereto, and may consist of:
 - a. notations of any sort concerning conversations, telephone calls, meetings, or other communications;
 - b. bulletins, transcripts, diaries, emails, memoranda, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys;
 - c. worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments, and written comments concerning the foregoing.
7. Provide a verification by the responsible witness that all facts contained in the response are true and correct to the best of the witness’s knowledge, information, and belief.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et al.	:	
	:	Docket No. R-2020-3017206
	:	
v.	:	
	:	
Philadelphia Gas Works	:	

**CLEAN AIR COUNCIL
INTERROGATORIES – SET II**

CAC-II-1 Please provide all reports, presentations, and analyses provided to the PGW leadership or to the Philadelphia Facilities Management Corporation (“PFMC”) concerning the current and projected inventory of GHGs from PGW’s operations, including from the combustion of gas delivered by PGW, and from methane estimated to be escaping from PGW’s distribution system prior to combustion.

CAC-II-2 Please provide all reports, presentations, and analyses provided to the PGW leadership or to the Philadelphia Facilities Management Corporation (“PFMC”) concerning the amount of methane leaking from different parts of PGW’s distribution network, and whether any system components or sectors have been designated as high hazard.

CAC-II-3 Please provide all reports, presentations, and analyses provided to the PGW leadership or to the Philadelphia Facilities Management Corporation (“PFMC”) concerning what steps PGW has taken, or procedures put in place to identify the largest methane leaking parts of PGW’s distribution network.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY COMMISSION	:	
	:	Docket No. R-2020-3017206
	:	
v.	:	
	:	
PHILADELPHIA GAS WORKS	:	

**PHILADELPHIA GAS WORKS' OBJECTIONS
TO THE INTERROGATORIES OF CLEAN AIR COUNCIL,
SET I, NOS. 2-4 AND 7-12**

Philadelphia Gas Works ("PGW") hereby objects to the Interrogatories of Clean Air Council ("the Council"), Set I, Nos. 2-4 and 7-12. PGW has previously communicated to the Council its intention to object to these Interrogatories. PLEASE NOTE: Without waiver of these objections, PGW will attempt to respond to Set I, Nos. 2 and 3 to the extent reasonably possible. The Interrogatories that PGW is objecting to are set forth in Attachment A hereto. PGW objects to the Council's Set I, Nos. 2-4 and 7-12 on the following grounds:

- 1. Council's Set I, Nos. 2-3 are not relevant and are beyond the scope of this proceeding. 52 Pa. Code § 5.321(c).**

The Council's Set I Interrogatories, Nos. 2-3 request information regarding PGW's EnergySense Program and other energy efficiency programs. PGW has not proposed any changes to its EnergySense Program or any of its other energy efficiency programs in this proceeding. PGW's energy efficiency programs were fully and comprehensively addressed in PGW's Demand Side Management Program Implementation Plan proceeding¹ and Universal

¹ *Petition of Philadelphia Gas Works for Approval of Demand Side Management Plan for FY 2014-2016 and Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2014-2016 52 Pa. Code § 62.4 – Request for Waivers, Docket No. P-2014-2459362. Of note, Clean Air Council was a party to this proceeding.*

Service and Energy Conservation Plan proceeding.² Accordingly, detailed questions about PGW's energy efficiency programs are not relevant to this case or reasonably calculated to lead to the discovery of admissible evidence. Any attempt to litigate PGW's energy efficiency programs in this proceeding should be rejected.

2. Council's Set I, Nos. 4 and 7-12 are not relevant and are beyond the scope of this proceeding. 52 Pa. Code § 5.321(c).

The above-referenced questions are detailed questions that relate to: 1) electrification as an alternative to the repair and/or extension of natural gas infrastructure; 2) greenhouse gas emissions and efforts to reduce same; and 3) efforts to divest from fossil fuels, limit global warming, and invest in renewable energy. The questions all seek information related to the environmental impacts of PGW's operations and/or efforts to address environmental concerns. These environmental questions are not relevant and are beyond the scope of this rate proceeding.

First, the information sought in these discovery requests is not legally relevant, as the Commission lacks jurisdiction over the environmental issues that are the subject of the Council's discovery requests. The Commission has only the power and jurisdiction expressed or necessarily implied to it by the legislature.³ The Commission must act within, and cannot exceed, its jurisdiction.⁴ Jurisdiction cannot be conferred where none exists.⁵ While the

² PGW's Universal Service and Energy Conservation Plan was just approved by the PUC and is on appeal to Commonwealth Court. PGW's Universal Service and Energy Conservation Plan for 2017-2022 and Petition to Amend Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2017-2022, Docket Nos. M-2016-2542415, *et. al.*, Order (March 26, 2020).

³ *See City of Phila. v. Phila. Elec. Co.*, 473 A.2d 997, 999-1000 (Pa. 1984) ("We begin our inquiry by recognizing that the authority of the Commission must arise from the express words of the pertinent statutes or by strong and necessary implication therefrom...It is axiomatic that the Commission's power is statutory; and the legislative grant of power in any particular case must be clear."); *see also Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791, 795 (Pa. 1977); *Tod and Lisa Shedlosky v. Pennsylvania Electric Co.*, Docket No. C-20066937 (Order entered May 28, 2008).

⁴ *City of Pittsburgh v. Pa. PUC*, 43 A.2d 348 (Pa. Super. 1945).

⁵ *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).

Commission has jurisdiction over a utility's facilities and service,⁶ it is clear that the Commission does not have jurisdiction over environmental issues or compliance with state or federal environmental laws.⁷

The Commission clearly lacks jurisdiction over Council's Set I, No. 4 request on electrification. PGW has an obligation to provide gas service. It has no obligation nor the legal ability under the Public Utility Code or the Commission's regulations to provide electric service.

Council's Set I, Nos. 7-12 request information directly related to an Executive Order aimed at reducing greenhouse gas emissions and City Council Resolutions aimed at divesting from fossil fuels, limiting global warming, and reducing carbon emissions. The commitments established in the referenced Executive Order and City Council Resolutions are *not* requirements set out in the Public Utility Code or the Commission's regulations. Executive Orders and City Council Resolutions "cannot legally operate to expand the powers of a statutory agency."⁸ As discussed, the Commission does not have jurisdiction over these issues, and the referenced Executive Order and City Council Resolutions cannot operate to expand jurisdiction where none exists.

Second, even if the Commission had jurisdiction over environmental issues or compliance with state or federal environmental laws, the information sought in these discovery

⁶ 66 Pa. C.S. § 1505.

⁷ *Rovin, D.D.S. v. Pa. Public Utility Commission*, 502 A. 2d 785 (Pa. Cmwlth 1986) ("*Rovin*") (Enforcement of environmental statutes is specifically vested in the Department of Environmental Protection and the Federal Environmental Protection Agency.); *Pickford v. PUC*, 4 A.3d 707 (Pa. Cmwlth. Ct. 2010) ("*Pickford*") (customer complaints related to the conversion of water treatment plants from chlorinated water to chloraminated water were obvious challenges to the health effects of chloramines under permits issued by the Department of Environmental Protection and, thus, outside the Commission's jurisdiction); *Country Place Waste Treatment Company, Inc. v. Pa. Pub. Util. Comm'n*, 654 A.2d 72 (Pa. Cmwlth. 1995) (Commission lacks authority to regulate air quality where sewage treatment plant caused odor).

⁸ *Funk v. Wolf*, 144 A.3d 228, 249 (Pa. Cmwlth. Ct. 2016); citing *Cnty Coll. of Delaware Cnty.*, 342 A.2d 468, 474 (Pa. Cmwlth. Ct. 1974); see also *Nat'l Solid Wastes Mgmt. Ass'n*, 600 A.2d 260, 261 (Pa. Cmwlth. Ct. 1991).

requests would neither be relevant to this rate case proceeding nor reasonably calculated to lead to the discovery of admissible evidence.⁹ Council's Set I, Nos. 4 and 7-12 are not relevant to PGW's rate case filing or any existing PGW Tariff provision. In fact, none of the questions reference any part of PGW's filing, testimony or even discovery answers to date. The scope of a base rate case is to determine the reasonableness of a utility's proposed and existing Tariff (or any new proposals raised therein); it is not a "free-for-all," enabling a party to introduce any issue or complaint that it may have with the utility seeking the rate increase. Issues pertaining to electrification, greenhouse gas emissions, and renewable energy are not relevant to this proceeding as they are outside the Commission's purview.

For the reasons explained above, PGW objects to Clean Air Council's Interrogatories, Set I, Nos. 2-4 and 7-12, as they are not relevant and are beyond the scope of this proceeding.

Respectfully submitted,

/s/ Kristine E. Marsilio

Of Counsel:
Craig W. Berry, Esq.
Senior Attorney
Admitted pro hac vice
Graciela Christlieb, Esq.
Senior Attorney, Legal Department
Philadelphia Gas Works
800 W. Montgomery Ave.
Philadelphia, PA 19122
Tel (215) 684-6049
Fax (215) 684-6798
Craig.Berry@pgworks.com
Graciela.Christlieb@pgworks.com

Daniel Clearfield, Esq.
Sarah C. Stoner, Esq.
Kristine E. Marsilio, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
717.237.6000; 717.237.6019 (fax)
dclearfield@eckertseamans.com
sstoner@eckertseamans.com
kmarsilio@eckertseamans.com
Counsel for Philadelphia Gas Works

Dated: June 9, 2020

⁹ 52 Pa. Code § 5.321(c).

Attachment A

Clean Air Council Interrogatories to PGW – Set I

CAC-I-2 Please provide all materials filed by PGW with the Pennsylvania Public Utility Commission concerning PGW's EnergySense Program and any other PGW energy efficiency programs since January 1, 2015.

CAC-I-3 Please provide all analyses, reports, cost-benefit studies and analyses, savings projections, and Evaluation, Measurement and Verification ("EM&V") studies produced by or for PGW concerning its EnergySense Program and any other energy efficiency programs of PGW. Please provide all analyses in their native electronic format with formulas intact.

CAC-I-4 Please provide all analyses, reports, cost-benefit studies and analyses, savings projections, and Evaluation, Measurement and Verification ("EM&V") studies produced by or for PGW concerning building electrification, including building electrification as an alternative to the repair and/or extension of gas infrastructure. Please provide all analyses in their native electronic format with formulas intact.

CAC-I-7 Governor Tom Wolf issued Executive Order No 2019-01 on January 8, 2019, describing climate change as "the most critical environmental threat confronting the world" and stating, in part, that "The Commonwealth shall strive to achieve a 26 percent reduction of net greenhouse gas emissions statewide by 2025 from 2005 levels, and an 80 percent reduction of net greenhouse gas emissions by 2050 from 2005 levels." Please explain what actions PGW intends to take in order to reduce greenhouse gas ("GHG") emissions associated with natural gas usage consistent with Executive Order 2019-01. Please provide all analyses performed by or for PGW of such actions in their native electronic format, with formulas intact.

CAC-I-8 Please provide all reports, presentations, and analyses provided to the PGW leadership or to the Philadelphia Facilities Management Corporation ("PFMC") concerning Executive Order 2019-01 and PGW's response to Executive Order 2019-01. Please provide minutes of PGW or PFMC meetings at which Executive Order 2019-01 was discussed.

CAC-I-9 The Philadelphia City Council adopted Resolution No. 170706 on September 14, 2017, stating in part that "The responsible direction of investment capital being necessary to fund responses to the crisis of climate disruption, Philadelphia encourages divestment from fossil fuels and investment in energy efficiency and renewable energy alternatives" and committing the city of Philadelphia "to doing its part to meet the obligations of the United States under the Paris Accord to limit global warming to 1.5° C above preindustrial levels." Resolution No. 170706 further asks public agencies, including PGW, "to join the City's commitment to meet the goals of the Paris Accord." Please explain what actions PGW has taken or intends to take in pursuit of the City's commitment to meet the goals of the Paris Accord. Please provide all analyses performed by or for PGW of such actions in their native electronic format, with formulas intact.

CAC-I-10 Please provide all reports, presentations, and analyses provided to the PGW leadership or to the Philadelphia Facilities Management Corporation (“PFMC”) concerning Resolution No. 170706 and PGW’s response to Resolution No. 170706. Please provide minutes of PGW or PFMC meetings at which Resolution No. 170706 was discussed.

CAC-I-11 The Philadelphia City Council adopted Resolution No. 190728 on September 26, 2019, reiterating the commitment made by the city under Resolution No. 170706 and stating in part that “The Philadelphia Office of Sustainability, has issued Powering Our Future: A Clean Energy Vision for Philadelphia, outlining ways to achieve 80% carbon emissions reduction in the built environment by 2050” and resolving, among other matters, that “the City of Philadelphia shall take measures to achieve a fair and equitable transition to the use of 100% clean renewable energy for electricity in municipal operations by 2030, for electricity City-wide by 2035, and for all energy (including heat and transportation) city-wide by 2050 or sooner.” Please explain what actions PGW has taken or intends to take in pursuit of the City’s commitment to use 100% clean renewable energy for all energy, including heat, city-wide by 2050 or sooner. Please provide all analyses performed by or for PGW of such actions in their native electronic format, with formulas intact.

CAC-I-12 Please provide all reports, presentations, and analyses provided to the PGW leadership or to the Philadelphia Facilities Management Corporation (“PFMC”) concerning Resolution No. 190728 and PGW’s response to Resolution No. 190728. Please provide minutes of PGW or PFMC meetings at which Resolution No. 190728 was discussed.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION	:	Docket No. R-2020-3017206
	:	
v.	:	
	:	
PHILADELPHIA GAS WORKS	:	

**PHILADELPHIA GAS WORKS' OBJECTIONS
TO THE INTERROGATORIES OF CLEAN AIR COUNCIL,
SET II, NOS. 1-3**

Philadelphia Gas Works ("PGW") hereby objects to the Interrogatories of Clean Air Council ("the Council"), Set II, Nos. 1-3. PGW has previously communicated to the Council its intention to object to these Interrogatories. The Interrogatories that PGW is objecting to are set forth in Attachment A hereto. PGW objects to the Council's Set II, Nos. 1-3 on the following grounds:

1. Council's Set II, Nos. 1-3 are not relevant and are beyond the scope of this proceeding. 52 Pa. Code § 5.321(c).

The above-referenced questions are detailed questions that relate to environmental issues, including greenhouse gas emissions and methane leaks. This information is not relevant and is beyond the scope of this rate proceeding.

First, the information sought in these discovery requests is not legally relevant, as the Commission lacks jurisdiction over the environmental issues that are the subject of the Council's discovery requests. More specifically, the Commission does not have jurisdiction over greenhouse gas emissions and does not regulate methane. The Commission has only the power and jurisdiction expressed or necessarily implied to it by the legislature.¹ The Commission must

¹ See *City of Phila. v. Phila. Elec. Co.*, 473 A.2d 997, 999-1000 (Pa. 1984) ("We begin our inquiry by recognizing that the authority of the Commission must arise from the express words of the pertinent statutes or by strong and necessary implication therefrom...It is axiomatic that the Commission's power is statutory;

act within, and cannot exceed, its jurisdiction.² Jurisdiction cannot be conferred where none exists.³ While the Commission has jurisdiction over a utility's facilities and service,⁴ it is clear that the Commission does not have jurisdiction over environmental issues or compliance with state or federal environmental laws.⁵

Second, even if the Commission had jurisdiction over these issues, the information sought in these discovery requests would neither be relevant to this rate case proceeding nor reasonably calculated to lead to the discovery of admissible evidence.⁶ Council's Set II, Nos. 1-3 are not relevant to PGW's rate case filing or any existing PGW Tariff provision. A base rate case is not a "free-for-all," enabling a party to introduce any issue or complaint that it may have with the utility seeking the rate increase. Environmental issues have not been raised in this case, and this proceeding is not the appropriate forum to adjudicate these issues.

For the reasons explained above, PGW objects to Clean Air Council's Interrogatories, Set II, Nos. 1-3, as they are not relevant and are beyond the scope of this proceeding.

and the legislative grant of power in any particular case must be clear."); *see also Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791, 795 (Pa. 1977); *Tod and Lisa Shedlosky v. Pennsylvania Electric Co.*, Docket No. C-20066937 (Order entered May 28, 2008).

² *City of Pittsburgh v. Pa. PUC*, 43 A.2d 348 (Pa. Super. 1945).

³ *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).

⁴ 66 Pa. C.S. § 1505.

⁵ *Rovin, D.D.S. v. Pa. Public Utility Commission*, 502 A. 2d 785 (Pa. Cmwlth 1986) ("Rovin") (Enforcement of environmental statutes is specifically vested in the Department of Environmental Protection and the Federal Environmental Protection Agency.); *Pickford v. PUC*, 4 A.3d 707 (Pa. Cmwlth. Ct. 2010) ("Pickford") (customer complaints related to the conversion of water treatment plants from chlorinated water to chloraminated water were obvious challenges to the health effects of chloramines under permits issued by the Department of Environmental Protection and, thus, outside the Commission's jurisdiction); *Country Place Waste Treatment Company, Inc. v. Pa. Pub. Util. Comm'n*, 654 A.2d 72 (Pa. Cmwlth. 1995) (Commission lacks authority to regulate air quality where sewage treatment plant caused odor).

⁶ 52 Pa. Code § 5.321(c).

Respectfully submitted,

/s/ Kristine E. Marsilio

Of Counsel:

Craig W. Berry, Esq.

Senior Attorney

Admitted pro hac vice

Graciela Christlieb, Esq.

Senior Attorney, Legal Department

Philadelphia Gas Works

800 W. Montgomery Ave.

Philadelphia, PA 19122

Tel (215) 684-6049

Fax (215) 684-6798

Craig.Berry@pgworks.com

Graciela.Christlieb@pgworks.com

Daniel Clearfield, Esq.

Sarah C. Stoner, Esq.

Kristine E. Marsilio, Esq.

Eckert Seamans Cherin & Mellott, LLC

213 Market Street, 8th Floor

Harrisburg, PA 17101

717.237.6000; 717.237.6019 (fax)

dclearfield@eckertseamans.com

sstoner@eckertseamans.com

kmarsilio@eckertseamans.com

Counsel for Philadelphia Gas Works

Dated: June 9, 2020

Attachment A

Clean Air Council Interrogatories to PGW – Set II

CAC-II-1 Please provide all reports, presentations, and analyses provided to the PGW leadership or to the Philadelphia Facilities Management Corporation (“PFMC”) concerning the current and projected inventory of GHGs from PGW’s operations, including from the combustion of gas delivered by PGW, and from methane estimated to be escaping from PGW’s distribution system prior to combustion.

CAC-II-2 Please provide all reports, presentations, and analyses provided to the PGW leadership or to the Philadelphia Facilities Management Corporation (“PFMC”) concerning the amount of methane leaking from different parts of PGW’s distribution network, and whether any system components or sectors have been designated as high hazard.

CAC-II-3 Please provide all reports, presentations, and analyses provided to the PGW leadership or to the Philadelphia Facilities Management Corporation (“PFMC”) concerning what steps PGW has taken, or procedures put in place to identify the largest methane leaking parts of PGW’s distribution network.

VERIFICATION

I hereby verify that the facts contained in the foregoing pleading are true and accurate to the best of my knowledge and that I am duly authorized to make this verification, and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to penalties of 10 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: June 12, 2020

/s/

Devin McDougall

Staff Attorney

Earthjustice

1617 John F. Kennedy Blvd., Suite 1130

Philadelphia, PA 19103

dmcdougall@earthjustice.org

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of this electronically-filed document upon the parties, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Carrie B. Wright, Esq. Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street P.O. Box 3265 Harrisburg, PA 17105-3265 carwright@pa.gov	Gregory J. Stunder, Esq. Philadelphia Gas Works 800 West Montgomery Avenue Philadelphia, PA 19122 Gregory.Stunder@pgworks.com
Daniel G. Asmus, Esq. Sharon E. Webb, Esq. Office of Small Business Advocate Forum Place, 1st Floor 555 Walnut Street Harrisburg, PA 17101 dasmus@pa.gov swebb@pa.gov	John W. Sweet, Esq. Elizabeth R. Marx, Esq. Ria M. Pereira, Esq. Pennsylvania Utility Law Project 118 Locust Street Harrisburg, PA 17101 pulp@palegalaid.net
Robert D. Knecht Industrial Economics Incorporated 2067 Massachusetts Ave. Cambridge, MA 02140 rdk@indecon.com	Todd S. Stewart, Esq. Hawke McKeon & Sniscak LLP 100 North Tenth Street Harrisburg, PA 17101 tsstewart@hmslegal.com
Darryl A. Lawrence, Esq. Christy M. Appleby, Esq. Santo G. Spataro, Esq. Laura Antinucci, Esq. Office of Consumer Advocate 5th Floor, Forum Place 555 Walnut Street Harrisburg, PA 17101-1923 OCAPGW2020@paoca.org	Charis Mincavage, Esq. Adeolu A. Bakare, Esq. Jo-Anne Thompson, Esq. McNees Wallace & Nurick LLC 100 Pine Street P.O. Box 1166 cmincavage@mcneeslaw.com abakare@mcneeslaw.com jthompson@mcneeslaw.com
Josie B.H. Pickens, Esq. Joline Price, Esq. Robert W. Ballenger, Esq. Kintéshia Scott, Esq. Community Legal Services	

1424 Chestnut Street Philadelphia, PA 19102 jpickens@clsphila.org jprice@clsphila.org rballenger@clsphila.org kscott@clsphila.org	Lauren M. Burge, Esq. Eckert Seamans Cherin & Mellott, LLC 600 Grant Street, 44 th Floor Pittsburgh, PA 15219 412-56602146 lburge@eckertseamans.com
Daniel Clearfield, Esq. Sarah C Stoner, Esq. Kristine Marsilio, Esq. Eckert Seamans Cherin & Mellott, LLC 213 Market Street 8th Floor Harrisburg, PA 17101 dclearfield@eckertseamans.com sstoner@eckertseamans.com kmarsilio@eckertseamans.com	

Dated: June 12, 2020

/s/

Devin McDougall
Staff Attorney
Earthjustice
1617 John F. Kennedy Blvd., Suite 1130
Philadelphia, PA 19103
dmcdougall@earthjustice.org