**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2020-3018835

Office of Consumer Advocate : C-2020-3019702

Office of Small Business Advocate : C-2020-3019714

Columbia Industrial Intervenors : C-2020-3020105

Dr. Richard Collins : C-2020-3020207

Ionut R. Ilie : C-2020-3020498

Pennsylvania State University : C-2020-3020666

:

v. :

:

Columbia Gas of Pennsylvania, Inc. :

**FIRST INTERIM ORDER**

Amended Litigation Schedule

On April 24, 2020, Columbia Gas of Pennsylvania, Inc. (Columbia) filed Supplement No. 307 to Tariff Gas Pa. P.U.C. No. 9 at Docket No. R-2020-3018835, with an effective date of January 23, 2021. Columbia proposed to increase overall rates by approximately $100.4 million per year, or 17.54% over present revenues. Columbia’s proposal, if granted, would increase the average residential customer bill from $87.57 to $103.19, or by approximately 17.84%. Columbia also proposed to increase the residential fixed monthly charge from $16.75 to $23.00.

On May 22, 2020, the Office of Administrative Law Judge (OALJ) issued the Call-In Telephone Prehearing Conference Notice, scheduling a prehearing conference for June 3, 2020.

On May 29, 2020, the Bureau of Investigation and Enforcement (BIE) filed the Expedited Motion of the Bureau of Investigation and Enforcement to Extend the Statutory Suspension Period During the Emergency Interruption of Normal Operations of the Pennsylvania Public Utility Commission (Expedited Motion). In its Expedited Motion, BIE requested the Commission issue an order granting an extension of the statutory suspension period from January 23, 2021 until February 4, 2021, citing the interruption of normal operations of the Commission due to the coronavirus 2019 (COVID19) pandemic.

Due to the upcoming prehearing conference on June 3, 2020, the parties were advised Chief Rainey would be present at the start of the prehearing conference at which time he would hear oral arguments from the parties on BIE’s Expedited Motion and would rule orally on the Expedited Motion.

On Wednesday, June 3, 2020, the presiding officer convened a call-in telephonic prehearing conference with CALJ Rainey present in addition to counsel representing the following: Columbia Gas; OCA; OSBA; BIE; CII; CAAP; and CAUSE-PA. Prior to discussing procedural matters, CALJ Rainey listened to oral arguments from the parties on BIE’s request for an extension of the statutory period, and the positions of the various parties were placed on the record. CALJ Rainey and the presiding officer deliberated briefly off the record, before CALJ Rainey advised the parties of his decision.

CALJ Rainey noted the Commission’s Emergency Order[[1]](#footnote-1) dated March 20, 2020, authorized him to establish reasonable deadlines under the circumstances, after consideration of the positions of the parties and the presiding ALJ, if necessary in response to the obstacles created by the COVID19 pandemic. CALJ Rainey orally informed the parties he found BIE’s request was reasonable under the circumstances and he granted BIE’s request to extend the statutory suspension period by twelve (12) days, or until February 4, 2021.

After CALJ Rainey informed the parties of his decision, he left the prehearing conference, at which time the parties addressed various procedural matters. The parties also discussed the litigation schedule using the suspension date of February 4, 2021, but they were not able to agree on a litigation schedule. The parties requested time after the prehearing conference in which to discuss together the litigation schedule and then to inform the presiding officer the proposed dates the parties would request for this proceeding.

On Friday, June 5, 2020, the parties provided suggested dates for the litigation schedule. Thereafter, the presiding officer requested, and received, clarifying information about the technology and procedure to be used by witnesses and non-testifying participants at the telephonic public input hearings.

Accordingly, on Friday, June 12, 2020, the presiding officer issued the Prehearing Order which memorialized the matters discussed by the parties during the prehearing conference on June 3, 2020 and which established the litigation schedule, which is set out below.

**Litigation Schedule**

Telephonic Public Input Hearings July 1, 2020

Other Party’s Direct Testimony July 28, 2020

Written Rebuttal Testimony August 26, 2020

Written Surrebuttal Testimony September 16, 2020

Written Rejoinder Outlines September 21, 2020

Hearings – Telephonic September 22-24, 2020

Close of Record September 24, 2020

Main Briefs October 16, 2020

Reply Briefs October 30, 2020

Last Public Meeting before suspension date February 4, 2021

On June 23, 2020, Columbia Gas filed a Petition for Reconsideration from Staff Action (Petition for Reconsideration) and sought a reversal by the Commission of the June 3, 2020 Order issued by CALJ Rainey. Responses to the Petition for Reconsideration were received from BIE, OCA, OSBA.

At the Public Meeting on August 6, 2020, the Commissioners considered the Petition for Reconsideration, which was denied in part and granted in part. Vice Chairman David W. Sweet sponsored a motion which was affirmed by all Commissioners. Pursuant to the Motion, the Commissioners denied the Petition for Reconsideration in that they affirmed the decision of CALJ Rainey to grant the Petition for Extension on June 3, 2020. The Petition for Reconsideration was granted in that the effective suspension date remained January 23, 2021. In addition, the OALJ was directed to issue a Recommended Decision in this matter on or before November 20, 2020.

AND NOW, to wit, this 7th day of August 2020, upon receiving notice of the Motion of Vice Chairman David W. Sweet at the Public Meeting on August 6, 2020,

THEREFORE,

IT IS ORDERED:

1. That the litigation schedule outlined in the Amended Prehearing Order dated June 15, 2020 is amended to reflect the following new litigation schedule:

Written Rebuttal Testimony August 19, 2020

Written Surrebuttal Testimony September 1, 2020

Written Rejoinder Outlines September 8, 2020

Hearings – Telephonic September 16-18, 2020

Close of Record September 18, 2020

Main Briefs October 2, 2020

Reply Briefs October 13, 2020

2. That the parties shall communicate with each other as soon as possible about any possible scheduling conflicts, especially for the hearing dates, and create a hearing matrix that allows each witness to testify on a date and time when the witness is available.

3. That the parties shall communicate with the presiding officer as soon as possible about any possible scheduling conflicts only if the parties cannot resolve the conflict amongst themselves.

Date: August 7, 2020 /s/

Katrina L. Dunderdale

Administrative Law Judge

**R-2020-3018835 et al - PA PUBLIC UTILITY COMMISSION v. COLUMBIA GAS OF PENNSYLVANIA INC**

*Revised 7/7/20*

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1. *See*, *Emergency Order Re Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, M-2020-3019262, at 2. [↑](#footnote-ref-1)