



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

April 10, 2013

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Joint Petition for Generic Investigation or Rulemaking Regarding "Gas-On-Gas"
Competition Between Jurisdictional Natural Gas Distribution Companies
Docket No. P-2011-2277868

Generic Investigation Regarding Gas-On-Gas Competition Between Jurisdictional
Natural Gas Distribution Companies
Docket No. I-2012-2320323

Dear Secretary Chiavetta:

Enclosed please find an original copy of the **Answer to Peoples Natural Gas Company LLC and Peoples TWP LLC, Motion for Protective Order on Behalf of the Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate** in the above-captioned proceeding.

Copies are being served on all active parties of record. If you have any questions, please contact me at (717) 783-7998.

Sincerely,

Allison C. Kaster
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney I.D. #93176

ACK/sea
Enclosure

cc: Parties of Record
Hon. Elizabeth H. Barnes

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition for Generic Investigation or Rulemaking Regarding "Gas-On-Gas" Competition Between Jurisdictional Natural Gas Distribution Companies	:	P-2011-2277868
Generic Investigation Regarding Gas-On-Gas Competition Between Jurisdictional Natural Gas Distribution Companies	:	I-2012-2320323

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THE BUREAU OF INVESTIGATION AND ENFORCEMENT, THE OFFICE OF
CONSUMER ADVOCATE AND THE OFFICE OF SMALL BUSINESS ADVOCATE
ANSWER TO PEOPLES NATURAL GAS COMPANY LLC AND
PEOPLES TWP LLC MOTION FOR PROTECTIVE ORDER

On April 3, 2013, Peoples Natural Gas Company LLC and Peoples TWP LLC filed a Motion for Protective Order in the above-captioned proceeding. The Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate (collectively, "Statutory Parties") support the proposed Protective Order as filed. However, the Statutory Parties respectfully request that the litigation schedule be revised because the parties have not been provided access to confidential information, which has significantly hampered the ability to conduct discovery over the past three months.

The current litigation schedule was discussed at length at the Second Prehearing Conference held on January 24, 2013. Those dates were developed to provide parties sufficient time to conduct discovery and prepare testimony. The issue of the Protective Order was discussed at the Second Prehearing Conference; however, it was not anticipated that it would take approximately three months to resolve this issue. Despite extensive ongoing discussions

about the Protective Order since the Second Prehearing Conference, the parties have not been able to reach a consensus. As a result, discovery has been effectively stalled until the Protective Order is issued. For example, on January 18, 2013, the Office of Small Business Advocate served interrogatories requesting Customer-Specific Discount Information and, three months later, that information has not been provided because the parties have been trying to negotiate a Protective Order to protect the proprietary nature of that sensitive information.¹

Given the significant delay in obtaining information that is necessary to conduct this Investigation, the Statutory Parties respectfully request that the litigation schedule be revised as follows:

	Current Litigation Schedule	Revised Litigation Schedule
Direct Testimony	June 4, 2013	August 8, 2013
Rebuttal Testimony	August 13, 2013	October 17, 2013
Surrebuttal Testimony	October 1, 2013	November 26, 2013
Oral Rejoinder Summaries	October 11, 2013	December 5, 2013
Evidentiary Hearings	October 15-17, 2013	December 10-12, 2013
Main Brief	December 3, 2013	January 28, 2014
Reply Brief	December 20, 2013	February 14, 2014


The proposed revised litigation schedule is designed to allow the parties a meaningful opportunity to conduct discovery, which was contemplated when the current litigation schedule was agreed upon at the Second Prehearing Conference. That meaningful opportunity has not occurred because confidential information and Customer-Specific Discount Information will not be provided until a Protective Order is in place. Furthermore, there is no statutory time limit mandating that this investigation conclude by a specific date so there is no impediment to

¹ The Office of Small Business Advocate sent interrogatories to Peoples Natural Gas Company LLC, Peoples TWP LLC, Equitable Gas Company, LLC, Columbia Gas of Pennsylvania, Inc., UGI Distribution Companies, National Fuel Gas Distribution Corporation and PECO Energy Company. The companies who do not grant customers preferential rates as a result of gas-on-gas competition have responded to the discovery. However, companies who discount rates due to gas-on-gas competition, such as Peoples Natural Gas Company LLC, Peoples TWP LLC, Equitable Gas Company, LLC, and Columbia Gas of Pennsylvania, Inc., will not respond to the discovery until a Protective Order is issued because of the highly sensitive nature of the information requested.

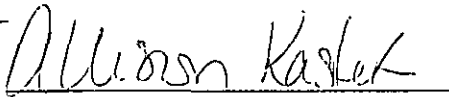
revising the current litigation schedule in order to provide sufficient time to conduct discovery and fully develop issues concerning gas-on-gas competition between natural gas distribution companies. If the parties have conflicts with the revised litigation schedule as proposed, the Statutory Parties request that a Third Prehearing Conference be convened to develop a revised litigation schedule that is agreeable to the parties.

For the reasons stated above, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate respectfully request that the litigation schedule be revised as proposed herein. In the alternative, the Statutory Parties request that a Third Prehearing Conference be convened to develop a revised schedule that is agreeable to the parties.

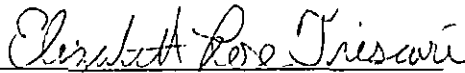
Respectfully submitted,



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Dated: April 10, 2013

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition for Generic Investigation or :
Rulemaking Regarding "Gas-On-Gas" : Docket No. P-2011-2277868
Competition Between Jurisdictional :
Natural Gas Distribution Companies :
:
Generic Investigation Regarding Gas-On- :
Gas Competition Between Jurisdictional : Docket No. I-2012-2320323
Natural Gas Distribution Companies :

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Answer to Peoples Natural Gas Company LLC and Peoples TWP LLC, Motion for Protective Order on Behalf of the Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate** dated April 10, 2013, either personally, by first class mail, electronic mail, express mail and/or by fax upon the persons listed below, in accordance with the requirements of § 1.54 (relating to service by a party):

Served via electronic and first class mail

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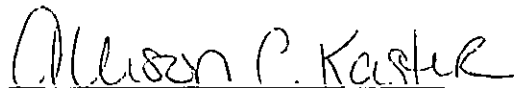
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