

RECEIVED  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission

PA P.U.C.  
SECRETARY'S BUREAU

v.

Docket No. R-00016378

Philadelphia Gas Works

**DOCKETED**  
JUL 10 2001

PREHEARING ORDER #2

A prehearing conference in this case was held on June 13, 2001 at 10:00 a.m. in Philadelphia, PA.<sup>1</sup> Present were respondent Philadelphia Gas Works (PGW); the Office of Small Business Advocate (OSBA); the Office of Consumer Advocate (OCA); the Office of Trial Staff (OTS); and the Philadelphia Industrial and Commercial Gas Users Group (PICGUG).<sup>2</sup>

In accordance with Prehearing Order #1, dated August 9, 2000, I received Prehearing Memoranda from PGW, OCA, OTS, OSBA, and PICGUG.

This Order discusses the procedural matters addressed at the prehearing conference.

1. The Petition to Intervene of PICGUG filed June 7, 2001 was granted.

1 Parties were permitted to participate telephonically from Harrisburg.

2 By e-mail dated June 12, 2001, counsel for the Consumers Education & Protective Association, which had not filed a complaint or petition to intervene, informed me that due to a scheduling conflict, he would not be able to attend the prehearing conference.

DOCUMENT  
FOLDER

2 Pursuant to 52 Pa. Code §1.54(d), participants will be considered to be either active or inactive. Active parties will receive all documents and must copy all other active parties (and any inactive party that requests it from that party) on documents they send to the Commission or the presiding officer. They are expected to attend hearings, present witnesses and conduct discovery and cross-examination. Inactive parties will receive hearing notices and orders and can testify at public input hearings if any are scheduled. Both inactive and active parties may file briefs, reply briefs, exceptions and reply exceptions. Any party that files a complaint or petition to intervene and was not present at the first prehearing conference can be granted active party status only upon written request to the presiding officer.

3. Subsequent to the prehearing conference, on or about June 15, 2001 a formal Complaint was filed on behalf of the Consumers Education and Protective Association (CEPA), the Association of Community Organizations for Reform Now (ACORN), Action Alliance of Senior Citizens of Greater Philadelphia (Action Alliance) and the Tenants Action Group (TAG), collectively *CEPA et al.*, at Docket No. R-00016378C0002. As at the time of the Prehearing Conference, no party had had an opportunity to review this Complaint, it is conditionally granted. Unless any party objects within three business days of this Order, this conditional grant shall become absolute. If a written objection is timely filed, this conditional grant will be vacated and a separate order will address the Petition to Intervene. CEPA et al. requested active party status. This request is granted.

Therefore, to date, the active parties are PGW, OTS, OCA, OSBA, PICGUG and CEPA et al.

4. **My e-mail distribution list consists of the following.** Please communicate any changes to me at [chestnut@puc.state.pa.us](mailto:chestnut@puc.state.pa.us)<sup>3</sup>:

<b>counsel</b>	<b>party</b>	<b>e-mail</b>
Wendell Holland	PGW	<a href="mailto:wfh@obermayer.com">wfh@obermayer.com</a>
Steven Gray	OSBA	<a href="mailto:sgray@state.pa.us">sgray@state.pa.us</a>
Johnnie Simms	OTS	<a href="mailto:simmsj@puc.state.pa.us">simmsj@puc.state.pa.us</a>
Stephen Keene	OCA	<a href="mailto:skeene@paoca.org">skeene@paoca.org</a>
Charis Burak	PICGUG	<a href="mailto:cburak@mwn.com">cburak@mwn.com</a>
Phil Bertocci	CEPA et al	<a href="mailto:pbertocca@clsphila.com">pbertocca@clsphila.com</a>

5. Various procedural requirements were established:

- A) Petitions to intervene and motions for admission pro hac vice, if not defective on their face, shall be deemed granted if not objected to within three business days after filing. If objected to, such pleadings will be addressed by order.
- B) Pursuant to 52 Pa. Code §5.61(d), no answer is required for complaints that may be docketed with this proceeding.
- C) Pursuant to 52 Pa. Code §1.55, each party - active and inactive - shall be limited to one entry on the service list, although there can be more than one name listed.

6. Pursuant to 52 Pa. Code §5.342(d), the Commission's regulations relating to discovery are modified to provide that:

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<sup>3</sup> My alternate e-mail address is [marlanechestnut@hotmail.com](mailto:marlanechestnut@hotmail.com). Mr. Gray indicated that his alternate e-mail address is [stevencgray@earthlink.net](mailto:stevencgray@earthlink.net).

- A) The response period for replying to written interrogatories is ten calendar days. It should be noted that when an interrogatory is served on a Friday or the day before a holiday, the appropriate period is deemed to start on the next business day.
- B) Objections to interrogatories are to be communicated orally to the propounder of the interrogatory within three business days of receipt and unresolved objections in writing within five business days of receipt of the interrogatory.
- C) Motions to dismiss objections and to compel response shall be filed with me within three business days of receipt of the objections. Answers to such motions shall be filed with me within three business days after filing of the motion. Interrogatories which are objected to but which are not made the subject of a motion to compel will be deemed withdrawn.
- D) Requests for admissions are deemed to be admitted unless answered within ten calendar days.
- E) Answers to on-the-record data requests are to be served in-hand within seven calendar days of the request.
- F) **Pursuant to 52 Pa. Code §5.341(b), neither interrogatories nor responses are to be served on the Commission or the presiding officer, although a certificate of service may be filed with the Commission's Secretary.**

- G) The parties are expected to resolve discovery issues among themselves; motions to compel should be filed only after such efforts have failed. Also, interrogatories are to be provided on diskette or electronically as well as on paper. In addition, the parties are urged to use alternative means of discovery such as discovery conferences or depositions.

7. The following schedule was adopted:

Supplemental PGW testimony	June 22, 2001
Intervenor testimony	July 10, 2001
Rebuttal (all) testimony	July 30, 2001
Brief surrebuttal (all) testimony	August 3, 2001
Hearings	August 8, 2001 (starts at 10:00 am)
	August 9, 2001 (starts at 9:00 am)
Main briefs	August 28, 2001
Reply briefs	September 7, 2001
Recommended Decision	October 12, 2001

- A) All hearings will be held in Philadelphia.
- B) In accordance with the schedule listed above, testimony is to be served and received in-hand no later than 4:30 p.m. on the dates listed. Parties are directed to also serve their testimony electronically on the other parties. Do not file your testimony with the Commission. Do not fax or e-mail testimony to me.

- C) Testimony should be filed premarked with numerical, sequential statement numbers. Exhibits, appendices and/or attachments are to be separately premarked with their own sequential designations. All statements must list on the cover sheet the issues addressed in that statement.
- D) Any motions or objections to the prefiled direct or rebuttal testimony must be presented in writing no later than the day prior to the day that the witness is schedule to testify. Oral motions, other than for good cause, shall not be accepted.
- E) The parties are directed to confer among themselves and prepare a schedule of witness presentation for each hearing day. This witness schedule, as well as all responses to the cross-examination table which will be circulated, shall be provided to the presiding Administrative Law Judge, no later than 4:00 p.m. of the day prior to the first day of hearing..

8. In accordance with the schedule listed above, briefs must be filed with the Secretary, in accordance with 52 Pa. Code §5.502(a), and received in-hand by me and all parties no later than 4:30 p.m. on the dates listed. In addition, each party is directed to include a copy on disk (in Word 97 or a compatible format) with the briefs filed with the Secretary and served on me.

- A) Each brief, regardless of length, must contain a table of contents, proposed findings of facts (with specific references to transcript pages or statements and/or exhibits), a

discussion, proposed conclusions of law (with references to supporting statutes or regulations or supporting case law citations) and proposed ordering paragraphs specifically identifying the relief sought.

- B) Any brief not filed or served on or before the date specified will not be accepted for filing, except by special permission of the presiding Administrative Law Judge.

9. The parties are to confer among themselves in an attempt to resolve all or some of the issues associated with the company's filing

Date: June 18, 2001



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MARLANE R. CHESTNUT  
Administrative Law Judge

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