

PLEASE DOCKET

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :  
 :  
 v. : R-00049157  
 :  
 Philadelphia Gas Works :  
 :  
 Petition of Philadelphia Gas Works to Establish : P-00042090  
 a Cash Receipts Reconciliation Clause :

**PREHEARING ORDER**

A prehearing conference was held on March 15, 2004. The presiding officer was Administrative Law Judge Charles E. Rainey, Jr. Present were Philadelphia Gas Works (PGW); Office of Trial Staff (OTS); Office of Consumer Advocate (OCA); Office of Small Business Advocate (OSBA); Action Alliance of Senior Citizens of Greater Philadelphia, Association of Community Organizations for Reform Now, the Tenants' Action Group, and the Consumers Education and Protective Association (collectively referred to as "Action Alliance et al."), and the Philadelphia Industrial and Commercial Gas Users Group (PICGUG). Prehearing conference memoranda were submitted by all of the parties present.

I. Petition to Intervene

PICGUG filed a petition to intervene in the proceedings. No objections were raised. PICGUG's petition to intervene was granted.

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## II. Motion to Consolidate

PGW filed a motion to consolidate the proceedings for purposes of hearing and disposition. Answers opposing the motion were submitted by OTS, OCA and OSBA.<sup>1</sup> After consideration of the motion and the answers, I granted the motion to consolidate.

## III. Discovery

Effective March 15, 2004, the following discovery rules shall apply in this proceeding:

- (a) Answers to written interrogatories shall be served in-hand within 10 calendar days<sup>2</sup> after service of the interrogatories.
- (b) The answering participant must make any objections orally to the participant submitting the interrogatories within 3 calendar days after service of the interrogatories.
- (c) Written objections shall be served on the parties, filed with the Commission, and submitted to the presiding officer, within 5 calendar days after service of the interrogatories.
- (d) Motions to compel answers to interrogatories shall be served on the parties, filed with the Commission, and submitted to the presiding officer within 3 calendar days after service of the written objections.
- (e) Answers to Motions to compel answers to interrogatories shall be served on the parties filed with the Commission, and submitted to the presiding officer within 3 calendar days after service of the motion to compel.
- (f) Rulings on motions to compel shall be made within 7 days of the presiding officer's receipt of the motion to compel, if practicable.

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<sup>1</sup> Subsequent to the prehearing conference, Action Alliance et al. submitted an answer to the motion to consolidate.

<sup>2</sup> If a participant indicates a 7 calendar day preference, the answering participant will make every effort to answer the interrogatory within that time.

(g) Written responses to requests for documents, entry for inspection and other purposes, shall be served in-hand within 10 calendar days after service of the request.

(h) A participant desiring to take the deposition of a person upon oral examination shall give 10 days notice in writing to the active participant and to the presiding officer.

(i) When a written request for admissions is made, matters are deemed admitted unless the request is answered in writing within 10 days or objected to within 5 days after service of the request.

(j) Answers to on-the-record data requests shall be served in-hand within 3 calendar days after the request is made.

(k) The parties are expected to cooperate with each other in regard to discovery.

(l) The parties are encouraged to amicably resolve discovery disputes among themselves.

#### IV. Evidentiary Hearing and Briefing Schedule

The following evidentiary hearing and briefing schedule was adopted:

April 13, 2004	Direct Testimony of Parties other than PGW due in hand
April 29, 2004	Rebuttal Testimony due in hand
May 6, 2004	Surrebuttal Testimony due in hand
May 11-12, 2004	Evidentiary Hearings
May 24, 2004	Main Briefs due in hand to the Presiding Officer and the Parties
June 1, 2004	Reply Briefs due in hand to the Presiding Officer and the Parties

The evidentiary hearings will be held in an available hearing room in the Philadelphia State Office Building, Broad and Spring Garden Streets, 13<sup>th</sup> Floor, Philadelphia, Pennsylvania. The evidentiary hearings will begin at 10:00 a.m.

Briefs must follow the content and form for briefs as set forth in 52 Pa. Code §5.501. Briefs shall include proposed findings of fact, conclusions of law and ordering paragraphs. Briefs shall be as concise as possible and shall be limited to 60 pages. Any unpublished opinions, decisions or policies cited in a brief, must be attached to the brief.

V. Public Input Hearings

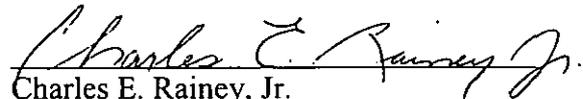
The parties will present a proposed public input hearing schedule (including proposed dates, times and places for public input hearings) to the presiding officer as soon as possible. The parties' proposal shall also include the names and telephone numbers of the contact persons at each proposed location.

VI. Document Submission

Written testimony and briefs are not to be submitted to the presiding officer via electronic mail or facsimile mail. Those documents are to be submitted to the presiding officer via regular mail, overnight mail or hand-delivery.

The parties may enter into an agreement in regard to the manner in which they will serve documents on each other. The parties are otherwise required to serve documents on each other consistent with the Commission's rules at Title 52 of the Pennsylvania Code.

Date: March 17, 2004

  
Charles E. Rainey, Jr.  
Administrative Law Judge

Pennsylvania Public Utility Commission v. Philadelphia Gas Works (1307(f))  
Docket No. R-00049157  
Petition of Philadelphia Gas Works to Establish a Cash Receipts Reconciliation Clause  
Docket No. P-00042090

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