**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, *et al*. : R‑2015-2469665

:

v. :

:

Columbia Gas of Pennsylvania, Inc. :

**PREHEARING ORDER**

On February 27, 2015, Columbia Gas of Pennsylvania, Inc. (“Columbia” or “Company”) submitted its pre-filing information in support of its annual purchased gas cost (“PGC”) filing to the Pennsylvania Public Utility Commission (“Commission”) pursuant to 52 Pa. Code §§53.64 and 53.65.

On March 31, 2015, Columbia filed a letter with the Commission stating that, for the quarterly period commencing April 1, 2015, the Company’s recalculated PGC rate will decrease $0.03148/Therm. 52 Pa. Code §53.64(i)(5)(iii). On April 1, 2015, Columbia filed Supplement No. 230 to Tariff Gas – Pa. PUC No. 9 (“Supplement No. 230”) with a proposed effective date of October 1, 2015. Supplement No. 230 was filed pursuant to Section 1307(f) of the Public Utility Code, 66 Pa. C.S.A. §1307(f). Supplement No. 230 provides for the Company’s annual adjustment and reconciliation of its gas cost recovery rates. Relative to the current PGC rate of $0.50743/Therm, Columbia’s definitive filing anticipates a decrease of $0.10902/Therm to a PGC rate of $0.39841/Therm.

On or about March 11, 2015, the Office of Small Business Advocate (“OSBA”) filed a formal complaint. On or about March 12, 2015, the Commission’s Bureau of Investigation and Enforcement (“I&E”) filed a notice of appearance. On March 27, 2015, Interstate Gas Supply, Inc., Shipley Energy Company and Dominion Retail, Inc. (“NGS Parties”) filed a petition to intervene. On March 30, 2015, the Office of Consumer Advocate (“OCA”) filed a formal complaint at Docket No. C-2015-2474515. Also on March 30, 2015, Columbia Industrial Intervenors (“CII”) filed a petition to intervene.[[1]](#footnote-1)

On April 1, 2015, a Prehearing Conference Order was issued and a Notice was mailed scheduling a prehearing conference for Tuesday, April 7, 2015 at 2:00 p.m. The prehearing conference proceeded as scheduled. Counsel for Columbia, I&E, the OCA, the OSBA, CII and the NGS Parties attended the conference. This Order memorializes the matters decided and agreed upon by the parties attending the conference, grants the petitions to intervene filed by CII and the NGS Parties, and consolidated the formal complaints filed by the OSBA and the OCA with this 1307(f) rate proceeding.

**Litigation Schedule**

The parties agree upon the following litigation schedule:

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| --- | --- |
| Date | Event |
| April 7, 2015 | Prehearing Conference |
| May 5, 2015 | Service of written direct testimony of all other parties |
| May 22, 2015 | Service of written rebuttal testimony |
| May 28, 2015 | Service of written surrebuttal testimony |
| June 1, 2015 | Service of written rejoinder testimony or rejoinder outlines |
| June 3-4, 2015 at 10:00 a.m. each day in Harrisburg | Technical evidentiary hearings in Harrisburg |
| June 16, 2015 | Filing and service of main briefs |
| June 24, 2015 | Filing and service of reply briefs or submission of joint settlement petition executed by representatives of parties thereto, together with all parties’ statements in support of joint petition/settlement |

The parties are reminded of the Commission’s requirements for the preparation and filing of written testimony. 52 Pa. Code §5.412. Written testimony must be accompanied by all exhibits to which it relates. The above-stated dates are in-hand dates for service on the parties and the presiding Administrative Law Judge (“ALJ”). The parties at the prehearing conference and the presiding ALJ agreed to accept electronic service of such material,[[2]](#footnote-2) provided the email is followed the next business day by sending a hard copy of the same material via first-class mail postage prepaid or by express mail service. The email address of the presiding ALJ is as follows: [mhoyer@pa.gov](mailto:mhoyer@pa.gov). The presiding ALJ will not accept facsimile transmissions greater than ten pages in length without prior authorization. If in doubt, please call the office at 412‑565-3550.

The hearings will begin promptly at **10:00 a.m.** on June 3-4, 2015. The parties must confer before commencement of the hearings to schedule their witnesses so as to avoid “holes” or “dead time” during the hearings.

**Petitions to Intervene**

The Petitions to Intervene filed by CII and the NGS Parties are hereby granted.

**Parties**

Columbia, I&E, the OCA, the OSBA, the NGS Parties and CII are parties to this proceeding. All of the aforementioned parties are include on the Service List. The parties are directed to monitor filings with the Commission’s Secretary’s Bureau and advise the presiding ALJ of any additional formal complaints filed after the date of this Order.

**Public Input Hearings**

At present, no public input hearings are scheduled and no party has requested a public input hearing.

**Issues**

In their respective prehearing memoranda, the parties identified various issues they may wish to pursue. The reader is directed to these documents to review a recitation of these issues. Additional issues may arise as the discovery process unfolds.

## Discovery

The parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa. Code §5.322. If this process fails, the parties have recourse to the Commission’s procedures for formal discovery, as herein modified. 52 Pa. Code §§5.321, *et* *seq*. The parties must not send the presiding ALJ discovery material or cover letters, unless attached to a motion to compel. All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally. If a motion to compel fails to contain such certification, the presiding ALJ will contact the parties and direct them to pursue informal discovery.

The OCA requested modification of the Commission’s procedures for formal discovery. With the agreement of all parties attending the prehearing conference, the requested modifications are hereby granted. The following modified discovery procedure applies to this case:

1. Answers to written interrogatories will be served in-hand within ten (10) calendar days of service of the interrogatories except that service of interrogatories on a Friday shall be deemed served on the following business day;

2. Objections to interrogatories will be communicated orally within three (3) business days of service; unresolved objections shall be served on the parties in writing within five (5) business days of service of the interrogatories;

3. Motions to dismiss objections and/or direct the answering of interrogatories will be filed within three (3) business days of service of written objections;

4. Answers to motions to dismiss objections and/or direct the answering of interrogatories will be filed within three (3) business days of service of such motions;

5. Responses to requests for document production, entry for inspection, or other purposes will be served in-hand within ten (10) calendar days;

6. Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) business days of service;

7. Answers to on-the-record data requests will be served in-hand within seven (7) calendar days of the request;

8. Rulings over motions shall be issued, if possible, within seven (7) calendar days of the filing of the motion;

9. Any discovery or discovery-related pleadings such as objections, motions, answers to motions served on a Friday or on any business day preceding a state holiday shall be deemed to have been served on the following business day for purposes of tracking responsive due dates; and

10. Due dates will be “in-hand” with electronic or fax service on the due date satisfying the “in-hand” requirement and where such service is immediately followed by a hard copy sent by first-class mail.

**Settlement and Stipulations**

The parties are reminded it is the Commission’s policy to encourage settlements. 52 Pa. Code §5.231(a). The parties are strongly urged to seriously explore this possibility. Submission of a fully executed joint settlement petition, together with all parties’ statements in support of the joint petition/settlement, must be filed with the Secretary for the Commission and received in-hand by the presiding ALJ no later than the close of business on June 24, 2015.

If settlement is not feasible, the parties are encouraged to stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve precious administrative hearing resources. 52 Pa. Code §§5.232 and 5.234. All stipulations entered into by the parties must be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearings in this case. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

**Cross-Examination**

Friendly cross-examination or cumulative cross-examination during hearings will not be permitted. 52 Pa. Code §§5.76 & 5.243.

**Briefs and Reply Briefs**

The parties must comply with 52 Pa. Code §§5.501, *et* *seq*., regarding the preparation and filing of briefs.[[3]](#footnote-3) Briefs must include proposed Findings of Fact, with citations to the record, and proposed Conclusions of Law. Page limitations on briefs and a common brief outline will be discussed at the hearings. Where possible, the parties shall submit to the presiding ALJ one hard copy of their briefs and one copy by email. The electronic version of a brief must be prepared on an IBM compatible system in Microsoft Office Word 2010 format or in an earlier version of this software application. If in doubt, please call the office of the presiding ALJ for clarification.

**Modification**

Any of the provisions of this Prehearing Order may be modified upon motion and good cause shown by any party in interest.

Date: April 8, 2015

Mark A. Hoyer

Administrative Law Judge

**R-2015-2469665 – PENNSYLVANIA PUBLIC UTILITY COMMISSION V. COLUMBIA GAS OF PENNSYLVANIA, INC.**

***(Revised 4/8/15)***

MICHAEL W HASSELL ESQUIRELINDSAY A

BERKSTRESSER ESQUIREPOST & SCHELL PC12TH FLOOR17 NORTH SECOND STREETHARRISBURG PA 17101-1601**717-612-6029*Accepts e-Service***

THEODORE J GALLAGHER ESQUIRENISOURCE CORPORATE SERVICES COMPANY121 CHAMPION WAY SUITE 100CANONSBURG PA 15317**724-416-6355*Accepts e-Service***

ANDREW S TUBBS ESQUIRENISOURCE CORPORATE SERVICES COMPANY

800 NORTH THIRD STREETSUITE 204HARRISBURG PA 17102**717-238-0463*Accepts e-Service***

ERIN L GANNON ESQUIREHOBART J WEBSTER ESQUIREOFFICE OF CONSUMER ADVOCATE555 WALNUT STREET5TH FLOOR FORUM PLACE

HARRISBURG PA 17101-1923**717-783-5048*Accepts e-Service***

SCOTT B GRANGER ESQUIREPA PUC BUREAU OF INVESTIGATION & ENFORCEMENTSECOND FLOOR WEST400 NORTH STREETHARRISBURG PA 17120**717-425-7593*Accepts e-Service***

CHARIS MINCAVAGE ESQUIREELIZABETH P TRINKLE ESQUIREMCNEES WALLACE & NURICK100 PINE STREETPO BOX 1166HARRISBURG PA 17108**717.237.5437*Accepts e-Service***

TODD S STEWART ESQUIREHAWKE MCKEON AND SNISCAK LLP100 NORTH TENTH STREETHARRISBURG PA 17101**717-236-1300*Accepts e-Service***

DANIEL G ASMUS ESQUIRE

OFFICE OF SMALL BUSINESS ADVOCATE

SUITE 1102

COMMERCE TOWER

300 NORTH SECOND STREET

HARRISBURG PA 17101

717.783-2525

dasmus@pa.gov

1. CII includes Glen-Gary Corporation and Knouse Foods Cooperative, Inc. [↑](#footnote-ref-1)
2. For parties accepting electronic service, the documents are to be served electronically on the date indicated, by 4:30 p.m. unless otherwise indicated. [↑](#footnote-ref-2)
3. In a Secretarial Letter dated August 16, 2012, the Commission announced that it is temporarily waiving certain regulations. By this letter the Commission eliminated the requirement to file nine additional paper copies, beyond a signed original, of both briefs and reply briefs. [↑](#footnote-ref-3)