

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

725182

Pennsylvania Public Utility Commission :

v.

Philadelphia Gas Works

DOCKETED
AUG 24 2000

Docket No. R-00005654
(Interim Rate Increase Request)

PREHEARING ORDER #1

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Pursuant to the provisions of 66 Pa.C.S. §333(a) and 52 Pa. Code §§5.221-5.223, an initial prehearing conference is scheduled for August 25, 2000 at 1:00 p.m. All parties and participants¹ are directed to comply with the following directives:

1. Please review the regulation pertaining to prehearing conferences, 52 Pa. Code §5.222, and in particular, subsection (d) which provides, in part:

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(d) Participants and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable. (Emphasis added.)

¹ At this point, the only party is PGW. Although this Prehearing Order and the prehearing conference hearing notice are being sent to various interested or statutory parties, appearance on this provisional service list does not indicate party or participant status. No entity can be a party or a participant until it has filed the requisite initial pleading. The service list will be amended after the prehearing conference to reflect only the appropriate parties or participants.

2. Each party must prepare and distribute, prior to the prehearing conference, a prehearing memorandum which sets forth the history of the proceeding, the issues you intend to present, and a listing of your proposed witnesses and the subject of their testimony.²

3. You must serve me directly with a copy of any document that you file in this proceeding. If you send me any correspondence or document, you must send a copy to all other parties.

4. Effective as of the date of this Prehearing Order, any petition to intervene or motion for admission pro hac vice that is not defective on its face will be granted as a matter of course unless objected to in writing within three business days of its filing.³ If objected to, such pleadings will be addressed by order.

5. Pursuant to 52 Pa. Code §5.61(d), no answer is required for complaints that may be docketed with this proceeding.

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

- a) The response period for replying to written interrogatories is ten calendar days.

² You may fax the prehearing memorandum to me at (215) 560-3133 no later than 9:00 a.m. on the day of the prehearing conference.

³ Examples of such defects are incorrect corporate names, a corporate entity not represented by an attorney, etc.

- b) Objections to interrogatories are to be communicated orally to the propounder of the interrogatory within three business days of receipt and 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 working days of receipt of the objections. Answers to such motions shall be filed with me within three 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) **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.**
- e) The parties are expected to resolve discovery issues among themselves; motions to compel should be filed only after such efforts have failed. Also, where possible, 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. 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 filed with the Commission or sent to the presiding officer. Inactive parties will receive only hearing notices and orders. Active parties are expected to attend hearings, present witnesses and conduct discovery and cross-examination. Inactive parties may present testimony at public input hearings. Both active and inactive parties may file briefs, reply briefs, exceptions and reply exceptions.

8. Any entity that does not attend the prehearing conference or that files a petition to intervene after the prehearing conference on August 25, 2000 will be an inactive participant unless otherwise ordered upon written request to the presiding officer.

9. 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. Each party, if this information is not contained in its initial pleading or prehearing memorandum, is directed to provide to me the e-mail address, fax number, telephone number and address of the person or persons they wish to have listed on the service list.

Date: August 17, 2000



MARLANE R. CHESTNUT
Administrative Law Judge

SERVICE LIST

Daniel Clearfield, Esquire
Wolf, Block, Schorr & Solis-Cohen LLP
212 Locust Street, Suite 300
Harrisburg, PA 17101
(Philadelphia Gas Works)

Johnnie Simms, Esquire
Office of Trial Staff
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Tanya J. McCloskey, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Forum Place
Harrisburg, PA 17101-1921

Bernard A. Ryan, Jr., Esquire
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101

Judith Mondre, President
Mondre Energy, Incorporated
1601 Market Street, Suite 1750
Philadelphia, PA 19103

Jackie Sparkman, Esquire
School District of Philadelphia
Office of General Counsel
2130 Arch Street, 5th Floor
Philadelphia, PA 19103

Charis M. Burak, Esquire
David M. Kleppinger, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Joseph G. Given, President
7526 Frankford Avenue
Philadelphia, PA 19136

James F. Runckel, Esquire
Spear, Wilderman, Borish, Endy, Spear & Runckel
230 South Broad Street, Suite 1400
Philadelphia, PA 19102
(GWEU)

Lance Haver
6048 Ogontz Avenue
Philadelphia, PA 19141

David E. Loder, Esquire
Duane, Morris & Heckscher
One Liberty Place
Philadelphia, PA 19103-7396

Philadelphia Gas Commission
1515 Arch Street, 9th Floor
Philadelphia, PA 19102