

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :

v. :

Philadelphia Gas Works :

Office of Consumer Advocate :

v. :

Philadelphia Gas Works :

Philadelphia Industrial and Commercial
Gas Users Group :

v. :

Philadelphia Gas Works :

Docket No. R-00005654

Docket No. R-00005654C0001

Docket No. R-00005654C0002

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AMENDED PREHEARING ORDER #2

A prehearing conference in this case was held on August 25, 2000 at 1:00 p.m. in Philadelphia, PA. 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); the Philadelphia Industrial and Commercial Gas Users Group (PICGUG); the Consumers Education & Protective Association, Association of Community Organizations for Reform Now, Action Alliance of Senior Citizens of Greater Philadelphia and Tenants Action Group (CEPA et al). Not present, due to counsel's family emergency, was the Apartment Association of Greater Philadelphia (AAGP). The School District of Philadelphia, which is not a party, faxed a prehearing memorandum but did not attend.

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

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

1. The Petition to Intervene filed by AAGP on August 21, 2000 was granted. AAGP is directed to file a list of its members within seven days of the date of this Order.

2. The Petition to Intervene of CEPA et al dated August 24, 2000 was granted.

3. Subsequent to the prehearing conference, I received a Petition to Intervene of the Philadelphia School District. Although this Petition was not addressed at the prehearing conference, 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.

Therefore, the parties of record as of the prehearing conference are PGW, OTS, OOCA, OSBA, AAGP, PICGUG, Philadelphia School District and CEPA et al. Appendix A lists the parties as of the date of this Order.

4. **My e-mail distribution list consists of the following.** Please communicate any changes to me at chestnut@puc.state.pa.us:

counsel	party	e-mail
Dan Clearfield	PGW	Dclearfield@wolfblock.com
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Craig Doll	AAGP	Cdoll76342@aol.com
Angela Jones	OSBA	Angela_Jones@dced.state.pa.us
Johnnie Simms	OTS	simmsj@puc.state.pa.us
Tanya McCloskey	OCA	tmccloskey@paoca.org
Stephen Keene	OCA	skeene@paoca.org
Charis Burak	PICGUG	cburak@mwn.com
Phil Bertocci	CEPA et al	pbertocci@clsphila.com
Jackie Sparkman	School Dist.	jmondre@mondreenergy.com

5. Various procedural requirements set out in Prehearing Order #1 were reiterated.

- 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 shall be limited to one entry on the service list, although there can be more than one name listed.

- D) Pursuant to 52 Pa. Code §1.54(d), participants will be considered to be either active or inactive. 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. All parties present at the prehearing conference, as well as AAGP, are to be considered active.

6. Also as set out in Prehearing Order #1, pursuant to 52 Pa. Code §5.342(d), the Commission's regulations relating to discovery are modified to provide that:

- A) The response period for replying to written interrogatories is ten calendar days, although PGW will endeavor to respond within seven days if possible. 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 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. The following schedule was adopted:

PGW testimony	August 25
Intervenor testimony	Sept. 18
Rebuttal (all) testimony	Sept. 25
Hearings (including brief oral surrebuttal, if necessary)	Sept. 27(starts at 10:00 am)
	Sept. 28 (starts at 9:00 am)
	Sept. 29 (starts at 9:00 am)
Main briefs	Oct. 13
Reply briefs	Oct. 20

In addition, public input hearings will be scheduled.

- 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. However, if a party recipient agrees, the testimony can be sent electronically by 4:30 p.m. of that date as long as a hard copy is received by 12:00 p.m. on the next calendar day. Do not send copies to the secretary. 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) On or before September 26, 2000, 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 9:00 a.m. on September 27, 2000.

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. Appendix B contains the required formatting.
- 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: August 31, 2000


MARLANE R. CHESTNUT
Administrative Law Judge

APPENDIX A

PARTIES - PGW R-00005654 (IRR)

#	Date Docketed	Party	Pleading	Resolved	Counsel/e-mail
01	8/8/00	PGW	P-00001831	Com. Order 8/17/00	Dan Clearfield: dclearfield@wolfblock.com
02	8/21/00	The Apartment Association of Greater Philadelphia (AAGP)*	P/I	PHO#2	Craig Doll: Cdoll76342@aol.com
03	8/22	OSBA*	Notice of Intervention	PHO#2	Angela Jones: anjones@state.pa.us
04		OCA*	Complaint (C000x)	PHO#2	Tanya McCloskey: tmccloskey@paoca.org Steve Keene: skeene@paoca.org
05		Philadelphia Industrial and Commercial Gas Users Group (PICGUG)*	Complaint (C000x)	PHO#2	Charis Burak: cburak@mwn.com
06	8/24	Consumers Education & Protective Association, Association of Community Organizations for Reform Now, Action Alliance of Senior Citizens of Greater Phila. and Tenants Action Group (CEPA et al)*	P/I	PHO#2	Philip Bertocci: pbertocci@clsphila.org
07		School District of Philadelphia*	P/I	PHO #2	Jackie Sparkman: jmondre@mondreenergy.com
08		OTS*	Notice of Appearance	PHO #2	Johnnie Simms: simmsj@puc.state.pa.us

APPENDIX B

APPENDIX – FORMATTING

spacing = 1.5
Widow protection
Times New Roman 13 for Text and footnotes¹
1 inch margins
2 tabs at the beginning of each paragraph
2 spaces after all periods and colons
2 returns after each paragraph

DO NOT USE: Paragraph/spacing 12 or 18 pt.; should be 0 pt.

§123 (no space between § and #)
period outside parens – (I.D., p. 2).
Do not spell out dollars and cents - \$2,300.00
Comma after parens – not before
Cite after indent to be at left margin
Spell check all documents before saving

I. HISTORY

A. Introduction

I.

a.

i.

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Roman numerals start a new page

¹ All footnotes should be in Times New Roman, Font 13. Also, indent one (1) tab before the footnote number and one (1) tab after the footnote number.

INDENTS

- 2 tabs 1. There is no justification for the Commission to limit liability for damages

REQUIRED SPACING (shift control space)

No. _A-00123456C9801

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June_8, 1999

Section_3101; Title_15

PA_17120

66_Pa.C.S. §1101

Mr._James_A. Jones_Jr.

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Pennsylvania Public Utility Commission v. Philadelphia Gas Works
Docket Number R-00005654

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