

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED
FEB 23 2001

Pennsylvania Public Utility
Commission

v.

Philadelphia Gas Works

DOCUMENT
FOLDER

Docket Number

R-00006042

R-00006042C0001 et al

PREHEARING ORDER

RECEIVED
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PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

On January 5, 2001, Philadelphia Gas Works ("PGW" or "Respondent") filed Supplement No. 7 to Tariff Gas – Pa. P.U.C. No. 1 to become effective March 6, 2001. In said tariff, PGW proposed changes in rules, regulations and rates calculated to produce \$65,000,000 in additional annual revenues.

In addition, PGW filed a petition for waiver of potentially applicable notification and filing requirements and establishment of expedited hearing schedule for base rate proceeding. Pursuant to 52 Pa. Code §§5.41 and 5.43, 66 Pa. C.S. §§2212(c), (d) and (e), Chapter 13 and Section 2212(c) of the Public Utility Code ("Code"), PGW requested that the Commission:

- (1) acknowledge that certain notification provisions in the Commission's regulations are not presently applicable to the extent that they are deemed to apply to PGW to waive them;
- (2) acknowledge that certain filing requirements in the Commission's regulations applicable to the filing of a base rate are not presently applicable to PGW, or to the extent deemed applicable, to waive them; and

- (c) to establish an expedited hearing schedule culminating in a Commission decision no later than on or around June 1, 2001 for the base rate case.

Comments to PGW's Petition were filed by the Office of Consumer Advocate ("OCA"), Office of Trial Staff ("OTS"), Philadelphia Industrial and Commercial Users Group ("PICGUG") and the Consumers Education and Protective Association, the Association of Community Organizations for Reform Now, Action Alliance of Senior Citizens of Greater Philadelphia and Tenants' Action Group (collectively "CEPA et al").

By Order entered February 8, 2001, the Pennsylvania Public Utility Commission ("Commission") instituted an investigation into the lawfulness, justness and reasonableness of the proposed rate increase. Pursuant to section 1308(d) of the Public Utility Code, 66 Pa. C.S. §1308(d), Supplement No. 7 to Tariff Gas – Pa. P.U.C. No. 1 was suspended by operation of law until October 6, 2001 unless otherwise directed by Order of the Commission. In addition, the Commission ordered that the investigation include consideration of the lawfulness, justness and reasonableness of PGW's existing rates. The matter was assigned to the Office of Administrative Law Judge for resolution by hearings and for issuance of a Recommended Decision. The petition for waiver of potentially applicable notification and filing requirements and establishment of expedited hearing schedule for base rate proceedings was granted in part and denied in part. PGW's request for waiver of 52 Pa. Code §53.45(a) which requires that a utility file with the Commission written notice 30 days prior to the filing was granted. PGW's request to provide notice to customers under the alternative method set forth in 52 Pa. Code §53.45(b)(4) was granted. PGW's request for waiver from providing the information required at 52 Pa. Code §§53.52 and 53.53 was denied.

In accordance with the Commission's order, the matter was assigned to Administrative Law Judge Cynthia Williams Fordham. Johnnie E. Simms, Esquire and Charles F. Hoffman, Esquire, entered a notice of appearance on behalf of the Commission's Office of Trial Staff ("OTS"). To date, 98 complaints have been filed.

Pursuant to 52 Pa. Code §5.61(d), no answer is required to complaints docketed with Commission-instituted rate proceedings unless directed by the Commission or the presiding officer.

A prehearing conference in this matter will be held on Friday, February 23, 2001 at 10:00 a.m. The parties in Philadelphia will come to the 13th floor of the Philadelphia State Office Building. The parties in Harrisburg will go to the Keystone Building. The Harrisburg parties will participate by telephone.

The Commission's regulation concerning prehearing conferences in rate proceedings is located at 52 Pa. Code §5.224. We will discuss the following:

- 1) A proposed plan and schedule of discovery;
- 2) Possibility of settlement;
- 3) Issues;
- 4) Amount of hearing time needed;
- 5) Witnesses;
- 6) Schedule for submission of testimony, hearings and briefs;
- 7) Public input hearings; and
- 8) any other appropriate matter.

Counsel should submit a prehearing memorandum addressing the agenda items on or before 4:30 p.m. on Thursday, February 22, 2001. Counsel can fax or e-mail the memoranda to me and the other counsel.

The following is a proposed schedule for hearings and briefs:

Hearings for cross-examination Of all witnesses, oral Rebuttal/Surrebuttal	Week of May 14, 2001
Close of Record	May 29, 2001
Main Briefs Due	June 18, 2001
Reply Briefs Due	June 28, 2001
End of Suspension Period	October 6, 2001

Any documents filed in this proceeding should be served on me at the Philadelphia office and the active participants. 52 Pa. Code §154(a) and (d).

We will discuss active and inactive status at the prehearing conference. Active parties are expected to participate in the prehearing conference, engage in discovery, attend hearings, present witnesses and cross-examine witnesses. Inactive parties can participate and testify in public input hearings, will receive all of my written orders, notices of hearings and copies of any decisions and Commission orders. The inactive parties will not participate in discovery or testify and cross-examine witnesses at the formal hearings. Therefore, inactive parties will not receive copies of the hearing exhibits or the briefs of the active parties. Active parties will receive all documents and must copy all other active parties (and any inactive party that requests it) on documents sent to the Commission or the presiding officer.

Please note that I am sending a copy of this order to individuals who are represented by counsel. All subsequent orders will be sent only to their counsel.

Since documents can be submitted to the presiding officer and the participants by fax and e-mail, fax and e-mail addresses will be included on the service list. Please check the list for omissions and errors and contact my office to make corrections. My fax number is (215) 560-3133 and my e-mail address is fordham@puc.state.pa.us.

ORDER

THEREFORE,
IT IS ORDERED:

That the parties shall comply with the procedural rules and regulations discussed herein.

Date: February 16, 2001

Cynthia Williams Fordham
CYNTHIA WILLIAMS FORDHAM
Administrative Law Judge

Pennsylvania Public Utility Commission v. Philadelphia Gas Works
Docket Number R-00006042

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