

RECEIVED
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
2001 JUN 27 AM 10: 23

Pennsylvania Public Utility
Commission

PA. P.U.C.
SECRETARY'S BUREAU

Docket Number

v.

Philadelphia Gas Works

DOCKETED
JUL 10 2001

DOCUMENT
FOLDER

R-00006042
R-00006042C0001 et al
C-00014826-C00014828
C-00014843
C-00014910
C-00015037
C-00015044-C-00015048
C-00015050
C-00015098

ORDER #8

The evidentiary record in this proceeding closed on May 31, 2001 after the evidentiary hearings were held in this matter.

On June 20, 2001, Philadelphia Gas Works (PGW) filed a Motion to Reopen the Record pursuant to 52 Pa. Code §5.571(a). PGW requested that the record be reopened to accept PGW St. 2.2, the verified statement of Barbara C. Bisgaier, and Exhibit BB-3, the Credit Agreement as amended and restated as of June 12, 2001 between the City of Philadelphia and First Union Bank, PNC Bank, The Bank of Nova Scotia, Mellon Bank and Morgan Guaranty Trust Company of New York.

PGW's counsel indicated that the Office of Consumer Advocate (OCA); the Office of Trial Staff (OTS); the Office of Small Business Advocate (OSBA); the Philadelphia Industrial and Commercial Gas Users Group (PICGUG); and CEPA et al

did not oppose reopening the record to allow the inclusion of the Restated Credit Agreement (Exhibit BB-3) or the Bisgaier Statement (PGW St. 2.2).

Section 5.571(b) of 52 Pa. Code requires the motion to include the facts claimed to constitute grounds requiring the reopening of the proceeding. When Ms. Bisgaier testified during the hearing, the letter of credit had not been renewed. On June 12, 2001, Morgan Guaranty Trust Company renewed the Letter of Credit.

Participants are normally given 10 days to file an answer to the petition to reopen. 52 Pa. Code §5.571(c). Since the reply briefs are due by June 29, 2001, any objections must be filed by noon on June 26, 2001.

Pursuant to 52 Pa. Code §5.571(d), the presiding officer can reopen the proceeding to receive further evidence if conditions of fact or law have changed to require the record to be reopened. Since conditions of fact have changed, the record will be reopened on June 26, 2001 unless objections are received, from an active party, prior to noon on June 26, 2001. (The active parties in this case are PGW, OCA, OTS, OSBA, PICGUG and CEPA et al.) The Restated Credit Agreement which is marked Exhibit BB-3 and Ms. Bisgaier's Statement which is marked PGW St. 2.2 will be admitted into evidence pursuant to 52 Pa. Code 5.404(a). The record will close at 4:30 p.m. on June 26, 2001.

ORDER

THEREFORE,
IT IS ORDERED:

1. That an active party can file an answer or an objection to the Motion to Reopen on or before noon on June 26, 2001.

2. That the record will be reopened on June 26, 2001 pursuant to 52 Pa. Code §5.571(d), after the noon deadline unless an active party objects.

3. That Exhibit BB-3, the Restated Credit Agreement and PGW St. 2.2 (Ms. Bisgaier's Statement) will be admitted into evidence on the afternoon of June 26, 2001 pursuant to 52 Pa. Code §5.404(a), unless an active party files an objection.

4. That the evidentiary record in this case will close at 4:30 p.m. on June 26, 2001.

Date: June 22, 2001

Cynthia Williams Fordham
CYNTHIA WILLIAMS FORDHAM
Administrative Law Judge

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

SERVICE LIST

ACTIVE PARTIES

Daniel Clearfield, Esquire
Mark S. Stewart, Esquire
Wolf, Block, Schorr & Solis-Cohen LLP
212 Locust Street, Suite 300
Harrisburg, PA 17101
Fax (717) 237-7161
dclearfield@wolfblock.com

Johnnie E. Simms, Esquire
Charles F. Hoffman, Esquire
PA Public Utility Commission
Office of Trial Staff
P.O. Box 3265
Harrisburg, PA 17105-3265
Fax (717) 772-2677
simmsj@puc.state.pa.us

Tanya J. McCloskey, Esquire
Stephen J. Keene, Esquire
James A. Mullins, Esquire
Christy M. Appleby, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Forum Place
Harrisburg, PA 17101-1923
Fax (717) 783-7152
skeenc@paoca.org; mullins@paoca.org
(C0023)

Steven C. Gray, Esquire
Office of Small Business Advocate
Commerce Building Suite 1102
300 North 2nd Street
Harrisburg, PA 17101
Fax (717) 783-2831
sgray@state.pa.us
(C0070)

Philip A. Bertocci, Esquire
Edward A. McCool, Esquire
Community Legal Services, Inc.
1424 Chestnut Street, 4th Floor
Philadelphia, PA 19102-2505
Fax (215) 981-0435
pbertocci@clsphila.org

Consumers Education & Protective Association (C0027)
ACORN (C0027)
Action Alliance of Senior Citizens (C0027)
Tenants' Action Group (TAG) (C0027)

David M. Kleppinger, Esquire
Charis M. Burak, Esquire
Karen S. Miller Orner, Esquire
McNees Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Fax (717) 237-5300
dkleppin@mwn.com
cburak@mwn.com

Phila. Industrial Commercial Gas Users GP (C0060)

Wendell F. Holland, Esquire
Steven W. Ching, Esquire
Obermayer Rebmann Maxwell & Hippel LLP
One Penn Center 19th Floor
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1895
(215) 665-3282
wfh@obermayer.com

Walter W. Cohen, Esquire
Obermayer Rebmann Maxwell & Hippel LLP
204 State Street
Harrisburg, PA 17101
Fax (717) 234-9734
walter.cohen@paonline.com