

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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SECRETARY'S BUREAU

Pennsylvania Public Utility
Commission

v.

Philadelphia Gas Works

Docket Numbers

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

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ORDER #6 - CONSOLIDATING COMPLAINTS

History of the Proceeding

On January 5, 2001, Philadelphia Gas Works ("PGW" or "Respondent") filed Supplement No. 7 to Tariff Gas – Pa. P.U.C. No. 1 with the Pennsylvania Public Utility Commission ("PUC"). Said Supplement was scheduled 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.

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.

On March 12, 2001, OCA filed a Motion to Dismiss Objections and Compel Answers to Interrogatory 31 of OCA SET II and Interrogatories 15, 23-26, 28-32, 34-37, 39-41, 45-46 and 51 of OCA SET III. PGW filed an Answer to the Motion to Compel on March 16, 2001. On March 20, 2001, CEPA et al filed a Letter Memorandum in support of OCA's Motion to Dismiss Objections and Compel Answers.

PGW filed a Motion in Limine on March 21, 2001.

On March 22, 2001, CEPA et al filed a Motion to Dismiss Objections and Compel Answers to Interrogatories CEPA-1 through 21, 23 through 30, 32 through 42 and CEPA-49 of CEPA et al's First Set of Interrogatories. On March 28, 2001, PGW filed an Answer to the Motion.

Public Input Hearings were held in this matter on March 28 and 29, 2001 in Philadelphia.

On April 2, 2001, OCA, OTS, PICGUG and CEPA et al filed Answers to the Motion in Limine.

On April 6, 2001, PGW filed Reply to Answers to the Motion in Limine or, in the Alternative, Request for Leave to Respond and the Response to the Answers of PICGUG, CEPA et al, OTS and OCA.

On April 13, 2001, the presiding officer issued Order #3 denying PGW's Motion in Limine.

Order #4, granting OCA's Motion to Dismiss Objections and Compel Answers, was issued on April 17, 2001.

Order #5, granting in part CEPA et al's Motion to Dismiss Objections and Compel Answers, was issued on April 19, 2001.

The following complaints were assigned to the presiding officer on April 16, 2001:

Ida Holloway v. Philadelphia Gas Works

Docket No. C-00014826

Regina M. Krohn v. Philadelphia Gas Works

Docket No. C-00014827

Zina Hampton v. Philadelphia Gas Works	Docket No. C-00014828
Mary and Salvatore Danese v. Philadelphia Gas Works	Docket No. C-00014843
Fredrick Karcher v. Philadelphia Gas Works	Docket No. C-00014910
Jessie Cardine Hairston v. Philadelphia Gas Works	Docket No. C-00015037
Corà M. Turpin v. Philadelphia Gas Works	Docket No. C-00015044
Stella Miller v. Philadelphia Gas Works	Docket No. C-00015045
Mrs. Frank Boettcher v. Philadelphia Gas Works	Docket No. C-00015046
Themiah Waters v. Philadelphia Gas Works	Docket No. C-00015047
Walter Stukowski v. Philadelphia Gas Works	Docket No. C-00015048
Lester Hebert v. Philadelphia Gas Works	Docket No. C-00015050
Florence Preisano v. Philadelphia Gas Works	Docket No. C-00015098

By Secretarial letter, dated April 24, 2001, the Commission appointed an administrative counsel to offer the management audit into the record in this rate proceeding.

On April 26, 2001, Stanley E. Brown, Esquire entered his appearance as administrative counsel.

Discussion

The thirteen complainants in the cases assigned to the presiding officer on April 16, 2001 are complaining about PGW's current and proposed rates. Since the rate case is pending, these complaints will be consolidated with the rate proceeding.

The Commission's regulation at 52 Pa. Code §5.81 provides:

(a) The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

Since the base rate proceeding at Docket No. R-00006042 and the thirteen listed cases involve a common question of law and fact and the consolidation would avoid unnecessary costs, the cases at Docket Nos. C-00014826, C-00014827, C-00014828, C-00014843, C-00014910, C-00015037, C-00015044, C-00015045, C-00015046, C-00015047, C-00015048, C-00015050 and C-00015098 will be consolidated with the base rate proceeding at Docket No. R-00006042 pursuant to 52 Pa. Code §5.81.

The public input hearings were held on March 28, and 29, 2001. At that time, members of the public expressed their opinions of PGW's current rates, proposed rates and customer service. In addition, the public was given the opportunity to talk to the attorneys from the Office of Trial Staff, the Office of Consumer Advocate, and the Office of Small Business Advocate.

The Complainants in the thirteen listed cases are not required to come to the public hearings scheduled for May 22, 23, 24, 25, 30 and 31, 2001. During the public hearings, counsel for the active parties will cross-examine the witnesses of the other active parties. These parties have already submitted the written direct testimony of their witnesses.

The Complainants in the thirteen listed cases are inactive parties. Inactive parties will receive 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.

In addition, pursuant to the Secretarial Order, Mr. Brown will present the Management audit. We are scheduling a date for Mr. Wheaton, the Project Manager from the auditing firm, to testify.

ORDER

THEREFORE,
IT IS ORDERED:

1. That the complaints filed by Ida Holloway v. Philadelphia Gas Works, Docket No. C-00014826; Regina M. Krohn v. Philadelphia Gas Works, Docket No. C-00014827; Zina Hampton v. Philadelphia Gas Works, Docket No. C-00014828; Mary and Salvatore Danese v. Philadelphia Gas Works, Docket No. C-00014843; Fredrick Karcher v. Philadelphia Gas Works, Docket No. C-00014910; Jessie Cardine Hairston v. Philadelphia Gas Works, Docket No. C-00015037; Cora M. Turpin v. Philadelphia Gas Works, Docket No. C-00015044; Stella Miller v. Philadelphia Gas Works, Docket No. C-00015045; Mrs. Frank Boettcher v. Philadelphia Gas Works, Docket No. C-00015046; Themiah Waters v. Philadelphia Gas Works, Docket No. C-00015047; Walter Stukowski v. Philadelphia Gas Works, Docket No. C-00015048; Lester Hebert v. Philadelphia Gas Works, Docket No. C-00015050; and Florence Preisano v. Philadelphia Gas Works, Docket No. C-00015098 are consolidated with the base rate case, Pennsylvania Public Utility Commission v. Philadelphia Gas Works, Docket No. R-00006042.

2. That the caption be revised to add the complaints listed in ordering paragraph one.

Date: May 7, 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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