

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	R-00061931
v.	:	R-00061931C0001 <u>et al.</u>
	:	
Philadelphia Gas Works	:	

**ORDER REGARDING
MOTION FOR CONTINUANCE
BY THE ARCHDIOCESE OF PHILADELPHIA**

DOCKETED
APR 16 2007

DOCUMENT
FOLDER

By Order dated March 9, 2007, the procedural schedule for this proceeding was confirmed. Pertinent to this order is the scheduled due date for direct testimony of active parties other than Philadelphia Gas Works ("PGW") of April 6, 2007 at or before 3:30 p.m. Also on March 9, 2007, the Archdiocese of Philadelphia ("AP") filed a Petition to Intervene in this proceeding. By electronic mail transmission on March 23, 2007, we directed AP to provide a Prehearing Memorandum by March 30, 2007. Coincident with the March 23, 2007 electronic mail was our Prehearing Order #4 which granted AP's Petition to Intervene. By electronic mail on April 3, 2007, we stated that we had not received a Prehearing Memorandum from AP and requested AP to submit it. By two electronic mail transmissions, one about 3:30 p.m. and the other about 4:30 p.m. on April 5, 2007, AP requested time extensions for its Prehearing Memorandum and its direct testimony. AP proposed that these two articles be due by close of business on Monday, April 9, 2007. This matter is ripe for ruling.

52 Pa.Code §5.412(b) states, "A reasonable time period will be allowed to prepare written testimony." 52 Pa.Code §1.15 provides that a request for extension of time must: (1) be by motion in writing; (2) be made before the expiration of the period originally prescribed; and (3) state the facts upon which the request relies. AP stated that all active parties were given notice of its request and no party objected.

Regarding the Prehearing Memorandum, AP has not complied with 52 Pa.Code §1.15. The request for time extension does not show any good cause why the deadline was not met and thus, provides no rationale to grant the extension. AP is directed to provide its Prehearing Memorandum on April 6, 2007 at or before 4:30 p.m. If AP should fail to comply with this direction, any objections to AP witnesses or testimony that does not correspond to those issues in paragraphs 8 through 13 of its March 9, 2007 Petition to Intervene will be sustained unless good cause is shown otherwise.¹

AP has requested a time extension regarding the filing of its direct testimony. It is noteworthy that no active party opposes the time extension request. AP states reasons of its personnel being unavailable due to ecumenical commitments expected of a religious institution during Good Friday and Easter religious observances.² Under the circumstances, the request for an additional business day is reasonable. For the reasons we presented in our Order Regarding Motion for Continuance by the Philadelphia Housing Authority issued April 5, 2007, we find it reasonable to clarify that the direct testimony of AP is due **at or before 3:30 p.m.** on April 9, 2007. We are inclined to grant the request with this clarification.

THEREFORE,

IT IS ORDERED:

I. That the extension of time requested by the Archdiocese of Philadelphia regarding is granted in part and denied in part consistent with this Order.

¹ We provided our ruling to all active parties by electronic mail at approximately 8 a.m. on April 6, 2007, to give AP with some time to comply with our order.

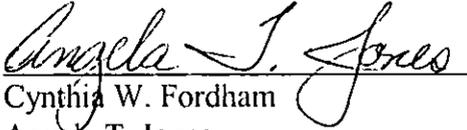
² Friday, April 6, 2007, is Good Friday and the week of April 6, 2007 is referred to as Holy week to Christians. This was emphasized to the parties at the Prehearing Conference on March 2, 2007, by ALJ Fordham. AP was not yet a party to this proceeding then and thus, did not participate in that Prehearing Conference.

2. That the Prehearing Memorandum of the Archdiocese of Philadelphia is due by April 6, 2007 at or before 4:30 p.m.

3. That the direct testimony of the Archdiocese of Philadelphia is due by April 9, 2007 at or before 3:30 p.m.

4. That all other procedural due dates remain as ordered.

Date: April 6, 2007


Cynthia W. Fordham
Angela T. Jones
Administrative Law Judges

SERVICE LIST

Daniel Clearfield, Esquire
Alan C. Kohler, Esquire
Wolfe Block Schorr & Solis-Cohen LLP
213 Market Street, 9th Floor
P.O. Box 865
Harrisburg, PA 17108-0865
(717) 237-7173 (717) 237-7161 (fax)
dclearfield@wolfblock.com

PGW

Richard A. Kanaskie, Esquire
Allison C. Kaster, Esquire
Pa. Public Utility Commission
Office of Trial Staff
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-1976 (717) 772-2677
rkanaskie@state.pa.us akaster@state.pa.us

Christy M. Appleby, Esquire
Darryl Lawrence, Esquire
Tanya J. McCloskey, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th floor
Forum Place
Harrisburg, PA 17101-5048
(717) 783-5048 (717) 783-7152 (fax)
cappleby@paoca.org dlawrence@paoca.org
tmccloskey@paoca.org

Sharon E. Webb, Esquire
Lauren M. Lepkoski, Esquire
Steven C. Gray, Esquire
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101
(717) 783-2525 (717) 783-2831 (fax)
swebb@state.pa.us
llepkoski@state.pa.us

Gregory J. Stunder, Esquire
Philadelphia Gas Works
800 West Montgomery Avenue
Philadelphia, PA 19122
Fax (215) 684-6798
Greg.stunder@pgworks.com

David M. Kleppinger, Esquire
Charis Mincavage, Esquire
McNees Wallace & Nurick
100 Pine Street P.O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000 (717) 237-5300 (fax)
cmincavage@mwn.com

Philadelphia Industrial and Commercial Gas Users Group

Phillip A. Bertocci, Esquire
Thu B. Tran, Esquire
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102-2505
(215) 981-3702 (215) 981-0435 (fax)
pbertocci@clsphila.org ttran@clsphila.org

Action Alliance, TURN

Shari C. Gribbin, Esquire
Kent D. Murphy, Esquire
Exelon Business Services Co.
2301 Market Street, S23-1
Philadelphia, PA 19101-8699
(215) 841-3606 Gribbin phone (215) 568-3389 Gribbin fax
Shari.gribbin@exeloncorp.com
(215) 841-4941 Murphy phone (215) 841-4941 Murphy fax
kent.murphy@exeloncorp.com

PECO Energy Company

Sherry A. Swirsky, Esquire
Miles H. Shore, Esquire
The School District of Philadelphia
440 N. Broad Street, Suite 313
Philadelphia, PA 19130-4015
(215) 400-5162 (215) 400-4121 (fax)
sswirsky@phila.k12.pa.us
mhshore@phila.k12.pa.us

The School District of Philadelphia

Philip L. Hinerman, Esquire
Jill A. Guldin, Esquire
Fox, Rothschild LLP
2000 Market Street, Tenth Floor
Philadelphia, PA 19103-3291
(215) 299-2000 (215) 299-2150 (fax).
phinerman@foxrothschild.com
jguldin@foxrothschild.com

Philadelphia Housing Authority

Todd S. Stewart, Esquire
Hawke, McKeon, Sniscak & Kennard LLP
100 North 10th Street
P O Box 1778
Harrisburg, PA 17105-1778
(717) 236-1300 (717)236-4841 (fax)
tsstewart@hmsk-law.com

Interstate Gas Supply, Inc.

John F. Povilaitis, Esquire
Matthew A. Totino, Esquire
Ryan, Russell, Ogden & Seltzer LLP
800 North Third Street, Suite 101
Harrisburg, PA 17102-2025
(717) 236-7714 (717) 236-7816 (fax)
jpovilaitis@ryanrussell.com
mtotino@ryanrussell.com

Hess Corporation

Andrew S. Levine, Esquire
Stradley Ronon Stevens & Young, LLP
2600 One Commerce Square
Philadelphia, PA 19103
(215) 564-8073 (215) 564-8120 (fax)
alevine@stradley.com

The Archdiocese of Philadelphia