

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

ORDER REGARDING
MOTION FOR CONTINUANCE
BY THE SCHOOL DISTRICT OF PHILADELPHIA

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. By electronic mail transmitted at approximately 5 p.m. on April 4, 2007, counsel for the School District of Philadelphia ("PSD") requested an extension of time to April 12, 2007 for the direct testimony of the PSD. PSD requests the extension because it will make its 2007-2008 operating budget public on April 5, 2007. PSD states that it is beneficial to include public information in its testimony concerning the impact of the proposed rate increase by PGW on its future operating budget. PSD implies that the witnesses to testify regarding this information have been working on the budget and need the additional time to include the information in their testimony. PSD states that it has contacted PGW regarding its request and PGW opposes the request. PSD sent this information exclusively to the presiding officers and counsel for PGW. This matter is ripe for ruling.

First, please note page 6 of our Prehearing Conference Order #3. In the third full paragraph we state that any documents filed in this proceeding should be served on all active parties. Please note that we have forwarded this Order and PSD's request to all active parties so that they are privy to the issue. Second, please note the fourth full paragraph on the same page of the Prehearing Conference Order #3. We have indicated that while we accept service through

electronic mail, we request that said service be followed by two hard copies (one for each presiding officer).

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) made before the expiration of the period originally prescribed; and (3) state the facts upon which the request relies. We note that the PGW objects to the request.

We are regarding PSD’s electronic mail transmission as a motion. PSD has complied with 52 Pa.Code §1.15. PSD has consistently proposed that this scheduled date is problematic. We note that PSD objected on the record to the proposed schedule at the Friday, March 2, 2007 prehearing conference. However, PSD’s objection did not include the fact of timing and that its witnesses would be working on its budget which would not be made public until April 5, 2007 (the day before the direct testimony due date). Additionally, PGW presented at this same prehearing conference that it had a meeting with the active parties to discuss the proposed schedule for this proceeding. We note that PSD, among others, stated it was not contacted to participate in that meeting and consequently did not participate in the meeting. However, as ALJ Jones state, the proposed schedule was presented as an option at the February 23, 2007 prehearing conference at which PSD participated. No objection to this option was presented at the February 23, 2007 prehearing conference.

Nevertheless, we recognize from PSD’s Prehearing Memorandum that the affect of the proposed rate increase on its current and future operating budget is a prominent issue (Issue A). We also note that the granting of this request will provide PGW with three weeks to respond in written rebuttal testimony. Therefore, we are inclined to grant your request with modification.

The direct testimony of PSD concerning the affect of the proposed rate increase of PGW on its current and future operating budget, Issue A of PSD’s Prehearing Memorandum dated March 8, 2007, is due April 12, 2007 at or before 3:30 p.m. We note from the request by

PSD that the future budget is to be made public on April 5, 2007. We find it reasonable to direct PSD's direct testimony regarding is current and future operating budget to be submitted within a week of the future budget information becoming public. Any other direct testimony that PSD is presenting in this proceeding is due April 6, 2007 at or before 3:30 p.m. pursuant to Prehearing Conference Order #3.

THEREFORE,

IT IS ORDERED:

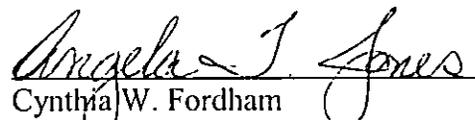
1. That the continuance requested by the School District of Philadelphia regarding an extension to the due date for submitting its direct testimony is granted in part and denied in part consistent with this Order.

2. That the direct testimony of the Philadelphia School District regarding Issue A from the School District of Philadelphia's Prehearing Memorandum dated March 8, 2007, concerning the proposed rate increase of Philadelphia Gas Works and its impact on the current and future operating budget of the School District of Philadelphia is due by April 12, 2007 at or before 3:30 p.m.

3. That any other direct testimony submitted by the School District of Philadelphia is due by April 6, 2007 at or before 3:30 p.m.

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

Date: April 5, 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)
alevinc@stradley.com
The Archdiocese of Philadelphia

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

ORDER REGARDING
MOTION FOR CONTINUANCE
BY THE PHILADELPHIA HOUSING AUTHORITY

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. By electronic mail transmitted at approximately 2:30 p.m. on April 5, 2007, counsel for the Philadelphia Housing Authority ("PHA") requested an extension of time to close of business on Monday, April 9, 2007 for its direct testimony. PHA states the additional time is required due to holidays and staff attention to its recent budgeting issues. 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. PHA states that it has contacted PGW and all active Intervenors. PHA submits that no party objects to the time extension request.

PHA has complied with 52 Pa.Code §1.15. PHA has noted on the record that this scheduled date is problematic. We note that PHA objected on the record to the proposed schedule at the Friday, March 2, 2007 prehearing conference.¹ Additionally, PGW presented at

¹ The objection made at the March 2, 2007 prehearing conference, did not include as a basis budgeting issues of PHA as relied upon for this time extension request.

this same prehearing conference that it had a meeting with the active parties to discuss the proposed schedule for this proceeding. We note that PHA, among others, stated it was not contacted to participate in that meeting and consequently did not participate in the meeting. However, as ALJ Jones stated, the proposed schedule was presented as an option at the February 23, 2007 prehearing conference at which PHA participated. No objection to this option was presented at the February 23, 2007 prehearing conference.

Nevertheless, it is noteworthy that no active party opposes the time extension request. Under the circumstances, the request for an additional business day is reasonable. We would clarify however, that the direct testimony of PHA is due **at or before 3:30 p.m.** on April 9, 2007. The Office of Trial Staff expressed concern about receiving direct testimony timely. While we believe the concern was more about the day of the week (Friday) rather than the type of testimony at issue (direct testimony), we will error on the side of caution and require the testimony to be due at or before 3:30 p.m. on Monday, April 9, 2007. Furthermore, April 9, 2007, is a scheduled date for two public input sessions in Philadelphia. If the parties participating in the public input sessions have remote access to electronic mail, it is more likely that they could review testimony that is submitted by 3:30 p.m. Thus, we are inclined to grant your request with this clarification.

THEREFORE,

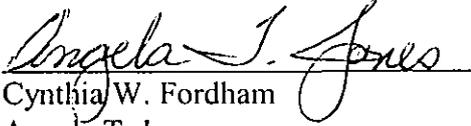
IT IS ORDERED:

1. That the extension of time requested by the Philadelphia Housing Authority regarding the due date for submitting its direct testimony is granted with clarification consistent with this Order.

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

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

Date: April 5, 2007


Cynthia W. Fordham
Angela T. Jones
Administrative Law Judges

Pennsylvania Public Utility Commission v. Philadelphia Gas Works
Docket Nos. R-00061931, R-00061931C0001 et al.

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)
emincavage@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)
alevinc@stradley.com

The Archdiocese of Philadelphia