

1 A P P E A R A N C E S (Continued):

2 MILES SHORE, Esquire
3 440 North Broad Street
4 Suite 313
Philadelphia, Pennsylvania 19130
(For Philadelphia School District)

5 GILL GULDIN, Esquire
6 PHIL HINERMAN, Esquire
2000 Market Street
7 Philadelphia, Pennsylvania 19103
(For Philadelphia Housing Authority.)

8 PHILIP BERTOCCI, Esquire
9 THU B. TRAN, Esquire
10 1424 Chestnut Street
Philadelphia, Pennsylvania 19102-2505
11 (For Community Legal Services/Action
Alliance of Senior Citizens/Tenant
12 Union Representative network)

13 JOHN F. POVILAITIS, Esquire
14 800 North Third Street
Suite 101
15 Harrisburg, Pennsylvania 17101-20205
(For Hess Corporation)

16 STEVEN C. GRAY, Esquire
17 300 North Second Street
Suite 1102
18 Harrisburg, Pennsylvania 17101
19 (For Office of Small Business Advocate)

20 RICHARD A. KANASKIE, Esquire
21 ALLISON C. KASTER, Esquire
P.O. Box 3265
22 Harrisburg, Pennsylvania 17105-3265
(Office of Trial Staff)

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24
25

A P P E A R A N C E S (Continued):

CHARIS MINCAVAGE, Esquire
100 Pine Street
Harrisburg, Pennsylvania 17108
(For Philadelphia Industrial & Community
Gas Users Group)

CHRISTY M. APPLEBY, Esquire
DARRYL LAWRENCE, Esquire
555 Walnut Street
Fifth Floor
Harrisburg, Pennsylvania 17101-5048
(For Office of Consumer Advocate)

TODD STEWART, Esquire
100 North Tenth Street
P.O. Box 1778
Harrisburg, Pennsylvania 17105
(For Interstate Gas Supply Company)

GREG STUNDER, Esquire
Philadelphia Gas Works
Ninth and Montgomery Streets
Philadelphia, Pennsylvania 19122
(For Philadelphia Gas Works)

FORM 2

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WITNESSES

(None)

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FORM 2

P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE CYNTHIA W. FORDHAM:

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3 Good morning, I'm Administrative Law Judge Cynthia Fordham.
4 Administrative Law Judge Angela Jones is in the Harrisburg
5 office. This is the time and place for a pre-hearing
6 conference in the matter Pennsylvania Public Utility
7 Commission versus Philadelphia Gas Works at Docket No.
8 R-00061931/R-0061931C001 et. seq.

9 I would ask counsel to enter their appearance
10 beginning with Mr. Clearfield.

11 MR. CLEARFIELD: Good morning, your Honor. I
12 am Dan Clearfield.

13 JUDGE FORDHAM: Wait one minute.

14 Can you hear, Mr. Clearfield?

15 JUDGE JONES: No, your Honor.

16 MR. CLEARFIELD: Good morning, your Honor,
17 this is Dan Clearfield with the firm of Wolf Block, and I am
18 representing PGW along with my colleague, who is in the
19 Harrisburg office, Greg Stunder, who is with PGW. I'm sure
20 he'll introduce himself as well. With me this morning is
21 Steve Hershey who is vice president of regulatory affairs
22 for PGW.

23 JUDGE FORDHAM: Thank you.

24 MR. HERSHEY: Good morning, your Honor.

25 JUDGE FORDHAM: Ms. Gribbin?

1 MS. GRIBBIN: Good morning, your Honor. Shari
2 Gribbin representing PECO Energy Company.

3 MS. SHORE: Good morning, your Honor, I'm
4 Miles Shore.

5 JUDGE FORDHAM: Can you hear us? Can you hear
6 us?

7 JUDGE JONES: I can here you very clear, your
8 Honor, it's the other parties having problems keeping their
9 voices up.

10 JUDGE FORDHAM: Let me turn the speaker
11 around.

12 MR. SHORE: Miles Shore. I'm the Assistant
13 General Counsel for the School District of Philadelphia.
14 The School District of Philadelphia filed a petition to
15 intervene on February 20th.

16 JUDGE FORDHAM: Mr. Shore, can you come up
17 closer to the mic.

18 MR. SHORE: Good morning, your Honor, Miles
19 Shore again. I'm the assistant general counsel for the
20 School District of Philadelphia. The School District filed
21 a petition to intervene in this action on Tuesday, February
22 20th, 2007. It's not on the agenda, your Honor, but I would
23 like to present the petition.

24 JUDGE FORDHAM: Thank you.

25 MS. RICHARDSON: Good morning, your Honor, I'm

1 Helen Richardson --

2 JUDGE JONES: Judge Fordham, this next party
3 we can barely hear.

4 JUDGE FORDHAM: Okay. She's coming forward.

5 MS. RICHARDSON: Good morning, your Honor,
6 Helen Richardson. I'm general counsel to Monder Energy,
7 which is a technical consulting firm providing services to a
8 number of current and potential interveners, so I'm not
9 entering my appearance on behalf of any particular party,
10 but I am here to observe.

11 JUDGE FORDHAM: So it's current and potential
12 interveners?

13 MS. RICHARDSON: Yes, your Honor.

14 JUDGE FORDHAM: Who are the current
15 interveners?

16 MS. RICHARDSON: The current interveners are
17 The Philadelphia Housing Authority, the School District of
18 Philadelphia, and I anticipate one or two others within the
19 next few days, your Honor.

20 JUDGE FORDHAM: Thank you.

21 MS. RICHARDSON: Thank you.

22 JUDGE FORDHAM: Next counsel.

23 MS. GULDIN: Good morning, your Honor. I'm
24 Gill Guldin. I'm here with counsel Phil Hinerman on behalf
25 for the Philadelphia Housing Authority.

1 JUDGE FORDHAM: Thank you.

2 MR. BERTOCCI: Good morning, my your Honor,
3 my name is Philip Bertocci. I'm here with Thu Tran with
4 Community Legal Services. We represent Action Alliance of
5 Senior Citizens and the Tenant Union Representative
6 Network.

7 JUDGE FORDHAM: Thank you.

8 Are there any other counsel here?

9 (No response.)

10 JUDGE FORDHAM: The people in the back row,
11 are you complainants in this action?

12 (Complainants nod in the affirmative.)

13 JUDGE FORDHAM: Would you state your name for
14 the record.

15 MS. WILLIAMS: My name is Cornelia Hester
16 Williams.

17 JUDGE JONES: Your Honor, we can barely hear
18 whomever is presenting themselves.

19 JUDGE FORDHAM: It's Cornelia Hester Williams,
20 one of the complainants in this matter.

21 MR. ROSSIE: Russell Rossie another
22 complainant in this matter.

23 MS. GEERLY: Kate Geerly with Hess. We are
24 not a complainant or an intervener in this proceeding, and
25 our attorney is in Harrisburg.

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JUDGE JONES: We didn't hear that.

JUDGE FORDHAM: The attorney for Hess is in Harrisburg, but another person is here.

MS. DEBBS: MS. My name is Allison Debbs. I'm here with PECO but I'm just observing.

JUDGE FORDHAM: An observer with PECO.

Judge Jones, would you have the Harrisburg parties enter their appearance.

JUDGE JONES: Yes, your Honor, we will start with the representative from Hess and work our way across the table.

MR. POVILAITIS: Good morning, John Povilaitis with Ryan, Russell, Ogden & Seltzer representing Hess Corporation. We filed our petition to intervene yesterday, and I believe it's reached all the parties today in the case.

MR. GRAY: Good morning, your Honor. I'm Steve Gray for the Office of Small Business Advocate.

MR. KANASKIE: Good morning, your Honor. My name is Rick Kanaskie, and I'm here with Allison Kaster on behalf of the Office of Trial Staff.

MS. MINCAVAGE: Good morning, your Honor, this is Charis Mincavage on behalf of the Philadelphia Industrial and Commercial Gas Users Group.

MS. APPLEBY: Good morning, your Honor, this

1 is Christy Appleby with the Office of Consumer Advocate. I
2 also have with me Darryl Lawrence also from the Office of
3 Consumer Advocate.

4 MR. STEWART: Good morning, your Honor, Todd
5 Stewart on behalf of Interstate Gas Supply.

6 MR. STUNDER: Good morning, your Honor, Greg
7 Stunder on behalf of PGW.

8 JUDGE JONES: That ends the list of attorneys.

9 JUDGE FORDHAM: Let me give a brief history
10 of the proceeding so far: On December 22nd of 2006, the
11 Philadelphia Gas Works filed a Supplement No. 16 to Tariff
12 Gas PUC No. 2 to become effective February 20th, 2007. In
13 said tariff PGW proposed changes in rules, regulations and
14 rates calculated to produce 7,000,000 or 11 percent in
15 additional annual revenues.

16 By order entered February 8th, 2007 the
17 Pennsylvania Public Utility Commission instituted an
18 investigation into the lawfulness, justness, and
19 reasonableness of the proposed rate increase.

20 Pursuant to Section 1308(d) of the Public Code
21 66 Pa CS Section 13089d) Supplement No. 16 to Tarrif gas Pa.
22 PUC No. 2 was suspended by operation of law on February 8th,
23 2007 until September 20, 2007 unless authorized directed by
24 order of the Commission.

25 In addition, the Commission ordered that the

1 investigation include consideration of the lawfulness,
2 justness, and reasonableness of the PGW's existing rate.
3 The matter was assigned to the Administrative Law Judge for
4 resolutions by hearing and for issuance of a recommended
5 decision. In accordance with the Commission's order, the
6 matter was assigned to me and Judge Jones.

7 On December 28th, 2006 Richard A. Kanaskie and
8 Allison C. Kaster, Esquire, entered a notice of appearance
9 on behalf of the Commission's Office of Trial Staff. The
10 Office of Consumer Advocate filed a complaint and public
11 statement on January 5th, 2007. That complaint was docketed
12 at R-00061931C001.

13 The Office of Small Business Advocate filed a
14 complaint and public statement on January 18th of 2007.
15 That complaint was docketed at R-00061931C0008.

16 Action Alliance of Senior Citizens of Greater
17 Philadelphia and Tenant Union Representative Network filed a
18 complaint on January 26th, 2007. That complaint was
19 docketed at R-00061931C00ten.

20 The Philadelphia Industrial and Commercial
21 Gas Users Group filed a complaint on February 5th of 2007.
22 That complaint was docketed at R-00061931C0033. six one nine

23 To date, 47 complaints have been filed. On
24 February 7th of 2007, PECO Energy Company filed a petition
25 to intervene.

1 On February 15th of 2007 the Interstate Gas
2 Supply, Inc., filed a petition to intervene. On February
3 16th we had a filing by the School District of Philadelphia
4 petition to intervene, and another petitions to intervene
5 was filed also on the 16th -- and just one minute -- I'll
6 come back to that one.

7 The next one is February 22nd of 2007, John
8 Povilaitis filed a petition to intervene on behalf of Hess
9 Corporation. We had a pre-hearing memoranda filed by PGW
10 OTS, OCA, OSBA, Action Alliance, Interstate Gas Supply, PECO
11 Energy, Hess, the Large Users Group, and those were all the
12 pre-hearing memoranda that we received.

13 We did distribute proposed agenda. The other
14 interveners were not included in the original pre-hearing
15 order because it was sent before I received the other
16 interventions. Give me just one minute. Did everyone
17 receive a copy of the School District's petition to
18 intervene, everyone here? Let's go off the record one
19 minute.

20 (Discussion held off the record.)

21 JUDGE FORDHAM: I indicated that the other
22 petition to intervene was The Philadelphia Housing Authority
23 petition, which was filed on February 16th. We had an
24 off-the-record discussion about whether the parties did have
25 copies of the various petitions to intervene. Some parties

1 do have copies and some do not. We will try to remedy that
2 situation prior to leaving today.

3 The agenda that we put forth, the first one is
4 to deal with the petitions to intervene. PECO Energy was
5 the first petition that was filed. Were there any
6 objections to PECO's petition to intervene, Mr. Clearfield?

7 MR. CLEARFIELD: No, your Honor, we are not
8 going to object.

9 JUDGE FORDHAM: Does anyone in Philadelphia
10 have any objection?

11 (No response.)

12 JUDGE FORDHAM: There are no objections in
13 Philadelphia. Are there any objections in the Harrisburg
14 office?

15 JUDGE JONES: No objections in the Harrisburg
16 office.

17 JUDGE FORDHAM: Peco Energy's petition to
18 intervene is granted.

19 The next petition is Interstate Gas Supply
20 Inc; any objection, Mr. Clearfield?

21 MR. CLEARFIELD: None, your Honor. We are not
22 going to object to any of the petitions to intervene.

23 JUDGE FORDHAM: Okay.

24 I know everyone has not seen the petition,
25 Mr. Bertocci, do you have a copy?

1 MR. BERTOCCHI: No. We don't object to the
2 petition to intervene.

3 JUDGE FORDHAM: I think everyone else here is
4 an intervener.

5 How about in Harrisburg?

6 JUDGE JONES: No objection in Harrisburg,
7 your Honor.

8 JUDGE FORDHAM: Interstate Gas Supply's
9 Petition is granted.

10 Philadelphia Housing Authority, Mr. Clearfield
11 has indicated that he is not going to object, and Mr.
12 Bertocci has no objection.

13 Does anybody in Harrisburg object?

14 JUDGE JONES: No objection in Harrisburg,
15 your Honor.

16 JUDGE FORDHAM: Philadelphia Housing
17 Authority's petition is granted.

18 The School District of Philadelphia, I know
19 some people do not have copies. Mr. Clearfield is not
20 objecting. Mr. Bertocci is not objecting. Do we need to
21 wait?

22 JUDGE JONES: No need to wait in Harrisburg.
23 No objection, your Honor.

24 JUDGE FORDHAM: The School District of
25 Philadelphia's petition to intervene is granted.

1 Hess Corporation, Mr. Clearfield is not
2 objecting.

3 Mr. Bertocci?

4 (Mr. Bertocci nods.)

5 JUDGE FORDHAM: Mr. Bertocci has no objection.
6 Any in Harrisburg?

7 JUDGE JONES: No objection in Harrisburg,
8 your Honor.

9 JUDGE FORDHAM: Hess Corporation's petition to
10 intervene is granted.

11 The next item on the agenda is proposed plan
12 and schedule of discovery. OCA and OTS have submitted
13 proposals. They are similar. There are a couple of
14 differences. I would ask Ms. Appleby to go through the
15 proposals if there are any differences. I think there's a
16 difference with respect to the request for admissions.
17 Ms. Appleby?

18 MS. APPLEBY: Yes, your Honor, this is
19 Christy Appleby. With respect to the procedural rules, I
20 believe they are similar to the OTS with the exception of
21 the request for admissions. The first one is that answers
22 to written interrogatories shall be served in hand within
23 ten calendar days of service.

24 Second is objections to interrogatories shall
25 be communicated orally within three calendar days of service

1 of the interrogatories. Unresolved objections shall be
2 served to the AL day in writing within five days of service
3 of interrogatories, also calendar days.

4 Three is motions to dismiss objections and/or
5 direct the answering of interrogatories shall be filed
6 within three calendar days of service of the written
7 objection.

8 Number 4, answers to motions to dismiss
9 objections and/or direct the answering of interrogatories
10 shall be within three calendar days of service of such
11 motions. The OCA would request for No. 5 that rulings of
12 motions shall be issued, if at all possible, within seven
13 calendar days of the filing of the motion.

14 Number 6, responses to request document
15 production, entry for inspections or other purposes must be
16 served in hand within ten calendar days.

17 Number 7, request for admissions will be
18 deemed admitted unless answered within ten calendar days or
19 objected to within five calendar days of service.

20 Number 8, the OCA Proposes that any discovery
21 served after 12 noon on a Friday will be deemed to have been
22 served on the follow Monday for purposes of tracking due
23 dates.

24 Number 9, the OCA proposes that the due
25 dates be in hand, and that the electronic or fax service

1 on the due dates will satisfy the in-hand requirements
2 for which services immediately filed by a hard copy
3 sent by first class mail. That proposes the OCA's
4 proposed recommendations for amendments to the procedural
5 rules.

6 JUDGE FORDHAM: Mr. Kanaskie, do you want to
7 address the request for admission and the others at OTS has
8 mentioned?

9 MR. KANASKIE: Yes, your Honor. Just
10 briefly, we can agree to the OCA's proposal with request to
11 request for admission. I believe everything else here is
12 that, with the addition of the discovery on Friday, we can
13 agree to everything that's been presented.

14 JUDGE FORDHAM: How about on the record data
15 request; I think that was something else that you proposed
16 was not in OCA's?

17 MR. KANASKIE: Oh, yes, your Honor. OTS
18 proposes that answers to any on-the-record data request
19 shall be served in hand within seven calendar days of the
20 request. And, again, in hand we would acknowledge would
21 include electronic service.

22 JUDGE FORDHAM: Are there any objections to
23 the proposals from OCA and OTS?

24 MR. CLEARFIELD: Your Honor, I have a proposal
25 with respect to --

1 JUDGE JONES: Your Honor, Mr. Clearfield is
2 going to have to speak up.

3 MR. CLEARFIELD: I needed to at least stop the
4 train and then I was going to move up.

5 Your Honor, with respect to item No. 1, the
6 ten days for response to interrogatories, I'm jumping the
7 gun a little bit, but as you know, PGW has discussed a
8 schedule for the proceeding to accommodate the public input
9 hearings that would provide more time for the preparation of
10 the intervener and the other party's testimony in response
11 to the filing. And my suggestion would be that until we
12 reach that point, that we leave the 15-day response time for
13 interrogatories. And the reason is, frankly, that it would
14 give PGW the time it needs to answer the questions in an
15 informative and useful manner. Ten days is an extremely
16 short time period, especially considering the number of
17 interrogatories we have already received, and I suspect that
18 we are going to continue to receive with the addition of the
19 new parties, et cetera. So I have no objection to the other
20 items on the page, but my proposal would be that the ten-day
21 response time would begin as of the day we or the day after
22 the opponents or the other parties' testimony is filed. And
23 then the ten days would apply to everybody, because that
24 part of the schedule, whatever schedule we pick, is fairly
25 robust.

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JUDGE FORDHAM: Ms. Appleby?

MS. APPLEBY: Your Honor, in the event that Mr. Clearfield and the company's proposed alternative schedule is adopted, the OCA would not have a problem beginning the ten-day short period at the date of direct testimony of the interveners.

JUDGE FORDHAM: Mr. Kanaskie.

MR. KANASKIE: I'm troubled just a little bit because, again, without the schedule, if its an expanded schedule, I can understand, but I would prefer to take the ten days for all the parties, with the best effort's caveat. We understand volume of the interrogatories that's coming in, but in essence, if I understand this correctly, after the intervener's direct, there is going to be discovery served on interveners, with such a short period in terms of responding. So I believe it should be ten days with the best efforts. We've been very understanding. We've worked closely with the company throughout, but I see no reason to extend it after that.

JUDGE FORDHAM: Why don't we come back to this issue after we discuss the schedule.

So at this point No. 1 is the only question that is remaining, but with respect to the other proposed plans and scheduled discovery, that will be implemented if there are no objections in Harrisburg. There were no

1 objections here with the exception of the objection to
2 No. 1 from Mr. Clearfield.

3 JUDGE JONES: No objection from Harrisburg,
4 your Honor.

5 JUDGE FORDHAM: Thank you.

6 The next items on the agenda is possibility of
7 settlement. And I know each person put in their pre-hearing
8 memorandum that they would be interested in talking
9 settlement, and I assume that the company has broached the
10 parties on that.

11 MR. CLEARFIELD: Your Honor, we will state
12 for the record that we are very interested in achieving a
13 consensus in the case. Our plan is to convene a
14 settlement conference at a point where we either
15 understand from the parties or believe that the initial
16 discovery, the first round of discovery, has been completed
17 so that we think that's probably the best time in which the
18 parties will be able to respond, and understand what their
19 positions are going to be. But we are interested in
20 convening a settlement conference and trying to work
21 through and determining whether we can settle this
22 proceeding.

23 JUDGE FORDHAM: Thank you.

24 The next item on the agenda are issues, and
25 I believe that each parties that filed a pre-hearing memo

1 have indicated the issues as they see them at this time and
2 has also indicated that there might be more issues that
3 might come up.

4 The fifth item is the amount of hearing time
5 needed. I believe there was one party that indicated four
6 days. We've talked about the week of a certain time.

7 Mr. Clearfield, do you have any time period in mind?

8 MR. CLEARFIELD: Your Honor, I guess past
9 practice and prudence would indicate that we schedule four
10 days. I have found that scheduling Tuesday through Friday
11 is the most productive, because it's allows for a Monday to
12 work out final issues, potentially settlement or
13 stipulations on certain issues, et cetera. So whatever week
14 we pick, I would suggest that we schedule Tuesday through
15 Friday with the understanding that if we don't need those
16 days, we can obviously cancel. I assume it would be your
17 preference to cancel the last day and work our way back.

18 JUDGE FORDHAM: Yes.

19 Anyone in Philadelphia have any comments on
20 that?

21 (No response.)

22 JUDGE FORDHAM: Anyone in Harrisburg have any
23 comments?

24 JUDGE JONES: The Harrisburg parties have
25 reached a proposal to Mr. Clearfield.

1 Your Honor, I would also mention that OSBA had
2 provided a different locale for this hearing.

3 JUDGE FORDHAM: Thank you. The PGW hearings
4 have been held in Philadelphia in the Gas Restructuring
5 Competition Act, it was mentioned that all of the PGW
6 hearings would be held in Philadelphia. Although OSBA has
7 asked that it be held in Harrisburg, they will be held in
8 Philadelphia.

9 Thank you, Judge Jones.

10 MR. GRAY: Your Honor, this is Steve Gray,
11 OSBA. What part of the Pennsylvania Code requires hearings
12 in Philadelphia. It was just a restructuring hearing.
13 Under 2212(g) it was to be held in Philadelphia. My
14 suggestion was also based upon the fact you have a lot of
15 parties in this case, and hearing room one would suit this
16 number of parties much better than the limited space in
17 Philadelphia.

18 JUDGE FORDHAM: Well, I believe that each one
19 that has been held so far, not just the restructuring, but
20 all of the rate proceedings, because I've had at least two
21 others, and it is other understanding, the reading of the
22 Commission, it would be held in Philadelphia.

23 Mr. Clearfield; is that your understanding
24 also?

25 MR. CLEARFIELD: That's my recollection,

FORM 2

1 your Honor. I think I've been involved in all the cases at
2 the PUC, and I believe all the hearings have been in
3 Philadelphia.

4 MR. KANASKIE: Your Honor, I agree that a lot
5 of the hearings have been held in Philadelphia, but I'm
6 simply saying you have a lot of parties in this case, and
7 2212(g) does not requires the hearings to be in
8 Philadelphia; it's just an initial restructuring period, and
9 that happened back in, what, 2001?

10 JUDGE FORDHAM: I believe we held about three
11 or four rate cases in Philadelphia prior to restructuring.
12 I know I was in two of them, and we were told that they
13 would be held in Philadelphia because the service territory
14 was in Philadelphia and a lot of the parties were in
15 Philadelphia.

16 MR. CLEARFIELD: Your Honor, this is Dan
17 Clearfield. I believe that PGW would prefer the hearings in
18 Philadelphia. All of our support staff is here. In past
19 practice, if an issue comes up that needs to be quickly
20 responded to, we are able to get the information and get it
21 to the hearing room. In some cases, get live bodies to
22 testify, and that would be impossible in Harrisburg. So as
23 a Harrisburger, I would love to have the hearings in
24 Harrisburg, but I think it actually would be more efficient
25 to have it here.

1 JUDGE FORDHAM: Thank you.

2 Mr. Bertocci?

3 MR. BERTOCCHI: Action Alliance in turn would
4 believe that it's very important to have the evidentiary
5 hearings to held here in Philadelphia. As Commissioner
6 Holland himself said, "This is a number one issue in
7 Philadelphia." And I think it would appear as if the
8 hearings were being held in Harrisburg, that in some way the
9 regulatory process was going to hide some place else where
10 it could not be observed by the press and the public. So we
11 think it's very important for these hearings to be held here
12 in Philadelphia.

13 JUDGE FORDHAM: Thank you.

14 The next items on the agenda is witnesses.

15 JUDGE JONES: Your Honor, I want the record to
16 be clear that you are going to confirm your ruling that the
17 hearings will in Philadelphia?

18 JUDGE FORDHAM: Yes, they are in Philadelphia.

19 The next items on the agenda is witnesses.
20 PGW has indicated has eight witnesses, OTS, 6; OCA, 4;
21 Action Alliance, 1; some of the other parties have not
22 listed witnesses at this time, but we would ask that they
23 would submit that information as soon as possible.

24 MS. MINCAVAGE: Your Honor, this is Charis
25 Mincavage. I just wanted to note that we didn't mention

1 this, but we did indicate our witnesses in our pre-hearing
2 memoranda.

3 JUDGE FORDHAM: Thank you.

4 We note that the Large Users Group also
5 indicated their witness in their pre-hearing memorandum.
6 Did I overlook anyone else?

7 (No response.)

8 JUDGE FORDHAM: The next items on the agenda I
9 believe is the most contentious item. Mr. Clearfield?

10 MR. CLEARFIELD: I hope it's not contentious,
11 your Honor, but we have the issue of scheduling. I'll just
12 summarize where we stand at this point and then I'm sure the
13 other parties will want to comment.

14 We had worked with the parties that existed at
15 that time, for the last week, to try to put together a
16 schedule along the lines that we had in the prior cases
17 informed by the suggestions that were in your Honor's
18 pre-hearing conference order. After we were able to work
19 out sort of a tentative schedule that would have a
20 decision -- have the hearings I believe in the end of May
21 and a PUC decision by September 27th, the company took a
22 careful look at the timing of the public input hearings that
23 were suggested by that schedule.

24 What we concluded was that that schedule would
25 not permit PGW to notice the public input hearings in our

1 bills because of the time it takes to prepare the notice as
2 well as the fact that there's a cycling process for bills,
3 so it really takes 27 days at least from the time you
4 actually drop it in the bill to get it to every single
5 customer. Obviously there's time after that for delivery,
6 et cetera.

7 In light of the fact that this is an important
8 case for PGW, obviously, in light of the chairman's comments
9 with respect to public input hearings and his view that
10 there should be, I think he said many?

11 JUDGE FORDHAM: "Numerous".

12 MR. CLEARFIELD: Yes. Our past experience
13 which may lead us to the conclusion that giving the most
14 notice we could, fair notice within the bounds of financial
15 constraints and fiscal constraints would be best for
16 everybody, we went back and tried to work out a new schedule
17 that would allow for the public input hearings sufficiently
18 in advance so that we could put notices in the bill.

19 Now, the other part that's important in OCA,
20 and some of the other parties can speak to this, is we
21 understood that some of the other parties preferred to have
22 their testimony date either simultaneous or right after the
23 public input hearings. For the obvious reason they would
24 want to be able to listen to what happened at the public
25 input hearings and incorporate that in their testimony. So

1 putting all that together, the company determined the only
2 way that could happen is if it voluntarily extended the
3 suspension date for the rate increase. As you know, there's
4 a seven-month suspension. Date right now it's September
5 20th, and the company is voluntarily willing to extend that
6 suspension period, so that the Commission could make a
7 decision at it's October 11th public meeting. If we do
8 that, we can have the public input hearings the week of May
9 14th and have testimony of the intervener's parties. We
10 suggested May 18th.

11 Now, I have e-mailed that schedule to
12 your Honors, and all the parties even the parties that --
13 some of the parties that had filed petitions for
14 intervention. I'm not sure if I caught everybody. I'm sure
15 the School District was not on my list. I have copies here.
16 We recommend this schedule.

17 Now, I will tell you that there is the back
18 end, full of the schedule, that is when it goes up to the
19 PUC is robust. It's aggressive. And we understand that we
20 would have to obtain some consent or from the Commission,
21 itself, that they were willing to entertain this.

22 We believe that the Commission would be
23 willing to do this because of the reason that we are trying
24 to do this, and that is to give as much notice as possible.
25 And I will tell you that I've had some informal discussions

1 with some of the Commissioner's staff and Commission, they
2 are, at this point, they are supportive of this and are
3 willing to accept this. What we would commit to doing, if
4 you are willing and we have an agreement, that we would try
5 this, is starting as soon as we finish this pre-hearing, to
6 shop this with the individual offices and obtain consent and
7 a consensus that this is something that they were
8 comfortable with.

9 Does anybody need copies of this?

10 (Whereupon, copies were handed out.)

11 MR. CLEARFIELD: I hope the parties in
12 Harrisburg have copies of this. What we put on the second
13 page, your Honor, that's the alternative schedule we had put
14 together. The disadvantage of that schedule, as I
15 indicated, is that the public input hearings would be in
16 late March. While it would give time to notice them, and I
17 think Mr. Kanaskie would indicate that the scheduler can put
18 it together in time so that we can notice them, we wouldn't
19 be able to do it in the bill. We wouldn't even be able to
20 get it into the bill by March 26th let alone notice
21 everybody.

22 JUDGE FORDHAM: May 14th seems like a long
23 time. How about April; you wouldn't be able to --

24 MR. CLEARFIELD: In order to get it into the
25 bill for everybody, we calculated back, and I don't have the

1 calculations but Mr. Hershey can discuss that if you wish.
2 We would have to have that second week in May if we are
3 going to put it in the bill. If we pushed it back to April,
4 then even if we put it in the bill, then only some of the
5 customers would receive it because there's a cycling
6 process. There's no way we can drop it into the bill and
7 get it to them in time before the public input hearing.

8 JUDGE FORDHAM: So if we had the public input,
9 we knew the location by the beginning of March, you still
10 couldn't do it in April?

11 MR. CLEARFIELD: We can give you the number,
12 but it would take about three weeks to get the notice and
13 get it ready so that it would go into the bill, by the end
14 of March, for example, there would be a period of time -- we
15 would need, as I said, at least 27 days to get it to all the
16 customers. And then there's probably a day on each side in
17 terms of cycles that aren't complete. So we are talking
18 about somewhere around 28 days to be able to get it to all
19 the customers. Our concern is if we do it for some of the
20 customers and not others, then we have another issue.

21 JUDGE FORDHAM: Mr. Hershey.

22 MR. HERSHEY: Do you want me to speak
23 directly?

24 JUDGE FORDHAM: Yes.

25 MR. HERSHEY: The other issue that

1 Mr. Clearfield didn't mention is that we have certain
2 mandated bill stuffers that are already scheduled.
3 Beginning March 1st, we have a notice for the GCR that's
4 going into effect. That will begin, as I say, March 1st and
5 go through almost until the end of March.

6 For the end of March beginning of April, that
7 is the next billing cycle, we have scheduled a notice
8 regarding various safety requirements, 811, the one-call
9 system, and so even if we had all of the dates, times, and
10 places for the hearings today, and even if we had the notice
11 drafted, translated into Spanish and sent to our mailing
12 company that does the mailing, it wouldn't be -- we wouldn't
13 be able to get it out that early. We would be able to make
14 the schedule that Mr. Clearfield mentioned.

15 JUDGE JONES: Your Honor?

16 JUDGE FORDHAM: Yes.

17 OCA would like a response?

18 JUDGE FORDHAM: Ms. Appleby.

19 MS. APPLEBY: Your Honor, Christy Appleby.

20 The OCA did not conceptually have a problem with either the
21 proposed schedules, the original proposed option one or the
22 alternative schedule. The only concern that the OCA had
23 was -- that had informed PGW of is that in the time period
24 between the suspension of the rates in the alternative
25 schedule on October 11th and the rates in effect on November

1 30th, the company could potentially request to be able to
2 recoup the rates that would have been retroactive in effect
3 between the six-week period. So the OCA would just request
4 if the alternative schedule were to be approved, that the
5 company would agree to forego any retroactive claim for that
6 recoupment between the time of the PUC's approval of the
7 rate increase and the effective date of the compliance
8 filing order. The OCA understands that the PGW has agreed
9 to this.

10 MR. CLEARFIELD: That's correct. And just so
11 it's clear, because I don't want any misunderstanding, but I
12 think it should be clear, the dates that are on the
13 alternative schedule that we suggested are best guesses
14 after the Commission would make its decision. So that while
15 we are committed, and we will state on the record that we
16 will not attempt any recoupment or make any claim for
17 recoupment, what we are hopeful for is that we may be able
18 to get our compliance tariff sooner and the response time
19 might be moved up, and the Commission theoretically might be
20 able to make a decision on our compliance tariff even
21 sooner; but we will not put our rates into effect until the
22 Commission gives us an order approving our compliance
23 tariff. Usually that's on one day's notice, and that's when
24 the rates would go into effect on a going forward basis.

25 MS. APPLEBY: Your Honor, the OCA would

1 request that if the alternative schedule, if approved, that
2 that similar language to what I discussed being included in
3 the order, so that it is clear to all parties the conditions
4 under which it was agreed to.

5 JUDGE FORDHAM: Yes.

6 MR. CLEARFIELD: That's fine.

7 JUDGE FORDHAM: Now, the problem I have, I
8 don't know all of the schedules that come out of the
9 Commission staff, even our staff at ALJ, I was planning to
10 take off that whole week of July 9th.

11 MR. CLEARFIELD: We could try to move that
12 hearing around. If we had a little time we could try to
13 figure out another week that would still accommodate the
14 schedule. The reason I did July 9th, frankly, was because
15 the prior week is a bad week.

16 JUDGE FORDHAM: July 4th, yes.

17 MR. CLEARFIELD: And then if you push it up
18 any further, you have the briefing pretty much right after
19 the end of the hearings.

20 JUDGE FORDHAM: Judge Jones, is any other
21 party in Harrisburg have any comments?

22 JUDGE JONES: No other comments.

23 JUDGE FORDHAM: Mr. Bertocci.

24 MR. BERTOCCHI: Thank you, your Honor.

25 I just have one clarification. If with we did

1 have this scheduled where there would be notice of the
2 public input hearings by means of bill stuffers, there would
3 still be also published notice under the current regulations
4 of the newspaper, right, for public input hearings?

5 MR. CLEARFIELD: Yes.

6 MR. BERTOCCI: This is not in the bill stuffer
7 and notification is not in lieu of the required published
8 notice?

9 MR. CLEARFIELD: No. It is not our intention
10 to make it in lieu of. It would be the same notice, the
11 same public notice that would normally occur. This would be
12 in addition.

13 MR. BERTOCCI: And the content of the bill
14 stuffer would be, again, reviewed by the parties or
15 available for comment by the parties before the bill stuffer
16 is composed and sent out?

17 MR. CLEARFIELD: Well, we would handle it just
18 as we have in the past.

19 MR. BERTOCCI: Just as you do the published
20 notice.

21 MR. CLEARFIELD: Yes.

22 MR. BERTOCCI: Thank you.

23 MR. GRAY: Your Honor, this is Steve Gray from
24 the OSBA. It sounds like our only choice is to move the
25 hearing dates back to the last week in June starting -- I

1 guess we could start Tuesday the 26th, is that correct? I
2 can't imagine going any deeper into July.

3 JUDGE FORDHAM: No, we can't go any deeper
4 into July.

5 MR. CLEARFIELD: My calendar indicates July
6 4th is on a Saturday.

7 JUDGE FORDHAM: No, it's a Wednesday.

8 MR. GRAY: July 4th is a Wednesday.

9 MR. CLEARFIELD: There's something wrong with
10 my calendar.

11 What if the proposal is the 27, 28th, and 29th
12 of June?

13 JUDGE FORDHAM: The proposal is the 27th, the
14 28th and 29th of June.

15 MR. CLEARFIELD: Actually, I think if we are
16 willing to, we could leave everything the same and maybe
17 move the surrebuttal back a day or so.

18 JUDGE FORDHAM: So instead of having
19 surrebuttal the 22nd, which is a Friday, have it the 21st,
20 which is a Thursday?

21 MR. CLEARFIELD: And that would give people
22 almost a week. The surrebuttal is going to be mostly at us,
23 PGW, although there are other parties obviously, and we
24 would be willing to accept that.

25 I guess if we needed additional hearings on

1 Thursday and Friday and have hearings maybe Monday and
2 Tuesday of the next week of the week.

3 JUDGE FORDHAM: Of the week of July 4th?

4 MR. CLEARFIELD: Yes.

5 JUDGE FORDHAM: Would people have problems
6 with their experts at that time?

7 MR. CLEARFIELD: They don't take a lot of
8 vacations. What I found is that if we had that as a
9 potential, then we could use it to slot witnesses, because
10 you may have just as many witnesses who have problems on
11 those two days just because of their business schedule, and
12 we obviously will be as accommodating as much as possible
13 and make sure we get everybody in. So if the parties are
14 willing to consider it, we could do the 28th and 29th and
15 then, if necessary, the two days in the next week and leave
16 the schedule as it is, the rest of the schedule.

17 JUDGE FORDHAM: Would that be more of an
18 imposition for the Harrisburg parties that have to travel?

19 JUDGE FORDHAM: That would be a problem,
20 your Honor. It seems that -- this is Steve Gray from the
21 OSBA. It seems like a variation of what Mr. Clearfield
22 suggested might work better for us having it scheduled the
23 27th, 28th, and 29th and then have a day maybe like he
24 suggested Monday, July 2nd scheduled if needed.

25 MR. CLEARFIELD: That's okay with us.

1 JUDGE FORDHAM: Okay. So we are saying 27th,
2 28th, and 29th, and if needed, July 2nd.

3 MR. KANASKIE: Your Honor, this is Rick
4 Kanaskie with the Office of Trial Staff. I would echo
5 Steve's concerns and add some of my own. I have witness
6 availability problems the week of the 2nd, so I would like
7 to minimize, if not eliminate, that week. If we can
8 schedule witnesses and have some flexibility, than that last
9 week of June will work, understanding that OTS is going to
10 have difficulty presenting witnessess the week of the
11 second.

12 MR. CLEARFIELD: We'll accommodate that.

13 MS. APPLEBY: There is some discussion about
14 moving the surrebutall date. The OCA would like to keep at
15 least a ten-day period between the rebuttal and the
16 surrebuttal date because as we've noted before even with the
17 expedited discovery time frame, it would leave virtually no
18 time at all to do any discovery; so shortening that time
19 period would be a nonstarter.

20 MR. CLEARFIELD: Well, we'll keep the
21 surrebuttal dated on the 22nd, but with the understanding
22 that we are going to need to cooperation of the parties to
23 get the testimony to us as early as possible on the 22nd.
24 If we have that assurance, we'll try to live with that. It
25 gives us a very short time to respond to surrebuttal, but

1 we'll live with that.

2 JUDGE FORDHAM: So that's noon on June 22nd?

3 MR. CLEARFIELD: We'll make best efforts by
4 noon, but I don't want to have an opposition and have a big
5 discussion about it, but if we can do best efforts by noon;
6 but if you need the full day, maybe you can tell us in
7 advance so we can prepare for that; is that acceptable?

8 MS. APPLEBY: Yes, that should be acceptable.

9 MR. CLEARFIELD: Okay.

10 JUDGE FORDHAM: The alternative rate case
11 schedule would have to be approved by the Commission. In
12 the event that the Commission does not approve that, then we
13 would go back to the other part which would be the
14 suspension until September 28th?

15 MR. CLEARFIELD: Yes, your Honor.

16 JUDGE FORDHAM: Now, I guess we need to talk
17 about public input hearings, and then I'll mention more
18 about the schedule.

19 Ms. Appleby, would you like to discuss public
20 input hearing?

21 MS. APPLEBY: Yes, your Honor. The OCA had
22 listed in its pre-hearing memorandum that we had been
23 contacted by two legislators: Representatives Cherelle
24 Parker and Senator Michael Stack, and both of them had
25 requested public input hearings, so we would request on

1 public input hearing in North Philadelphia on behalf of the
2 Representative Parker; and in Northeast Philadelphia on
3 behalf of Senator Stack.

4 Representative Parker had specifically asked
5 that we request the Dorothy Manuel Recreation Center be
6 utilized. I indicated the address of that location. She
7 has previously used this location for many of her meetings,
8 as I understand it. The OCA understands the scheduling
9 office had specific requirements in order to schedule a
10 public input hearing at a particular location, and we can
11 definitely provide Representative Parker assistant
12 information to your Honor or to the scheduling office to
13 discuss further that request.

14 JUDGE FORDHAM: Thank you. And Senator Staff
15 did not indicate a specific location?

16 MS. APPLEBY: No. He just asked that it be
17 within his district in Northeast Philadelphia. We had also
18 requested two public input hearings as was previously done
19 in Center City to accommodate folks in that location.

20 JUDGE FORDHAM: I know previously we've had an
21 afternoon and an evening in Center City.

22 MS. APPLEBY: Yes, that is correct.

23 JUDGE FORDHAM: I was proposing the Community
24 College, which I believe was the last location. Does anyone
25 have any objection to us looking at Community College?

1 MR. GRAY: Your Honor, this is Steve Gray
2 from the OSBA. I seem to recall the Community College did
3 well, but I believe you had a Public input at a downtown
4 hotel until the afternoon a couple of years ago, and that
5 was a washout. Nobody seemed to show up; but the Community
6 College seems to do much better.

7 MS. APPLEBY: The location in the hotel that
8 Mr. Gray is referring to was the Double Tree Hotel.

9 JUDGE FORDHAM: Yes. I think it depends
10 on the timing. The first one at the Double Tree was
11 overflowing, and then the second one was a little warmer so
12 people were out enjoying themselves; but we will look into
13 the Community College because I believe that the Double Tree
14 was more expensive.

15 Mr. Bertocci, do you have anything on input
16 hearings?

17 MR. BERTOCCHI: There would be a couple of
18 places I would recommend to be investigated as potential
19 places. One is the Philadelphia Senior Center at 509 South
20 Broad Street. And in South Philadelphia, there's South
21 Philadelphia Community Center at 2407 South Broad Street.
22 That's really South Philadelphia whereas the Philadelphia
23 Senior Center is really Center City. It's just on the
24 southern edge of Center City.

25 JUDGE FORDHAM: Do you know how many people

1 either of these can accommodate?

2 MR. BERTOCCI: I know the Philadelphia Senor
3 Center; it's an auditorium size. I would say at least two
4 to three hundred people. I'm not sure about the South
5 Philadelphia Community Center, but I can investigate that if
6 you like.

7 JUDGE FORDHAM: Thank you. If you would give
8 that information to Judge Jones and I.

9 MR. BERTOCCI: Thank you. I will.

10 JUDGE FORDHAM: With respect to the northeast,
11 is there any location that you think would satisfy Senator
12 Stack? I'm not sure exactly. I know we had it in the
13 northeast before, but I'm not sure whether we had it in his
14 particular district.

15 MS. APPLEBY: I do not recall whether or not
16 the last public input was in Senator's Stack's district.
17 The last public hearing in northeast was also at a Double
18 Tree location.

19 JUDGE FORDHAM: And that is not a good
20 location, so we will not go back there.

21 MS. APPLEBY: I would echo that sentiment,
22 your Honor.

23 MR. CLEARFIELD: I seem to recall that we had
24 one at George Washington High School.

25 JUDGE FORDHAM: I think that might have been

1 Judge Rainey.

2 MR. CLEARFIELD: That auditorium seats about
3 3,000. It certainly is sufficient. I'm not sure whether
4 high schools are available now, but you might want to check
5 that out. And I believe Senator Stack was at that public
6 input, so we can check.

7 MS. APPLEBY: Your Honor, it's my
8 understanding schools are not --

9 JUDGE FORDHAM: We'll look into another venue
10 for the northeast.

11 MR. CLEARFIELD: Your Honor, PGW will see if
12 we can identify some suggestions for places as well and try
13 to get back to you as soon as possible.

14 JUDGE FORDHAM: Thank you.

15 So at this point we are talking about having
16 an afternoon and an evening in a Center City location. I
17 assume and just an evening in the northeast?

18 MS. APPLEBY: Yes, your Honor. The OCA would
19 prefer an evening in Northeast, Philadelphia understanding
20 that that is more of a residential community and more likely
21 the individuals would be available after their work
22 schedules.

23 JUDGE FORDHAM: And the one in North
24 Philadelphia, is the representative asking for an evening
25 also?

1 MS. APPLEBY: The representative did not
2 request a specific time.

3 JUDGE FORDHAM: Does anyone else have anything
4 on public input hearings?

5 (No response.)

6 JUDGE FORDHAM: Anybody in Harrisburg?

7 MR. GRAY: Just one question, your Honor, this
8 is Steve Grave from the OSBA. Mr. Kanaskie and I are
9 remembering going to a hotel in the northeast, I believe
10 Judge Turner presided. And that was a better location than
11 the famous Double Tree public input before that; but neither
12 of us quite remember where that was, but that was a pretty
13 good location. It seemed to have significantly more room,
14 so somebody probably has a record of where that was.

15 JUDGE FORDHAM: Okay. I'll check to see
16 whether we can find out. I know I had another public input
17 hearing. It's wasn't specifically in the northeast; it was
18 right outside. I think it might have been a Radisson or
19 something like that, but it was right outside of the city.
20 I'm not sure whether Senator Stack would think that that is
21 in his district. But we will check on the another public
22 input hearings in a hotel.

23 MS. APPLEBY: Your Honor, would you like our
24 office to provide to you or to the scheduling office the
25 contact information for representative Parker's assistant,

1 who might be able to give you more information about their
2 requested location?

3 JUDGE FORDHAM: Yes. You can send it to
4 Judge Jones and I.

5 MS. APPLEBY: I will do that, your Honor.

6 JUDGE FORDHAM: Thank you.

7 Now, I guess the other thing is trying to
8 schedule the public input hearings in terms of the time.
9 Hopefully, we can get the time period that we need to
10 satisfy the requirement for PGW to submit the bill stuffers.

11 Now, the outstanding issue that we had
12 regarding the interrogatories --

13 MR. KANASKIE: Your Honor, this is Mr.
14 Kanaskie again, if I may?

15 JUDGE FORDHAM: Yes.

16 MR. KANASKIE: I've had a chance to review the
17 schedule. If I understand Mr. Clearfield correctly, he is
18 asking for the 15-day to remain in effect until intervener
19 testimony is filed, and then everyone would be subject to
20 the ten day; is that correct?

21 MR. CLEARFIELD: That's what I was suggesting,
22 Rick.

23 MR. KANASKIE: And then looking at the
24 schedule OTS can accept that alternative.

25 MR. CLEARFIELD: Thank you. And we'll

1 obviously use best efforts to get all the discovery done as
2 soon as we can.

3 MR. KANASKIE: Thank you.

4 JUDGE FORDHAM: So in terms of outstanding
5 issues, we still have to make sure that the Commission in
6 agreement with the alternative schedule, and we will be in
7 the meantime also trying to determine sites of potential
8 sites for our public input hearings. All of the petitions
9 to intervene that have been filed so far have been approved.
10 I will be sending out another list which includes all of the
11 information.

12 Now, most of the parties that have already
13 been involved, have indicated that they would accept
14 electronic -- preferably electronic service with a hard copy
15 to follow. Are the interveners also in agreement with that
16 voice?

17 (Whereupon, the interveners answered in the
18 affirmative.)

19 JUDGE FORDHAM: All of the interveners have
20 also agreed to that. So we will have service on the date
21 due by 4:30, and that will be electronically with a hard
22 copy to follow in the mail.

23 JUDGE JONES: Your Honor, this is Judge Jones.
24 Do we have the electronic information for the Philadelphia
25 Housing Authority as well as The Philadelphia School

1 District?

2 JUDGE FORDHAM: I'm not sure. I can get that
3 before we leave today.

4 JUDGE JONES: Thank you. And we will be
5 providing a comprehensive list for the parties in our order.

6 JUDGE FORDHAM: Yes.

7 JUDGE JONES: Thank you.

8 JUDGE FORDHAM: The other thing is that the
9 parties that are here today will be active parties, any
10 party, and I believe everyone has participated in the
11 pre-hearing. If anyone else wants to be an active party,
12 they will have to file a petition to intervene.

13 MR. CLEARFIELD: May I just ask a
14 clarification. There are a few consumers here, your Honor.
15 Can we determine whether they are active or inactive?

16 JUDGE FORDHAM: The consumers that are here,
17 I know you received our order in the mail indicating that we
18 were having a pre-hearing conference. Normally, the
19 consumers, who are not represented by a counsel, would
20 participate by participating in the public input hearings.
21 We've had a number of discussions about locations for public
22 input hearings. So instead of coming to the evidentiary
23 hearings that we've been talking about and trying to
24 determine when we would have those, you can participate by
25 coming to the input hearings. The Office of Consumer

1 Advocate is a link to questions that consumers have. Unless
2 you would like to be a participant and file testimony and do
3 discovery, then you could be an inactive party.

4 Are you in agreement with this, Ms. Hester
5 Williams?

6 MS. WILLIAMS: Yes.

7 JUDGE FORDHAM: The two consumers that are
8 here have indicated that they would like to be inactive
9 parties.

10 MR. CLEARFIELD: Your Honor, prior to hearing
11 beginning, a Mr. Ken Milgram, who is also a complainant,
12 indicated that he wanted to be an inactive party, and he
13 would participate in the public input hearings, rather than
14 participate as an active.

15 JUDGE FORDHAM: Thank you.

16 MR. LAWRENCE: Your Honor, this is Darryl
17 Lawrence for the OTA. I am wondering if I might be able to
18 be heard on this issue?

19 JUDGE FORDHAM: Yes.

20 MR. LAWRENCE: Thank you, your Honor. First I
21 would like to say that Attorney Appleby had a family
22 emergency and she had to leave the room. She is no longer
23 in the hearing room.

24 MS. FORDHAM: Thank you.

25 MR. LAWRENCE: And as to the disposition of

1 the consumer/pro se complainant, the OCA has some concerns
2 as far as what will happen with a consumer pro se
3 complainant who chooses not to be an active party. Such as
4 they will not be putting on testimony or cross-examining
5 witnesses, however, but would not like to relinquish their
6 formal complaint status as the OSC understands it, the
7 Commission's recent proposed policy statement on this would
8 still allow such consumers to be -- remain such as a quasi
9 party, if we can use that term, in that those parties would
10 be able to still testify at a public input hearing. And
11 they would and still be able to receive copies of any
12 subsequent proposed settlement or the decisions rendered by
13 either your Honor or the Commission and the right to file
14 exceptions thereto. The OCA just wants to know at this time
15 if we can clarify that so we know exactly where this issue
16 stands?

17 JUDGE FORDHAM: In my pre-hearing order I
18 indicated that we would discuss it at today's pre-hearing
19 conference, and that active parties are expected to
20 participate in the pre-hearing conference, engage in
21 discovery, attend hearings, present witnesses and
22 cross-examine witnesses. Inactive parties can participate
23 and testify in public input hearings and would receive the
24 presiding officers' written orders, notices of hearings, and
25 copies of any decisions and Commission's orders. And that

1 does include the consumer parties.

2 Would you come forward so they can hear you
3 and state your name when you come forward. This is one of
4 the consumer parties.

5 MS. HESTER WILLIAMS: My name is Cornelia
6 Hester Williams, and I have a question regarding my
7 complaint that I filed. Would that be included in any of
8 the hearings?

9 JUDGE FORDHAM: The complaint has been filed
10 in terms of -- I don't have your complaint in front of me
11 right now. Was it just about the actual increase, or were
12 there other parts to it?

13 MS. HESTER WILLIAMS: It was regarding the
14 increase, regarding that with the increase it's going to
15 result in some crime. It has already resulted in some
16 deaths, not the increase but the gas bill alone. If I'm
17 inactive, that means that I won't have anything to say?

18 JUDGE FORDHAM: You will be able to
19 participate in the public input hearings.

20 And, Mr. Lawrence, would you talk about the
21 role of the consumer advocate a little bit?

22 MR. LAWRENCE: Yes, your Honor, I'm sorry.
23 I'm not sure that I quite heard all of it.

24 JUDGE FORDHAM: She asked whether her
25 complaint would be considered. And she indicated that in

1 addition to talking about the rate increase, there were
2 other aspects of her complaints dealing with the crime and
3 the deaths that have occurred because the --

4 MS. HESTER WILLIAMS: The deaths weren't in
5 the complaint because they hadn't occurred yet, but in the
6 last two or three weeks, we had these fires, and you've had
7 people who just don't have gas. And if you continue
8 increasing the rate, we can't pay for it. I'm a senior
9 citizen and it's killing my social security check. So I'm
10 just trying to find out if I say I'm inactive, does that
11 just shut me up all together?

12 JUDGE FORDHAM: No, it does not. You can
13 testify during the public input. You see the court reporter
14 here now, the court reporter will be at the public input
15 hearing, and that will be a part of the record.

16 Mr. Lawrence, will you talk a little bit about
17 how the OCA uses that testimony?

18 MR. LAWRENCE: Yes, your Honor. The Offices
19 of Consumer Advocate, for the pro se complainants that are
20 there and may not be aware, represents all the consumers of
21 the Commonwealth, especially in proceedings such as this,
22 residential consumers, which I believe the people in the
23 courtroom likely are. We would incorporate anything that is
24 said at the public input hearings and consider that and may
25 use that in our direct testimony, or possibly surrebuttal if

1 needed. It would become a part of the record in this case
2 that would ultimately be considered by the Administrative
3 Law Judge and also the Commission.

4 MS. HESTER WILLIAMS: Thank you.

5 JUDGE FORDHAM: She's satisfied. Thank you.

6 MR. LAWRENCE: If we can back up one more
7 moment. This is still Mr. Lawrence from OCA. I'm just
8 somewhat uncertain. I want to be sure that I am perfectly
9 clear about this: If a pro se complainant in this matter has
10 filed a complaint and yet they do not wish to be an active
11 party, are they still going to be given the option, such as
12 I imagine many other proceedings the Administrative Law
13 Judges have sent a letter to all of the pro se consumer
14 complainants after the pre-hearing conference advising them
15 of their options, such as they could withdraw their formal
16 complaint, they could still testify at a public input
17 hearing. And I just want to make sure that the distinction
18 that we are looking for that, if the person has filed a
19 formal complaint, that our understanding of the policy
20 statement from the Commission, at least our interpretation
21 and what it says in the statement, is that that person does
22 not necessarily have to withdraw their complaint in order to
23 be able to testify at a public input hearing, and also to
24 receive any documents that are ultimately filed as a result
25 of a decision; but they can be removed from the service list

1 as the OCA certainly agrees that that is a burden on the
2 party. I just want to clarify if that is the position that
3 your Honor is taking in this mater?

4 JUDGE FORDHAM: Yes, that is the position.
5 I've indicated that they can testify in public input
6 hearings, and I just indicated that to the parties that are
7 here. Also, that they would receive orders and notices of
8 hearings and copies of the Commission's decision and the
9 Commission's orders. So they do not have to withdraw their
10 complaint.

11 MR. LAWRENCE: Thank you, your Honor.

12 JUDGE FORDHAM: Does anyone else have anything
13 further, Mr. Clearfield?

14 MR. CLEARFIELD: No, your Honor. I don't know
15 think so.

16 JUDGE FORDHAM: Mr. Bertocci?

17 MR. BERTOCCI: Just a housekeeping thing, but
18 right now Action Alliance in turn are receiving e-mails
19 addressed only to me, P.Bertocci@clsphila.org, but really my
20 co-counsel should be receiving the same.

21 JUDGE FORDHAM: We didn't have her e-mail
22 address.

23 MR. BERTOCCI: That is ttran@clsphila.org.

24 JUDGE FORDHAM: We'll make sure that
25 information is passed on.

1 MR. BERTOCCHI: If all the parties would also
2 correct their records also so they are receiving the same
3 thing that I'm receiving.

4 JUDGE FORDHAM: Thank you.

5 JUDGE JONES: Your Honor, I believe
6 Mr. Kanaskie would like to address us.

7 JUDGE FORDHAM: Yes, Mr. Kanaskie.

8 MR. KANASKIE: Thank you, your Honor. I just
9 want to clarify service times. We can talking about
10 accepting electronic mail as service, but I believe you
11 mentioned 4:30 as the service date or time?

12 JUDGE FORDHAM: Yes.

13 MR. KANASKIE: My question is we have a lot of
14 things scheduled due on a Friday, and I don't quite share
15 with the rest in the state electronic mail system that the
16 others have such a late time on a Friday. We would
17 conceivably lose the weekend on failed transmission that are
18 processed for whatever reason, so I would respectfully
19 request Friday's date to be three o'clock as a I believe
20 noon was mentioned earlier realizing that that might be
21 burdensome, but the 4:30 concerns me.

22 JUDGE FORDHAM: Mr. Clearfield?

23 MR. CLEARFIELD: Without even knowing the
24 dates, I think noon really would be very burdensome. I
25 guess if it would accommodate Mr. Kanaskie, we would

1 endeavor to make it three o'clock. I believe if it was a
2 best effort, but if your Honor believes it would be
3 appropriate, we can put it in as a rule.

4 JUDGE FORDHAM: I'll look to see because since
5 the schedule is not set in stone, we are not sure what is
6 actually due on Fridays, but we'll make a notation if
7 anything is due on Friday, that people would try to get it
8 in as soon as possible. And we do sometimes have delays in
9 transmission, and we understand that, so we'll address that
10 if we do have Friday due dates.

11 MR. KANASKIE: Thank you, your Honor.

12 JUDGE FORDHAM: You are welcome.

13 Anything else from anyone else in Harrisburg?

14 JUDGE JONES: Nothing, your Honor.

15 JUDGE FORDHAM: Anything else from anyone in
16 Philadelphia?

17 MS. GRIBBIN: I'm Shari Gribbin; this is PECO
18 Energy. For purposes of considering locales in the City of
19 Philadelphia for the public input hearings, I would ask you
20 to keep in mind parking, so if you want customers to attend,
21 there may be issues.

22 JUDGE FORDHAM: Thank you.

23 If there's nothing further, I would like to
24 thank everyone who participated today. I would like to
25 ask the interveners in Philadelphia to make sure that I

1 have all their contact information before they leave today.
2 We'll get back to you as soon as possible with the
3 information regarding the schedule and the public input
4 hearings.

5 Thank you very much.

6 (Whereupon, at 11:15 a.m., the hearing was
7 concluded.)
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C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

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