

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

-----  
Pennsylvania Public  
Utility Commission,  
v.  
Philadelphia Gas Works

Docket No.: R-00072110

Pre-hearing  
-----

Pages 1 - 13

Keystone Building  
Plaza Level  
400 North Street  
Harrisburg, PA 17120

*ORIGINAL*

Thursday, March 15, 2007  
Commencing at 1:21 p.m.

BEFORE:

CHARLES E. RAINEY, JR., Administrative Law Judge

APPEARANCES:

RICHARD A. KANASKIE, Esquire  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P.O. Box 325  
Harrisburg, PA 17105  
For the Office of Trial Staff

STEVEN C. GRAY, Esquire  
Office of Small Business Advocate  
Suite 1102 Commerce Building  
300 North Second Street  
Harrisburg, PA 17101  
For the Office of Small Business Advocate

RECEIVED

MAR 16 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**DOCKETED**  
MAR 20 2007

**DOCUMENT  
FOLDER**

REPORTER: ALICIA BRANT

Any reproduction of this transcript  
is prohibited without authorization  
by the certifying agency.

44

APPEARANCES: (continued)

ARON J. BEATTY, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101-1923  
For the Office of Consumer Advocate

CHARIS MINCAVAGE, Esquire  
McNees, Wallace & Nurick, LLP  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
For the Philadelphia Industrial & Commercial  
Gas Users Group

GREGORY STUNDER, Esquire  
Philadelphia Gas Works  
800 West Montgomery Avenue  
Philadelphia, PA 19122  
For Philadelphia Gas Works

INDEX TO WITNESSES

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

None



## P R O C E E D I N G S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

-----  
JUDGE CHARLES E. RAINEY, JR.:

Good afternoon, everyone. My name is Charles Rainey and I am the Administrative Law Judge who is presiding in this matter. And this is the matter of the Pennsylvania Public Utility Commission versus Philadelphia Gas Works at Docket Number R-00072110. I'll allow the parties at this time to introduce themselves for the record, and we'll start with you, Mr. Stunder.

ATTORNEY STUNDER:

Good morning, Your Honor. I'm Gregory Stunder and I represent Philadelphia Gas Works.

JUDGE RAINEY:

Mr. Kanaskie?

ATTORNEY KANASKIE:

Good afternoon, Your Honor. Rick Kanaskie with the Office of Trial Staff.

JUDGE RAINEY:

Mr. Beatty?

ATTORNEY BEATTY:

Good afternoon. Aron Beatty with the Office of Consumer Advocate.

JUDGE RAINEY:

1 I'm sorry, Mr. Beatty, good afternoon.  
2 Mr. Gray?

3 ATTORNEY GRAY:

4 Good afternoon, Your Honor. Steve Gray  
5 with the Office of Small Business Advocate.

6 JUDGE RAINEY:

7 Ms. Mincavage?

8 ATTORNEY MINCAVAGE:

9 Good afternoon, Your Honor. Charis  
10 Mincavage on behalf of the Philadelphia Industrial and  
11 Commercial Gas Users Group.

12 JUDGE RAINEY:

13 Good afternoon. And I believe I covered  
14 everyone then. I have the Petition to Intervene of  
15 the Philadelphia Industrial and Commercial Gas Users  
16 Group. Are there any objections to the intervention  
17 of PICGUG? Hearing none, the Petition to Intervene is  
18 granted. I also have a pre-hearing conference  
19 memoranda that was admitted in response to my  
20 pre-hearing conference Order, dated March 2nd, 2007.  
21 And I have the memorandum of PGW, Office of Trial  
22 Staff, Office of Consumer Advocate, Office of Small  
23 Business Advocate, and PICGUG.

24 In reviewing the pre-hearing conference  
25 memoranda, I determined that the following Discovery

1 rules will apply in this case today. One, Answers to  
 2 Written Interrogatory shall be served in hand within  
 3 ten calendar days after service of the  
 4 Interrogatories. And by the way, this will be put in  
 5 writing to everyone in the pre-hearing Order. B, the  
 6 answering participant will make any objections orally  
 7 to the participant amending the Interrogatories within  
 8 three calendar days after service of the  
 9 Interrogatories.

10 C, the written objections shall be served  
 11 on the parties, filed with the Commission, and  
 12 submitted to the Presiding Officer within five  
 13 calendar days from the service of the Interrogatories.  
 14 D, Motion to Compel Answers to Interrogatories shall  
 15 be served on the parties, with the Commission,  
 16 admitted to the Presiding Officer within three  
 17 calendar days after service of the written objections.

18 E, the Answers to Motion to Compel  
 19 Answers to Interrogatories shall be served to the  
 20 parties, filed with the Commission, and submitted to  
 21 the Presiding Officer within three calendar days after  
 22 service of the Motion to Compel. F, rulings on  
 23 Motions to Compel shall be made within seven days of  
 24 the Presiding Officer's receipt of the Motion to  
 25 Compel, if applicable.

1                   G, when a written request for admission  
2 is made, matters are deemed admitted unless they  
3 request the answer in writing within ten calendar  
4 days, for objections to the writing, five calendar  
5 days after the request is made. H, answers to  
6 on-record data requests shall be served in hand within  
7 seven days of the request.

8                   I, the parties are expected to cooperate  
9 with each other in regard to Discovery. J, the  
10 parties are encouraged to amicably resolve Discovery  
11 disputes amongst themselves. Any questions with  
12 regard to Discovery rules?

13                   We'll then take up evidentiary hearing  
14 and briefing schedule in this case. And the following  
15 evidentiary hearing and briefing schedule will be  
16 adopted. On April 16, 2007, Direct testimony of  
17 parties other than PGW will be due in hand. On May  
18 4th, 2007, rebuttal testimony of all parties is due in  
19 hand. On May 10, 2007, rebuttal testimony of all  
20 parties will be due in hand by 1:00 p.m. On May 11th,  
21 2007, written outlines for all joinder testimony will  
22 be due in hand.

23                   Evidentiary hearings will be held on May  
24 15th, 2007. If the parties only require one of those  
25 days, you will let me know that in writing as soon as

1 possible. On May 30th, 2007, main briefs are due  
2 in hand. And on June 8th, 2007, revised briefs are  
3 due in hand.

4           The evidentiary hearing will be held in  
5 an available hearing room at the Philadelphia State  
6 Office Building on Spring Gardens Street,  
7 Philadelphia, Pennsylvania. The evidentiary hearing  
8 will begin at 10:00 a.m.

9           Written testimony and briefs are due in  
10 hand on the date that they're due by 4:00 p.m., unless  
11 otherwise noted. Technical terms and concepts are to  
12 be clearly defined, explained in written testimony and  
13 briefs. Written testimony must follow the form for  
14 written testimony that is set forth at 52 Pa.C.S.  
15 5.412.

16           Briefs, follow the content and form for  
17 briefs as set forth at 52 Pa.C.S. 5.501. Briefs  
18 shall be by law in paragraphs, should be concise,  
19 should be limited to 60 pages. Any unpublished  
20 opinions, decisions or policies cited in a brief must  
21 be attached to the brief.

22           The public input hearing. The Office of  
23 Consumer Advocate noted in its hearing conference  
24 memoranda that the public has not shown any respective  
25 interest in this proceeding as of yet as to

1 necessitate holding one or more public input hearings.  
2 If the parties become aware of public interest in this  
3 proceeding so as to necessitate holding one or more  
4 public input hearing, the party can confer with the  
5 other parties and then submit to me in writing as soon  
6 as possible proposed times and locations for one or  
7 more places for the hearings.

8 Documents and submissions. Written  
9 testimony and briefs may be delivered to me via  
10 electronic mail on the date due, as long as the hard  
11 copy is delivered to me by the following business day  
12 via overnight mail or hand delivery. The parties may  
13 enter into an agreement in regard to the manner in  
14 which they will serve documents on each other. The  
15 parties are otherwise required to serve documents on  
16 each other consistent with the Commission's rules 52  
17 of the Pennsylvania Code. Are there any questions?

18 Very well. Hearing none, I'll thank the  
19 parties for their participation in this pre-hearing  
20 conference. And this pre-hearing conference is  
21 adjourned.

22 ATTORNEY GRAY:

23 Your Honor, this is Steve Gray for the  
24 OSBA.

25 JUDGE RAINEY:

1 Yes, Mr. Gray?

2 ATTORNEY GRAY:

3 One last brief administrative  
4 housekeeping detail.

5 JUDGE RAINEY:

6 Yes.

7 ATTORNEY GRAY:

8 We have had some trouble, frankly,  
9 scheduling this case around so many other cases that  
10 are going in parallel. I just learned late this  
11 morning that our designated witness, Bob Knecht, will  
12 not be available in May. So we will almost certainly  
13 be substituting or adding an expert witness to replace  
14 him. I just wanted to let you know and let the  
15 parties know.

16 JUDGE RAINEY:

17 Okay. And you will provide us with the  
18 information that is required for the hearing with  
19 regard to the name and address of the witness and the  
20 issues that that witness will be addressing as soon as  
21 that gets to you?

22 ATTORNEY GRAY:

23 Yes, Your Honor. I'll do that as soon as  
24 we know for sure who we are going to be assigning.

25 JUDGE RAINEY:

1                   Very good, Mr. Gray. Does anyone else  
2 have anything else?

3                   ATTORNEY KANASKIE:

4                   Yes, Your Honor, just briefly. This is  
5 Rick Kanaskie with OTS. I will be taking the sign-in  
6 sheet up to Ms. Williams right after this.

7                   JUDGE RAINEY:

8                   Thank you. I appreciate that, Mr.  
9 Kanaskie. Does anyone else have anything to offer?

10                  ATTORNEY BEATTY:

11                  No, Your Honor.

12                  ATTORNEY MINCAVAGE:

13                  No, Your Honor.

14                  JUDGE RAINEY:

15                  Very good. Thank you. If there's  
16 nothing else further, this pre-hearing is adjourned.  
17 Thank you all. Have a good afternoon.

18

19                                   \* \* \* \* \*

20                                   HEARING CONCLUDED AT 1:31 P.M.

21                                   \* \* \* \* \*

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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.

Alicia Brant  
Court Reporter