

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED  
2006 JUN 27 AM 10:31  
PA P.U. COM. BUREAU  
SECRETARY

Pennsylvania Public Utility Commission, *et al.* :  
:  
v. :  
:  
National Fuel Gas Distribution Corporation :

R-00061493, *et al.*

DOCUMENT  
FOLDER

**DOCKETED**  
NOV 29 2006  
**PREHEARING CONFERENCE ORDER**

A prehearing conference in this case is scheduled for Thursday, July 6, 2006 at 10:00 a.m. in Hearing Room 2, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, Pennsylvania 17120. Administrative Law Judges John H. Corbett, Jr. and Mark A. Hoyer will preside by telephone from an 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania 15222. Company representatives for National Fuel Gas Distribution Corporation may participate by telephone from Company headquarters in New York, provided the presiding ALJs receive their names and a contact number no later than noon on Wednesday, July 5, 2006. The ALJs will contact these representatives at that number at the time of the conference. All other parties may attend by appearing at the designated time in the hearing rooms either in Harrisburg or Pittsburgh.

In addition, all parties are hereby directed to comply with the following requirements for the prehearing conference:

1. By Commission regulation, a request for a change of the scheduled prehearing conference date must be submitted in writing no later than five (5) days prior to the prehearing conference. 52 Pa. Code §1.15(b). With the intervening holiday in mind, such a request must be submitted no later than noon on Friday, June 30, 2006. Requests for changes of initial prehearing conferences must be sent to the undersigned Administrative Law Judges, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, with copies to

all parties of record. Only the undersigned Administrative Law Judges or Office of Administrative Law Judge Scheduling Unit may grant a request for a change of a prehearing conference. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent prehearing conferences or hearings, if any, should be served *directly on the presiding ALJs.*

In accordance with the foregoing, absent a timely request for a continuance for good cause, *i.e.*, no later than noon on Friday, June 30, 2006, all parties must be prepared to participate in the scheduled prehearing conference.

2. Each party must prepare and serve upon every other known party, as well as the undersigned ALJs, **no later than noon on July 5, 2006**, a prehearing memorandum which sets forth the history of the proceeding, the issues you intend to present, a listing of your proposed witnesses, the subject of their testimony, and a proposed litigation schedule, including proposed public input hearings. You may serve this prehearing memorandum upon each of the presiding ALJs by email at: [johncorbett@state.pa.us](mailto:johncorbett@state.pa.us) and [mhoyer@state.pa.us](mailto:mhoyer@state.pa.us), provided that you send hard copies of the same by first-class mail postage pre-paid at the same time. To the extent possible, you are encouraged to discuss among yourselves a possible schedule for the litigation of this case, including the submission of written testimony, hearing dates, and the filing of briefs. Your reply briefs or a fully executed settlement document will be due in-hand on or before 4:30 p.m. on Wednesday, **November 22, 2006**. This date will be considered firm and will not be changed. If the parties are unable to agree upon a litigation schedule, the presiding ALJs will decide upon one at the prehearing conference.

3. All parties will be expected to discuss and commit to resolving the matters set forth in the regulation pertaining to prehearing conferences in rate cases, 52 Pa. Code §5.224.

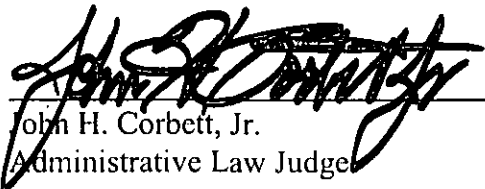
4. Kindly review the regulations relating to discovery, specifically 52 Pa. Code §5.331(b), which provides, *inter alia*, that “[A] party shall initiate discovery as early in the


proceedings as reasonably possible” and 52 Pa. Code §5.322, which encourages the parties to exchange information on an informal basis. All parties are urged to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the presiding officers’ participation for resolution. Be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-5.372.

5. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

6. You must serve each presiding ALJ directly with a copy of any document that you file in this proceeding. If you send them any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission’s current service list of the parties to this proceeding is enclosed with this Order.

Dated: June 22, 2006

  
John H. Corbett, Jr.  
Administrative Law Judge

  
Mark A. Hoyer  
Administrative Law Judge

SERVICE LIST: R-00061493, *et al.*

John H. Isom, Esq.  
Post & Schell, LP  
12<sup>th</sup> Floor  
17 North Second Street  
Harrisburg, PA 17101-1601

Stephen J. Keene, Esq.  
Aron J. Beatty, Esq.  
Erin L. Gannon, Esq.  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923

Steven C. Gray, Esq.  
Office of Small Business Advocate  
Suite 1102 Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

Johnnie E. Simms, Esq.  
Robert V. Eckenrod, Esq.  
Allison A. Curtin, Esq.  
Pennsylvania Public Utility Commission  
Office of Trial Staff  
400 North Street, 2 West Keystone  
Harrisburg, PA 17105-3265

Kenneth C. Springirth  
4720 Cliff Drive  
Erie, PA 16511

Helen M. Elletson  
3424 North Street, 1<sup>st</sup> Floor  
Erie, PA 16510