

PREVIOUS DOCUMENTS MICROFILMED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PLEASE DOCKET

Pennsylvania Public Utility
Commission

v.

Philadelphia Gas Works

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R-00050264

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PREHEARING ORDER #2

On January 31, 2005, Philadelphia Gas Works ("PGW" or "Respondent") filed the supporting information required to be filed for its annual 2005-2006 Gas Cost Rate Filing.

On January 31, 2005, PGW filed a petition for special permission to depart from the requirements of 52 Pa. Code §§53.45(b), 53.64(c) and 53.68. PGW requested permission to notify individual customers by bill insert during a one-month billing cycle beginning on March 1, 2004 and concluding not later than March 31, 2005. Furthermore, PGW requested permission to provide public notice, in company offices that accept payments, of proposed changes in PGW's 2005-2006 GCR on March 1, 2005. It was noted that the Commission's Office of Trial Staff and the Office of Consumer Advocate did not oppose the relief requested in the Petition. The Petition was assigned to the Bureau of Fixed Utility Services.

The gas cost rate filing was assigned to the Office of Administrative Law Judge for resolution by hearings and for issuance of a Recommended Decision. The matter was assigned to Administrative Law Judge Cynthia Williams Fordham.

On February 7, 2005, Johnnie E. Simms, Esquire and Allison Curtin, Esquire, entered a notice of appearance on behalf of the Commission's Office of Trial Staff ("OTS").

On February 21, 2005, the Respondent filed Statement No. 1, the Direct Testimony of Douglas Moser.

On February 22, 2005, the Philadelphia Industrial and Commercial Gas Users Group ("PICGUG"), through its counsel, David M. Kleppinger, Esquire and Charis Mincavage, Esquire, filed a Petition to Intervene.

On February 28, 2005, PGW filed its section 1307(f) filing containing the testimony of PGW witnesses Kenneth Dybalski (PGW Statement 2) and Douglas Moser (PGW Statement 3) and supporting data.

On March 3, 2005, PGW filed the testimony of PGW witness, Joseph Bogdonavage and the Supporting Schedules for PGW's Restructuring and Consumer Education Surcharge.

On March 4, 2005, the Office of Consumer Advocate ("OCA") filed a complaint and a public statement.

By Prehearing Order dated March 7, 2005, the Philadelphia Industrial and Commercial Gas Users Group's Petition to Intervene was granted.

On March 9, 2005, the Office of Small Business Advocate ("OSBA") filed a complaint and a public statement.

On March 9, 2005, prehearing memoranda were filed by PGW, OCA, OTS, OSBA and PICGUG.

A prehearing conference in this matter was held on March 10, 2005. The Philadelphia Gas Works ("PGW"); the Office of Consumer Advocate ("OCA"); the Office of Trial Staff ("OTS"); the Office of Small Business Advocate ("OSBA"); and the Philadelphia Industrial & Commercial Gas Users Group ("PICGUG") participated.

During the prehearing conference we discussed the following: revised discovery rules; the issues; the amount of hearing time needed; witnesses; and the schedule for submission of testimony, hearings and briefs.

The procedural schedule is as follows:

Other parties file Direct Testimony	Friday, April 15, 2005
Rebuttal Testimony to be filed	Tuesday, May 4, 2005
Surrebuttal Testimony to be filed	Monday, May 10, 2005 by 1:00 p.m.
Written outline of oral rejoinder	May 11, 2005 (before the hearing begins)
Hearings for cross-examination Of all witnesses, oral rejoinder	Wednesday, May 11 and Thursday, May 12, 2005
Close of Record	Friday, May 13, 2005
Main Briefs Due	Tuesday, May 31, 2005
Reply Briefs Due	Wednesday, June 8, 2005
End of Suspension Period	Thursday, September 1, 2005

The following testimony was filed on April 15, 2005: OTS filed Statement No. 1 – Direct Testimony of Gary L. Yocca with Exhibits; OSBA filed OSBA Statement No. 1 – Direct Testimony and Exhibit of Robert D. Knecht; and OCA filed OCA Statement No. 1 – Direct Testimony of Richard W. Lelash with Schedules. PICGUG submitted correspondence indicating that it would not be submitting direct testimony.

Any documents filed in this proceeding should be served on me at the Philadelphia office and the active participants. 52 Pa. Code §154(a) and (d).

Since documents can be submitted to the presiding officer and the participants by fax and e-mail, fax and e-mail addresses will be included on the service list. Please check the list

for omissions and errors and contact my office to make corrections. My fax number is (215) 560-3133 and my e-mail address is cfordham@state.pa.us.

ORDER

THEREFORE,

IT IS ORDERED:

1. That pursuant to 52 Pa. Code §5.342(d), the Commission's regulations relating to discovery are modified to provide that:

1. Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service of the interrogatories, except that service of interrogatories on a Friday shall be deemed service on the following Monday.
2. Objections to interrogatories shall be communicated orally within three (3) days of service; unresolved objections shall be served to the ALJ in writing within five (5) days of service of the interrogatories.
3. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) business days of service of written objections.
4. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) days of service of such motions and shall have attached a copy of the interrogatory or interrogatories and any responses.

5. Rulings over such motions shall be issued, if possible, within seven (7) days of filing the answers to the motions.
6. Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within ten (10) calendar days.
7. The notice period for requests to take the deposition of a person upon oral examination is reduced to ten (10) days.
8. Requests for admission shall be deemed admitted unless answered within ten (10) days or objected to within five (5) days of service.
9. Answers to on-the-record data requests shall be served in-hand within seven (7) calendar days of the requests.

2. In accordance with the schedule set forth above, testimony is to be served and available to all parties no later than 4:30 p.m. on the date listed. The parties have indicated that facsimile or electronic mail transmission is acceptable. The hard copy should be received no later than noon on the day after the due date.

3. In accordance with the schedule set forth above, briefs must be filed with the Secretary of the Commission and received in-hand by all parties no later than 4:30 p.m. on the date listed. In addition, each party is directed to file a copy of the brief on disk. The disks should be in Word or a compatible format.

4. That the parties shall comply with the procedural rules and regulations discussed herein.

Date: April 19, 2005


Cynthia Williams Fordham
Administrative Law Judge

Pennsylvania Public Utility Commission v. Philadelphia Gas Works
Docket Number R-00050264

SERVICE LIST

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

Daniel Clearfield, Esquire
Alan Kohler, Esquire
Wolf, Block, Schorr & Solis-Cohen LLP
212 Locust Street, Suite 300
Harrisburg, PA 17101
Fax (717) 237-7161
dclearfield@wolfblock.com
PGW

Johnnie E. Simms, Esquire
Allison A. Curtin, Esquire
PA Public Utility Commission
Office of Trial Staff
P.O. Box 3265
Harrisburg, PA 17105-3265
Fax (717) 772-2677
josimms@state.pa.us
acurtin@state.pa.us

Stephen J. Keene, Esquire
Aron J. Beatty, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Forum Place
Harrisburg, PA 17101-1923
Fax (717) 783-7152
skeene@paoca.org
abeatty@paoca.org

Steven C. Gray, Esquire
Office of Small Business Advocate
Commerce Building Suite 1102
300 North 2nd Street
Harrisburg, PA 17101
Fax (717) 783-2831
sgray@state.pa.us

David M. Kleppinger, Esquire
Charis Mincavage, Esquire
Vicki Karandrikas, Esquire
McNees Wallace & Nurick, LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Fax (717) 237-5300
dkleppin@mwn.com
cburak@mwn.com
PICGUG