

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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: Pa PUC v. Equitable Gas Company. : Docket No.
: 1307(f) filing. : R-00061295
: :
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Pages 1 through 15

Hearing Room 5, Plaza Level
Commonwealth Keystone Building
Harrisburg, Pennsylvania

Wednesday, April 19, 2006

Met, pursuant to notice, at 10:05 a.m.

BEFORE:

FRED R. NENE, Administrative Law Judge

APPEARANCES:

ALLISON CURTIN, Esquire
P.O. Box 3265
Harrisburg, Pennsylvania 17120
(For the Office of Trial Staff)

CHARLES E. THOMAS, JR., Esquire
THOMAS T. NIESEN, Esquire
CHARLES E. THOMAS, III, Esquire
Thomas, Thomas, Armstrong & Niesen
P.O. Box 9500
Harrisburg, Pennsylvania 17108
(For Equitable Gas Company)

DANIEL L. FRUTCHEY, Esquire
225 North Shore Drive
Pittsburgh, Pennsylvania 15212
(For Equitable Gas Company)

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Commonwealth Reporting Company, Inc.
700 Lisburn Road
Camp Hill, Pennsylvania 17011

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APPEARANCES, (Continued) :

DARLENE WONG, Esquire
Forum Place, Fifth Floor
555 Walnut Street
Harrisburg, Pennsylvania 17101
(For Office of Consumer Advocate)

SHARON E. WEBB, Esquire
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, Pennsylvania 17101
(For Office of Small Business Advocate)

EDWARD A. LANZA, Esquire
Two North Second Street
Harrisburg, Pennsylvania 17110
(For NRG Energy)

Commonwealth Reporting Company, Inc.
700 Lisburn Road
Camp Hill, Pennsylvania 17011

WITNESS INDEX

WITNESSES

DIRECT

CROSS

REDIRECT

RECROSS

(None.)

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FORM 2

EXHIBIT INDEX

NUMBER

FOR IDENTIFICATION

IN EVIDENCE

(None.)

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FORM 2

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P R O C E E D I N G S

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2 ADMINISTRATIVE LAW JUDGE FRED R. NENE: Good morning.
3 This is a prehearing conference on the annual purchased gas
4 cost filing, 1307(f), by Equitable Gas Company.

5 I'm Judge Nene. I've been assigned by the Commission
6 to hear the investigation in this proceeding and to issue a
7 recommended decision.

8 Starting with the company, I'd like to have the
9 parties that are presently telephonically in Harrisburg, I'm
10 in Pittsburgh, have the parties in Harrisburg identify
11 themselves, please, just go around the table, starting with
12 the company.

13 MR. THOMAS: Thank you, Your Honor. This is
14 Charles E. Thomas, Jr. I'm in the hearing room here in
15 Harrisburg representing Equitable Gas Company.

16 MR. NIESEN: Good morning, Your Honor. This is
17 Tom Niesen, also with Thomas, Thomas Armstrong and Niesen,
18 representing Equitable Gas Company.

19 JUDGE NENE: And I would indicate that Atty.
20 Daniel Frutchey is here in Pittsburgh. Also on behalf of
21 the company.

22 Is that correct, sir?

23 MR. FRUTCHEY: That's right, Your Honor.

24 MR. THOMAS: And may it please Your Honor, as I said
25 earlier, we have one additional attorney here.

1 MR. THOMAS III: Your Honor, my name's
2 Charles Thomas, III, and I also represent Equitable Gas
3 Company.

4 JUDGE NENE: Good morning, Charles.

5 MR. LANZA: Judge, this is Edward Lanza Saul Ewing.
6 I'm here instead of Louise Knight and Dave Zambido
7 (phonetic), who represent NRG.

8 JUDGE NENE: Good morning, Mr. Lanza. Did you file
9 that petition to intervene yet?

10 MR. LANZA: I believe it's been filed, yes.

11 JUDGE NENE: And will service be made?

12 MR. LANZA: Yes.

13 JUDGE NENE: All right.

14 Ms. Wong, you're here on behalf of the Office of
15 Consumer Advocate?

16 MS. WONG: Yes, Your Honor.

17 JUDGE NENE: Is Mr. Keene there?

18 MS. WONG: Mr. Keene is not here today.

19 JUDGE NENE: Well, is anybody from the Office of
20 Trial Staff there?

21 MS. CURTIN: Good morning, Your Honor. My name is
22 Allison Curtin, and I represent the Office of Trial Staff.

23 JUDGE NENE: Good morning.

24 And Ms. Webb, are you there?

25 MS. WEBB: Yes, Your Honor. Sharon Webb for the

1 Office of Small Business Advocate.

2 JUDGE NENE: As I indicated, Mr. Tkacik is here. He
3 is an individual complainant in this matter.

4 The OCA docket number is C-001; Mr. Tkacik is two.
5 And I have a Mr. Michael Tarr at docket number three.

6 I received the copies of the memoranda from all of
7 the parties, the principals. And I see we have a lot of
8 issues, all the standard issues, of course. And we have the
9 petition to intervene too.

10 One thing that none of the memoranda indicated, and
11 that is a suspension. And I'm assuming that that is
12 October 1. Is that correct?

13 MR. THOMAS: That is correct, Your Honor. Not
14 technically a suspension, but that would be the effective
15 date for the new PGC rate ordered in this proceeding.

16 JUDGE NENE: Okay.

17 Have I stated all the parties then to the matter?

18 (No response.)

19 JUDGE NENE: No other party at this time that
20 anybody's aware of?

21 MS. WONG: That's correct, Your Honor.

22 JUDGE NENE: I understand that OSBA filed a complaint
23 in this matter. Do you have a docket number?

24 MS. WEBB: No, Your Honor.

25 JUDGE NENE: I wonder why that is. We'll look into

1 that.

2 MS. WEBB: I'll check with the secretary's bureau and
3 email you and the parties. I didn't get anything back yet.

4 JUDGE NENE: Okay. Thank you.

5 The most important thing, I think, that we address is
6 the proposed schedule. And I see that there's really no
7 consensus.

8 MS. WONG: Your Honor, this is Darlene Wong from the
9 OCA. I had a couple of minutes before the prehearing
10 conference to talk with OTS and OSBA, and I believe we're
11 flexible with a schedule that I think OTS was going to
12 propose that make a compromise between our brief schedules.

13 Unfortunately we didn't have time to discuss that
14 with the company. But we do have some sort of compromise to
15 propose. At least on these three proposed settlements.

16 JUDGE NENE: Okay. July 17 is the latest possible
17 date for reply briefs in this matter. But my opinion, my
18 decision is going to have to be before the Commission by
19 August 1, as I see it. And that leaves me less than two
20 weeks to write a decision after the reply briefs. So that's
21 the latest possible thing.

22 And as far as closing the record, the week of June 26
23 is absolutely no good. I have a public input hearing on a
24 Duquesne Light high voltage transmission line.

25 The middle weeks are okay. If you're going toward

1 the OTS, 22nd and 23rd, I am available for hearings in
2 Harrisburg on those dates.

3 Is two days going to be adequate for cross
4 examination of the witnesses?

5 MS. WEBB: Your Honor, the 22nd and the 23rd I'm
6 scheduled in a Dominion Peoples hearing with my witness.

7 JUDGE NENE: Who is that?

8 MS. WEBB: OSBA. I'm sorry.

9 MS. WONG: And that is the same case for the OCA,
10 Your Honor. Our witness in this case is also the witness in
11 the Dominion Peoples 1307(f).

12 JUDGE NENE: The only other day would be the 20th --
13 you say the 15th and 16th is no good?

14 MS. WONG: The 15th and 16th is okay with the OCA.
15 The 22nd and the 23rd would be a conflict.

16 JUDGE NENE: Okay.

17 MS. WONG: The entire week of June 19 through 23, the
18 attorneys in this case have other hearings. And our witness
19 is also going to be in hearings on the 22nd and 23rd.

20 JUDGE NENE: Does anybody have objection to June 15
21 and 16?

22 MS. WEBB: Yes, Your Honor. This is Sharon Webb from
23 the OSBA. If we do the hearings the week of June 15 and
24 June 16, that pushes the testimony back into the other
25 hearing dates, which are in conflict with my witness. And

1 it would effectively preclude us from filing testimony in
2 this case.

3 He had two hearings scheduled the week of June 5
4 through 12; the witness is in hearings.

5 And if you do the hearings the week of the 15th
6 you're looking at filing testimony. The proposed dates for
7 filing testimony were the seventh. And I can't add anything
8 in that week.

9 MR. FRUTCHEY: Equitable suggests Tuesday and
10 Wednesday, the 20th and 21st. Is that a problem for
11 anybody?

12 MS. CURTIN: Yes, Your Honor, that's a problem or
13 OTS. My witness is in the UGI hearings at that time.

14 MS. WONG: And again, that entire week is bad for the
15 OCA.

16 JUDGE NENE: Well, can you kick it around among
17 yourselves? I have hearings in Harrisburg on the fifth,
18 sixth and seventh, and I have hearings scheduled here on the
19 27th, 28th and 29th. Not the 29th. 27th and 28th.

20 MS. WONG: Your Honor, would it be possible, and I
21 guess I'm asking the parties at the same time, to have
22 hearings on the last week of June, maybe June 29-30, on
23 those two days?

24 JUDGE NENE: I can't make it June 29th. I'll be at a
25 public input hearing till probably midnight on the 28th.

1 MS. WONG: Oh, okay.

2 MR. THOMAS: May it please, Your Honor. This is
3 Charles Thomas. Is there a chance we might go off the
4 record and try to resolve it?

5 JUDGE NENE: Yes, let's go off the record.

6 (Discussion off the record.)

7 JUDGE NENE: Let's go back on the record.

8 After a lengthy discussion on scheduling, the parties
9 have reluctantly agreed to the following schedule. Direct
10 testimony by the parties other than Equitable will be filed
11 by May 19; rebuttal testimony, June 6; surrebuttal by noon
12 on June 13.

13 The hearings will be scheduled to be held in
14 Harrisburg on June 15 and 16. Main briefs will be due by
15 July 7. Reply briefs, July 17.

16 If those matters of service will be consistent with
17 OTS's recommendation at number seven in their prehearing
18 memorandum, that electronic service will be followed by hard
19 copy, and electronic service will meet the service
20 requirements.

21 The parties have also agreed to adopt the discovery
22 modification to the discovery rules as recommended by the
23 Trial Staff. And that would be one through nine.

24 MR. THOMAS: May it please Your Honor, just for
25 clarity, that would be for application to all discovery

1 served after the prehearing conference?

2 JUDGE NENE: From here on out, right.

3 MS. WEBB: Your Honor, this is Sharon Webb. I have
4 one clarification.

5 JUDGE NENE: Yes.

6 MS. WEBB: In terms of electronic service, the only
7 time that is not close of business is for the surrebuttal
8 due at noon on June 13; is that correct?

9 JUDGE NENE: That's right.

10 MR. FRUTCHEY: That's fine with us.

11 JUDGE NENE: That's the noted exception.

12 MS. WEBB: If we can get it out earlier, we will.
13 But just in terms of satisfying service.

14 MR. THOMAS: So 11:59 p.m., is service good on that
15 day?

16 MS. WEBB: I said close of business.

17 (Laughter.)

18 MS. WEBB: Close of Commission business. I'm sorry.

19 JUDGE NENE: Very good. So everybody has a busy
20 schedule; I can see that nobody's going to get any relief
21 until the hot dog days of August.

22 JUDGE NENE: Football season, Your Honor. Maybe by
23 then.

24 JUDGE NENE: Football season, yes.

25 Anything else?

1 MS. CURTIN: Your Honor, OTS has one additional
2 matter. We would request that NRG please put the Office of
3 Trial Staff on its certificate of service.

4 JUDGE NENE: Say that again.

5 MS. CURTIN: OTS would request that NRG put OTS on
6 its certificate of service.

7 JUDGE NENE: They didn't serve you?

8 MS. CURTIN: No. The certificate shows that we were
9 not served.

10 JUDGE NENE: Mr. Lanza?

11 MR. LANZA: Your Honor, I've given a copy to
12 Ms. Curtin of the filing in draft form. I will have to go
13 back and make sure that the documents that were actually
14 filed comply with the service requirements.

15 If we have not served the OTS, they will be served
16 immediately.

17 JUDGE NENE: Okay. And you'll put them on the
18 service list?

19 MR. LANZA: Yes, absolutely.

20 JUDGE NENE: Okay.

21 MS. WONG: And I would just request a correction to
22 service, Mr. Lanza, that instead of serving Ms. Dusman, if
23 you could please serve to Steven Keene and myself.

24 MR. LANZA: Absolutely.

25 MS. WONG: Thank you.

1 JUDGE NENE: All right. I don't believe there's
2 anything else. Of course, if there is, you can say it right
3 now.

4 (No response.)

5 JUDGE NENE: Okay. Thank you all. It was a well-
6 spent hour, I guess.

7 (Laughter.)

8 (Whereupon, at 10:55 a.m., the hearing was adjourned,
9 to reconvene on June 15, 2006, in Harrisburg, Pennsylvania.)

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C E R T I F I C A T E

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