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September 1, 2016

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Centre Park Historic District v. UGI Utilities, Inc.
Docket No. C-2015-2516051**

**City of Reading v. UGI Utilities, Inc.
Docket No. C-2016-2530475**

Dear Secretary Chiavetta:

Enclosed for filing is the Joint Motion of UGI Utilities, Inc. and the Commission's Bureau of Investigation and Enforcement to Request an Extension in the Procedural Schedule, Request a Prehearing Conference, and Request to Modify the Hearing Format, in the above-referenced proceedings. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DTR/jl
Enclosures

cc: Honorable Mary D. Long
Certificate of Service

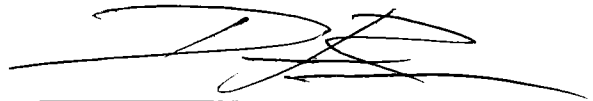
CERTIFICATE OF SERVICE
(Docket Nos. C-2015-2516051 and C-2016-2530475)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL & FIRST CLASS MAIL

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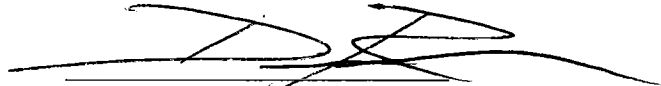
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District	:	Docket Nos. C-2015-2516051
City of Reading	:	C-2016-2530475
	:	
v.	:	
	:	
UGI Utilities, Inc.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), ANSWERS TO MOTIONS ARE DUE WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE, UNLESS THE PERIOD OF TIME IS OTHERWISE FIXED BY THE COMMISSION OR THE PRESIDING OFFICER. YOUR ANSWER SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Respectfully submitted,



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Attorneys for UGI Utilities, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District	:	Docket Nos. C-2015-2516051
City of Reading	:	C-2016-2530475
	:	
v.	:	
	:	
UGI Utilities, Inc.	:	

**JOINT MOTION OF UGI UTILITIES, INC. AND THE COMMISSION’S BUREAU OF
INVESTIGATION AND ENFORCEMENT TO REQUEST AN EXTENSION IN THE
PROCEDURAL SCHEDULE, REQUEST A PREHEARING CONFERENCE, AND
REQUEST TO MODIFY THE HEARING FORMAT**

TO ADMINISTRATIVE LAW JUDGE MARY D. LONG:

Through this Joint Motion, UGI Utilities, Inc. (“UGI” or the “Company”) and the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement (“I&E”) (collectively, “Joint Movants”) jointly request that Administrative Law Judge Mary D. Long (the “ALJ”) extend the procedural schedule as explained herein, hold a further prehearing conference, and modify the hearing format in this proceeding.¹ In support of this Joint Motion, the Joint Movants state as follows:

I. BACKGROUND

1. On November 25, 2015, CPHD filed a Formal Complaint at Docket No. C-2015-2516051 alleging that UGI’s meter location practices in the historic districts of Reading, PA violated the Commission’s regulations. On December 15, 2015, UGI filed an Answer to CPHD’s Complaint denying any violation of the Commission’s regulations.

¹ The Joint Movants represent that it is their understanding that the City of Reading (“City”) and Centre Park Historic District (“CPHD”) do not oppose Sections I and II of this Joint Motion.

2. On February 23, 2016, UGI received e-service of the City's Complaint at Docket No. C-2016-2530475 challenging UGI's placement of meters in historic districts as well as the outside placement of meters in other districts of the City. The City alleged that UGI's meter locations for historic buildings and for buildings in historic districts in Reading, PA violated 52 Pa. Code § 59.18 and that UGI's exterior meter location practices have created unsafe conditions.

3. On March 14, 2016, UGI filed an Answer denying any violation of the Commission's regulations. Additionally, the Company filed Preliminary Objections requesting that the City's Complaint be dismissed because the relief requested cannot be granted in a complaint proceeding.

4. On March 24, 2016, the City filed an Answer to UGI's Preliminary Objections.

5. On March 29, 2016, the ALJ issued an Interim Order at Docket No. C-2016-2530475 denying UGI's Preliminary Objections.

6. On March 30, 2016, a prehearing conference in the CPHD Complaint and City Complaint proceedings was held.

7. On March 30, 2016, the ALJ issued a Second Prehearing Order consolidating the CPHD and City Complaint proceedings and instructing the parties to engage in settlement discussions. Further, an additional prehearing conference was scheduled for June 30, 2016 to discuss the parties' progress at achieving a settlement. This prehearing conference was later re-scheduled for July 14, 2016.

8. At the July 14, 2016 prehearing conference, UGI, the City, and CPHD provided the ALJ with an update on settlement discussions. The ALJ also established the following litigation schedule:

Completion of Discovery	September 9, 2016
Dispositive Motions	September 30, 2016
Answers to Dispositive Motions	October 14, 2016
Joint Stipulation of Facts	November 11, 2016
Evidentiary Hearings	November 15-16, 2016

9. On August 10, 2016, I&E filed a Notice of Appearance.

10. On September 1, 2016, UGI filed a Petition with the Commission seeking interlocutory review and answers to material questions in this proceeding.

11. For the reasons explained below, the Joint Movants herein request that the procedural schedule in this proceeding be extended, that the ALJ hold an additional prehearing conference, and that the hearing format be modified consistent with this Joint Motion.

II. REQUEST TO EXTEND THE PROCEDURAL SCHEDULE

A. ADDITIONAL TIME FOR INTERLOCUTORY REVIEW²

12. Paragraphs 1 through 11 above are incorporated by reference as though fully set forth herein.

13. The Joint Movants observe that on September 1, 2016, UGI filed a Petition for Interlocutory Review and Answer to Material Questions with the Commission.

14. In the Petition, UGI asserted that the requests for relief in both the CPHD Complaint and City Complaint seek, among other things, to impose new rules and standards on UGI that do not currently exist under the Commission's regulations.

15. In its Petition, UGI requested the Commission answer the following two material questions:

² Counsel for the City and CPHD have advised counsel for UGI that they have no objection to this request.

Whether the CPHD's and City's Complaint should be dismissed because the relief requested -- impose new rules and standards concerning meter locations that do not currently exist under the PUC's regulations -- is beyond the scope of a formal complaint proceeding and should be addressed through a petition for amendment of the PUC's regulations pursuant to 52 Pa. Code § 5.43. *Suggested answer in the affirmative.*

Alternatively, whether the scope of the evidence and issues to be addressed in this proceeding should be limited to whether the locations of UGI's meters violate the Public Utility Code or PUC regulations as currently enacted. *Suggested answer in the affirmative.*

16. Under the Commission's regulations, within 10 days from the date of filing, the Parties will submit briefs in support/opposition to the merits of the material questions presented in UGI's Petition. 52 Pa. Code § 5.302(b). The Commission will act on the Petition within 30 days from the filing, or the Petition is deemed denied. 52 Pa. Code § 5.303(b).

17. Notably, the Commission's ruling on these material questions could significantly affect the scope of this proceeding.

18. Indeed, if the Commission answers the first material question in the affirmative, the City's and CPHD's Complaints could be dismissed, which would render this complaint proceeding and the procedural schedule as moot.

19. Likewise, if the Commission answers the second material question in the affirmative, the scope of this proceeding would be significantly limited. The Commission's disposition of the second material question could dramatically change the scope of issues in this proceeding, the permissible scope of discovery, and the scope and volume of testimony and exhibits to be introduced in this case. In fact, much of the discovery to date has focused on the merits and scope of the relief requested by the CPHD Complaint and City Complaint.

20. The Commission's disposition of UGI's Petition will clearly have a substantive impact on the discovery deadline and procedural schedule that have been established in this proceeding.

21. Given the potential and significant impact that the Commission's disposition of UGI's Petition, the Joint Movants submit that the procedural schedule should be extended to allow sufficient time for the Parties to brief the merits of the Petition and, moreover, to provide an opportunity for the Commission to act on the Petition.

22. For these reasons, the Joint Movants respectfully request that the procedural schedule be modified as explained in greater detail below.

B. EXTEND THE DISCOVERY DEADLINE³

23. Paragraphs 1 through 22 above are incorporated by reference as thought fully set forth herein. As explained herein, the Joint Movants respectfully request that the ALJ extend the discovery deadline in this proceeding.

24. Both UGI and the City have served discovery and are in the process of preparing and serving answers.

25. The Parties have made good faith efforts to provide timely and complete responses. However, due to the voluminous nature of the data, documents, and information requested, it has taken the Parties significantly more time than anticipated to obtain, review, and prepare the voluminous data and information required to respond to discovery.

26. To date, the Parties have not completed discovery, and the Joint Movants submit that it is highly unlikely that discovery can be completed by the September 9, 2016 deadline. Further, and importantly, the Parties will not have an opportunity to review the discovery

³ Counsel for the City and CPHD have advised counsel for UGI that they have no objection to this request.

responses provided and propound any necessary follow-up discovery before the September 9, 2016 deadline.

27. The Joint Movants submit that completing the discovery process is fundamental to narrowing the issues and claims and is required to fully develop the Parties' respective positions and defenses. The Parties would be severely prejudiced in their ability to fully prepare and present their respective cases if they are unable to undertake the discovery process.

28. Granting additional time for discovery will be beneficial to the Parties, the ALJ, and the Commission because it will help in narrow the facts and issues in this proceeding, facilitate the orderly preparation for and presentation at the hearings, and provide the opportunity for potential stipulations of facts or issues.

29. In addition, as explained above in paragraphs 12 through 22, UGI has filed a Petition for Interlocutory Review and Answer to Material Questions. The Commission's disposition of UGI's Petition may significantly impact the scope of discovery in this proceeding. However, the Commission has 30 days to act on UGI's Petition, *i.e.*, on or before October 3, 2016. Therefore, the Commission's ruling on the Petition could affect the time necessary for the Parties to complete discovery.

30. For these reasons, the Joint Movants respectfully request that the ALJ extend the discovery deadline to a date to be determined at a further prehearing conference, as explained below in Section II.D.

C. MODIFY HEARING DATE⁴

31. Paragraphs 1 through 30 above are incorporated by reference as thought fully set forth herein. As explained herein, the Joint Movants respectfully request that the hearing date be modified.

32. Currently, hearings in this matter are scheduled for November 15-16, 2016.

33. As explained above, the Parties have been unable to complete discovery and fully prepare for the hearings due to the voluminous nature of the data, information, and documents that have been requested in discovery.

34. Further, based on the thousands of documents that already have been exchanged through discovery, the Joint Movants submit that additional time is required to review the discovery responses once completed and prepare for hearings.

35. Additionally, based on the discovery responses served to date, the scope of this proceeding (*i.e.*, the number of meters potentially being challenged) is significantly larger than UGI and the City/CPHD initially anticipated at the July 14, 2016 prehearing conference.

36. Rescheduling the hearing dates will give the Parties additional time to complete discovery, explore the potential for settlement on all or some of the issues, and provide the opportunity for potential stipulations of facts or issues.

37. Rescheduling the hearing date to provide the Parties with additional time may also help narrow the scope of issues to be examined at the hearings.

38. Additionally, rescheduling the hearing date to provide the Parties with additional time will facilitate the preparation for and orderly presentation at hearings, which will benefit the Parties, the court reporter, the ALJ, and the Commission.

⁴ Counsel for the City and CPHD have advised counsel for UGI that they have no objection to this request.

39. In addition, as explained above in paragraphs 12 through 22, UGI has filed a Petition for Interlocutory Review and Answer to Material Questions. The Commission's disposition of UGI's Petition may significantly impact the scope of the hearings in this proceeding. However, the Commission has 30 days to act on UGI's Petition, *i.e.*, on or before October 3, 2016. Therefore, the Commission's ruling on the Petition could affect the time or and time needed for the hearing in this proceeding.

40. For these reasons, the Joint Movants respectfully request that the hearing dates in this proceeding be rescheduled to a date to be determined at a prehearing conference, as explained below in Section II.D.

D. REQUEST FOR A PREHEARING CONFERENCE⁵

41. Paragraphs 1 through 40 above are incorporated by reference as thought fully set forth herein. As explained herein, the Joint Movants respectfully request a prehearing conference to address the procedural issues raised herein.

42. Under 52 Pa. Code § 5.222(a), it is the Commission's policy to arrange for prehearing conferences between the parties. These conferences facilitate "a more effective use of hearing time" and "expedite the orderly conduct and disposition of the proceedings." *Id.*

43. As explained above, several issues have arisen since the last prehearing conference that affect the scope and orderly conduct of this proceeding, as well as the feasibility of the Parties to litigate under the current procedural schedule.

44. The scope of the litigation has greatly expanded, and the Joint Movants believe that several fundamental aspects of the procedural schedule and conduct of the proceedings need to be revisited. Specifically, as explained above, the Joint Movants believe that the discovery

⁵ Counsel for the City and CPHD have advised counsel for UGI that they have no objection to this request.

deadline and hearing dates should be extended in order to ensure that Parties have a full and fair opportunity to prepare for hearings and present their respective cases on the ultimate issues to be addressed in this proceeding.

45. To that end, the Joint Movants respectfully request that the ALJ schedule and hold a further prehearing conference to discuss and address the procedural issues raised in this Joint Motion, and to establish a new procedural schedule in this proceeding.

III. REQUEST TO MODIFY HEARING FORMAT⁶

A. REQUEST FOR WRITTEN TESTIMONY

46. Paragraphs 1 through 45 above are incorporated by reference as though fully set forth herein. As explained herein, the Joint Movants respectfully request that the ALJ permit the Parties to submit written testimony and exhibits in this proceeding.

47. As explained above, the discovery process is still ongoing. Due to the voluminous nature of the ongoing discovery, the City and CPHD have not yet identified all of the specific meters at issue in this case. However, based on the discovery responses received to date and informal discussions between UGI's counsel and the City's and CPHD's counsel, potentially thousands of meters may be at issue in this case.

48. Currently the hearing in this proceeding is set for two days, November 15-16, 2016. However, the Joint Movants submit that it is likely to require several days of hearings for the City and CPHD to verbally identify each meter and explain the alleged issues and concerns with each meter, and for UGI and/or I&E to verbally respond to the City's and CPHD's testimony.

⁶ Counsel for the City and CPHD have advised counsel for UGI that they do not join in this request.

49. The Joint Movants would have to address potentially thousands of meter installations and present testimony and evidence in support of whether every meter installation is or is not in compliance. The Joint Movants agree that this would be a very time consuming and fact-intensive inquiry. As a result, the Joint Movants believe that a complete examination of these meter installations cannot be completed in only two days of hearings and will likely require several days of hearing to complete.

50. Additionally, the number of anticipated witnesses has changed since the July 14, 2016 prehearing conference. To date, the City and CPHD have identified six witnesses to testify at the hearing, UGI has identified two witnesses to testify at the hearing, and I&E has initially identified one witness to testify at the hearing. Most, if not all, of these witnesses will be expert witnesses -- few, if any, witnesses will be lay or fact witnesses. Although the Parties' witnesses are subject to change, especially as the discovery process continues, the Joint Movants submit that it could take a significant amount of time for each of the initially identified witnesses to testify orally at the hearings.

51. Further, although the discovery process is still ongoing, the City and CPHD have identified thousands of pages of documents that they initially intend to present as exhibits in this proceeding. Because discovery has not completed, it is unknown what additional documents the City and CPHD, UGI, and I&E may seek to introduce as exhibits at the hearing. The introduction and admission of such potentially numerous exhibits, including ruling on any objections to admission, could require a significant amount of time at the hearings.

52. Given the anticipated number of witnesses and materials involved to date, the Joint Movants submit that a live examination of all testimony and exhibits would require several days. Moreover, requiring all such testimony and exhibits to be presented on the record through

oral testimony would be extremely burdensome for the Parties, the ALJ, and the court reporter. It also would result in a large and impractical transcript of the proceeding, which may be burdensome and confusing for the Commission to review.

53. Under these circumstances, the Joint Movants submit that it is reasonable and appropriate to submit written testimony and exhibits as permitted and pursuant to 52 Pa. Code § 5.412. Indeed, the “[u]se of written testimony in Commission proceedings is encouraged, especially in connection with the testimony of expert witnesses.” 52 Pa. Code § 5.412(a).

54. The Joint Movants submit that written testimony will better facilitate the orderly preparation and presentation of issues and evidence to be addressed in this case and will better develop a full, complete record. The use of written testimony also will avoid the need for a lengthy and burdensome hearing. Finally, the use of pre-served written testimony may potentially facilitate settlements and/or stipulations of facts and issues.

55. The use of written testimony will also permit a more efficient use of the Parties’ and the Commission’s time and resources.

56. Moreover, the Joint Movants note that written testimony is used in complaint cases before the Commission. *See, e.g., PPL Electric Utilities Corp. v. Pa. PUC*, 912 A.2d 386, 390 (Pa. Cmwlth. 2006) (noting that the parties in the complaint proceeding below served “written testimony and exhibits”); *Smalls v. UGI Penn Natural Gas, Inc.*, Docket No. C-2014-2421019, 2014 Pa. PUC LEXIS 591 (Oct. 24, 2014) (Initial Decision); *Moyer v. PPL Electric Utilities Corp.*, Docket Nos. C-2011-2273645, C-2014-2444864 (Prehearing Order on Remand #3) (Jan. 14, 2015); *Commonwealth v. Respond Power LLC*, Docket No. C-2014-2427659 (Procedural Order #4) (Jan. 29, 2015).

57. Based on the foregoing, the Joint Movants respectfully request that the ALJ permit the Parties to use written testimony and exhibits to be served in advance of the hearing in accordance with a testimony schedule to be developed and adopted at a prehearing conference, as requested in Section II.D above.

B. ALTERNATIVELY, REQUEST FOR BIFURCATED HEARING

58. Paragraphs 1 through 57 above are incorporated by reference as thought fully set forth herein. As explained herein, in the event the ALJ denies the Joint Movants' request to use pre-served written testimony and exhibits in this proceeding, the Joint Movants respectfully request a bifurcated hearing schedule.

59. As explained above, given the voluminous nature of the issues and exhibits, as well as the number of witnesses anticipated to be called, the Joint Movants submit that a live, in-person hearing may require several days to complete.

60. Given the potential volume of testimony and exhibits to be introduced at the hearing, and the fact that there may potentially be thousands of meter locations at issue in this proceeding, it would be extremely difficult, burdensome, and confusing for the UGI and I&E to evaluate the live, in-person testimony presented by the City and CPHD and then to present a rebuttal case.

61. Under a bifurcated hearing process, the City and CPHD would have several days of hearings to present their direct case. UGI and I&E would then have additional time, approximately 30 days, to review the evidence presented by the City and CPHD and to prepare for rebuttal testimony to be presented at a second hearing.

62. The Joint Movants submit that, given the anticipated voluminous nature of the testimony and exhibits to potentially be offered at a hearing, absent approval to submit written

testimony, a bifurcated hearing schedule would be the best approach for a complete and thorough in-person examination of the thousands of meter installations potentially at issue in this case.

V. CONCLUSION

WHEREFORE, UGI Utilities, Inc. and the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully request that Administrative Law Judge Mary D. Long grant this Joint Motion and:

- (1) Extend the discovery deadline to a date to be determined at a further prehearing conference;
- (2) Reschedule the hearing dates to dates to be determined at a further prehearing conference;
- (3) Schedule and hold a further prehearing conference to discuss and address all of the procedural issues raised in this Joint Motion; and
- (4) Permit the Parties to use written testimony and exhibits to be served in advance of the hearing in accordance with a testimony schedule to be developed and adopted at a further prehearing conference or, alternatively, grant a bifurcated hearing schedule to be determined at a further prehearing conference.

Respectfully submitted,



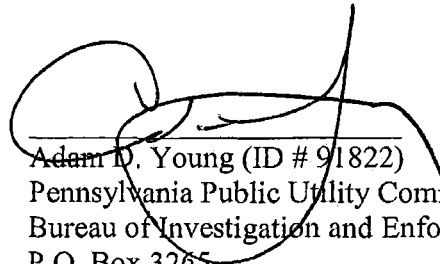
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Dated: September 1, 2016