BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission : R-2017-2586783

Office of Consumer Advocate : C-2017-2592092

Office of Small Business Advocate : C-2017-2593497

Philadelphia Industrial & Commercial :

Gas Users Group : C-2017-2595147

William Dingfelder : C-2017-2593903

:

v. :

:

Philadelphia Gas Works :

# **PREHEARING ORDER #4**

On February 28, 2017, Philadelphia Gas Works (PGW) filed Supplement No. 100 to PGW’s Gas Service Tariff – PA. P.U.C. No. 2 (Supplement No. 100) to become effective April 28, 2017, seeking a general rate increase calculated to produce $70 million (11.6%) in additional annualrevenues. PGW also filed a Petition for Waiver seeking waiver of the application of the statutory definition of the fully projected future test year (FPFTY) so as to permit PGW to use a FPFTY beginning on September 1, 2017 in this proceeding.

On March 6, 2017, Carrie B. Wright, Esq., entered a Notice of Appearance on behalf of the Commission’s Bureau of Investigation and Enforcement (BI&E).

On March 6, 2017, the Office of Consumer Advocate (OCA) filed a Public Statement, a Notice of Appearance on behalf of Kristine E. Marsilio, Esq., Harrison W. Breitman, Esq., Darryl A. Lawrence, Esq., and Christy M. Appleby and a formal Complaint. The Complaint was docketed at C-2017-2592092.

On March 13, 2017, the Office of Small Business Advocate (OSBA) filed a Verification, Public Statement, a Notice of Appearance on behalf of Sharon E. Webb, Esq., and a formal Complaint. The Complaint was docketed at C-2017-2593497.

On March 16, 2017, William Dingfelder (“Mr. Dingfelder” or “Complainant”) filed a formal Complaint. The Complaint was docketed at C-2017-2593903.

By Order entered March 16, 2017, the Pennsylvania Public Utility Commission (Commission) instituted an investigation into the lawfulness, justness, and reasonableness of the proposed rate increase. Pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S.A. § 1308(d), Supplement No. 100 to Philadelphia Gas Works’ Gas Service Tariff – PA. P.U.C. No. 2 was suspended by operation of law until November 28, 2017, unless permitted by Commission Order to become effective at an earlier date. In addition, the Commission ordered that the investigation include consideration of the lawfulness, justness and reasonableness of the respondent’s existing rates, rules, and regulations. The matter was assigned to the Office of Administrative Law Judge for the prompt scheduling of hearings culminating in the issuance of a Recommended Decision.

On March 17, 2017, the Retail Energy Supply Association (RESA) filed a Petition to Intervene in this proceeding.

In accordance with the Commission’s March 16, 2017, Order, the matter was assigned to Deputy Chief Administrative Law Judge Christopher P. Pell and Administrative Law Judge Marta Guhl.

On March 22, 2017, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), through its counsel, filed a Petition to Intervene in this proceeding.

On March 23, 2017, the Philadelphia Industrial and Commercial Gas Users Group filed a formal Complaint. The Complaint was docketed at C-2017-2595147.

On March 24, 2017, the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (TURN et al.) filed a Petition to Intervene in this proceeding.

In compliance with the Commission’s March 16, 2017 Order, on March 27, 2017, PGW filed Supplement No. 103 to Gas Service Tariff – Pa P.U.C. No. 2, suspending the effectiveness of rates proposed in Supplement No. 100 to Tariff Pa.P.U.C. No. 2 until November 28, 2017.

In accordance with a Prehearing Conference Order dated March 17, 2017, PGW, I&E, OCA, OSBA, RESA, CAUSE-PA, PICGUG and TURN et al. submitted prehearing memoranda to the presiding officers.

A call-in telephonic prehearing conference was held on March 29, 2017. The presiding officers were in the Philadelphia Office for the prehearing conference. Counsel for PGW, I&E, OCA, OSBA, RESA, CAUSE-PA, PICGUG and TURN et al. participated.

In our Prehearing Order #1 dated March 30, 2017, we granted RESA’s Petition to Intervene and established the procedural schedule and the procedures applicable to this proceeding.

On March 31, 2017, PGW filed a Motion for Protective Order (Motion) pursuant to 52 Pa.Code § 5.423(a). There was no formal opposition to the request and we granted the Protective Order via Prehearing Order #3 dated April 19, 2017.

Also On March 31, 2017, PGW filed its Answers opposing the Petitions to Intervene of both CAUSE-PA and TURN et al.

On April 5, 2017, CAUSE-PA and TURN et al. each filed a response to PGW’s Answer opposing their respective Petitions to Intervene. Additionally, OCA and I&E each, separately, filed responses to PGW’s Answers. We granted the Petitions to Intervene of CAUSE-PA and TURN et al. via Prehearing Order #2 dated April 7, 2017.

Public Input hearings were held in this matter on May 9 and May 10, 2017.

On May 10, 2017, Ms. Pickens from TURN et al. contacted us via electronic mail indicating that there was a discovery dispute and requesting a modification of the procedural schedule. We responded via electronic mail to the parties indicating that they had until noon on Friday, May 12, 2017 to provide a solution to the discovery dispute.

On May 11, 2017, a Hearing Notice was issued setting the evidentiary hearings for this matter for Wednesday, June 28, 2017, Thursday, June 29, 2017 and Friday, June 30, 2017 starting at 10:00 a.m. each day.

Later on May 11, 2017, counsel for PGW informed us that PGW and TURN et al. had reached a resolution that involved a proposed modification to the procedural schedule. PGW proposed that TURN et al. be allowed to submit its Direct Testimony on Friday, May 19, 2017 and that PGW be allowed to submit Rejoinder Testimony to TURN et al.’s testimony on Tuesday, June 13, 2017. As none of the other active parties have objected to the proposed modification, it is granted.

This order adopts the modifications to the procedural schedule proposed by PGW and TURN et al.

# ORDER

THERERFORE,

IT IS ORDERED:

1. That the proposed modifications to the procedural schedule, being unopposed, are granted;
2. That TURN et al. is permitted to submit Direct Testimony on Friday, May 19, 2017.
3. That PGW is permitted to submit Rejoinder Testimony to TURN et al.’s Direct Testimony on Tuesday, June 13, 2017.
4. That all other aspects of the procedural schedule established in our March 30, 2017 Prehearing Order remain in effect.

Date: May 17, 2017 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Christopher P. Pell

Deputy Chief Administrative Law Judge

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Marta Guhl

Administrative Law Judge

Pennsylvania Public Utility Commission v. Philadelphia Gas Works

Docket Number R-2017-2586783

# SERVICE LIST

Daniel Clearfield Esquire,

Deanne M O’Dell Esquire

Eckert Seamans Cherin & Mellot, LLC

213 Market Street 8th Floor

Harrisburg PA 17101

[dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)

[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)

Brandon J Pierce Esquire

Philadelphia Gas Works

800 W Montgomery Avenue

Philadelphia PA 19122

[Brandon.Pierce@pgworks.com](mailto:Brandon.Pierce@pgworks.com)

Carrie B Wright Esquire

Erika L McLain Esquire

Bureau of Investigation & Enforcement

Pennsylvania Public Utility Commission

Post Office Box 3265

Harrisburg PA 17105-3265

[carwright@pa.gov](mailto:carwright@pa.gov)

[ermclain@pa.gov](mailto:ermclain@pa.gov)

Christy M Appleby Esquire

Darryl A Lawrence Esquire

Kristine E Marsilio Esquire

Harrison W Breitman Esquire

Office of Consumer Advocate

555 Walnut Street 5th Floor Forum Place

Harrisburg PA 17101-1923

[CAppleby@paoca.org](mailto:CAppleby@paoca.org)

[DLawrence@paoca.org](mailto:DLawrence@paoca.org)

[KMarsilio@paoca.org](mailto:KMarsilio@paoca.org)

[HBreitman@paoca.org](mailto:HBreitman@paoca.org)

(C-2017-2592092)

Sharon E Webb Esquire

Office of Small Business Advocate

300 North Second Street - Suite 202   
Harrisburg PA 17101

[swebb@pa.gov](mailto:swebb@pa.gov)

(C-2017-2593497)

Charis Mincavage Esquire

Adeolu Bakare Esquire

Allessandra L Hylander Esquire

McNees Wallace & Nurick, LLC

100 Pine Street

PO Box 1166

Harrisburg PA 17108-1166

[cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com)

[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)

[ahylander@mcneeslaw.com](mailto:ahylander@mcneeslaw.com)

*Counsel for Philadelphia Industrial*

*and Commercial Gas Users Group*

Todd S Stewart, Esquire

Hawke McKeon & Sniscak LLP

100 North Tenth Street

Harrisburg PA 17101

[tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com)

*Counsel for the Retail Energy Supply Association*

Robert W Ballenger Esquire

Josie B H Pickens Esquire

Jennifer Collins Esquire

Community Legal Services, Inc.

1424 Chestnut Street

Philadelphia PA 19102

[rballenger@clsphila.org](mailto:rballenger@clsphila.org)

[jpickens@clsphila.org](mailto:jpickens@clsphila.org)

[jcollins@clsphila.org](mailto:jcollins@clsphila.org)

*Counsel for Tenant Union Representative Network and*

*Action Alliance of Senior Citizens of Greater Philadelphia*

Patrick M Cicero Esquire

Elizabeth R Marx Esquire

Pennsylvania Utility Law Project

118 Locust Street

Harrisburg PA 17101

[pciceropulp@palegalaid.net](mailto:pciceropulp@palegalaid.net)

[emarxpulp@palegalaid.net](mailto:emarxpulp@palegalaid.net)

*Counsel for Coalition for Affordable Utility Services and*

*Energy Efficiency in Pennsylvania*

William Dingfelder

645 W Sedgwick Street

Philadelphia PA 19119-3442

[DingfelderGrants@gmail.com](mailto:DingfelderGrants@gmail.com)

(C-2017-2593903)