



June 26, 2017

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
PO BOX 3265
Harrisburg, PA 17105-3265

**Re: Pennsylvania PUC v. Philadelphia Gas Works – Base Rate
Docket No. R-2017-2586783**

Dear Secretary Chiavetta:

Please be advised that the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) writes to oppose the Philadelphia Gas Works (PGW's) Motion to Strike Certain Portions of the Testimony Submitted by Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (TURN) that was filed on June 23, 2017.¹

In its motion, PGW asserts that TURN's witness, Mr. Harry Geller, was somehow responding to the direct testimony of the Office of Consumer Advocate's witness Roger Colton. This is plainly not the case. Mr. Geller responded to the rebuttal testimony of a PGW witness and an I&E witness who were critical of OCA witness Colton's direct testimony concerning LIURP and hazardous heating issues. There is no way that Mr. Geller could have raised the issues in his direct testimony because he did not know what PGW and I&E were going to say.

CAUSE-PA writes here because of the dangerous precedent that would be set if PGW's motion were granted. It would appear that PGW and I&E are seeking to advance a position that a witness may only submit surrebuttal testimony to address other parties' rebuttal of that witness's testimony. CAUSE-PA is aware of no such rule. While the rules clearly provide that a party cannot raise issues in the rebuttal phase that it should have raised in direct, a party should not be prohibited from rebutting (or surrebutting) other parties' testimony that is adverse to the positions and interests of that party. PGW and I&E's positions in rebuttal testimony on LIURP, and PGW's position in rebuttal testimony in opposition to a low-income heater repair program, are adverse to the interests of TURN and the positions it sought to advance in this proceeding.

¹ The Bureau of Investigation and Enforcement (I&E) filed a letter supporting PGW's Motion on June 26, 2017.

As such, it has the right to file surrebuttal testimony that is directly responsive to PGW and I&E's rebuttal testimony. Thus, contrary to the positions advanced by PGW and I&E it would be procedurally improper to strike the any portions of Mr. Geller's testimony in this proceeding.

Sincerely,

Pennsylvania Utility Law Project



Patrick Cicero, Esq.
Counsel for CAUSE-PA
PA Attorney ID 89039

CC: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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|--|---|----------------|
| 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 | : | |

Certificate of Service

I hereby certify that I have this day served copies of the **foregoing letter** upon the parties of record in the above captioned proceeding in the manner and upon the persons listed below.

VIA E-MAIL ONLY

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| <p>Hon. Christopher P. Pell Hon. Marth Guhl Administrative Law Judges Pennsylvania Public Utility Commission 801 Market Street, Suite 4063 Philadelphia, PA 19107 cpell@pa.gov mguhl@pa.gov</p> | |
| <p>Daniel Clearfield, Esquire Deanne M. O'Dell, Esquire Sarah Stoner, Esquire Eckert Seamans Cherin & Mellot, LLC 213 Market Street, 8th Floor Harrisburg, PA 17101 dclearfield@eckertseamans.com dodell@eckertseamans.com sstoner@eckertseamans.com</p> | <p>Christy M. Appleby, Esquire Darryl A. Lawrence, Esquire Kristine E. Marsilio, Esquire Harrison W. Breitman, Esquire Office of Consumer Advocate 555 Walnut Street, 5th Flr, Forum Place Harrisburg, PA 17101-1923 CApplby@paoca.org DLawrence@paoca.org KMarsilio@paoca.org HBreitman@paoca.org <i>Counsel for the OCA</i></p> |

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| <p>Todd S. Stewart, Esquire Hawke McKeon & Sniscak 100 North Tenth Street Harrisburg, PA 17101 tsstewart@hmslegal.com <i>Counsel for RESA</i></p> | <p>Robert Ballenger, Esquire Josie B.H. Pickens, Esquire Jennifer Collins, Esquire Community Legal Services 1424 Chestnut Street Philadelphia PA 19102 rballenger@clsphila.org jpickens@clsphila.org jcollins@clsphila.org <i>Counsel for TURN and Action Alliance</i></p> |
| <p>Charis Mincavage, Esquire Adelou Bakare, Esquire Alessandra L. Hylander, Esquire McNees Wallace & Nurick, LLC 100 Pine Street PO Box 1166 Harrisburg, PA 17108-1166 cmincavage@mcneeslaw.com abakare@mcneeslaw.com ahylander@mcneeslaw.com <i>Counsel for PAIGUG</i></p> | |

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



Patrick M. Cicero, Esq

Date: June 26, 2017