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July 13, 2018

**Via Electronic Filing**

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

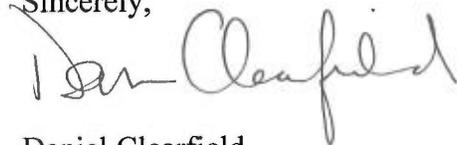
RE: Pennsylvania Public Utility Commission, Philadelphia Industrial & Commercial  
Gas Users Group v. Philadelphia Gas Works;  
Docket Nos. R-2018-3000739 & C-2018-3001490

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Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' ("PGW) Status Report in accordance with Administrative Law Judge Heep's Pre-Hearing Conference Order No. 1 with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,



Daniel Clearfield

DC/lww  
Enclosure

cc: Hon. Darlene Heep w/enc.  
Brandon Pierce w/enc.  
Certificate of Service w/enc.

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of PGW's Status Report upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via Email and/or First Class Mail**

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Date: July 13, 2018

  
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Daniel Clearfield, Esquire

July 13, 2018

**Via Email and First Class Mail**

Hon. Darlene Heep  
Administrative Law Judge  
PA Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, Pa 19107

RE: Pennsylvania Public Utility Commission, Philadelphia Industrial & Commercial  
Gas Users Group v. Philadelphia Gas Works;  
Docket Nos. R-2018-3000739 & C-2018-3001490

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Dear Judge Heep:

In your Pre-Hearing Conference Order No. 1, you directed the Parties<sup>1</sup> to report the status of any settlement discussions within six weeks, at which time you would consider granting a formal extension of the proceeding to permit the settlement discussions to be completed.

On behalf of the Parties please be advised that, since the pre-hearing conference, settlement discussions among the Parties have taken place. In the Parties' view, these discussions have been fruitful and productive and hold out the potential that the issues of concern to the Parties can be resolved through such a collaborative process.

Accordingly, Philadelphia Gas Works ("PGW") and the other Parties respectfully request that formal proceeding be suspended while the Parties continue to work diligently towards settling the matter. If Your Honor wishes, the Parties can present a status report on the progress of the settlement discussions every 60 days. To facilitate these discussions, PGW is willing to suspend the effective date of Supplement No. 111 for a reasonable period beyond the current February 19, 2019, effective date, as needed, to provide additional time for settlement discussions to successfully conclude. Such an action would avoid forcing the Parties to engage in litigation unnecessarily and would encourage settlement, which is the Commission's policy.<sup>2</sup> The Public Utility Code, 66 Pa. C. S. §1308(a) and (b) does not prohibit such voluntary suspensions by the

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<sup>1</sup> The Parties consist of: Office of Small Business Advocate ("OSBA"), Office of Consumer Advocate ("OCA") and the Philadelphia Industrial and Commercial Gas Users Group ("PICGUG").

<sup>2</sup> See 52 Pa. Code § 69.401.

public utility.<sup>3</sup> Further, time limits are imposed for the utility's benefit; therefore, extensions of time requested by the utility are compliant with policy and law.<sup>4</sup>

PGW has consulted with the active Parties and the active Parties have authorized PGW to confirm to Your Honor their agreement to the formal suspension, as described herein.

Please contact me if you have any questions.

Sincerely,



Daniel Clearfield

DC/lww

Enclosure

cc: Rosemary Chiavetta  
Brandon Pierce, Esq.  
Certificate of Service

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<sup>3</sup> See, e.g., *PUC v. City of Lancaster*, Docket No. R-2010-2179103, Order entered July 14, 2011 (City voluntarily extended the suspension date of proposed rates from May 26, 2011 to June 23, 2011, to coincide with a scheduled Public Meeting date. The stated purpose of the extension was to provide sufficient time to completely and reasonably litigate the case, with an opportunity for both litigation and settlement efforts); *Petition of Comcast Business Communications*, Docket No. A-310190, Order entered December 18, 2008 (wherein the Parties agreed to waive the nine-month deadline for rendering an arbitration decision set forth in 47 U.S.C. § 252(e)(5) and their right to petition the Federal Communications Commission (FCC) for failure of the Commission to act on the arbitration within the statutory deadline); *PUC v. National Fuel Gas Distribution*, Docket No. R-00994898, Order entered August 31, 2000; 2000 Pa. PUC LEXIS 874 (NFGD agreed to extend the effective date of its purchased gas cost rate from August 1, 2000 to September 1, 2000).

<sup>4</sup> Pennsylvania law is clear that such timing provisions, when applied to an adjudicative body, including an administrative agency, are directory, as opposed to mandatory. *Public Service Water Company v. Pennsylvania Public Utility Com'n.*, 645 A.2d 423, 429-30 (Pa. Cmwlth. 1994) (provision requiring PUC to rule within 90 days on exceptions to administrative law judge's decision is directory only and does not divest PUC of jurisdiction); *West Penn Power Company v. Pennsylvania Public Utility Com'n.*, 521 A.2d 75, 78 (Pa. Cmwlth. 1987) (holding that statutory provisions directing that certain proceedings be done at a certain time, such as requiring an administrative law judge to rule within 90 days, are directory and not mandatory); *Prichard v. School Dist. of Willistown Tp.*, 147 A. 380, 384-85 (Pa. 1959) ("When a statute directs certain proceedings to be done in a certain way, or at a certain time, the law will be regarded as directory, and the proceedings under it will be held valid, though the command of the statute as to form and time has not been strictly obeyed"). Any time period set forth in a PUC Order based on a statutory timeline would also be directive.