

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2018-3000739
Philadelphia Industrial and Commercial Gas	:	C-2018-3001490
Users Group	:	
	:	
v.	:	
	:	
Philadelphia Gas Works	:	

INITIAL DECISION

Before
Darlene D. Heep
Administrative Law Judge

INTRODUCTION

This decision grants the Philadelphia Gas Works' (PGW) Petition for Withdrawal of Supplement No. 111.

HISTORY OF THE PROCEEDING

On March 23, 2018, PGW filed Supplement No. 111 to Gas Tariff-PA. PUC No. 2 containing proposed changes in rates, rules and regulations to create a voluntary Large Customer Transportation Service Tariff Rate (Rate LT). PGW is now requesting that the company be allowed to withdraw the supplement without prejudice to any party to these proceedings. The supplement was filed in accordance with an agreement made during PGW's last base rate case at Docket No. R-2017- 2586783 that PGW would file a tariff supplement to propose the creation of the Rate LT.

The Office of Small Business Advocate filed a Notice of Intervention on April 11, 2018. On April 27, 2018, the Philadelphia Industrial and Commercial Gas Users Group (PICGUG) filed a Complaint in this matter, Docket No. C-2018-3001490.

PGW filed an Answer to the PICGUG rate complaint on May 11, 2018. By Commission Order entered on May 17, 2018, the proposed Supplement No. 111 to Gas Service Tariff-Pa. P.U.C. No. 2 was suspended by operation of law until November 19, 2018, unless otherwise directed by Order of the Commission.

A telephonic prehearing conference Notice was issued on May 22, 2018, setting the conference for May 31, 2018. The Office of Consumer Advocate filed a Notice of Intervention on May 25, 2018.

The conference was held as scheduled. The parties requested a 90-day extension of time before a hearing date was set to allow time for additional settlement discussions. The request was granted and, on June 13, 2018, PGW filed a tariff suspending Supplement No. 111 until February 19, 2019. The parties were directed to file a status report in 30 days.

In a Joint Status Report filed on July 13, 2018, the parties indicated that they were continuing to work toward a settlement. The parties also requested that the formal proceedings be suspended beyond the current February 19, 2019, suspension date.

On July 24, 2018, an Order issued by the undersigned required the parties to submit a status report no later than September 25, 2018. The July 24, 2018 Order also stated that if the matter has not reached a stage where a settlement agreement can be submitted by November 2, 2018, the parties should no later than October 3, 2018 submit a joint, signed request for further extension of the suspension date.

On September 25, 2018, the instant Petition to Withdraw was filed. PGW notified all parties that this Petition would be filed. There is no opposition to the granting of the Petition.

The matter is ready for a decision. For the reasons set forth below, the request for leave to withdraw is granted.

FINDINGS OF FACT

1. The Petitioner is Philadelphia Gas Works.
2. In accordance with an agreement made during PGW's last base rate case at Docket No. R-2017-2586783, on March 23, 2018, PGW filed Supplement No. 111 to Gas Tariff-PA. PUC No. 2 containing proposed changes in rates, rules and regulations to create a voluntary Large Customer Transportation Service Tariff Rate (Rate LT).
3. By Commission Order entered May 17, 2018, the proposed Supplement No. 111 was suspended by operation of law until November 19, 2018, unless otherwise directed by Order of the Commission.
4. The parties attempted to settle this matter.
5. The parties requested an extension of the suspension date in order to continue settlement discussions.
6. An extension of the suspension date was granted and on June 13, 2018, PGW filed a tariff suspending Supplement No. 111 until February 19, 2019.
7. The parties reported on July 13, 2018 that they had not yet reached a settlement but would like an additional extension of the suspension date in order to continue settlement discussions.
8. On July 24, 2018, an order was issued by the undersigned that required the parties to submit a settlement agreement by November 2, 2018 or, no later than October 3, 2018, submit a joint request for further extension of the suspension date.

9. PGW filed the instant Petition to Withdraw Supplement No. 111 on September 25, 2018.

10. No party is opposed to the granting of the Petition to Withdraw.

DISCUSSION

The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding. It provides as follows:

§ 5.94. Withdrawal of pleadings in a contested proceeding.

(a) Except as provided in subsection (b), a party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. The petition must set forth the reasons for the withdrawal. A party may object to the petition within 10 days of service. After considering the petition, an objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.

52 Pa. Code § 5.94.

No party to this proceeding has objected to PGW's Petition for Leave to Withdraw the tariff supplement. The parties sought to resolve any outstanding issues regarding Supplement No. 111 however, the parties have determined that the collaborative process will take an extended amount of time, ostensibly beyond the extended suspension date of February 19, 2019. Rather than waste resources with successive filings to extend the suspension date, granting the request to withdraw will allow PGW to file a new or revised supplement that will address the issues discussed by the parties. Granting the Petition to Withdraw will eliminate an extensive delay and save the expense of litigation for all parties. Given that, allowing the supplement to be withdrawn is in the public interest. Further, no customer will be prejudiced by the withdrawal because the rate proposed is voluntary.

In view of the request to withdraw, absence of objections to the request and the fact that there is no negative impact upon the public interest, there is no reason to deny PGW's request to withdraw Supplement No. 111.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S.A. § 701.

2. The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.94(a) permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission.

3. In determining whether to permit withdrawal of the pleading, the presiding officer or Commission must consider the petition, any objections thereto and the public interest. 52 Pa. Code § 5.94(a).

4. Granting the request to withdraw of Philadelphia Gas Works is in the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the request of Philadelphia Gas Works to withdraw Supplement No. 111 to Gas Tariff-PA. PUC No. 2 filed at Docket No. R-2018-3000739 is granted.

