**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael G. Deegan : C-2018-3004165

Charles E. Spindler: C-2018-3004179

Cherie Roddy : C-2018-3004201

Joyce Fedusa and Thomas Fedusa : C-2018-3004342

Nancy R. Nail : C-2018-3004346

Melvin Bines : C-2018-3004354

Norma D. Fritz and James Leach : C-2018-3004411

James Hollenbaugh : C-2018-3004524

:

v. :

:

Knox Energy Cooperative Association, Inc. :

**INTERIM ORDER**

**SCHEDULING FURTHER PROCEEDINGS**

Eight Complainants have filed formal complaints against Knox Energy Cooperative Association, Inc. (Knox) in response to notification they received from Knox that the company would cease providing gas service to them, effective October 31, 2018. On September 28, 2018, Knox filed answers to all of the complaints as well as preliminary objections. Knox and Complainant Michael G. Deegan filed a motion for consolidation of the complaints.

The Office of Consumer Advocate filed a notice of intervention and public statement in the complaint of Charles E. Spindler, C-2018-3004179, on October 3, 2018.

By order dated October 4, 2018, a prehearing conference was scheduled to permit the Complainants to respond to the preliminary objections and Knox’s motion for consolidation. The parties were directed to be prepared to discuss the application, if any, of the Commission’s decision in *Laffey v. Knox Energy Cooperative Association, Inc.,* Docket C-2015-2462487 (Opinion and Order entered September 3, 2015).

OCA filed a prehearing memorandum on October 12, 2018. OCA requested that its intervention be deemed to apply to all of the complaints and also noted that Knox may not be in compliance with the settlement reached in *The Matter of the Application of Orwell Natural Gas Company for Approval of the Transfer of its Distribution System Assets,* A-2015-2478270 (*Orwell*)*.*

The prehearing conference convened as scheduled. All of the Complainants appeared and were self-represented. Todd S. Stewart, Esquire appeared on behalf of Knox Energy and Dianne E. Dusman, Esquire appeared on behalf of the OCA. Consolidation of the complaints, the preliminary objections of Knox, the *Orwell* settlement and further proceedings were discussed. Four of the Complainants represented that they had already switched to an alternate energy source. Knox represented that it intended to rescind the notification that the Complainants received from Knox and that the company would cease providing gas service to them, effective October 31, 2018. Knox’s preliminary objections were held in abeyance.

A further status conference was held on November 1, 2018. All of the Complainants appeared as well as counsel for OCA and Knox. Following a discussion of the progress of the parties in discussion resolution of the complaints, it was agreed that a further status conference would be held on December 7, 2018.

On November 14, 2018, OCA filed a “Motion for Correction of Caption” to include Utility Pipeline, Limited (UPL) as a respondent. OCA averred that UPL was named in the formal complaint of Norma Fritz and James Leach,[[1]](#footnote-1) and was included in the allegations of poor service alleged by Mr. Leach and Ms. Fritz. OCA also states that UPL was a signatory party to the settlement reached in *The Matter of the Application of Orwell Natural Gas Company for Approval of the Transfer of its Distribution System Assets,* A-2015-2478270 (*Orwell*), as stated on OCA’s October 11, 2018, prehearing memorandum. Finally, OCA states that the “terms and conditions [of the settlement] are highly relevant to these complaint proceedings as several are specific commitments by UPL toward Knox Cooperative members under the same circumstances as alleged by the members . . . .”[[2]](#footnote-2)

Knox and UPL filed an answer opposing the motion on December 4, 2018. Among other things, Knox and UPL oppose the motion because issues regarding the *Orwell* settlement have not been properly raised by any of the Complainants to this proceeding.

The December 7, 2018 status conference convened as scheduled. All of the Complainants appeared as well as counsel for OCA, Knox and UPL. The status of settlement discussions with the individual Complainants was discussed. Although proposals have been exchanged, no definitive resolution has been reached.

OCA’s motion to amend the caption to include UPL was denied. It is clear from OCA’s motion that the premise for including UPL is OCA’s position that Knox is in violation of the Orwell settlement. That issue has been raised solely in OCA’s prehearing memorandum and not by any of the current Complainants.

THEREFORE,

IT IS ORDERED:

1. That OCA’s Motion to for Correction of the Caption is denied.

2. That OCA may file a complaint setting forth its allegations against Knox and UPL on or before **January 4, 2019**. Any complaint filed shall include a request to consolidate OCA’s complaint with this proceeding.

3. That if OCA files a complaint, Knox and UPL shall file an answer in accordance with the Commission’s procedural rules. Any preliminary objections filed by Knox or UPL shall include a legal memorandum which includes a thorough discussion of the legal basis for Knox’s and UPL’s objections to the OCA’s complaint.

4. That OCA shall file a response to any preliminary objections filed by Knox or UPL as provided by the Commissions regulations and include a similar legal memorandum.

5. That a further telephonic prehearing conference in this case is scheduled for **Tuesday, February 5, 2019, at 10:00 a.m.** The parties should be prepared to propose a litigation schedule if one is necessary and provide an update regarding any settlements that may be reached with the individual Complainants.

Date: December 10, 2018 /s/

Mary D. Long

Administrative Law Judge

**C-2018-3004165 ET AL; MICHAEL DEEGAN ET AL v. KNOX ENERGY COOPERATIVE ASSOCIATION INC**

*(Revised 12/5/18)*

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1. C-2018-3004411. [↑](#footnote-ref-1)
2. OCA Motion, Paragraph 5. [↑](#footnote-ref-2)