


COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560

 @pa\_oca

 /pennoca

FAX (717) 783-7152  
consumer@paoca.org

June 4, 2019

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission  
v.  
Philadelphia Gas Works  
Docket No. R-2019-3009016

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Harrison W. Breitman".

Harrison W. Breitman  
Assistant Consumer Advocate  
PA Attorney I.D. # 320580  
E-Mail: [HBreitman@paoca.org](mailto:HBreitman@paoca.org)

Enclosures:

cc: Honorable Marta Guhl, ALJ  
Certificate of Service  
\*273647

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :  
 :  
 v. : Docket No. R-2019-3009016  
 :  
 Philadelphia Gas Works :

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 4<sup>th</sup> day of June 2019.

SERVICE BY E-MAIL and INTER-OFFICE MAIL

The Honorable Marta Guhl  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
801 Market Street  
Philadelphia, PA 19107

Gina Miller, Esquire  
John Coogan, Esquire  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

SERVICE BY E-MAIL and FIRST CLASS MAIL, POSTAGE PREPAID

Daniel Clearfield, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101

Shelby A. Linton-Keddie  
Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101

Charis Mincavage, Esquire  
Alessandra L. Hylander, Esquire  
Adelou A. Bakare, Esquire  
McNees Wallace & Nurick, LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108

Brandon Pierce, Esquire  
Philadelphia Gas Works  
800 West Montgomery Avenue  
Philadelphia, PA 19122

/s/ Harrison W. Breitman  
Harrison W. Breitman  
Assistant Consumer Advocate  
PA Attorney I.D. # 320580  
E-Mail: [HBreitman@paoca.org](mailto:HBreitman@paoca.org)

Counsel for Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

Lauren M. Burge  
Assistant Consumer Advocate  
PA Attorney I.D. 311570  
E-Mail: [LBurge@paoca.org](mailto:LBurge@paoca.org)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2019-3009016
	:	
Philadelphia Gas Works	:	

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PREHEARING MEMORANDUM  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. Section 333, and as directed by Administrative Law Judge (ALJ) Marta Guhl, the Office of Consumer Advocate (OCA) provides the following information:

**I. INTRODUCTION**

On April 5, 2019, Philadelphia Gas Works (PGW or Company) filed Tariff Supplement No. 120 to PA PUC No. 2. The purpose of PGW’s filing is to cancel all provisions for Liquefied Natural Gas Service – Rate LNG and establish the availability, rates, and terms of service for a new negotiable rate for eligible customers under proposed Negotiated Liquefied Natural Gas Service – Rate LNG-N (Rate LNG-N).

On April 18, 2019, the Bureau of Investigation and Enforcement (I&E) filed a Formal Complaint. On April 25, 2019, the Office of Small Business Advocate filed a Formal Complaint. On May 9, 2019, the OCA filed a Notice of Intervention and Public Statement. On May 9, 2019 the Commission entered an Order suspending the filing until December 4, 2019 for investigation of the justness and reasonableness of PGW’s proposed tariff changes. On May 24,

2019, ALJ Guhl issued a Prehearing Order, in which a Prehearing Conference was scheduled for June 5, 2019. In accord with ALJ Guhl's Prehearing Order, the OCA submits this Prehearing Memorandum.

## **II. ISSUES AND SUB-ISSUES**

The OCA will investigate to determine whether PGW's proposed tariff changes, as proposed, are consistent with the Public Utility Code, Commission and other legal precedent, and are in the public interest. The OCA submits that the Commission should also examine whether the proposed Rate LNG-N is reasonable and in the best interest of PGW's customers.

The OCA specifically reserves the right to raise additional issues in this matter, as the Company has not yet submitted its testimony to set forth the complete factual basis for its proposed Rate LNG-N.

## **III. WITNESSES**

The OCA intends to present the Direct, Rebuttal and Surrebuttal testimony, as may be necessary, of Jerome D. Mierzwa in this proceeding. In order to expedite the resolution of this proceeding, the OCA requests that copies of all interrogatories, testimony and answers to interrogatories be mailed directly to Mr. Mierzwa at the following address, as well as mailing copies to counsel for the OCA.

Jerome D. Mierzwa  
Exeter Associates, Inc.  
Suite 300  
10480 Little Patuxent Parkway  
Columbia, MD. 21044  
Telephone: (410) 992-7500  
Fax: (410) 992-3445  
E-mail: [jmierzwa@exeterassociates.com](mailto:jmierzwa@exeterassociates.com)

The OCA specifically reserves the right to call additional witnesses, as necessary. As soon as the OCA has determined whether an additional witness or witnesses will be necessary

for any portion of its case, the Administrative Law Judge and all parties of record will be notified.

#### **IV. SERVICE ON OCA**

The OCA will be represented in this case by Assistant Consumer Advocates Lauren M. Burge and Harrison W. Breitman. Two copies of all documents should be served on the OCA as follows:

Harrison W. Breitman  
Lauren M. Burge  
Assistant Consumer Advocates  
Office of Consumer Advocate  
555 Walnut Street, 5<sup>th</sup> Floor Forum Place  
Harrisburg, PA 17101-1923  
Telephone: (717) 783-5048  
Facsimile: (717) 783-7152  
Email: [HBreitman@paoca.org](mailto:HBreitman@paoca.org)  
[LBurge@paoca.org](mailto:LBurge@paoca.org)

#### **V. DISCOVERY**

The OCA will initiate discovery upon receipt of the Company's testimony.

#### **VI. SCHEDULE**

The OCA will work with ALJ Guhl and the other parties to arrive at a reasonable procedural schedule for this matter.

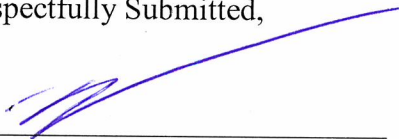
#### **VII. PUBLIC INPUT HEARINGS**

The OCA has not received any requests for public input hearings. However, if interest arises, the OCA will promptly notify the ALJ and the parties to request a public input hearing.

#### **VIII. SETTLEMENT**

The OCA is willing to participate in settlement discussions at the appropriate time in this proceeding.

Respectfully Submitted,



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Harrison W. Breitman  
Assistant Consumer Advocate  
PA Attorney I.D. # 320580  
E-Mail: [HBreitman@paoca.org](mailto:HBreitman@paoca.org)

Lauren M. Burge  
Assistant Consumer Advocate  
PA Attorney I.D. # 311570  
E-Mail: [LBurge@paoca.org](mailto:LBurge@paoca.org)

Counsel for:  
Tanya J. McCloskey  
Acting Consumer Advocate

Office of Consumer Advocate  
555 Walnut Street, 5th Floor Forum Place  
Harrisburg, PA 17101-1923  
Telephone: (717) 783-5048  
Facsimile: (717) 783-7152

Dated: June 4, 2019

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