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June 2, 2020

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: PA Public Utility Commission v. Columbia Gas of PA, Inc.  
Docket No. R-2020-3018835**

Dear Secretary Chiavetta:

Attached for filing is Columbia Gas of Pennsylvania, Inc.'s Answer to the Bureau of Investigation and Enforcement's Expedited Motion to Extend the Statutory Suspension Period in the above proceeding. Copies will be provided per the Certificate of Service.

Very truly yours,

Lindsay A. Berkstresser

LAB/kl  
Attachment

cc:

Honorable Kartrina Dunderale

Certificate of Service

Rosemary Chiavetta, Secretary

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Page 2

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2020-3018835
	:	
Columbia Gas of Pennsylvania, Inc.	:	

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**ANSWER OF COLUMBIA GAS OF PENNSYLVANIA, INC. TO  
THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S  
EXPEDITED MOTION TO EXTEND THE STATUTORY SUSPENSION PERIOD  
DURING THE EMERGENCY INTERRUPTION OF NORMAL OPERATIONS OF THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**TO ADMINISTRATIVE LAW JUDGE KATRINA L. DUNDERDALE:**

Pursuant to 52 Pa. Code § 5.61(a)(1) and the May 29, 2020 e-mail directive of Administrative Law Judge Katrina L. Dunderdale (“ALJ”), Columbia Gas of Pennsylvania, Inc. (“Columbia” or the “Company”) hereby submits its Answer to the “*Expedited Motion of the Bureau of Investigation and Enforcement to Extend the Statutory Suspension Period During the Emergency Interruption of Normal Operations of the Pennsylvania Public Utility Commission*” (“Motion”) filed by the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) on May 29, 2020, in the above-captioned proceeding.

In its Motion, I&E requests that the statutory suspension period for Columbia’s pending base rate proceeding be extended from January 23, 2021 to February 4, 2021. The ALJ should deny I&E’s Motion. I&E’s request to extend the statutory extension period is neither legal nor necessary.

There is no authority for the ALJ or the Commission to grant the relief that I&E is requesting in its Motion. Extension of the statutory suspension period as I&E requests is contrary to statute, appellate case law and the Commission’s own precedent. The seven-month suspension

period established in Section 1308(d) of the Public Utility Code, 66 Pa. C.S. § 1308(d) is mandatory, and proceeds by operation of law without Commission action. The Governor's Executive Order and the Commission's Emergency Order<sup>1</sup> do not provide the Commission with the discretion to extend the suspension period beyond the time provided by the statute.

Even if I&E's requested extension of the statutory deadline were permissible, which it is not, the requested extension is not needed. As explained herein, Columbia has demonstrated its willingness to cooperate with the other parties in the case to alleviate the concerns that have arisen as a result of the current COVID-19 emergency. The Commission itself has recognized that modifications to standard processes can be implemented to continue the operation of the Commission (*e.g.*, expansion of electronic filing and limitation of paper service).

For the reasons explained in this Answer, Columbia submits that I&E's request to involuntarily suspend the statutory suspension period is unlawful, and its Motion should be denied. However, to the extent that the ALJ believes that some relief should be granted to I&E, the Company proposes a reasonable alternative solution to address I&E's concerns. In the event that I&E's motion is granted, Columbia proposes that the statutory suspension period be extended to February 4, 2021 only for the purpose of extending the procedural schedule, and that any rate increase be made effective back to the original statutory suspension date of January 23, 2021. The alternative to I&E's proposal would allow I&E the additional time it seeks without depriving Columbia of recovering increased revenues and potentially harming the Company's financial position.

In support of its Answer, Columbia states as follows:

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<sup>1</sup> Emergency Order at Docket No. M-2020-3019262 (Order issued March 20, 2020).

## **I. BACKGROUND**

On February 19, 2020, Columbia submitted its Notice of Intent to file a general rate increase on or about March 20, 2020. The Commission docketed the Notice to R-2020-3018835.

On March 6, 2020, the Governor of the Commonwealth of Pennsylvania, Tom Wolf, issued a Proclamation of Disaster Emergency (“Executive Order”).

On March 15, 2020, Pennsylvania’s Deputy Secretary for Human Resources and Management issued an Executive Order that implemented telework protocols for state offices in Dauphin County and the Capitol Complex, including closing the Commission’s offices and the offices of I&E for a period of at least fourteen days, beginning on March 16, 2020.

On March 19, 2020, the Governor’s office issued an order closing all businesses that are not life sustaining.

On March 20, 2020, the Commission issued an Emergency Order at Docket No. M-2020-3019262 providing guidance on alternative procedural rules and deadlines during the pendency of the COVID-19 emergency. Specifically, the Emergency Order directs, in part, that “Parties to proceedings before the Commission are encouraged to cooperate regarding the suspension, extension, waiver or change of any regulatory, statutory or procedural deadlines in connection with the performance of any obligation prescribed by the Public Utility Code or other applicable law.” (Emergency Order, page 4). As part of the Commission’s response to the Executive Order, the Commission has adopted broader electronic filing practices, ceased paper service on and by the Commission for the duration of the emergency, and has encouraged other flexible procedures to allow the Commission to continue to operate through the emergency.

Due to the then-emerging COVID-19 crisis, Columbia voluntarily decided to delay the filing of its base rate case by thirty days. On March 24, 2020, Columbia filed for a waiver of 52

Pa. Code § 53.52(b)(2) and requested a thirty-day extension granting the Company authority to file data in support of a proposed increase in base rates based upon an historic test year ended November 30, 2019 on or before April 28, 2020.

By Secretarial letter dated March 27, 2020, the Commission granted Columbia's request.

On April 24, 2020, Columbia filed Supplement No. 307 to Tariff Gas PA. P.U.C. No. 9 ("Supplement No. 307") with the Commission. Supplement No. 307 was issued to be effective for service rendered on or after June 23, 2020. It proposed changes to Columbia's distribution base rates designed to produce an increase in annual revenues of approximately \$100.4 million based upon data for a fully projected future test year ending December 31, 2021 ("2020 Base Rate Case"). The filing was made in compliance with the Commission's regulations and Columbia's approved waiver, and contains all supporting data and testimony required to be submitted in conjunction with a tariff change seeking a general rate increase.

On April 27, 2020, I&E filed a Notice of Appearance. The Office of Small Business Advocate and the Office of Consumer Advocate filed formal complaints on May 4, 2020 and May 5, 2020, respectively. The Communication Action Association of Pennsylvania, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, and the Columbia Industrial Intervenors filed Petitions to Intervene.

On May 21, 2020, the Commission issued an Order pursuant to 66 Pa. C.S. §1308(d), suspending the filing by operation of law until January 23, 2021 ("Suspension Order").

On May 29, 2020, Columbia filed Tariff Supplement No. 310 in accordance with the Commission's Suspension Order.

A telephonic prehearing conference is scheduled for June 3, 2020.

On May 29, 2020, I&E filed its Motion requesting that the Commission extend the statutory suspension period. The ALJ directed that answers to I&E's Motion be submitted by 9 a.m. on June 2.

Also on May 29, 2020, the stay-at-home order was lifted in Dauphin County, Pennsylvania and the County began the reopening "yellow" phase under Governor Wolf's program that has allowed counties to move towards reopening business and government locations through a series of progressively less-restrictive reopening protocols under the Governor's Red-Yellow-Green designations.

Columbia is filing this Answer in response to I&E's Motion.

## **II. ANSWER TO MOTION**

### **A. I&E'S REQUEST TO EXTEND THE STATUTORY SUSPENSION PERIOD IS CONTRARY TO STATUTE, APPELLATE CASE LAW, AND COMMISSION PRECEDENT**

I&E's Motion seeks to obtain an involuntary extension of the suspension period. I&E's requested relief is unlawful. The suspension period in this proceeding is dictated by the plain language of Section 1308(d). The relevant portion of Section 1308(d) provides as follows:

If, however, [a final Commission] order has not been made at the expiration of such seven-month period, the proposed general rate increase shall go into effect at the end of such period, but the commission may by order require the interested public utility to refund, in accordance with section 1312 (relating to refunds), to the persons in whose behalf such amounts were paid, such portion of such increased rates as by its decision shall be found not justified, plus interest...

The General Assembly, in adopting the plain language of Section 1308(d), has already weighed the rights and interests of the public and of public utilities, and established a balance that is fair and reasonable. If no Commission order has been issued after the established suspension period, the filed rates become effective by operation of law, subject to refund.

Operation of law is an “obligation, power, or effect that would not exist but by the law.”<sup>2</sup> In considering the function of the suspension period, the Commonwealth Court has found that the General Assembly sought to recognize the balance between the privately-owned utility that is “affected with a public interest,” and to allow such privately-owned utilities to establish or initiate changes in the rates they charge for the public service by providing notice and an opportunity for the Commission to investigate.<sup>3</sup> The effect of the suspension period is a statutory mandate, with which the Commission must comply.

In order to ensure that customers are not harmed as a result of the implementation of the filed rates by operation of law, the General Assembly has provided two critical protections. The first is that the implemented rates are subject to refund upon the entry of a final Commission order. The second is that the refund must include interest accrued during the time the filed rates are in effect. When interpreting the predecessor statute to Section 1308(d), under nearly identical language concerning the operation of the suspension period, the Commonwealth Court held that where the filed rates become effective as an operation of law “the consumers are protected from any unreasonable rate level by virtue of the refund provisions.” *Commonwealth of PA, Pa. PUC and Philadelphia Electric Co. v. Commonwealth of PA*, 23 Pa. Commw. 566, 578; 353 A.2d 887, 893 (Cmnwlth. Ct. 1975). Thus, the public is protected from any portion of the rate increase that is eventually determined to be unreasonable.

I&E asks the Commission to grant an involuntary extension of the suspension period. However, the Commission does not have the authority to do so. The Commission is a “creature of statute” and, therefore, “has only those powers which are expressly conferred upon it by the

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<sup>2</sup> Operation of Law Definition, *The Wolters Kluwer Bouvier Law Dictionary Desk Edition* (Copyright 2012), available at Lexis Advance Research.

<sup>3</sup> See, generally, *Commonwealth of PA, Pa. PUC and Philadelphia Electric Co. v. Commonwealth of PA*, 23 Pa. Commw. 566, 578; 353 A.2d 887, 893 (Cmnwlth. Ct. 1975).



Legislature” through the Code, 66 Pa.C.S. Section 101 *et seq.*, and related statutes and “those powers which arise by necessary implication.” *Feingold v. Bell of Pa.*, 383 A.2d 791, 794 (Pa. 1977) (citing *Allegheny Cnty. Port Auth. v. Pa. PUC*, 237 A.2d 602 (Pa. 1967); *Del. River Port Auth. v. Pa. PUC*, 145 A.2d 172 (Pa. 1958)). The Commission may not waive a statutory requirement, even if such waiver is in the public interest. *See Phila. Suburban Water Co. v. Pa. PUC*, 808 A.2d 1044, 1056 (Pa. Cmwlth. 2002) (“[A]n agency cannot waive a mandate of statute because it is in the public interest.”); *see also Pennsylvania Elec. Co. v. Pa. PUC*, 663 A.2d 281, 285 (Pa. Cmwlth. 1995). Indeed, “a statutory command defines the public interest, and an administrative agency established to enforce that statutory command simply lacks the authority to issue countermand orders.” *Phila. Suburban Water Co.*, 808 A.2d at 1056. Therefore, the Commission generally lacks the authority to alter a substantive provision of law that was prescribed by the General Assembly.

Appellate case law establishes that the Commission does not have the power to extend the effective date of rates beyond the suspension period provided in the statute. *Bell Telephone Co. of Pa. v. Pa. PUC*, 452 A.2d 86 (Pa. 1982), *affirmed per curiam*, 482 A.2D 1272 (Pa. 1984). In addition, the Commission itself has acknowledged the statutory right to have new rates go into effect no later than the end of the suspension period. *Petition of Philadelphia Electric Company for Declaratory Order*, Docket No. P-890349, 1989 Pa PUC LEXIS 56 (Opinion and Order entered May 3, 1989).

In addition to being prohibited by statute, an involuntary extension of the statutory suspension period is not appropriate under the scope of Governor Wolf’s Executive Order. While the Executive Order has empowered the Commission to take necessary steps to address COVID-19, that grant of authority must still be subject to reasonable jurisdictional boundaries and

limitations – namely the Commission’s prescribed authority pursuant to the Public Utility Code.

The Executive Order provides for the suspension of:

[A]ny regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Thus, any change in an applicable statute must be procedural in nature and limited to those instances where strict compliance with the provision to be waived would impede the Commission’s response to the emergency identified in the Executive Order. I&E’s requested extension of the suspension period does not meet these conditions.

With respect to pending rate cases, the Commission’s Emergency Order states that the Administrative Law Judge may “establish reasonable deadlines under the circumstances.”<sup>4</sup> The Order does not indicate that the Commission can modify the statutory suspension period.

The Executive Order and the Emergency Order<sup>5</sup> specifically address procedural provisions. However, Section 1308(d) is a substantive statutory provision, and not a procedural one. As a general rule, the Pennsylvania Supreme Court has held that substantive law is the part of the law which creates, defines, and regulates rights, while procedural laws are those that address methods by which rights are enforced. *See, e.g., Morabito's Auto Sales v. Commonwealth*, 552 Pa. 291, 715 A.2d 384 (Pa. 1998); *Commonwealth v. Estman*, 591 Pa. 116, 915 A.2d 1191 (Pa. 2007).<sup>6</sup> Even

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<sup>4</sup> Emergency Order, p. 2.

<sup>5</sup> The Emergency Order states as follows: “These measures are intended to prevent regulatory or statutory procedural rules, including those providing for the calculation of time periods for final Commission action, from interfering with the overall conduct of Commission business in the public interest during the emergency.”

<sup>6</sup> The Courts of Pennsylvania have readily acknowledged that it may be difficult to demark the boundary between substantive and procedural provisions; they have also held that an individual sub-clause of a statute should not be read separately when determining whether a statute is substantive in nature. *See, e.g., Morabito's Auto Sales v. Commonwealth*, 552 Pa. 291, 715 A.2d 384 (Pa 1998). “A statutory provision must be interpreted as a whole rather than considered in fragments that, if read alone and out of context, could be construed to ignore the intent of the overall

where a law may appear to be procedural in nature, such as establishing filing deadlines, the Supreme Court of Pennsylvania has found that it is substantive when it affects a party's rights. *See, e.g., Commonwealth v. Morris*, 565 Pa. 1, 29, 771 A.2d 721, 738 (Pa. 2001) (finding that a statute that appeared to be setting forth a procedural process defined the circumstances for securing substantive rights). Section 1308(d) defines a utility's ability to obtain rate relief, and the timing of when such rate relief is reasonably anticipated.

The Commonwealth Court has concluded that utility rate increases involve substantial property rights. *See Allegheny Ludlum Steel Corp. v. Pennsylvania Public Utility Commission*, 67 Pa. Commonwealth Ct. 400, 447 A.2d 675 (1982), *affm'd* 459 A.2d 1218 (1983). The Court has also acknowledged that the Commission cannot deny a utility's rate increase beyond the end of the suspension period, even when further administrative filings are required to effectuate the increase. *See Bell Tel. Co. v. Pa. P.U.C.*, 69 Pa. Commw. 554; 452 A.2d 86 (Cmwlth. Ct. 1982) (rejecting a Commission Order that prevented the application of newly authorized base rates until the approval of a compliance filing after the end of the statutory suspension period). The right to rate relief is a substantive right held by the utility, and thus any change to the timing of the utility's anticipated rate relief would be a change in substantive law. The operation of the suspension period established in 1308(d) has never been considered waivable through involuntary means because substantive rights are affected. This is particularly relevant with respect to Columbia's rate filing in this proceeding. Columbia already has lost over five weeks of additional base rate revenues due to its proactive efforts to postpone its base rate filing at the beginning of the COVID-19 crisis.<sup>7</sup> As a result, the Executive Order and Emergency Order do not apply to the suspension

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provision." *See* 1 Pa.C.S. § 1921(a) (effect should be given to all of a statute's provisions when ascertaining legislative intent); *Elizabeth Township Sanitary Authority Case*, 413 Pa. 502, 507, 198 A.2d 304, 306 (1964) (individual sentences that together constitute a statutory section must be read in context with the section in its entirety).

<sup>7</sup> As indicated in Columbia's Notice of Intent, Columbia anticipated filing its base rate case on March 20, 2020.

period because it is not merely procedural, and those Orders should not be used as a basis for concluding that the suspension period may be extended in this proceeding.

I&E argues in its Motion that based on Governor Wolf's Executive Order, the Commission should act to waive the statutory protections afforded by Section 1308(d). Governor Wolf's Executive Order authorized the waiver of procedural provisions if strict compliance with those provisions will impede the ability of an agency to respond appropriately to the protocols put in place to address COVID-19. Even assuming *arguendo* that the suspension period established in Section 1308(d) is a procedural component of the law rather than a substantive component of the law, altering the suspension period established by Section 1308(d) is not necessary in order to respond to COVID-19. The Commission has successfully modified its operations to ensure that proceedings can continue in a timely manner and in accordance with statutory deadlines. For example, the Commission has modified its service procedures to provide for only electronic service of documents and is scheduling evidentiary hearings to be held virtually in other proceedings. There is no evidence that an extension of the suspension period is necessary to facilitate the Commission's ability to respond to COVID-19, as required by Governor Wolf's Executive Order.

The plain language of Section 1308(d) shows that the General Assembly already considered circumstances where a Commission order might not be issued prior to the end of the suspension period and has provided a remedy that protects the public and the public utility. Section 1308(d)'s refund with interest, after the suspension period expires, strikes the appropriate balance. The Executive Order and Emergency Order do not provide a basis for altering this substantive provision of law. I&E has not provided any legal basis for an extension of the suspension period, and therefore I&E's Motion to extend the suspension period should be rejected.

**B. I&E'S REQUEST TO SUSPEND THE STATUTORY SUSPENSION PERIOD IS UNNECESSARY**

In its Motion, I&E argues that the Commission should extend the statutory suspension period for this proceeding because the closure of the Commission's physical office has "rendered it difficult for I&E, as a statutory party in this base rate proceeding, to investigate and analyze the requested base rate increase within the statutory nine-month time period." Motion ¶ 15.

The Company acknowledges that the Commonwealth's response to COVID-19 will require that I&E and the other parties to this proceeding adapt the way that they conduct litigation before the Commission. However, as part of this proceeding, Columbia has taken several steps to accommodate those parties working remotely. These steps include making the Company's entire base rate filing available electronically, agreeing to an abbreviated response time for discovery, serving documents, including all discovery responses, and sending communications electronically, and providing access to an online data room that Columbia utilizes to post discovery responses. Per I&E's request, Columbia has also mailed hard copies of the entire base rate filing to the home addresses of I&E's witnesses to ease their review of the filing. Columbia will also work with I&E as it has done in another recent case to provide I&E employees with access to proprietary information while working remotely.<sup>8</sup> These interim solutions developed by Columbia will allow the parties to fully participate in this case within the statutory suspension period.

I&E points to the coinciding rate cases filed by other Pennsylvania utilities to support its argument that the statutory suspension period for their case should be extended. Motion ¶ 20. Columbia has no control over when other utilities file rate cases and this should not be a basis to grant an involuntary extension of the suspension period. It is not uncommon for multiple rate proceedings to be pending before the Commission at one time.

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<sup>8</sup> *Pa. PUC v. Columbia Gas of Pennsylvania*, Docket No. R-2020-3018993 (1307(f)).

I&E also expresses concern over whether public input hearings can be held. Motion ¶ 22. Columbia notes that the Commission has previously held virtual public input hearings without “in-person” participation even prior to the COVID-19 pandemic. The Commission has scheduled a public input hearing to be held virtually in early June in another utility’s pending rate proceeding.<sup>9</sup>

I&E contends that the suspension period should be extended so that it can explore any impact of the Governor’s Emergency Order on Columbia’s non-emergency infrastructure improvements and the Company’s revenue requirement. Motion ¶ 23. I&E also contends that it must explore Columbia’s uncollectible expense and low-income programs considering the changing economy. Motion ¶ 24. I&E may explore any such impacts through the ongoing discovery process. Further, I&E can discuss any impacts in its direct testimony and propose any adjustment that would be appropriate as a result of the identified impacts. These are not reasons to extend the suspension period.

Columbia is willing to work with I&E and other parties to make further reasonable accommodations that will enable this case to continue in a timely manner. While review of Columbia’s base rate filing at this time may be challenging, it is not impossible. In its Motion, I&E admits that there are “telework” and work from home provisions in place for Commission employees, including I&E. Motion ¶ 19. I&E further states that its “employees are willing and able to review and analyze the Company’s rate increase data from home.” Motion ¶ 19.

Finally, I&E’s request to involuntarily extend the suspension period is not necessary even if the Commission does not act within the suspension period. Importantly, Section 1308(d) does not contain a time period for final Commission action; it contains a time period for implementation of rates, subject to refund once a final Commission action has occurred. The suspension period

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<sup>9</sup> *Pa. PUC v. UGI Utilities, Inc. – Gas Division*, Docket No. R-2018-3006814 (March 19, 2019 Public Input Hearing Notice).

itself is not a mandate that the Commission must act prior to the end of the suspension period. In fact, the statute specifically addresses situations where the Commission does not act before the end of the suspension period, by providing customers with refunds and interest once a final order is entered.

**C. COLUMBIA PROPOSES AN ALTERNATIVE SOLUTION TO ADDRESS THE CONCERNS RAISED BY I&E.**

While the Commonwealth's response to the COVID-19 emergency in Pennsylvania has changed the standard operation of the Commission, it is not in the public interest to suspend the statutorily established deadline in this proceeding. The requested increase is necessary to recover the revenue requirement associated with the capital the Company has invested, and will continue to invest, in its facilities to provide safe and reliable service as part of its accelerated pipeline replacement program. Columbia has already lost the opportunity for increased revenues for over five weeks, from mid-December to late January, as a result of its delay of the rate filing in recognition of the then-emerging COVID-19 situation. Another twelve days would further exacerbate the revenue loss that Columbia will experience. This extension request is particularly impactful, given that it falls directly within the Company's peak winter sales period.

If I&E's requested relief is granted, Columbia's finances could suffer as a result. Under the current statutory suspension period, Columbia may be able to place new rates in effect by January 23, 2021. Under I&E's involuntary extended suspension period, Columbia may be forced to wait until February 4, 2021 to place new rates in effect. This delay in implementing new rates would cause a revenue loss of approximately \$5 million based on the full amount of Columbia's requested rate increase and current throughput projections.

For the reasons stated in the previous sections of this Answer, I&E's requested relief is unlawful and unnecessary, and its Motion should be denied. However, to the extent that the ALJ

believes that some relief should be granted to I&E, the Company proposes an extension of the suspension date to February 4, 2021, allowing for an extension of the procedural schedule, but any increase would be effective back to the original suspension date of January 23, 2021. In the event Columbia's base rate increase is settled and the settlement is approved prior to January 23, 2021, nothing will be needed to implement new base rates by the original suspension date. If the case is not resolved prior to January 23, 2021, Columbia's proposal would be implemented using a retroactive billing adjustment. Retroactive billing adjustments are common in fully-litigated base rate proceedings, because new base rates are not permitted to be billed until the utility's compliance filing is approved. *See, e.g., Bell Tel. Co. v. Pa. P.U.C.*, 69 Pa. Commw. 554; 452 A.2d 86 (Cmwlth. Ct. 1982). Moreover, Columbia's proposed procedure has been used in at least one prior base rate proceeding. *See, e.g., Pa. PUC v. West Penn Power Company, et al.*, Docket Nos. R-2014-2428742, et al. (Order issued October 22, 2014) (approving voluntary suspension of rates beyond statutory period provided that utility will recoup through a surcharge revenues lost at the final approved rates for the period from the end of the statutory suspension period through the date the Commission makes its approved rates effective by approving the requisite compliance filing).

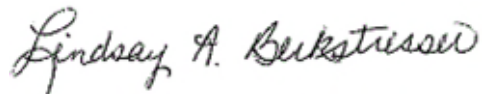
Such an approach would provide I&E with the extension to the procedural schedule that it requests without further depriving Columbia of increased revenues.



### III. CONCLUSION

WHEREFORE, Columbia Gas of Pennsylvania, Inc. respectfully requests that Administrative Law Judge Katrina L. Dunderdale deny I&E's Motion to Extend the Statutory Suspension Period. However, to the extent that the ALJ believes that some relief should be granted to I&E, the Company proposes that the suspension date be extended to February 4, 2021, only for the purpose of extending the procedural schedule, but any increase would be made effective back to the original statutory suspension date of January 23, 2021.

Respectfully submitted,



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Date: June 2, 2020

## VERIFICATION

I, Andrew S. Tubbs, Vice President for External and Customer Affairs for Columbia Gas of Pennsylvania, Inc., hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements made herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: June 2, 2020

  
\_\_\_\_\_  
Andrew S. Tubbs  
Vice President for External and  
Customer Affairs  
Columbia Gas of Pennsylvania, Inc.

**CERTIFICATE OF SERVICE  
(R-2020-3018835)**

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL**

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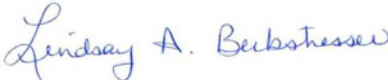
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Date: June 2, 2020

\_\_\_\_\_  
Lindsay A. Berkstresser