**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2020-3018835

Office of Consumer Advocate : C-2020-3019702

Office of Small Business Advocate : C-2020-3019714

Columbia Industrial Intervenors : C-2020-3020105

Michael Pikus: C-2016-2538843

:

v. :

:

Columbia Gas of Pennsylvania, Inc. :

**PREHEARING ORDER**

On April 24, 2020, Columbia Gas of Pennsylvania, Inc. (Columbia) filed Supplement No. 307 to Tariff Gas Pa. P.U.C. No. 9 at Docket No. R-2020-3018835, with an effective date of January 23, 2021. Columbia proposed to increase overall rates by approximately $100.4 million per year, or 17.54% over present revenues. Columbia’s proposal, if granted, would increase the average residential customer bill from $87.57 to $103.19, or by approximately 17.84%. Columbia also proposed to increase the residential fixed monthly charge from $16.75 to $23.00.

On April 27, 2020, the Bureau of Investigation & Enforcement (BIE) filed a Notice of Appearance. On May 4, 2020, the Office of Small Business Advocate (OSBA) filed a public statement and formal complaint at Docket No. C-2020-3019702. On May 5, 2020, the Office of Consumer Advocate (OCA) filed a public statement and formal complaint at Docket No. C-2020-3019714.

On May 14, 2020, Community Action Association of Pennsylvania (CAAP) filed a Petition to Intervene representing Pennsylvania’s community action agencies that provide anti-poverty planning and community development activities for low-income communities and services to individuals and families who are customers of Columbia.

On May 18, 2020, the Coalition for Affordable Utility Services and Energy-Efficiency in Pennsylvania (CAUSE-PA) filed a Petition to Intervene, representing low- and moderate-income individuals and advocating on behalf of its members to enable consumers of limited economic means to connect to and maintain affordable water, electric, heating, and telecommunication services

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By Order entered May 21, 2020, the Commission suspended the implementation of Supplement No. 241 by operation of law, pursuant to 66 Pa.C.S.A. § 1308(d), until January 23, 2021, unless permitted by Commission Order to become effective at an earlier date, and instituted an investigation into the lawfulness, justness, and reasonableness of the rates, rules, and regulations proposed in Supplement No. 241.

On May 22, 2020, the Office of Administrative Law Judge (OALJ) scheduled a prehearing conference to be conducted telephonically on Tuesday, June 3, 2020 at 9:00 a.m. Also, on May 22, 2020, the presiding officer issued the Prehearing Conference Order which provided procedural information for the prehearing conference on June 3, 2020.

On May 29, 2020, the Columbia Industrial Intervenors (CII), on behalf of its members (Hanover Foods Corporation, Knouse Foods Cooperative, Inc. and RHI Magnesita), filed a formal complaint at Docket No. C-2020-3020105.

On May 29, 2020, BIE filed an Expedited Motion to Extend the Statutory Suspension Period During the Emergency Interruption of Normal Operations of the Pennsylvania Public Utility Commission (Motion to Extend). BIE asked Chief Administrative Law Judge Charles Rainey (Chief ALJ Rainey) to grant an extension of the suspension period from January 23, 2021 to February 4, 2021 pursuant to the Commission’s Emergency Order at Docket No.

M-2020-3019262, dated March 20, 2020 and ratified by the Commission on March 26, 2020.

Thereafter, on May 29, 2020, Administrative Law Judge Katrina L. Dunderdale (ALJ Dunderdale or the presiding officer) issued an email directive to the parties, requesting responses from all parties to the Motion to Extend on or before 9:00 a.m. on June 2, 2020. The presiding officer also requested the parties meet prior to the prehearing conference in order to ascertain if the parties could all agree on what the appropriate suspension date should be.

On June 3, 2020, the presiding officer conducted a call-in telephonic prehearing conference with the parties in which various procedural matters were discussed and a litigation schedule was established. Due to the ongoing Covid-19 pandemic, the participants appeared via telephone. Present during the call-in telephonic prehearing conference were counsel representing the following: Columbia Gas; OCA; OSBA; BIE; CII; CAAP; and CAUSE-PA.

Initially, the parties were joined by Chief Administrative Law Judge Charles Rainey for the purpose of hearing oral argument concerning BIE’s filing of the Motion to Extend. The parties were provided with an opportunity to state their relative positions on the record. After a short 15-minute recess, Chief Administrative Law Judge Charles Rainey ruled orally BIE’s request to extend the statutory suspension period by twelve (12) days, or until February 4, 2021, was reasonable under the circumstances. Thereafter, Chief Administrative Law Judge Charles Rainey issued an Order on June 3, 2020, in which he granted 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, in *Pennsylvania Public* *Utility Commission v. Columbia Gas of Pennsylvania, Inc*., Docket No. R-2020-3018835 and extended the suspension period for resolution of this case by twelve (12) days from January 23, 2021 to February 4, 2021.

Thereafter, the parties addressed the procedural matters including: the procedural schedule; service of documents; identification of witnesses and subject area of testimony; location, method and start time of hearings; need for public input hearings including the method of meeting and the dates for a public input hearing; discovery modifications; the official service list; consolidation of formal complaints filed against the base rate proceedings; and two petitions to intervene. This prehearing order memorializes those matters discussed by the parties during the prehearing conference on June 3, 2020 and the various decisions of the presiding officer where no decision could be reached.

Consolidation

The following cases were docketed separately as complaints but arose from Columbia’s base rate filing. These complaints will be consolidated into the proceeding docketed at Number R-2020-3018835, pursuant to 52 Pa.Code § 5.81, in the Ordering Paragraphs which follow:

Office of Small Business Advocate at C-2020-3019702

Office of Consumer Advocate at C-2020-3019714

Columbia Industrial Intervenors at C-2020-3020105

Petitions to Intervene

To date, petitions to intervene have been filed by two entities: CAAP and CAUSE-PA. No party objected to the granting of the petitions. Accordingly, the petitions to intervene were granted and this judicial grant will be confirmed in the Ordering Paragraphs, herein.

Identification of Company Filing

The Company will identify its filing, including the marking of statements and exhibits, when it presents the filing at the start of the initial hearing.

Procedural Schedule

The parties attending the prehearing conference could not agree to a litigation schedule but subsequent to the prehearing conference reached an agreement. The litigation schedule is outlined below. All due dates are for service “in-hand” by 4:00 p.m. Electronic or

e-mail service will satisfy the “in-hand” requirement if done by 4:00 p.m. Electronic or e-mail service **will not be followed** by service of a hard copy by first-class mail due to ongoing

Covid-19 pandemic issues and the continued telework by all parties including the presiding officer – unless so directed by the presiding officer in a subsequent communication.

**Litigation Schedule**

Telephonic Public Input Hearings July 1, 2020

Other Party’s Direct Testimony July 28, 2020

Written Rebuttal Testimony August 26, 2020

Written Surrebuttal Testimony September 16, 2020

Written Rejoinder Outlines September 21, 2020

Hearings – Telephonic September 22-24, 2020

Close of Record September 24, 2020

Main Briefs October 16, 2020

Reply Briefs October 30, 2020

Last Public Meeting before suspension date February 4, 2020

Service of Documents

The above filing dates are all in-hand dates (by 4:00 p.m.) to the parties and the presiding officer. The parties are also directed to provide an e-version (Word 2007 or earlier compatible version) to any technical advisors in the Commission’s Bureau of Technical Utility Services once informed by the presiding officer as to who they are. In addition, the Company is directed to supply an e-version of its Petition and previously filed testimony to the presiding officer. All parties are reminded to serve the Administrative Law Judge directly with all filed documents, and to provide an e-version as well which is Word 2007 or earlier compatible version.

Upon agreement of the parties and with the concurrence of the Administrative Law Judge, service of documents made via electronic mail (by 4:00 p.m.) on the due date will be considered in-hand service. In the event a party does not or cannot accept service via electronic mail, and that party is not located in Harrisburg, the parties will effectuate service as soon as practicable, as directed by the presiding officer.

This Commission’s requirements for the preparation and filing of written testimony and related exhibits are set forth in 52 Pa.Code § 5.412. In addition, the lines and pages are to be numbered. In the event the effects of the Covid-19 pandemic continue at the time of the evidentiary hearing, the presiding officer will provide additional direction concerning how the parties are to file written testimony and related exhibits.

Evidentiary Hearings

The evidentiary hearings scheduled will commence at **9:00 a.m.** on each day, beginning on **Wednesday, September 30, 2020** and continue through **Thursday, October 1, 2020**. The parties must inform the presiding officer before **Monday, September 28, 2020,** in the event the parties intend to submit little or no new testimony at the evidentiary hearing with no more than limited cross examination anticipated.

Witness Lists

The presiding officer requested, and the utility agreed, that the utility will coordinate an agreement amongst the parties as to the order of witnesses, with the general understanding the utility’s witnesses usually go first. Counsel for the utility will provide that list to the presiding officer on or before **Monday, September 28, 2020**.

Any party which has not set forth its witness list, including the subject area of proposed testimony, in its Prehearing Memorandum must provide that information to the presiding officer and the other parties no later than two (2) weeks prior to the due date for direct testimony. Motions with respect to written testimony must be presented in writing no later than 24 hours prior to the day the witness is scheduled to testify.

Public Input Hearings

OCA requested a public input hearing in the territory served by Columbia. OCA noted it has not received any consumer requests for a public input hearing although OCA noted it previously had received such requests in prior base rate proceedings involving Columbia from individuals who reside in Allegheny County, Butler County and Greene County.

Commission policy provides at least one public input hearing should be held in a utility’s service area if the Commission determines there is substantial public interest in a rate proceeding. 52 Pa.Code § 69.321(b). I find substantial public interest in this proceeding exists to warrant holding two public input hearings on one day, and those public input hearings will be scheduled as agreed-upon the parties.

On June 5, 2020, the parties informed the presiding officer they agreed two public input hearings could be conducted at 1:00 p.m. and 6p.m. on Wednesday, July 1, 2020. Due to the Covid-19 pandemic’s effect, these hearings will be conducted by telephone.

Columbia agreed to provide the conferencing platform (Zoom) with which to conduct the hearings. In addition, Columbia agreed to advertise the public input hearing in a timely fashion via Columbia’s website, Facebook page, Twitter account and newspaper publications. These notices shall provide instructions on how customers can register with OCA to sign up as witnesses and how to attend as observers or listeners only. The notices shall indicate that registration as a witness must be done by **noon** on **June 30, 2020**.

Columbia will be ordered to publish notice of the date, time and registration instructions for the public input hearings in at least one newspaper of general circulation in the service territory, weekly, for two consecutive weeks, beginning with the week of **June 14, 2020**. PWSA is further ordered to file proof of publication with the Commission’s Secretary’s Bureau. Prior to the public input hearings on July 1, 2020, Columbia is to file with the Secretary’s Bureau a document which provides the wording of the public input hearing announcement, where it appeared and on what dates.

OCA agreed to be responsible to coordinate with the parties and obtain a witness list for the proceeding, which list will be provided to the presiding officer and all parties by **4:00** **p.m.** on **Tuesday, June 30, 2020**.

Columbia will provide the presiding officer with a copy of the written registration instructions, provided to witnesses who want to testify and the instructions provided to those who wish to observe (i.e., listen) the public input hearings, no later than **June 24, 2020.**

Discovery

The parties agreed to modify discovery rules as proposed by OCA in Section II of its prehearing memorandum and those modifications are included here as if set out in full. Furthermore, all parties are urged to engage in informal discovery whenever possible. This Commission’s procedures for discovery are set forth in 52 Pa.Code §§ 5.321 *et seq.* The presiding officer will rule on objections to discovery in an expeditious manner and may do so as part of an informal telephone conference. The parties **should not** send discovery material **or cover letters** to the presiding officer unless attached to a motion to compel. All motions to compel **must** contain a certification from counsel setting forth the informal steps taken to resolve the dispute including dates and times.

Stipulations

The parties are to engage in discussions with each other prior to the date of the evidentiary hearings and be prepared to submit into the record all stipulations as to facts. The stipulations must be in writing and signed by respective counsel for the parties.

Settlements

This Commission encourages settlements. 52 Pa.Code § 5.231(a). In this case a joint settlement petition should be served on the presiding officer on or before the date set for filing reply briefs (*i.e*., October 30, 2020).

Briefs

The parties should comply with the briefing requirements set forth in 52 Pa. Code §5.501 *et seq.* and as further specified in Attachment A (“Special Instructions for Briefs and Exceptions in Major General Rate Increase Proceedings”). Please provide the Administrative Law Judge and the Fixed Utility Services’ advisors with one printed copy (if the CoVid19 pandemic permits service of hard copies by that date) and one electronic copy of each brief and reply brief in a format compatible with the Word 2007 format. Page limitations and the use of a common brief outline will be discussed with the parties on the last day of hearings or, in the event of a settlement, by separate interim order.

Official Service List

The official service list will be comprised of those parties in attendance at the Prehearing Conference on June 3, 2020, and any additional parties whose future formal complaint is consolidated herein by separate order. Each party will be limited to one address on the service list. A complete service list is attached hereto.

THEREFORE,

IT IS ORDERED:

1. That the procedural schedule and other matters set forth herein are adopted for this proceeding.

2. That, except for requests reasonably made during a hearing, any requests for a change in the scheduled dates must be submitted to the Administrative Law Judge in writing no later than five (5) business days prior to the scheduled date. 52 Pa.Code § 1.15(b). Requests for changes must establish good cause, must state the agreement or opposition of other parties, and must be sent to the presiding officer and all parties of record.

3. That the Petitions to Intervene of Community Action Association of Pennsylvania and Coalition for Affordable Utility Services and Energy-Efficiency in Pennsylvania are granted.

4. That evidentiary hearings will be scheduled in this proceeding to be conducted telephonically starting at **9:00 a.m**. on each day from **September 30, 2020 through October 1, 2020**.

5. That two public input hearings shall be conducted telephonically on Wednesday, July 1, 2020 at 1:00 p.m. and 6:00 p.m. A scheduling notice will be issued by the Office of Administrative Law Judge which specifies the date, time, and method for participation for the public input hearing.

6. That Columbia Gas of Pennsylvania, Inc. will advertise the public input hearings in a timely fashion. Columbia Gas of Pennsylvania, Inc. will work with any interested party in the wording of the public input hearing announcements, plus where and how the public input hearing announcements will be published and/or broadcast. Prior to the initial public input hearing, Columbia Gas of Pennsylvania, Inc. will file with the Secretary’s Bureau a document which provides the wording of the public input hearing announcement, where it appeared and on what dates.

7. That the rate proceeding docketed at No. R-2020-3018835 is consolidated with the formal complaints docketed below:

Office of Small Business Advocate at C-2020-3019702

Office of Consumer Advocate at C-2020-3019714

Columbia Industrial Intervenors at C-2020-3020105

Date: June 12, 2020 /s/ Katrina L. Dunderdale

Administrative Law Judge

**R-2020-3018835 et al - PA PUBLIC UTILITY COMMISSION v. COLUMBIA GAS OF PENNSYLVANIA INC**

*Revised 6/2/20*

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