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June 23, 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 Petition for Reconsideration of the Chief Administrative Law Judge's June 3, 2020 Order Extending the Statutory Suspension Period in the above proceeding. Copies will be provided per the Certificate of Service.

Respectfully,

Lindsay A. Berkstresser

LAB/kl
Attachment

cc: Honorable Katrina Dunderdale
Certificate of Service

**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.)

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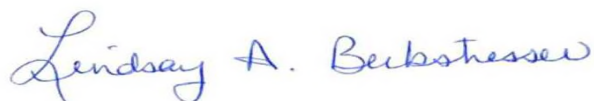
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Date: June 23, 2020

Lindsay A. Berkstresser

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PETITION OF COLUMBIA GAS OF PENNSYLVANIA, INC. FOR
RECONSIDERATION OF THE CHIEF ADMINISTRATIVE LAW JUDGE’S JUNE 3,
2020 ORDER EXTENDING THE STATUTORY SUSPENSION PERIOD**

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.44 and the June 3, 2020 Order issued by Chief Administrative Law Judge Charles E. Rainey Jr. (the “Chief ALJ”), Columbia Gas of Pennsylvania, Inc. (“Columbia” or the “Company”) hereby submits this Petition for Reconsideration¹ of the Chief ALJ’s ruling (hereinafter referred to as the “Extension Order”) granting the Bureau of Investigation and Enforcement’s (“I&E”) request to involuntarily extend the statutory suspension period for Columbia’s general rate increase filing. The Extension Order involuntarily postpones the suspension period for Columbia’s general rate increase from the statutorily established suspension date of January 23, 2021 to February 4, 2021.

The Extension Order is contrary to statute, appellate case law and the Commission’s own precedent. The Governor’s Executive Order² and the Commission’s Emergency Order³ do not

¹ Although styled a Petition for Reconsideration in accordance with Section 5.44 of the Commission’s regulations, the applicable legal standard is that the moving party has the burden of proof. *See, e.g., Application of Airquest*, Docket No. A-2015-2493073 (Order entered December 8, 2016) (request for reconsideration of secretarial letter denying application for failure to comply with conditions); *Application of Dep’t of Transportation (Norfolk)*, Docket No. A-2018-3003795 (November 19, 2019) (request for reconsideration of secretarial letter approving application with conditions). The *Duick* standard is inapplicable, as that scope of review is applicable only to requests for reconsideration of final Commission decisions pursuant to Section 703 of the Public Utility Code. *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553 (1982)

² Proclamation of Disaster Emergency (March 6, 2020).

provide a basis for extending the suspension period beyond the time provided by statute. Despite its opposition to extending the statutory suspension period, Columbia presented a reasonable alternative to I&E's request, which would have granted I&E's request for an extension of the procedural schedule, but allow Columbia to implement compliance rates after approval by the Commission, effective as of January 23, 2021, the end of the statutory suspension period. This proposal, which was agreed to on the record by I&E, the moving party, was not even addressed in the Extension Order.

For the reasons explained in this Petition for Reconsideration, Columbia submits that the Extension Order is improper and should be reversed insofar as it extends the effective date of new rates beyond January 23, 2021. In support of its Petition, Columbia states as follows:

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 at 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 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

³ Emergency Order at Docket No. M-2020-3019262 (Order issued March 20, 2020).

with the performance of any obligation prescribed by the Public Utility Code or other applicable law.” (Emergency Order, page 4). The Emergency Order further provides that “in pending rate case litigation, the Chief ALJ is authorized to establish reasonable deadlines under the circumstances after consideration of the positions of the parties and the presiding Administrative Law Judge. The Chief ALJ’s decision would then be subject to review by the Commission.” (Emergency Order, page 2). 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 decided to voluntarily request a delay to the filing of its general rate case. 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, 2020.⁴

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

On April 24, 2020, approximately five weeks after its original intended filing date, 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,

⁴ December 20, 2020 would have been the effective date of rates after full statutory suspension had Columbia filed its general rate increase on March 20, 2020 as it originally intended.

and contained 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 (“OCA”) 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 (“CII”) 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.

On May 29, 2020, I&E filed an Expedited Motion (“I&E’s Motion”) requesting that the Commission extend the statutory suspension period until February 4, 2021. In support of its Motion, I&E stated that additional time is needed to review the rate filing and present I&E’s case given that I&E’s staff members are currently working from home. Motion ¶ 15.

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. Effective June 19, 2020, Dauphin County was moved into the ‘green’ phase, and all of Columbia’s service territory has been, or is scheduled to move, to the “green” phase.

Pursuant to Presiding Administrative Law Judge Katrina Dunderdale's ("ALJ Dunderdale") directive, answers to I&E's Motion were due by 9 a.m. on June 2.

Columbia and OCA filed Answers to I&E's Motion. Columbia's Answer proposed, as an alternative to involuntarily extending the statutory suspension period, that the procedural schedule be extended to allow consideration of the case at the Commission's February 4, 2021, Public Meeting, with compliance rates to become effective as of January 23, 2021, the end of the statutory suspension period.

A telephonic prehearing conference was held on June 3, 2020, with ALJ Dunderdale presiding and the Chief ALJ participating. During the prehearing conference, the parties argued their respective positions on I&E's Motion. Columbia presented its alternative to I&E's request, which would extend the procedural schedule until February 4, 2021, but keep the effective date for the new rates as January 23, 2021, the end of the statutory suspension period. I&E, the moving party seeking the extension of the procedural schedule, agreed to Columbia's alternative proposal on the record⁵. After deliberation with ALJ Dunderdale, the Chief ALJ delivered his ruling granting I&E's Motion.

On June 3, 2020, the Chief ALJ issued the Extension Order granting I&E's Motion and involuntarily extending the statutory suspension period until February 4, 2021. The Extension Order made no reference to Columbia's alternative proposal that was agreed to by I&E on the record. The Extension Order indicated that any party seeking to challenge the Order should file a Petition for Reconsideration from Staff Action pursuant to Section 5.44 of the Commission's regulations within twenty days.

⁵ Tr. at p. 9.

Columbia is filing this Petition for Reconsideration of the Extension Order pursuant to 52 Pa. Code § 5.44.

II. ARGUMENT

A. THE EXTENSION ORDER EXCEEDS THE SCOPE OF THE COMMISSION'S EMERGENCY ORDER AND THE GOVERNOR'S EXECUTIVE ORDER BY WAIVING SECTION 1308(d) OF THE PUBLIC UTILITY CODE.

The Commission should reverse the Extension Order, insofar as it involuntarily extends the statutory suspension period to February 4, 2021, because involuntarily extending the suspension period in this case exceeds the scope of the Commission's Emergency Order and the Governor's Executive Order. The Commission's Emergency Order did not specifically authorize the waiver or modification of Section 1308(d) of the Public Utility Code. The Commission's Emergency Order provides authority to extend statutory or procedural deadlines where "it has [been] determined that strict adherence to an established deadline will interfere with its ability to administer the Public Utility Code." (Emergency Order, page 2, emphasis added). While I&E, other parties and the Commission may require more time than is typically needed to review the filing and issue a decision due to the current remote working environment⁶, such an extended review process does not require that Section 1308(d) of the Public Utility Code be waived.

Importantly, Section 1308(d) does not contain a time period for final Commission action. Rather, it contains a time period for implementation of rates, subject to refund once a final Commission action has occurred. The suspension period itself is not a mandate that the Commission must act prior to the end of the suspension period. In fact, the General Assembly

⁶ As more fully explained in Columbia's Answer to I&E's Motion, Columbia has taken several steps to accommodate those parties working remotely, including 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.

provided a specific solution in such instances – the proposed rates will go into effect subject to refund with interest. 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), 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 and are subject to refund with interest.

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.⁷ 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 setting the new rates. 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

⁷ 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).

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. Given these statutory protections, the Extension Order’s involuntary postponement of the effective date of rates is an unnecessary and improper circumvention of the statute, which already dictates what will happen if the Commission is unable to act on the proposed rates before the expiration of the suspension period provided in Section 1308(d).

Because the statute specifically addresses situations where the Commission does not act before the end of the suspension period, it is not necessary to waive the statute in order to provide I&E and the other parties with an extended procedural schedule in this proceeding. As such, the Commission’s ability to administer the Public Utility Code will not be hindered by the statutorily-prescribed suspension period for rates to become effective on January 23, 2021, and no change to that suspension period date is necessary. However, the Extension Order fails to consider that the statute anticipates situations in which the Commission cannot act on the base rate filing within the prescribed suspension period.

Further, the Extension Order is contrary to appellate case law, which has established 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).⁸ In addition, the Commission itself

⁸ The Commission is a “creature of statute” and, therefore, “has only those powers which are expressly conferred upon it by the 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

has acknowledged a utility's 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).

An involuntary extension of the statutory suspension date established under Section 1308(d) of the Public Utility Code exceeds the scope of the Executive Order as well, as a change to the rate effective date is not needed to enable the Commission to administer the Public Utility Code in the face of COVID-19.

While the Executive Order has empowered the Commission to take necessary steps to address COVID-19, that grant of authority must 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.

The Commission's Emergency Order similarly states:

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.

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.

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. The Extension Order's involuntary postponement of the statutory suspension period does not meet either of these conditions.

First, the statute that the Extension Order seeks to modify is not merely procedural in nature. Section 1308(d) is a substantive statutory provision. 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).⁹ Even 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*,

⁹ 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 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).

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.¹⁰ Under the Extension Order, Columbia would be deprived of an additional twelve days of base rate revenue at the new rates during the winter period when customer usage is significant. As a result, the Executive Order does not provide authority to modify the statutory suspension period established in 1308(d) because doing so would affect a substantive right.

Second, the suspension period established in Section 1308(d) would not "prevent, hinder or delay necessary action in coping with [the COVID-19] emergency."¹¹ The parties can review this base rate case and the Commission can issue an order without modifying the suspension

¹⁰ As indicated in Columbia's Notice of Intent, Columbia anticipated filing its base rate case on March 20, 2020. Instead, Columbia requested a thirty-day extension to file its base rate proceeding and was subsequently granted a waiver of 52 Pa. Code § 53.52(b)(2) by the Commission. Columbia did file its rate case on April 24, 2020, five weeks after the originally anticipated filing date.

¹¹ March 26, 2020 Executive Order.

period even if the Commission's decision is not issued before the expiration of the suspension period. As such, the Commission's ability to administer the Public Utility Code will not be hindered by the statutorily-prescribed suspension period for rates to become effective, and no change to that suspension period date is necessary.

Columbia anticipates that some parties may respond to this Petition by reference to the broad emergency powers affirmed by the Supreme Court in Pennsylvania in *Friends of Devito v. Wolf*, 2020 Pa. LEXIS 1987 (Pa. April 13, 2020), ("*Wolf*"), which involved challenges to social distancing measures, including the closure of certain businesses, that the Governor deemed necessary to slow the spread of the virus. However, *Wolf* is limited to a ruling on certain constitutional challenges to the authority of the Governor to issue an order closing or limiting the operation of certain non-life sustaining businesses and operations. It did not involve a challenge to any public utility operations, nor did it examine whether the Executive Order could alter a statutory right that was not necessary to be altered to respond to the COVID-19 Emergency.

To be clear, Columbia does not challenge the Chief ALJ's or the Commission's authority to extend the procedural schedule in this case. Columbia challenges the authority and need to extend the statutorily mandated suspension period.

B. THE EXTENSION ORDER FAILS TO ADDRESS COLUMBIA'S ALTERNATIVE PROPOSAL

In its Answer to I&E's Motion and during oral argument at the prehearing conference, Columbia presented a reasonable alternative proposal that would allow parties additional time in the procedural schedule without ultimately depriving Columbia of revenue from the new rates. The Extension Order overlooks and does not consider Columbia's proposal.

Despite Columbia's opposition to I&E's requested extension of the suspension period, Columbia proposed a compromise that provided for an extension of the procedural schedule that

would result in a Commission final decision on February 4, 2021, with any rate increase becoming effective as of the original suspension date of January 23, 2021. Upon approval of new rates, Columbia would implement a billing adjustment to recover the new rates back to the original suspension period date, similar to the types of billing adjustments that are common in fully-litigated base rate proceedings where 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). Columbia also explained that its proposed procedure has previously been used by the Commission in the consolidated base rate proceeding of the FirstEnergy Companies. *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).¹² Although not all parties were in favor of Columbia's proposal, I&E, the moving party, and CII indicated that they were agreeable with Columbia's proposal.¹³ Yet, the Extension Order fails to consider or even acknowledge Columbia's proposal.

In addition to being prohibited by law, good reason exists not to extend the suspension period in this proceeding. As Columbia explained in its Answer to I&E's Motion, the requested rate 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

¹² Although Columbia's alternative proposal is slightly different from the process set forth in Section 1308(d), it achieves the same substantive result. Furthermore, to the extent the Emergency Order authorizes a modification to the process set forth in Section 1308(d), it unquestionably must also authorize a billing adjustment back to the statutory suspension date.

¹³ Tr. at pp. 10, 15.

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, 2020 to late January, 2021, as a result of its voluntary delay of the rate filing in recognition of the then-emerging COVID-19 situation. The Extension Order's ruling to postpone the effective date of rates for another twelve days would further exacerbate the revenue loss that Columbia will experience, particularly given that it falls directly within the Company's peak winter sales period. The Extension Order does not take these factors into consideration. Not only does the Extension Order unlawfully grant an involuntary extension of the suspension period, it does so without even addressing Columbia's position.

Columbia anticipates that some parties may assert in response to this Petition that unemployment resulting from COVID-19 restrictions imposed under the Emergency Order justify a delay to the effective date of rates. Columbia is very cognizant of the hardships experienced by some of its customers, and has implemented and proposed a variety of programs to provide assistance.¹⁴ However, the need for targeted assistance for some customers is not a basis for violating the provisions of Section 1308(d) by involuntarily extending the statutory

¹⁴ To assist those customers affected by the pandemic, the Company has adapted many of its policies and procedures, which include: suspending all termination activity and delaying all late payment fees; relaxing reconnection guidelines on restoration quotes to assist customers needing hot water and heat during the pandemic; conducting Senior Wellness check phone calls to customers over 70 years old whose records indicate that they live alone; relaxing Hardship Fund and CAP guidelines to reduce barriers to enrollment; ceasing all company removals from the CAP program including non- payment, failure to re-verify income and failure to cooperate with weatherization; increasing communications about operations, payment assistance and programs including the LIHEAP recovery CRISIS program; and offering additional payment plan options for those customers seeking a non- budget plus payment plan.

In addition to these activities, the Company will continue to promote programs to all residential customers, and do targeted outreach for specific income eligible programs, such as outbound calling to LIHEAP Recovery CRISIS program eligible customers.

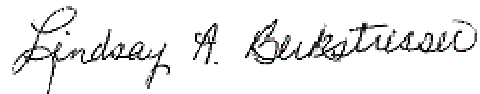
The Company has also designed a temporary customer grant program called the Reduced Income Grant Program ("RIGP") for residential customers who are not eligible for Columbia's low income customer programs. The RIGP would provide customers with grants up to \$400 to reduce arrears and offer credit counseling. On April 24, 2020, the Company filed a petition with the Commission seeking approval of the Company's proposed funding source for the RIGP and this petition is currently pending before the Commission at Docket No. P-2020-3019578.

suspension date. Parties have the right to propose additional measures to assist customers as part of their direct case.

III. CONCLUSION

WHEREFORE, Columbia Gas of Pennsylvania, Inc. respectfully requests that the Pennsylvania Public Utility Commission grant Columbia's Petition for Reconsideration and reverse the determinations in the Chief Administrative Law Judge's June 3, 2020 Order Granting 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.

Respectfully submitted,



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Date: June 23, 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: 6-23-2020



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