

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG PENNSYLVANIA 17120**

Pennsylvania Public Utility Commission

v.

Columbia Gas of Pennsylvania, Inc.

Public Meeting held August 6, 2020

3018835-OSA

Docket No. R-2020-3018835

MOTION OF VICE CHAIRMAN DAVID W. SWEET

Before the Commission is a Petition for Reconsideration from Staff Action filed by Columbia Gas seeking reversal of the June 3, 2020 Order issued by Chief Administrative Law Judge Charles Rainey (CALJ) granting the motion of the Commission's Bureau of Investigation and Enforcement (I&E) to extend the suspension of this rate case from Saturday, January 23, 2021 to Thursday, February 4, 2021.¹ This Motion denies in part and grants in part that Petition.

The CALJ recognized that the usual mandates of the Public Utility Code, including the time restrictions of Section 1308(d) governing base rate cases, are subject to suspension, waiver or change if those restrictions may hinder, rather than further, the mission of the Commission, after consultation with all interested parties, as deemed necessary and appropriate.² The already condensed period of time in which the parties could serve discovery and prepare witness testimony was rendered even more difficult when the Governor, under his emergency authority, directed all but essential workers to stay home by Executive Order dated March 19, 2020.

Columbia opposes the request as unlawful and unnecessary but submits that should the Commission affirm the CALJ's Order, the Commission should also provide that the final approved rates should be effective as of the original suspension date, January 23, 2021. This portion of the Petition is granted.

I note, however, that the Recommended Decision is due in a case with a statutory deadline 60 days before the last reasonable public meeting prior to the expiration of the suspension date.³ As the Commission may alter the staff recommendation at a public meeting, that means that there must be sufficient time for staff to prepare and enter a revised Commission Opinion and Order. In this situation, the date of the suspension expiration is February 4, 2021, and that means that the last reasonable public meeting at which the Commission may consider the staff recommendation is the prior public meeting, or January 21, 2021. Accordingly, the

¹ The Commission's Order providing authority to Bureau Directors and the CALJ provides that the decisions of Bureau Directors, which would be issued as Secretarial Letters, are subject to Commission review under 52 Pa. Code §5.44. Orders of the CALJ or any ALJ are subject to interlocutory review under 52 Pa. Code §5.302. Citing the wrong regulation here is harmless error.

² *Emergency Order Re Suspension of Regulatory and Statutory Deadlines*, Docket No. M-2020-3019262.

³ The 60 days is comprised of 30 days for exceptions and reply exceptions, 20 days for the Office of Special Assistants to review the record and prepare a recommendation on those exceptions, and nine days for the Commissioners' and their staff to consider the record, exceptions, and recommendation and prepare a motion on this and the 30 to 50 public meeting staff reports appearing on a typical public meeting. A reasonable time for preparation of a rewrite following the public meeting is between 10 and 14 days. I assume that all of those involved in the motion for extension of time are aware of this schedule.

Recommended Decision of the presiding ALJ is due to be issued on or before Friday, November 20, 2020.

THEREFORE,

I MOVE:

1. That the Petition for Reconsideration of Staff Action filed June 23, 2020 by Columbia Gas of Pennsylvania, Inc., is denied in part and granted in part, consistent with this Motion
2. That the June 3, 2020 Order of Chief Administrative Law Judge Charles Rainey is affirmed insofar as it grants the Petition for Extension filed by the Commission's Bureau of Investigation & Enforcement.
3. That the effective date of the rates that result from this proceeding shall be January 23, 2021, unless another date is approved by this Commission.
4. That the Recommended Decision in this matter be served and filed no later than November 20, 2020.
5. That the Office of Special Assistants shall prepare an appropriate order consistent with this Motion.

August 6, 2020
DATE



DAVID W. SWEET
VICE CHAIRMAN