*Via electronic service only due to Emergency Order at M-2020-3019262*

**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

Dr. Richard Collins : C-2020-3020207

Ionut R. Ilie : C-2020-3020498

Pennsylvania State University : C-2020-3020666

:

v. :

:

Columbia Gas of Pennsylvania, Inc. :

**SECOND INTERIM ORDER**

Reinstate Previous Litigation Schedule

Due to New Suspension Date

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 May 22, 2020, the Office of Administrative Law Judge (OALJ) issued the Call-In Telephone Prehearing Conference Notice, scheduling a prehearing conference for June 3, 2020.

On May 29, 2020, the Bureau of Investigation and Enforcement (BIE) filed 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 (Expedited Motion). In its Expedited Motion, BIE requested the Commission issue an order granting an extension of the statutory suspension period from January 23, 2021 until February 4, 2021, citing the interruption of normal operations of the Commission due to the coronavirus 2019 (COVID19) pandemic.

On Wednesday, June 3, 2020, the presiding officer convened a call-in telephonic prehearing conference with CALJ Rainey present in addition to counsel representing the following: Columbia Gas; OCA; OSBA; BIE; CII; CAAP; and CAUSE-PA. Prior to discussing procedural matters, CALJ Rainey listened to oral arguments from the parties on BIE’s request for an extension of the statutory period, and the positions of the various parties were placed on the record. CALJ Rainey and the presiding officer deliberated briefly off the record, before CALJ Rainey advised the parties of his decision. CALJ Rainey noted the Commission’s Emergency Order[[1]](#footnote-1) dated March 20, 2020, authorized him to establish reasonable deadlines under the circumstances, after consideration of the positions of the parties and the presiding ALJ, if necessary in response to the obstacles created by the COVID19 pandemic. CALJ Rainey orally informed the parties he found BIE’s request was reasonable under the circumstances and he granted BIE’s request to extend the statutory suspension period by twelve (12) days, or until February 4, 2021.

On June 3, 2020, CALJ Rainey issued his ruling in an Order which was served on the parties and reiterated the oral ruling made at the prehearing conference.

On Friday, June 12, 2020, the presiding officer issued the Prehearing Order which memorialized the matters discussed by the parties during the prehearing conference on June 3, 2020 and which established the litigation schedule.

On June 23, 2020, Columbia Gas filed a Petition for Reconsideration from Staff Action (Petition for Reconsideration) and sought a reversal by the Commission of the June 3, 2020 Order issued by CALJ Rainey. Responses to the Petition for Reconsideration were received from BIE, OCA, OSBA.

At the Public Meeting on August 6, 2020, the Commissioners considered the Petition for Reconsideration, which was denied in part and granted in part. Vice Chairman David W. Sweet sponsored a motion which was affirmed by all Commissioners. Pursuant to the Motion, the Commissioners denied the Petition for Reconsideration in that they affirmed the decision of CALJ Rainey to grant the Petition for Extension on June 3, 2020. The Petition for Reconsideration was granted in that the effective suspension date remained January 23, 2021. In addition, the OALJ was directed to issue a Recommended Decision in this matter on or before November 20, 2020.

On August 7, 2020, the presiding officer issued the First Interim Order which amended the litigation schedule to reflect the shortened time frame, as required under the Motion.

On August 11, 2020, the parties notified the presiding officer via email that an agreement had been reached by the parties which would extend the suspension date to February 25, 2021, maintain the effective date of January 23, 2021, as outlined in the motion, and move the due date for the Recommended Decision from November 20, 2020 to December 6, 2020.

The parties explained the due date on outstanding Discovery Requests are after the new due date for rebuttal testimonies, and the shortened time frames for filing surrebuttal testimony and briefs would compromise adversely the parties’ abilities to properly prepare and present their relative positions. Columbia Gas indicated its intention to file a new tariff supplement which would extend the suspension date to February 25, 2021.

On August 12, 2020, Columbia Gas filed Supplement No. 315 to Tariff Gas – Pa. P.U.C. No. 9, which further suspends the effective date to February 25, 2021.

AND NOW, to wit, this 12th day of August 2020, upon receiving notice Columbia Gas of Pennsylvania, Inc., filed a tariff supplement which would suspend the due date from February 4, 2021 to February 25, 2021, and pursuant to the Motion of Vice Chairman David W. Sweet at the Public Meeting on August 6, 2020,

THEREFORE,

IT IS ORDERED:

1. That the litigation schedule outlined in the Amended Prehearing Order dated June 15, 2020 is reinstated:

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

Recommended Decision December 6, 2020

2. That the effective date of the new base rates, which would be billed following final approval of compliance rates, will remain January 23, 2021, pursuant to the Motion of Vice Chairman David W. Sweet at the Public Meeting on August 6, 2020.

3. That the evidentiary hearings to be conducted telephonically on September 22, 2020 to September 24, 2020 will continue as currently scheduled.

Date: August 13, 2020 /s/

Katrina L. Dunderdale

Administrative Law Judge

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

*Revised 7/7/20*

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*Via electronic service only due to Emergency Order at M-2020-3019262*

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1. *See*, *Emergency Order Re Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, M-2020-3019262, at 2. [↑](#footnote-ref-1)