**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of UGI Utilities, Inc – Electric :

Division for Approval of a Default Service : P-2020-3019907

Plan for the period of June 1, 2021 through : G-2020-3019908

May 31, 2025 :

**ORDER**

In accordance with the provisions of 52 Pa. Code § 5.483, the purpose of this Order is to confirm the agreements of the parties reached on October 2, 2020, and to clarify how those agreements should be implemented.

On September 11, 2020, the parties informally petitioned for amendments to the litigation schedule. The parties agreed to the following revised schedule:

September 25, 2020 Surrebuttal testimony (revised)

October 2, 2020 Hearing (revised)

October 13, 2020 Main Briefs

October 23, 2020 Reply Briefs

The petition of the parties was granted by Order issued that day and the revised litigation schedule was adopted.

On October 2, 2020, the evidentiary hearing in this matter convened as scheduled. For reasons specific to the court reporting service, a court reporter did not appear. Counsel for the respective parties did appear, and what amounted to an informal conference took place.

The parties agreed to have their witnesses waive cross-examination. The parties agreed to move their evidence into the record by stipulation, having already provided the undersigned with verified statements. The parties stated that they have arrived at a comprehensive settlement agreement in principle but asked that they be given until October 23, 2020, the previous date for the filing of Reply Briefs under the revised litigation schedule in order to file a Joint Petition for Settlement. I agreed to all of these requests, but I believe that we need to articulate the details a bit more clearly.

First, I ask the parties to provide me with a list of the documents (preferably identified as marked exhibits) that they are moving into the record. That list should be in the body of the Stipulation moving evidence into the record or included as an attachment to the Stipulation.

As discussed, I will take responsibility for sending the evidence to the court reporting service.

With respect to any proposed Joint Settlement, I ask that the parties provide supporting statements with the proposed Settlement. As always, I would point out that it is not sufficient to say that the proposed Settlement is in the public interest. The parties must state why, from their perspective, the case is in the public interest. More is needed than the rote, “economy of resources and avoiding the time and expense of litigation.” That is a given. What is it about the Settlement, specifically, that serves the public interest?

Finally, I am somewhat concerned that the Joint Settlement may not be filed on October 23, 2020, the original date for the filing of Reply Briefs, or that if filed, the Joint Settlement may not resolve all issues. Any conscientious judge will have in mind the possibility that at the last moment a settlement may, “blow up.” While taking nothing away from the good will and good faith of the parties, given the late date of filing a proposed Settlement I am directing that if a comprehensive Joint Settlement is not filed on October 23, 2020, then Main Briefs addressing any and all issues to be adjudicated must be filed on that date, regardless of whether settlement is still a possibility. If this matter or any of the issues related thereto must be adjudicated and a Recommended Decision issued, then I want the parties’ individual litigation positions made clear on brief.

I encourage the parties to continue to work towards settlement, and I am available at their convenience for any further conference that may be needed.

THEREFORE,

IT IS ORDERED:

1. That the remainder of the litigation schedule in this matter is modified consistent with this Order.

2. That the parties will file a Stipulation moving their evidence into the record that includes specific identification of the evidence that each is moving into the record, exhibit numbered.

3. That the parties will efile: (1) a Joint Petition for Settlement, or (2) Main Briefs, or (3) both, if the Settlement is not comprehensive, by no later than the close of business on October 23, 2020, consistent with the requirements of this Order.

4. That any proposed Settlement, whether comprehensive or partial, is to be accompanied by a supporting statement from each party setting forth why the proposed Settlement is in the public interest.

5. That the parties each provide me with a Word copy of their filings.

Date: October 6, 2020 \_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_

Dennis J. Buckley

Administrative Law Judge

**P-2020-3019907 - G–2020–3019908: PETITION OF UGI UTILITIES, INC – ELECTRIC DIVISION FOR APPROVAL OF A DEFAULT SERVICE PLAN (DSP IV) FOR THE PERIOD OF JUNE 1, 2021 THROUGH MAY 31, 2025***Revised 07/01/2020*

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