**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

National Fuel Gas Distribution :

Corporation Supplement No. 228 to Tariff : R-2021-3027406

Gas – Pa. P.U.C. No. 9 :

Office of Small Business Advocate :

 :

 v. : C-2021-3028654

 :

National Fuel Gas Distribution Corporation :

**PREHEARING CONFERENCE ORDER**

On July 22, 2021, National Fuel Gas Distribution Corp (NFG) filed the

above-captioned tariff supplement with the Pennsylvania Public Utility Commission. No protests or other adverse pleadings were timely filed. On September 15, 2021, the Commission entered an Order approving the tariff supplement. On September 30, 2021, NFG filed Supplement No. 232 to Tariff Gas – Pa. P.U.C. No. 9 in compliance with the Commission’s Order entered September 15, 2021, at the above-captioned docket. Supplement No. 232, effective on October 1, 2021, incorporates the changes approved in Supplement No. 228, and corrected other minor matters. On October 20, 2021, the Commission issued its compliance *Secretarial Letter* which approved the tariff revisions. The rate is now in effect.

 On September 22, 2021, the Office of Small Business Advocate (OSBA) filed a complaint at the above docket. NFG filed an answer to the complaint on October 1, 2021, and the Office of Consumer Advocate (OCA) filed an intervention on October 5, 2021. Since OSBA’s complaint was filed to an already approved tariff, the Commission docketed the OSBA’s complaint at C-2021-3028654. The entire matter was then assigned to the Office of Administrative Law Judge (OALJ) for appropriate action.[[1]](#footnote-1)

On October 27, 2021, a hearing notice was issued establishing a call-in telephonic pre-hearing conference for this case for November 17, 2021 at 10:00 a.m. and assigning the

undersigned administrative law judges as the presiding officers. As provided in the hearing

notice, the parties are directed to dial 877-931-3508 and use PIN 32041174 to access the hearing. In anticipation of that hearing, this prehearing order is being issued.

ORDER

THEREFORE,

IT IS ORDERED:

1. That an initial call-in pre-hearing conference shall be held at 10:00 a.m. on Wednesday, November 17, 2021 at 10:00 a.m. The parties are directed to dial 877-931-3508 and use PIN 32041174 to access the hearing. **If a party fails to participate in the hearing, the hearing may proceed without that party and a decision may be entered against that party**. Any party that does not participate in the hearing or otherwise express an interest in participating in this proceeding will be removed from the official service list.
2. That Commission policy promotes settlements. 52 Pa. Code §5.231(a).

**The parties are directed to confer at least seven (7) days before the scheduled hearing to discuss possible settlement of this case**. Even if the parties are unable to settle this case, they may still resolve some of the questions or issues during their discussions. The parties are also reminded that the presiding officers may participate in settlement discussions upon agreement of all parties. 52 Pa.Code § 5.223(c); *see also*, 52 Pa.Code § 5.231(c). If the parties reach an agreement on all issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

1. That a request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be emailed to jcheskis@pa.gov and gchiodo@pa.gov no later than five (5) days prior to the hearing. 52 Pa.Code §1.15(b). Requests for changes of hearing dates must also be sent to all parties of record. Changes are granted only in situations where good cause exists.
2. That, pursuant to 52 Pa.Code § 1.55, each party shall be limited to one

entry on the service list. Parties shall provide the name, address, telephone number and e-mail address of the person they wish to have listed on the service list.

1. That, although the pre-hearing is being conducted telephonically for the convenience of the parties, the pre-hearing is a formal proceeding and will be conducted in accordance with the Commission’s Rules of Practice and Procedure. Please participate in the pre-hearing using a phone and in a location that will present minimal background noise. **This pre-hearing may be your only opportunity to present evidence in support of your position**.
2. That all parties must serve me, and all other parties, directly with any document you file in this proceeding electronically at jcheskis@pa.gov and gchiodo@pa.gov.
3. That on or before **Wednesday, November 10, 2021**, parties shall file and serve a Prehearing Memoranda which shall include:
4. The information described in Paragraph 4, above.
5. Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness’ testimony.
6. A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed.
7. A brief statement describing the evidence the party proposes to present at hearing, relating the evidence to each of the issues and sub-issues the party intends to address.
8. That, pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you.
9. That, if you are a partnership, corporation, trust, association, or governmental

agency or subdivision, an attorney licensed to practice law in the Commonwealth of Pennsylvania,

or admitted *Pro Hac Vice*, must represent you in this proceeding.

1. That, unless you are an attorney, you may not represent someone else. Attorneys shall enter their appearance in accordance with the provisions of 52 Pa. Code §1.24(b).
2. That, pursuant to 52 Pa. Code § 1.24, parties must promptly report to the Commission and the other parties a change in address that occurs during the course of the proceeding.
3. That, **if a party fails to participate in the pre-hearing, the pre-hearing may proceed without that party and a decision may be entered against that party.**
4. That the parties are encouraged to review the regulations relating to discovery, specifically at 52 Pa. Code § 5.331(b), which provides, *inter alia,* that participants try to initiate discovery as early in the proceeding as possible, and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. The parties are expected to pursue resolution of discovery issues among themselves. Motions to compel should be filed only after such efforts have failed.
5. That, if you, or anyone you plan to call as a witness on your behalf, has a limited ability to speak or understand English or are deaf or hearing-impaired, a qualified interpreter can be provided upon your request. If you need an interpreter, please contact the scheduling office for the Office of Administrative Law Judge at (717) 787-1399 at least ten (10) days before the hearing to make your request. The AT&T Relay Service number for persons who are deaf or hearing-impaired is 1-800-654-5988.
6. That, due to some operational restraints occasioned by the Covid-19 pandemic, the parties are encouraged to enroll in the Commission’s eservice program to facilitate document exchanges. Information on how to enroll in the Commission’s eservice program can be found on the Commission’s website ([www.puc.pa.gov](http://www.puc.pa.gov)).

Date: October 28, 2021  /s/

 Joel H. Cheskis

 Deputy Chief Administrative Law Judge

 /s/

 Gail M. Chiodo

 Administrative Law Judge

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*Represents National Fuel Gas Distribution Corporation*

1. *See*, *Secretarial Letter* issued on 10/20/2021 for further procedural history and assignment to OALJ. [↑](#footnote-ref-1)