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December 23, 2021

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Philadelphia Gas Works Universal Service and Energy Conservation Plan 2023-2027,  
Docket No. M-2021-3029323

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Dear Secretary Chiavetta,

This letter is in response to the nineteen (19) discovery requests that the Tenant Union Representative Network (“TURN”) served on Philadelphia Gas Works (“PGW”) as its Set I Interrogatories on December 17, 2021 in the above-referenced docket wherein the Commission is reviewing the Universal Service and Energy Conservation Plan for 2023-2027 (“USECP”) of PGW.<sup>1</sup> TURN’s discovery requests are not consistent with the Commission’s discovery rules or the process established in this proceeding for the Commission to review PGW’s USECP.

Pursuant to 52 Pa. Code § 5.321 of the Commission’s regulations, discovery is permitted where: (1) a complaint has been filed; (2) the Commission institutes an investigation; or (3) the Commission institutes an on-the-record proceeding. None of these has happened here. Rather, consistent with past practice, the Commission is charged with the responsibility of reviewing and approving PGW’s USECP and members of the Bureau of Consumer Services (“BCS”) act as the Commission’s advisory team in this non-adjudicatory proceeding.<sup>2</sup> Consistent with this well-established process, PGW anticipates that the Commission will issue a Tentative Order and may require PGW to provide supplemental information in response to issues identified by the

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<sup>1</sup> As evidenced by the Certificate of Service filed with the Commission, TURN served these discovery requests to PGW on December 17, 2021.

<sup>2</sup> As the Commission has “reminded the parties” in a previous PGW USECP proceeding, “BCS is the Commission bureau vested with Commission oversight of universal service provisions.” *Philadelphia Gas Works Universal Service and Energy Conservation Plan for 2014-2016 Submitted in Compliance with 52 Pa. Code § 62.4*, Docket No. M-2013-2366301, Final Order entered August 22, 2014 at 71. See also 52 Pa. Code § 69.263, describing the role of BCS in developing customer assistance programs.

Commission and invite interested stakeholders to submit comments and reply comments. Through the anticipated Tentative Order, the Commission will evaluate PGW's USECP and establish the process for this non-adjudicatory proceeding – which is not one that permits interested stakeholders to submit discovery requests to the Company. To the extent that the Commission wishes to extend that right to interested stakeholders, it may refer the matter, in whole or in part, to the OALJ for hearing and decision.<sup>3</sup>

Also worth noting is that issues related to energy burdens in PGW's USECP 2014-2022 were recently referred to the Office of Administrative Law Judge ("OALJ") following a Commonwealth Court order remanding it to the Commission.<sup>4</sup> A litigation schedule has been established for the remand proceeding and discovery has been served to PGW. PGW will need to devote resources to the remand proceeding, while also addressing any concerns identified by the Commission for the 2023-2027 USECP and complying with the review process established by the Commission.

For all these reasons, PGW will not be providing responses to the nineteen (19) discovery requests served by TURN on December 17, 2021.

Please feel free to contact me if you need anything further.

Sincerely,

/s/ *Lauren M. Burge*

Lauren M. Burge

Cc: Cert. of Service

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<sup>3</sup> For example, PGW's Low Income Usage Reduction Program was subjected to a two-year, on-the-record litigation process before an administrative law judge in 2014-2016. See *Petition of Philadelphia Gas Works for Approval of Demand-Side Management Plan for FY 2016-2020, et. al.*, Docket No. P-2014-2459362, Final Opinion and Order entered Nov. 1, 2016 at 2-4.

<sup>4</sup> *John R. Evans v. Pa. Public Utility Commission* and *Tanya J. McCloskey v. Pa. Public Utility Commission*, 421 and 422 C.D. 2020, Memorandum Opinion filed Sept. 29, 2021. A Prehearing Conference in the proceeding on remand at Docket No. P-2020-3018867 was held on December 20, 2021, at which a litigation schedule was set.

## CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of PGW's Letter Objecting to TURN Interrogatories, Set I, upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

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Dated: December 23, 2021

*/s/ Lauren M. Burge*

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Lauren M. Burge, Esq.