**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2021-3030218

:

Office of Consumer Advocate : C-2022-3030735

Office of Small Business Advocate : C-2022-3030983

Paula Mercuri : C-2022-3030898

:

v. :

:

UGI Utilities, Inc. – Gas Division :

**PREHEARING CONFERENCE ORDER**

On January 28, 2022, UGI Utilities, Inc. - Gas Division (“UGI Utilities”) filed

Supplement No. 32 to UGI Tariff Gas - Pa. P.U.C. Nos. 7 and 7S to become effective March 29, 2022, which proposed changes in rates, rules, and regulations calculated to produce $82.7 million (7.8%) in additional annualrevenues. UGI Utilities stated the requested increases are necessary to earn a fair return on investments, to support ongoing Commission approved infrastructure replacement programs, to enhance information technology systems, to increase training opportunities for personnel, to implement a Weather Normalization Adjustment tariff rider, and to recover higher levels of certain operating expenses which support the provision of safe and reliable gas distribution services.

On February 3, 2022, the Office of Consumer Advocate (“OCA”) filed a formal

complaint and public statement at docket number C-2022-3030735. Also on February 3, 2022, the Commission’s Bureau of Investigation and Enforcement (“I&E”) filed a notice of appearance. On February 7, 2022, a UGI Utilities gas customer, Paul Mercuri, filed a formal complaint at docket number C-2022-3030898. On February 15, 2022, a petition to intervene and answer was filed by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”).

On February 24, 2022, pursuant to Section 1308(d) of the Public Utility Code, 66 Pa.C.S. § 1308(d), the Commission suspended the filing by operation of law until October 29, 2022, unless permitted by the Commission to become effective at an earlier date. The Commission also instituted an investigation to determine the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the proposed tariff filing, as well as a consideration of the lawfulness, justness and reasonableness of the exiting rates, rules, and regulations. The Commission assigned the case to the Office of Administrative Law Judge for the prompt scheduling of hearings as may be necessary culminating in the issuance of a Recommended Decision.

On February 24, 2022, a hearing notice was issued establishing a telephonic prehearing conference for this matter for Wednesday, March 2, 2022 at 10:00 a.m. and assigning us as the presiding officers.

In accordance with Section 333 of the Public Utility Code, 66 Pa.C.S. § 333, and Sections 5.221-5.224 of the Commission’s regulations, 52 Pa.Code §§ 5.221-5.224, this prehearing conference order is being issued.

ORDER

THEREFORE,

IT IS ORDERED:

1. That a telephonic Prehearing Conference shall be held on **Wednesday, March 2, 2022,** beginning at 10:00 a.m. The toll-free bridge number is 877-931-3508 and the PIN number is 32041174.
2. That absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the time thereof, without good case shown, shall constitute a waiver of all objections to the agreements reached and an order or ruling with respect thereto. **The parties list will be established at the initial prehearing conference that will be used for the remainder of the case**. If a party does not appear at, or file a petition to intervene by, the prehearing conference, or otherwise express an interest in being on the parties list, that party may be excluded from this case.
3. That all parties shall review the regulations relating to discovery, specifically 52 Pa.Code § 5.331(b), which provides, among other things, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa.Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371 – 5.372.
4. That pursuant to 52 Pa.Code §§ 1.21 – 1.23, 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. **However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you in this proceeding**. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).
5. That you must serve us electronically at [jcheskis@pa.gov](mailto:jcheskis@pa.gov) and [gchiodo@pa.gov](mailto:gchiodo@pa.gov) with a copy of any document that you file in this proceeding. If you send us any correspondence or document, you must send a copy to all other parties. A copy of the Commission’s current service list of the parties to this proceeding is enclosed with this order.
6. That parties shall review the regulations pertaining to prehearing conferences, in particular 52 Pa.Code § 5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable.

1. 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, business address, business telephone number and business e-mail address of the person they wish to have listed on the service list.
2. That on or before **March 1, 2022**, the parties shall serve us and each other with a Prehearing Conference Memorandum addressing:

a.) The information described in Paragraph 7, above.

b.) A statement regarding possible settlement of the case, subject to approval of the Pennsylvania Public Utility Commission.

c.) Any proposed modifications to the Commission’s discovery regulations.

d.) A proposed schedule for litigation which provides for reply briefs to be filed no later than **July 5, 2022**.

e.) Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witnesses’ testimony.

f.) 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.

g.) The need for any public input hearings to be held in the service territory.

1. That the parties are directed to confer to identify specific dates and times of any public input hearings, if any, including telephone numbers and persons to contact, and to confer and attempt to reach a consensus regarding the content of the notice, newspaper advertisement of the public input hearings and other forms of notifying the public in the service territory.
2. That a request for a change of the scheduled Prehearing Conference date shall state the agreement or opposition of other parties and shall be submitted in writing no later than five (5) days prior to the initial prehearing conference. 52 Pa.Code §1.15(b). Requests for change must be sent to us with copies to all parties of record.

Date: February 24, 2022 /s/

Joel H. Cheskis

Deputy Chief Administrative Law Judge

/s/

Gail M. Chiodo

Administrative Law Judge

**R-2021-3030218 - PA PUC v. UGI UTILITIES INC - GAS DIVISION**

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