

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

**National Fuel Gas Distribution
Corporation's Universal Service and
Energy Conservation Plan for
2022-2026 Submitted in Compliance
with 52 Pa. Code § 62.4**

**Public Meeting April 14, 2022
3024935-BCS
Docket No. M-2021-3024935**

**MOTION OF
VICE CHAIRMAN JOHN F. COLEMAN, JR.**

On July 15, 2021, the Pennsylvania Public Utility Commission (Commission) entered an Order (July 2021 Order), withholding approval of a Proposed 2022-2026 Universal Service and Energy Conservation Plan (Proposed 2022 USECP) for National Fuel Gas Distribution Corporation (NFG), a jurisdictional natural gas distribution company, pending review of requested additional information and stakeholder comments. The July 2021 Order indicated issues that required further attention on the record, directed NFG to provide supplemental information, and set a timeline for stakeholder comments and reply comments on the Proposed 2022 USECP. On August 24, 2021, NFG filed its Supplemental Information. The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, the Office of Consumer Advocate, and NFG individually filed comments and/or reply comments. The Commission has considered the supplemental information, comments, and reply comments filed by the parties. The proposed Order would direct NFG to submit a Revised 2022 USECP, consistent with this Order, for the reasons described therein. NFG's existing 2017-2020 USECP would continue in operation in whole or in part until its 2022 USECP is fully implemented. I am in agreement with most aspects of the proposed Order and will be moving that we adopt it with one modification.

The proposed order requires that NFG submit a Revised 2022 USECP that will be subject to an Exception and Reply Exception period, and that Revised USECP and any Exceptions will be addressed at a future Public Meeting. This practice for the review and approval for Revised USECPs has been in place at the Commission for about five years. Prior to this change, the Commission directed that a public utility serve a revised USECP, or compliance filing, with the Bureau of Consumer Services (BCS) for review. The Commission did not utilize an exception and reply exception period, and there was no

Public Meeting vote on the USECP compliance filing.¹ If BCS identified an error in the compliance filing, a correction could be directed through the issuance of a Secretarial Letter.

The Commission does, from time to time, adjust its procedures for the review and disposition of the matters that come before it. In the case of USECPs, the Commission's regulations and enabling legislation do not identify a specific process that must be utilized for the review and approval of these plans. While it was reasonable for the Commission to adopt and try this longer process, in my view it has resulted in an expenditure of Commission and utility resources without a corresponding benefit to justify its continued use. I find that BCS is in the best position to determine whether a Revised USECP is in compliance with a Commission Order, and that the parties to the proceeding are free to file a protest to a Revised USECP if they deem it necessary. Therefore, I will move that the Commission return to its prior practice of directing that public utilities serve Revised USECPs adopted through final Orders on BCS for compliance review. The Commission will cease the use of an exception and reply exception period for Revised USECPs, and will not require an additional Public Meeting vote for these compliance filings.

THEREFORE, I MOVE THAT:

1. The proposed Order is adopted, as modified, by this Motion.
2. The Law Bureau prepare an Order consistent with this Motion.

Date: April 14, 2022



JOHN F. COLEMAN, JR., VICE CHAIRMAN

¹ See *PECO Energy Company Universal Service and Energy Conservation Plan for 2016-2018 Submitted in Compliance with 52 Pa. Code §§ 54.74 and 62.4*, Docket No. M-2015-2507139 (Order entered August 11, 2016); *West Penn Power Universal Service and Energy Conservation Plan for 2015-2018, et al.*, Docket Nos. M-2014-2407728, M-2014-2407729, M-2014-2407730, M-2014-2407731 (Order entered May 19, 2015)