**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2022-3031211

Office of Small Business Advocate : C-2022-3031632

Office of Consumer Advocate : C-2022-3031767

Pennsylvania State University : C-2022-3031957

Columbia Industrial Intervenors : C-2022-3032178

Jose A. Serrano : C-2022-3031821

Constance Wile : C-2022-3031749

Richard C. Culbertson : C-2022-3032203

:

v. :

:

Columbia Gas of Pennsylvania, Inc :

**PREHEARING ORDER #1**

On March 18, 2022, Columbia Gas of Pennsylvania, Inc. (Columbia or Respondent), filed Supplement No. 337 to Tariff Gas Pa. P.U.C. No. 9 to become effective

May 17, 2022, containing proposed changes in rates, rules, and regulations calculated to produce $82.2 million in additional annualrevenues. Under the proposed increase, the total bill for a residential customer who purchases 70 therms of gas from Columbia per month, would increase from $123.24 to $135.67 per month, or by 10.09%.

On March 22, 2022, Erika L. McLain, Esq., entered a Notice of Appearance on behalf of the Commission’s Bureau of Investigation and Enforcement (I&E).

On March 28, 2022, the Office of Small Business Advocate (OSBA) filed a Verification, Public Statement, a Notice of Appearance on behalf of Steven C. Gray, Esq., and a formal Complaint. The Complaint was docketed at C-2022-3031632.

On April 1, 2022, Jose A. Serrano filed a formal Complaint to the proposed rate increase. The Complaint was docketed at C-2022-3031821.

On April 4, 2022, Constance Wile filed a formal Complaint to the proposed rate increase. The Complaint was docketed at C-2022-3031749.

On April 5, 2022, the Office of Consumer Advocate (OCA) filed a Public Statement, a Notice of Appearance on behalf of Aron Beatty, Esq., Barrett C. Sheridan, Esq., Harrison W. Breitman, Esq., and Lauren E. Guerra, Esq., and a formal Complaint. The Complaint was docketed at C-2022-3031767.

On April 11, 2022, the Retail Energy Supply Association, Shipley Choice, LLC, and NRG Energy, Inc. (RESA/NGS Parties) filed a Petition to Intervene in this proceeding.

On April 12, 2022, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed a Petition to Intervene in this proceeding.

By Order entered on April 14, 2022, the Pennsylvania Public Utility Commission (Commission) instituted an investigation into the lawfulness, justness, and reasonableness of the proposed rate increase. Pursuant to Section 1308(d) of the Public Utility Code,

66 Pa. C.S.A. § 1308(d), Supplement No. 337 to Tariff Gas Pa. P.U.C. No. 9 was suspended by operation of law until December 17, 2022, unless permitted by Commission Order to become effective at an earlier date. In addition, the Commission ordered that the investigation include consideration of the lawfulness, justness, and reasonableness of Columbia’s existing rates, rules, and regulations. The matter was assigned to the Office of Administrative Law Judge for the prompt scheduling of hearings culminating in the issuance of a Recommended Decision.

In accordance with the Commission’s April 14, 2022 Order, the matter was assigned to Deputy Chief Administrative Law Judge Christopher P. Pell.

On April 15, 2022, the Pennsylvania State University (PSU) filed a formal Complaint to the proposed rate increase. The Complaint was docketed at C-2022-3031957.

On April 26, 2022, Columbia filed Tariff Supplement No. 343 to Tariff Gas Pa PUC No. 9, which proposes to add the Green Path Rider to Columbia’s Tariff. That same day, Columbia filed its Motion to Consolidate Columbia Gas of Pennsylvania Inc.’s Proposed Tariff Modifications for Inclusion of the Green Path Rider with the Base Rate Case Filed Pursuant to 66 Pa.C.S. § 1308 at Docket No. R-2022-3031211. Tariff Supplement No. 343 to Tariff Gas Pa PUC No. 9 was docketed at R-2022-3032167.

On April 27, 2022, the Columbia Industrial Intervenors (CII) filed a formal Complaint to the proposed rate increase. The Complaint was docketed at C-2022-3032178.

Also on April 27, 2022, The Natural Resources Defense Council (NRDC) filed a Petition to Intervene in this proceeding.

On April 28, 2022, Richard C. Culbertson filed a formal Complaint to the proposed rate increase. The Complaint was docketed at C-2022-3032203.

A Call-in Telephonic Prehearing Conference was held on April 29, 2022. Counsel for Columbia, I&E, OCA, OSBA, PSU, the Pennsylvania Weatherization Provider’s Task Force, Inc., RESA/NGS Parties, CAUSE-PA, NRDC, CII, and Richard C. Culbertson participated.

On May 2, 2022, Administrative Law Judge John Coogan was assigned to co-preside in this matter.

This Order sets forth the procedural matters addressed during the prehearing conference.

ORDER

THERERFORE,

IT IS ORDERED:

1. That pursuant to 52 Pa. Code §§ 5.32 and 5.61, complaints filed against the pending general rate increase, despite receiving a separate docket number, are considered to be docketed with the proceeding and need not be consolidated with the Commission’s investigation or answered by Respondent.
2. That the Petitions to Intervene of the Pennsylvania Weatherization Task Force, Inc., the RESA/NGS Parties and CAUSE-PA, being unopposed, are granted.
3. That by the close of business on May 6, 2022, Columbia must file its Answer to the Petition to Intervene of NRDC.
4. That going forward, petitions to intervene, if not defective on their face, shall be deemed granted if not objected to within three business days after filing. If objected to, such pleadings will be addressed by order.
5. That the active parties of record as of this date are Columbia Gas, I&E, OCA, OSBA, PSU, Pennsylvania Weatherization Provider’s Task Force, Inc., RESA/NGS Parties, CAUSE-PA, CII, and Mr. Culbertson.
6. That by the close of business on May 9, 2022, OCA and CAUSE-PA must file their objections to Columbia Gas’ Motion to Consolidate Columbia Gas of Pennsylvania Inc.’s Proposed Tariff Modifications for Inclusion of the Green Path Rider with the Base Rate Case Filed Pursuant to 66 Pa.C.S. § 1308 at Docket No. R-2022-3031211.
7. That any party that did not appear at the April 29, 2022 Prehearing Conference will be treated as an inactive participant to this proceeding. Inactive participants will receive the presiding officers’ written orders, notices of hearings and copies of any Commission decisions and orders. Inactive participants will not participate in discovery, testify at the evidentiary hearing, or cross-examine witnesses. Inactive participants will not receive copies of the hearing exhibits or briefs filed by the active participants. Any participant entering their appearance after the April 29, 2022, prehearing conference must designate whether they want to be treated as an active participant in writing to the presiding officers and the current participants of record; otherwise, said party will be treated as an inactive participant.
8. That: service on respondent Columbia shall be made on Ms. Hirakis, Mr. Gallagher, Mr. Hassell, and Ms. Berkstresser; service on I&E shall be on Ms. McLain; Service on OSBA shall be on Mr. Gray; service on OCA shall be on Mr. Sheridan, Ms. Guerra, Mr. Breitman, and Mr. Beatty; service on PSU shall be on Mr. Sniscack, Ms. Snyder, and Mr. Demanchick; service on Pennsylvania Weatherization Provider’s Task Force shall be on Mr. Vullo; service on the RESA/NGS Parties shall be on Mr. Stewart; service on CAUSE-PA shall be on Mr. Sweet, Ms. Pereira, Ms. Berman, and Ms. Marx; service on CII shall be on Ms. Mincavage and Mr. Stark; and service on Mr. Culbertson shall be made on him directly.
9. That the parties may arrange service amongst themselves as they agree.
10. That parties may serve documents electronically by 4:30 p.m. to meet any required due date.
11. That our informal e-mail distribution list for the active parties in this proceeding is as follows. Any changes or corrections should be communicated to us, via e-mail, as soon as possible. Please include our legal assistant, Athena Delvillar, on anything you send to us.

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| **Party** | **Counsel** | **e-mail** |
| COLUMBIA | Amy E. Hirakis | [ahirakis@nisource.com](mailto:ahirakis@nisource.com) |
| COLUMBIA | Theodore J. Gallagher | [tjgallagher@nisource.com](mailto:tjgallagher@nisource.com) |
| COLUMBIA | Michael W. Hassell | [mhassell@postschell.com](mailto:mhassell@postschell.com) |
| COLUMBIA | Lindsey A. Berkstresser | [lberkstresser@postschell.com](mailto:lberkstresser@postschell.com) |
|  |  |  |
| I&E | Erika L. McLain | [ermclain@pa.gov](mailto:ermclain@pa.gov) |
|  |  |  |
| OSBA | Steven C. Gray | [sgray@pa.gov](mailto:sgray@pa.gov) |
|  |  |  |
| OCA | Barrett C. Sheridan | [OCAColumbiaGas2022@paoca.org](mailto:OCAColumbiaGas2022@paoca.org) |
| OCA | Lauren E. Guerra | [OCAColumbiaGas2022@paoca.org](mailto:OCAColumbiaGas2022@paoca.org) |
| OCA | Harrison W. Breitman | [OCAColumbiaGas2022@paoca.org](mailto:OCAColumbiaGas2022@paoca.org) |
| OCA | Aron J. Beatty | [OCAColumbiaGas2022@paoca.org](mailto:OCAColumbiaGas2022@paoca.org) |
|  |  |  |
| PSU | Thomas J. Sniscak | [tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com) |
| PSU | Whitney E. Snyder | [wesnyder@hmslegal.com](mailto:wesnyder@hmslegal.com) |
| PSU | Philip D. Demanchick, Jr. | [pddemanchick@hmslegal.com](mailto:pddemanchick@hmslegal.com) |
|  |  |  |
| RESA/NRG | Todd S. Stewart | [tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com) |
|  |  |  |
| PWPTF | Joseph L. Vullo | [jlvullo@bvrrlaw.com](mailto:jlvullo@bvrrlaw.com) |
|  |  |  |
| CAUSE-PA | John W. Sweet | [pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org) |
| CAUSE-PA | Ria M. Pereira | [pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org) |
| CAUSE-PA | Lauren N. Berman | [pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org) |
| CAUSE-PA | Elizabeth R. Marx | [pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org) |
|  |  |  |
| CII | Charis Mincavage | [cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com) |
| CII | Kenneth R. Stark | [kstark@mcneeslaw.com](mailto:kstark@mcneeslaw.com) |
|  |  |  |
| PRO SE | Richard C. Culbertson | [Richard.C.Culbertson@gmail.com](mailto:Richard.C.Culbertson@gmail.com) |
|  |  |  |
| ALJ | DCALJ Pell | [cpell@pa.gov](mailto:cpell@pa.gov) |
| ALJ | ALJ Coogan | [jcoogan@pa.gov](mailto:jcoogan@pa.gov) |
| ALJ | Athena Delvillar | [sdelvillar@pa.gov](mailto:sdelvillar@pa.gov) |

1. That discovery shall be conducted according to the Commission’s rules and regulations at 52 Pa. Code § 5.321 *et seq*, subject to the following modifications:
2. Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service. Discovery served after 12:00 p.m. on a Friday or after 12:00 p.m. on any business day preceding a state holiday will be deemed to served on the next business day.
3. Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories; unresolved objections shall be served upon the ALJ within five (5) calendar days of service of the interrogatories.
4. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.
5. Answers to motions to dismiss objections and/or answering of interrogatories shall be filed within three (3) calendar days of service of such motions.
6. Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within ten (10) calendar days of service.
7. Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
8. Answers to on-the-record data requests shall be served in-hand within seven (7) calendar days of the requests.
9. That the parties should cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require our participation to resolve. All motions to compel shall contain a certification by counsel/participant setting forth the specific actions the parties have undertaken to resolve their discovery disputes informally. If a motion to compel does not contain this certification, we shall contact the parties and direct them to resolve the matter informally and provide the certification if they are unsuccessful. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.
10. That the following schedule is adopted:

Other Parties’ Direct Testimony June 7, 2022

Rebuttal Testimony July 6, 2022

Surrebuttal Testimony July 26, 2022

Oral Rejoinder Outline August 1, 2022

Hearings/Rejoinder August 2-4, 2022

Close of Record August 4, 2022

Main Briefs August 23, 2022

Reply Briefs September 2, 2022

1. That the August 2-4, 2022 hearings will be held telephonically. The initial day will commence at 10:00 a.m.; the subsequent day may start at 9:00 a.m. Parties will complete the daily witness listing and cross-examination grid as directed.
2. That any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within three days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted.
3. In accordance with the schedule set forth above, main briefs and reply briefs must be served on all parties and the ALJs no later than 4:30 p.m. on the date listed. Service can be made electronically.[[1]](#footnote-1)
4. That an original copy of all briefs must be filed with the Secretary, in accordance with 52 Pa. Code § 5.502(b). 52 Pa. Code § 5.501(e) requires that “[b]riefs shall be as concise as possible.”
5. That all briefs shall comply with the requirements of 52 Pa. Code §§ 5.501 and 5.502, and in addition to the mandatory contents set forth in 52 Pa. Code § 5.501(a), all main briefs, regardless of length, must contain:
6. A table of contents;
7. A history of the proceeding;
8. A discussion;
9. Proposed findings of fact (with record citations to transcript pages or exhibits where supporting evidence appears);
10. Proposed conclusions of law (with citations to supporting statutes, regulations or relevant case law); and
11. Proposed ordering paragraphs specifically identifying the relief sought.
12. That all briefs are to comply with the “Instructions for Briefs” attached as Appendix A to this Order. Also, **Rate Case Tables** will be electronically provided to the parties. These Tables **must** be used by Columbia and all parties in this proceeding. A party’s failure to follow these instructions in the smallest detail will result in non‑consideration of that party’s position, regardless of where the record may support it or the position of any other party to this proceeding.
13. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with this proceeding. The parties are reminded it is the Commission’s policy to encourage settlements. 52 Pa. Code §5.231(a). The parties are strongly urged to seriously explore this possibility. If a settlement is reached, a joint settlement petition executed by representatives of all parties to be bound thereby, together with statements in support of settlement by all signatory parties, must be filed with the Secretary for the Commission and served on the presiding officers.
14. That the parties shall comply with the procedural rules and regulations discussed herein.

Date: May 3, 2022 /s/

Christopher P. Pell

Deputy Chief Administrative Law Judge

/s/

John Coogan

Administrative Law Judge

**APPENDIX A**

**APPENDIX A**

**INSTRUCTIONS FOR BRIEFS**

Each brief shall follow the general organization shown herein.

Adjustments contained in each brief shall:

1. Be based on a specific test year, to be selected before the close of record;
2. be complete and self-contained;
3. include accurate reference to the appropriate record sources;
4. be on a before-income-tax basis;
5. be detailed to demonstrate the step-by-step calculation of that adjustment together with appropriate accurate record references;
6. include concomitant rate base, revenue, expense, depreciation expense, and tax adjustments set forth, together with the details of their calculation;
7. include with the brief those calculations which are the basis for proposed adjustments but which are incomplete on the record.

Tables showing all proposed rate base and income adjustments shall be submitted with each brief which includes such adjustments.

STANDARD FORMAT

1. Introduction
2. Summary of Argument
3. Rate Base
4. Fair Value
5. Plant in Service
6. Depreciation Reserve
7. Additions to Rate Base
8. Conclusion
9. Revenues
10. Expenses
11. Taxes
12. Rate of Return
13. Miscellaneous Issue(s)
14. Rate Structure
15. Cost of Service
16. Revenue Allocation
17. Tariff Structure
18. Summary and Alternatives
19. Conclusion

Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.

Docket Number R-2022-3031211

# SERVICE LIST

Amy E. Hirakis, Esquire

[ahirakis@nisource.com](mailto:ahirakis@nisource.com)

NiSource Corporate Services Co.

800 N. Third St., Suite 204

Harrisburg, PA 17102

*Counsel for Columbia Gas*

Theodore J. Gallagher, Esquire

[tjgallagher@nisource.com](mailto:tjgallagher@nisource.com)

Columbia Gas of Pennsylvania, Inc.

121 Champion Way, Suite 100

Canonsburg, PA 15313

*Counsel for Columbia Gas*

Michael W. Hassell, Esquire

[mhassell@postschell.com](mailto:mhassell@postschell.com)

Lindsey A. Berkstresser, Esquire

[lberkstresser@postschell.com](mailto:lberkstresser@postschell.com)

Post & Schell PC

17 North Second Street, 12th Floor

Harrisburg, PA 17101-1601

*Counsel for Columbia Gas*

Erika L. McLain, Esquire

[ermclain@pa.gov](mailto:ermclain@pa.gov)

Bureau of Investigation & Enforcement

PA Public Utility Commission

400 North Street

Harrisburg, PA 17120

Steven C. Gray, Esquire

[sgray@pa.gov](mailto:sgray@pa.gov)

Office of Small Business Advocate

555 Walnut Street, 1st Floor   
Harrisburg, PA  17101

Barrett C. Sheridan, Esquire

Lauren E. Guerra, Esquire

Harrison W. Breitman, Esquire

Aron J. Beatty, Esquire

[OCAColumbiaGas2022@paoca.org](mailto:OCAColumbiaGas2022@paoca.org)

Office of Consumer Advocate

555 Walnut Street, 5th Floor

Forum Place

Harrisburg, PA 17101-1923

Todd S. Stewart, Esquire

[tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com)

Hawke McKeon & Sniscak, LLP

100 N. Tenth Street

Harrisburg, PA 17101

*Counsel for The Retail Energy Supply*

*Association, Shipley Choice, and NRG*

*Energy, Inc.*

Thomas J. Sniscak, Esquire

[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)

Whitney E. Snyder, Esquire

[wesnyder@hmslegal.com](mailto:wesnyder@hmslegal.com)

Philip D. Demanchick, Jr., Esquire

[pddemanchick@hmslegal.com](mailto:pddemanchick@hmslegal.com)

Hawke McKeon & Sniscak LLP

100 North 10th Street

Harrisburg, PA 17105

*Counsel for Pennsylvania State University*

Joseph L. Vullo, Esquire

[jlvullo@bvrrlaw.com](mailto:jlvullo@bvrrlaw.com)

1460 Wyoming Avenue

Forty Fort, PA 18704

*Counsel for Pennsylvania Weatherization*

*Provider’s Task Force, Inc.*

John W. Sweet, Esquire

Ria M. Pereira, Esquire

Lauren N. Berman, Esquire

Elizabeth R. Marx, Esquire

[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

118 Locust Street

Harrisburg, PA 17101

*Counsel for CAUSE-PA*

Mark C. Szybist, Esquire

[mszybist@nrdc.org](mailto:mszybist@nrdc.org)

1152 15th Street NW, Suite 300

Washington, DC 20005

*Counsel for Natural Resources*

*Defense Council*

Andrew J. Karas, Esquire

[akaras@fairshake-els.org](mailto:akaras@fairshake-els.org)

Fair Shake Environmental Legal Services

600 Superior Avenue East,

Cleveland, OH 44114

*Counsel for Natural Resources*

*Defense Council*

Charis Mincavage, Esquire

[cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com)

Kenneth R. Stark, Esquire

[kstark@mcneeslaw.com](mailto:kstark@mcneeslaw.com)

McNees Wallace & Nurick, LLC

100 Pine Street, P.O. Box 1166

Harrisburg, PA 17108-1166

*Counsel for Columbia Industrial*

*Intervenors*

Jose A. Serrano

[Jas673@hotmail.com](mailto:Jas673@hotmail.com)

2667 Chadbourne Dr.

York, PA 17404

Constance Wile

[cjazdrmr@yahoo.com](mailto:cjazdrmr@yahoo.com)

922 Bebout Rd.

Venetia, PA 15367

Richard C. Culbertson

[Richard.C.Culbertson@gmail.com](mailto:Richard.C.Culbertson@gmail.com)

1430 Bower Hill Road

Pittsburgh, PA 15243

1. Parties are directed to e-mail us a copy of their as-filed briefs in a WORD-formatted document in addition to ADOBE or other compatible PDF format. The format of the briefs served electronically on the parties may be as requested by the parties. [↑](#footnote-ref-1)