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

Francis Riviello : C-2022-3031238

Paul Forlennza : C-2022-3031285

Elisabeth Lynch : C-2022-3031232

Joseph Sohn : C-2022-3031476

Annette Miraglia : C-2022-3031819

Sam Galdieri : C-2022-3031822

:

v. :

:

UGI Utilities, Inc. – Gas Division :

**BRIEFING 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, Paula 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 17, 2022, the Office of Small Business Advocate (“OSBA”) filed a formal complaint, public statement and verification. On February 23, 2022, a petition to intervene was filed by the Commission on Economic Opportunity (“CEO”).

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 prehearing conference for this matter for March 2, 2022 and assigning us as the presiding officers.

The following additional formal complaints were filed by UGI Utilities gas

customers: Paul Forlenza, docket number C-2022-3031285, on February 23, 2022; Francis Riviello, docket number C-2022-3031238, on February 24, 2022; Elisabeth Lynch, docket number C-2022-3031232, on February 25, 2022; Joseph Sohn, docket number C-2022-3031476 on March 8, 2022; Annette Miraglia, docket number C-2022-3031819 on March 29, 2022; and Sam Galdieri, docket number C-2022-3031822 on April 1, 2022. On March 1, 2022, NRG Energy, Inc. (“NRG”) filed a petition to intervene.

The prehearing conference convened on March 2, 2022 as scheduled.

A scheduling order was issued on March 3, 2022 consolidating the formal complaints with the Commission’s investigation, granting the petitions to intervene and otherwise memorializing the matters agreed to at the prehearing conference. The parties began exchanging pre-served written testimony pursuant to the schedule agreed upon and public input hearings were held on April 13, 2022 at 1:00 and 6:00 p.m.

On April 15, 2022, UGI Utilities filed a motion for a proposed protective order on behalf of the parties. In response to questions raised by the presiding officers to that motion, the parties filed an amended motion on May 19, 2022. By order dated May 24, 2022, the amended motion for protective order was granted.

An evidentiary hearing was held in this matter on June 2, 2022, pursuant to the Scheduling Order dated March 3, 2022. The following parties appeared and were represented by counsel: UGI, OCA, OSBA, I&E, CEP, CAUSE-PA and NRG. Over no objection from any party, the complaints filed by UGI customers Mr. Sohn, Ms. Miraglia and Mr. Galdieri were consolidated with the Commission’s investigation. Also at this hearing, pre-served testimony and accompanying attachments were admitted into the record by stipulation of the parties.

At the conclusion of the hearing, a discussion was held regarding the opportunity to submit briefs on the disputed issues, if any. The parties had indicated that they reached a settlement in principle on some of the issues and were continuing settlement discussions on the remaining issues. The parties agreed that main briefs on any disputed issue will be filed pursuant to the March 3, 2022 Scheduling Order on June 24, 2022 and reply briefs will be filed on July 6, 2022. The parties are directed to confer and agree to a common briefing outline of the remaining disputed issues. In addition, the parties are also directed to include with their brief the completed tables attached to this order. These tables are to be used as a general template and adjustments may be required due to the specifics of this case. For example, to the extent that certain numbers have been modified since the initial filing has been made, all parties must use the same starting point when calculating tables and proposing adjustments so that all parties use the same reference points in the tables and briefs. Therefore, prior to submitting briefs, the parties should

agree to the base reference point for the tables submitted by all parties, including whether the tables should be identified as “as filed” or “modified” claims.

In the event the parties reach a full or partial settlement of the issues, the settlement and statements in support of the settlement will be filed on June 24, 2022. Any opposition to any provision of the proposed settlement must be submitted by the reply brief due date on July 6, 2022.

The purpose of this order is to memorialize the briefing schedule and address additional procedural issues regarding briefs and/or settlement.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the parties shall file and serve **main briefs on or before June 24, 2022 and reply briefs on or before July 6, 2022** in conformance with the Commission’s regulations at 52 Pa.Code § 5.501, *et seq*., unless otherwise modified by the Presiding Officers.
2. That the briefs must contain: (a) a concise statement or counter-statement

of the case; (b) an argument, with sufficient citations to record evidence, preceded by a summary; (c) a conclusion with requested relief; (d) proposed Findings of Fact, together with page references to statements of testimony, the hearing transcript and exhibits; (e) proposed Conclusions of Law, together with legal citations and (f) proposed Ordering Paragraphs.

1. That when filing briefs, that the parties shall also attach completed tables

consistent with those included with this Order as discussed above.

4. That the parties shall file the original copies of the main brief and reply brief with the Commission via eservice no later than 4:30 p.m. on the date due.

5. That, the parties shall serve one copy of the main brief and reply brief on each other and the Presiding Officers ([jcheskis@pa.gov](mailto:jcheskis@pa.gov) and [gchiodo@pa.gov](mailto:gchiodo@pa.gov)) no later than 4:30 p.m. on the date due via e-mail.

6. That any brief not filed and served on or before the date set forth above will not be accepted except by special permission.

7. That the parties are advised not to include any extra-record evidence in their briefs.

8. That a party shall not introduce evidence or argument in the reply brief that is repetitive, should have been included in the main brief or substantially varies from the party’s case-in-chief.

9. That if a brief contains a citation to an unreported decision which is not available on LEXIS or the Commission’s website, a copy of that unreported decision must be appended to the brief.

10. That all briefs submitted in this proceeding are to be provided to the Presiding Officer in Microsoft Word format.

11. That any full or partial settlement shall be filed on or before June 24, 2022, and shall include, proposed Findings of Fact, proposed Conclusions of Law, and proposed Ordering Paragraphs.

12. That the party(s) that join in the settlement shall also file on or before June 24, 2022, their respective Statement in Support of the Settlement, which may be attached to any proposed settlement.

13. That any opposition to any provision of the proposed settlement must be submitted by the reply brief due date on July 6, 2022.

Dated: June 7, 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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