**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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| Pennsylvania Public Utility Commission,  Office of Consumer Advocate, and  Office of Small Business Advocate  v.  UGI Utilities, Inc. – Gas Division  1307(f) Proceeding | **: : : : :**  **:**  **:**  **:** | R-2022-3032242  C-2022-3032385  C-2022-3032539 |
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**ORDER**

This Order is issued pursuant to the authority of presiding officers at 52 Pa. Code § 5.483 and the directive to presiding officers at 52 Pa. Code § 5.224(d).

On April 29, 2022, UGI Utilities, Inc. – Gas Division (UGI or the Company) filed with the Commission data related to the recovery of purchased gas costs (PGCs) pursuant to Section 1307(f) of the Public Utility Code, 66 Pa. C.S. § 1307(f), and in accordance with the Commission’s regulations at 52 Pa. Code §§ 53.64 and 53.65.

On May 6, 2022, the Office of Consumer Advocate (OCA) filed a Notice of Appearance, Formal Complaint, and Public Statement in the Company’s PGC proceeding.

On May 19, 2022, the Office of Small Business Advocate (OSBA) filed a Notice of Appearance, Formal Complaint, Public Statement, and Verification in this proceeding.

On May 24, 2022, the Commission’s Bureau of Investigation and Enforcement (I&E) filed a Notice of Appearance in the proceeding.

On June 1, 2022, UGI filed its definitive PGC filing, including supporting information required by the Commission’s regulations, the Company’s direct testimony and

exhibits and *pro forma* Tariff Supplement reflecting actual and projected changes in natural gas costs. UGI Gas is proposing a PGC rate of $8.0136 per Mcf, effective December 1, 2022.

A telephonic prehearing Conference was held on June 9, 2022. Lindsay A. Berkstresser, Esquire, attended on behalf of UGI. Lauren E. Guerra, Assistant Consumer Advocate, attended on behalf of the OCA. Steven C. Gray, Senior Supervising Assistant Small Business Advocate, attended on behalf of the OSBA. Scott B. Granger, Prosecutor, attended on behalf of I&E.[[1]](#footnote-1) The parties presented a litigation schedule that was accepted and which is set forth in this Order. The parties agreed to certain modifications of the Commission’s rules of discovery, which modifications are also set forth in this Order. The parties agreed to the consolidation of the UGI rate proceeding with the formal Complaints of the OCA and the OSBA.[[2]](#footnote-2) No public input hearing has been requested, but the OCA stated that it would inform the presiding officer and the other parties if such a request is received.

In the event that a comprehensive settlement in this matter is not achieved, thus necessitating an evidentiary hearing, UGI in its prehearing Memorandum requested an in-person hearing. The OSBA objected to an in-person hearing citing concerns related to the Covid 19 Pandemic. While circumstance may change in such a way as to permit an in-person hearing, for the present, a hearing Notice will be issued for a telephonic hearing on July 25, 2022. In this way, the date can be preserved on the Office of Administrative Law Judge hearing calendar and the services of a court reporter retained.

I thank all Counsel for their professionalism and efficiency in this matter.

**THEREFORE,**

**IT IS ORDERED THAT:**

1. The following litigation schedule is established:

Other parties’ direct testimony - June 24, 2022

Rebuttal testimony - July 14, 2022

Surrebuttal testimony - July 21, 2022

Rejoinder - July 25, 2022 at 9 a.m.

Evidentiary Hearings - July 25, 2022

Main Brief - August 5, 2022

Reply Brief - August 12, 2022

2. The Commission’s discovery rules are modified as follows:

(a) Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service of the interrogatories, provided that, if receipt of the interrogatories occurs after 12:00 noon on either a Friday or the day preceding a holiday, service shall be deemed to have occurred on the next business day;

(b) Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories, provided that, if receipt of the interrogatories occurs after 12:00 noon on either a Friday or the day preceding a holiday, service shall be deemed to have occurred on the next business day.  Unresolved objections to written interrogatories shall be served in writing on the propounding party within five (5) calendar days of service of the interrogatories, as defined above;

(c) Motions to compel answers to written interrogatories that have been objected to in writing and answers to such motions to compel shall be filed and served within three (3) calendar days of service of the written objections or motions to compel, provided that, if receipt of the objections or motions to compel occurs after 12:00 noon on either a Friday or the day preceding a holiday, service of these documents shall be deemed to have occurred on the next business day;

(d) Rulings over motions shall be issued, if possible, within seven (7) calendar days of filing of the motion, consistent with the above-mentioned rule changes;

(e) Responses or objections to requests for document production, entry for inspection, or other purposes shall be served in hand within ten (10) calendar days of service of the request, provided that, if receipt of the request occurs after 12:00 noon on either a Friday or the day preceding a holiday, service shall be deemed to have occurred on the next business day; and

(f) Requests for admission shall be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service of the requests, provided that, if receipt of the request occurs after 12:00 noon on either a Friday or the day preceding a holiday, service shall be deemed to have occurred on the next business day.

(g) All service in this proceeding will be by electronic mail.  No hard copy follow-up will be required.

(h) Parties providing testimony must either include with such testimony electronic workpapers, cited studies and other documents relied on, or provide such documents in workable electronic format within two (2) business days of the testimony submission date to all parties.

3. The following service list is established:

For UGI:

Lindsay A. Berkstresser, Esquire

Post & Schell, P.C.

17 North Second Street, 12th Floor

Harrisburg, PA 17101-1601

(717) 612-6021

E-mail: [lberkstresser@postschell.com](mailto:lberkstresser@postschell.com)

For OCA:

Lauren E. Guerra, Assistant Consumer Advocate

Office of Consumer Advocate

555 Walnut Street

5th Floor, Forum Place

Harrisburg, PA 17101-1923

(717) 783-5048

E-Mail: [LGuerra@paoca.org](mailto:LGuerra@paoca.org)

For OSBA:

Steven C. Gray, Senior Supervising Assistant Small Business Advocate

Office of Small Business Advocate

555 Walnut Street

Forum Place, 1st Floor

Harrisburg, PA 17101

(717) 783-2525

[sgray@state.pa.us](mailto:sgray@state.pa.us)

For I&E:

Scott B. Granger, Prosecutor

Pennsylvania Public Utility Commission

Bureau of Investigation and Enforcement

Commonwealth Keystone Building

400 North Street

Harrisburg, PA 17120

(717) 425-7593

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

4. A formal evidentiary hearing will be scheduled for July 25, 2022.

Dated: June 9, 2022 /s/

Dennis J. Buckley

Administrative Law Judge

**R-2022-3032242 et al - PENNSYLVANIA PUBLIC UTILITY COMMISSION v. UGI UTILITIES, INC.***Updated 06/07/22*TIMOTHY MCHUGH ESQUIRE  
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1. While the parties are permitted only one entry on the Commission’s official service list, I note that several of the parties requested service on additional representatives. Obviously, the limitation of this Order does not preclude service among the parties. [↑](#footnote-ref-1)
2. Consolidation will be accomplished in a separate Order. [↑](#footnote-ref-2)