**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 |

**ORDER CONSOLIDATING PROCEEDINGS**

This Order is issued pursuant to the authority given to Administrative Law Judges under the Commission’s regulations at 52 Pa. Code § 5.483 and 52 Pa. Code § 5.81(a) and consolidate the above captioned cases. The consolidation of these cases is for the purpose of efficient case resolution and for administrative efficiency.

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 at which time the parties agreed to the consolidation of these cases.

The Commission’s regulation pertaining to consolidation appears at 52 Pa. Code § 5.81, and states in relevant part:

**§ 5.81. Consolidation**

(a) The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

52 Pa. Code § 5.81(a).

The question of consolidation is clearly left to the sound discretion of the Commission or the presiding officer.

Cases have been consolidated for adjudication; *Re Middletown Taxi Co.*, 50 Pa. PUC 263 (1976), for hearing; *City of York v. York Telephone and Telegraph Co.*, 43 Pa. PUC 240 (1967), for briefing; *Clepper Farms, Inc. v. Grantham Water Co.*, 41 Pa. PUC 749 (1965), and have been refused consolidation for any purpose; *Dopp v. Williamsburg Borough Dep’t of Water and Sewer*, 59 Pa. PUC 25 (1984).

In considering the consolidation of cases, the first criteria (set forth in the Commission’s regulations) is that the proceedings must involve “a common question of law or fact.” An examination of Commission precedent in such cases as *Applications of Philadelphia Electric Co.*, 43 Pa. PUC 781 (1968), *Pa. Public Utility Comm’n v. Bell Telephone Co. of Pennsylvania*, 46 Pa. PUC 568 (1973), and *Pa. Public Utility Comm’n v. Butler Twp. Water Co.*, 52 Pa. PUC 442 (1978), as well as those cited above, establishes that considerations in addition to the presence of common questions of law or fact must also be evaluated in ruling on a consolidation. These other considerations (and the answers thereto) are:

1. Will the presence of additional issues cloud a determination of the common issues? Answer: There is an identity of issues.

2. Will consolidation result in reduced costs of litigation and decision-making for the parties and the Commission? Answer: Yes.

3. Do issues in one proceeding go to the heart of an issue in the other proceeding? Answer: Yes.

4. Will consolidation unduly protract the hearing, or produce a disorderly and unwieldy record? Answer: No.

5. Will different statutory and legal issues be involved? Answer: No.

6. Does the party with the burden of proof differ in the proceedings? Answer: No.

7. Will consolidation unduly delay the resolution of one of the proceedings? Answer: No.

8. Will supporting data in all proceedings be repetitive? Answer: Not in any sense that would detract from the efficient resolution of the consolidated proceeding.

No single consideration, nor group of these considerations, is dispositive of a consolidation, any more so than the presence of a common question of law or fact. Rather, the evaluation of all of them and a balancing of those favoring and disfavoring consolidation is required.

In the cases now before us, the above-captioned proceedings are interrelated and raise common issues of law and fact.

Because the disposition of each of these matters is interrelated, the consolidation of these proceedings will promote the efficient use of the time and resources of the parties and the Commission. Consolidation of these cases will not unduly delay the resolution of either of them. In sum, a consolidation for hearing, briefing, and adjudication of these cases is warranted and is in the public interest, the interest of the parties and the interest of the Commission.

**ORDER**

THEREFORE,

IT IS ORDERED:

1. That the above-captioned cases, bearing Docket Numbers R-2022-3032242, C-2022-3032385, and C-2022-3032539, are consolidated for litigation and resolution.

Date: June 13, 2022 \_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dennis J. Buckley

Administrative Law Judge

**R-2022-3032242 - PENNSYLVANIA PUBLIC UTILITY COMMISSION v. UGI UTILITIES, INC.***Updated 06/07/22*TIMOTHY MCHUGH ESQUIRE  
UGI CORPORATION INC  
460 NORTH GULPH ROADKING OF PRUSSIA PA 19406**610.992.3763**mchught@ugicorp.comAccepts eService  
LINDSAY A BERKSTRESSER ESQUIRE17 N 2ND STREETHARRISBURG PA 17101**717.612.6021**lberkstresser@postschell.comAccepts eService  
*Representing UGI Utilities, Inc.*  
ARON J BEATTY ESQUIRE  
LAUREN E GUERRA ESQUIREOFFICE OF CONSUMER ADVOCATE555 WALNUT STREET 5TH FLOORFORUM PLACEHARRISBURG PA 17101**717.783.5048**abeatty@paoca.orglguerra@paoca.orgAccepts eServiceSTEVEN C GRAY ESQUIREOFFICE OF SMALL BUSINESS ADVOCATEFORUM PLACE555 WALNUT STREET 1ST FLOORHARRISBURG PA 17101**717.783.2525**sgray@pa.gov

SCOTT B GRANGER ESQUIREPA PUC BUREAU OF INVESTIGATION & ENFORCEMENTSECOND FLOOR WEST400 NORTH STREETHARRISBURG PA 17120**717.425.7593**sgranger@pa.govAccepts eService