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July 1, 2022

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

RE: Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.;
Docket No. R-2022-3032167; C-2022-3032550 **PREHEARING
CONFERENCE MEMORANDUM OF THE RETAIL ENERGY SUPPLY
ASSOCIATION, SHIPLEY CHOICE, LLC AND NRG ENERGY, INC.**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is the Prehearing Conference Memorandum of the Retail Energy Supply Association, Shipley Choice, LLC and NRG Energy, Inc. (collectively "RESA/NGS Parties") in the above-captioned docket. Copies of this Memorandum have been served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. If you have any questions related to this filing, please do not hesitate to contact my office.

Very truly yours,

Todd S. Stewart
Bryce R. Beard
*Counsel for The Retail Energy Supply
Association, Shipley Choice, LLC d/b/a
Shipley Energy and NRG Energy, Inc.*

TSS/jld/
Enclosure

cc: Deputy Chief Administrative Law Judge Christopher P. Pell (via email – cpell@pa.gov)
Administrative Law Judge John Coogan (via email – jcoogan@pa.gov)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
	:	
v.	:	Docket No. R-2022-3032167
	:	
Columbia Gas of Pennsylvania, Inc.	:	
	:	
Retail Energy Supply Association,	:	
ShipleY Choice, LLC, and NRG Energy, Inc.	:	
	:	
v.	:	Docket No.C-2022-3032550
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**PREHEARING CONFERENCE MEMORANDUM
OF THE RETAIL ENERGY SUPPLY ASSOCIATION
SHIPLEY CHOICE, LLC AND NRG ENERGY, INC**

**TO THE DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE CHRISTOPHER P. PELL
AND ADMINISTRATIVE LAW JUDGE JOHN COOGAN:**

Pursuant to the Prehearing Order dated June 22, 2022, in the above-captioned matter and the Commission’s regulations at 52 Pa. Code § 5.221, *et seq.*, The Retail Energy Supply Association, Shipley Choice, LLC d/b/a Shipley Energy and NRG Energy, Inc. (collectively “RESA/NGS Parties”), hereby submit their Prehearing Conference Memorandum.

I. PROCEDURAL HISTORY

1. On or about April 26, 2022, Columbia Gas of Pennsylvania, Inc. (“Columbia” or “Company”) filed Supplement No. 343 to Tariff Gas – Pa. P.U.C. No. 9 (“Supplement No. 343”) including proposed modifications to the tariff that would establish the inclusion of Columbia’s proposed Green Path Rider.

2. On May 18, 2022, RESA/NGS Parties filed a formal Complaint against Supplement No. 343, docketed at C-2022-3032550.

3. By Order dated June 16, 2022, the Pennsylvania Public Utility Commission (“Commission”) instituted an investigation into Supplement No. 343 and suspended the effective date of the tariff until July 1, 2023.

4. On June 22, 2022, the Honorable Presiding Administrative Law Judges, Deputy Chief Administrative Law Judge Christopher P. Pell and Administrative Law Judge John Coogan, issued a Prehearing Conference Order, that among other things, required the parties to prepare and file a Prehearing Conference Memorandum on or before July 1, 2022, at noon, and scheduled a Prehearing Conference to be held telephonically on Wednesday, July 6, 2022, at 9:00 am.

5. This Memorandum is submitted in compliance with Your Honor’s June 22, 2022, Order.

II. EXPECTED ISSUES

6. As raised in the Complaint, RESA/NGS Parties have a common concern about the Green Path Rider in that it grants Columbia the authority to offer competitive supply products and services and to compete against NGSs – competition that is not allowed under the Public Utility Code and that which RESA/NGS Parties oppose. RESA/NGS Parties are also concerned with the impact that Columbia’s Green Path Rider will have on competition, particularly considering that Columbia will be able to compete and attract customers to Green Path Rider programs with the added benefit of being able to bill for the product using its utility bill – a competitive advantage that discriminates against competitive suppliers. Finally, while RESA/NGS Parties analysis is ongoing, it appears that Columbia’s proposal will be subsidized by all distribution customers, leading to the very real potential for cross-class subsidization, particularly subsidization by

customers who chose competitive supply over default service, which is not allowed and negatively impacts competition.

III. PROPOSED WITNESSES

7. RESA/NGS Parties will present testimony of Anthony Cusati, III, on behalf of complainants. RESA/NGS Parties reserve the right to identify additional witnesses for this matter as necessitated by the issues and will provide notice to Your Honor and the other parties at the earliest possible time.

IV. LITIGATION SCHEDULE

8. RESA/NGS Parties concur with the schedule proposed by Columbia, as reflected below:

Other parties' direct testimony	December 1, 2022
Rebuttal testimony	January 9, 2023
Surrebuttal testimony	February 6, 2023
Rejoinder	February 13, 2023
Hearings	February 15 and 16, 2023
Main Briefs	March 10, 2023
Reply Briefs	March 22, 2023

V. DISCOVERY

9. RESA/NGS Parties will endeavor to engage in the discovery process as efficiently and as early as possible. RESA/NGS Parties will work cooperatively with the Company and all the other parties in order to minimize discovery issues that might require the attention of the Presiding Administrative Law Judges. Moreover, RESA/NGS Parties would not object to the typical discovery modifications instituted in cases such as this.

VI. SETTLEMENT

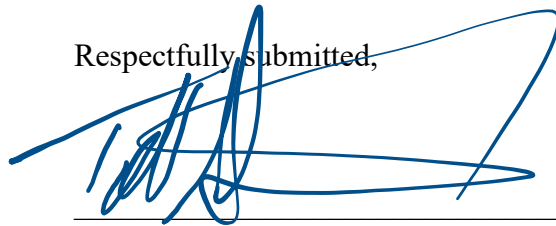
10. RESA/NGS Parties are willing to engage in settlement discussions with any and all parties at any time during this proceeding and welcome the opportunity to do so at the earliest possible date.

VII. LEAD ATTORNEY FOR PREHEARING CONFERENCE

11. For the purposes of the Prehearing Conference, undersigned counsel Bryce R. Beard will speak on behalf of RESA/NGS Parties.

WHEREFORE, RESA/NGS Parties respectfully submit this Prehearing Conference Memorandum in anticipation of the Prehearing Conference currently scheduled to be held telephonically on Wednesday, July 6, 2022, at 9:00 am.

Respectfully submitted,



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Counsel for the Retail Energy Supply Association, Shipley Choice, LLC d/b/a Shipley Energy and NRG Energy, Inc.

DATED: July 1, 2022

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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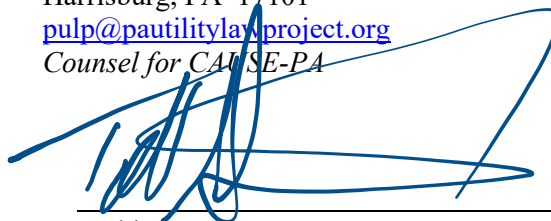
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DATED: July 1, 2022

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