

ORIGINAL<sup>27</sup>

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

-----x Docket Nos.  
 : R-2012-2321748  
Pennsylvania Public Utility Commission, : M-2012-2323645  
et al v. Columbia Gas of Pennsylvania, : C-2012-2328788  
Inc. Rate Increase. : C-2012-2330240  
 : C-2012-2330539  
 : C-2012-2330724  
 : C-2012-2332087  
 Initial Hearing. : C-2012-2332497  
 : C-2012-2333247  
 : C-2012-2334026  
 -----x C-2012-2336033

Pages 27 through 92                      Hearing Room No. 3  
    Commonwealth Keystone Building  
    Harrisburg, Pennsylvania

Wednesday, February 13, 2013

Met, pursuant to notice at 10:05 a.m.

BEFORE:

MARK A. HOYER, Administrative Law Judge  
 JEFFREY WATSON, Administrative Law Judge

APPEARANCES:

REGINA L. MATZ, Esquire  
 ALLISON C. KASTER, Esquire  
 P.O. Box 3265  
 Harrisburg, Pennsylvania 17105-3265  
 (For Bureau of Investigation and Enforcement)

ANDREW S. TUBBS, Esquire  
 MICHAEL W. HASSELL, Esquire  
 Post & Schell, P.C.  
 17 North Second Street, 12th Floor  
 Harrisburg, Pennsylvania 17101-1601  
 (For Columbia Gas of Pennsylvania, Inc.)

Commonwealth Reporting Company, Inc.  
 700 Lisburn Road  
 Camp Hill, Pennsylvania 17011

(717) 761-7150

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## APPEARANCES: (Continued.)

THEODORE GALLAGHER, Esquire  
121 Champion Way, Suite 100  
Canonsburg, Pennsylvania 15317  
(For Columbia Gas of Pennsylvania, Inc.)

BRANDON J. PIERCE, Esquire  
CANDIS A. TUNILO, Esquire  
5th Floor, Forum Place  
555 Walnut Street  
Harrisburg, Pennsylvania 17101-1923  
(Office of Consumer Advocate)

DANIEL G. ASMUS, Esquire  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, Pennsylvania 17101  
(For Office of Small Business Advocate)

TODD STEWART, Esquire  
Hawke, McKeon & Sniscak, LLP  
100 North Tenth Street  
Harrisburg, Pennsylvania 17101  
(For Interstate Gas Supply, Dominion Retail, Inc.,  
and Shipley Energy)

STEVEN K. HAAS, Esquire  
Hawke, McKeon & Sniscak, LLP  
100 North Tenth Street  
Harrisburg, Pennsylvania 17101  
(For Pennsylvania State University)

CHARIS MINCAVAGE, Esquire  
ELIZABETH TRINKLE, Esquire  
McNees Wallace & Nurick, LLC  
Post Office Box 1166  
100 Pine Street  
Harrisburg, Pennsylvania 17108  
(For Columbia Industrial Intervenors)

PATRICK M. CICERO, Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, Pennsylvania 17101-1414  
(For Coalition for Affordable Utility  
Services & Energy Efficiency in PA)

**Commonwealth Reporting Company, Inc.**

700 Lisburn Road  
Camp Hill, Pennsylvania 17011

APPEARANCES: (Continued.)

JOSEPH VULLO, Esquire  
1460 Wyoming Avenue  
Forty Fort, Pennsylvania 18704  
(For Community Action Association of  
Pennsylvania)

\* \* \*

**Commonwealth Reporting Company, Inc.**

700 Lisburn Road  
Camp Hill, Pennsylvania 17011

(717) 761-7150

1-800-334-1063

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DIRECT

CROSS

REDIRECT

RECROSS

(None.)

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FORM 2

P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE JEFFREY WATSON:

1 We're on the record in the case of Pennsylvania Public  
2 Utility Commission, et al. versus Columbia Gas of  
3 Pennsylvania; Docket Nos. R-2012-2321748 and M-2012-2323645.  
4 This is the initial hearing in a rate increase case. The  
5 hearing is being conducted at the Commonwealth Keystone  
6 Building in Harrisburg, Pennsylvania. Today is February 13,  
7 2013 and the time is approximately 10:05 a.m. My name is  
8 Jeff Watson, and I'm appearing by telephone in Pittsburgh,  
9 along with Judge Mark Hoyer, and we have been assigned to  
10 preside over this matter and to render a Decision.  
11  
12

13 If counsel in Harrisburg would, beginning  
14 with Mr. Tubbs, just kindly introduce yourselves for the  
15 record; spell your last name and state whom you represent  
16 for the benefit of the court reporter, please?

17 MR. TUBBS: Yes. Good morning, Your Honor.  
18 This is Andrew Tubbs; T-u-b-b-s with Post & Schell on behalf  
19 of Columbia Gas of Pennsylvania.

20 JUDGE WATSON: Thank you, Mr. Tubbs.

21 MR. HASSELL: Good morning, Your Honor. This  
22 is Michael Hassell; H-a-s-s-e-l-l, also with Post & Schell  
23 and also appearing on behalf of Columbia Gas of  
24 Pennsylvania, Inc.

25 JUDGE WATSON: Thank you, Mr. Hassell.

1 MR. GALLAGHER: Good morning, Your Honor.  
2 This is Theodore Gallagher; G-a-l-l-a-g-h-e-r, appearing on  
3 behalf of Columbia Gas of Pennsylvania.

4 JUDGE WATSON: Thank you.

5 MS. TRINKLE: Good morning, Your Honor. This  
6 is Elizabeth Trinkle; T-r-i-n-k-l-e, with McNeese Wallace &  
7 Nurick on behalf of the Columbia Industrial Intervenors.

8 JUDGE WATSON: Thank you, Ms. Trinkle.

9 MS. TUNILO: Good morning, Your Honor. This  
10 is Candis Tunilo; T-u-n-i-l-o, on behalf of the Office of  
11 Consumer Advocate.

12 JUDGE WATSON: Thank you.

13 MR. HAAS: Your Honor, this is Steven Haas:  
14 H-a-a-s, with Hawke, McKeon & Sniscak on behalf of the  
15 Pennsylvania State University.

16 JUDGE WATSON: Thank you, Mr. Haas.

17 MR. VULLO: Your Honor, Joseph Vullo; V-u-l-  
18 l-o, on behalf of CAAP.

19 JUDGE WATSON: Thank you, Mr. Vullo.

20 MR. STEWART: Good morning, Your Honor. This  
21 is Todd Stewart from Hawke, McKeon & Sniscak on behalf of  
22 Interstate Gas Supply, Dominion Retail, Inc., and Shipley  
23 Energy. My last name is spelled S-t-e-w-a-r-t.

24 JUDGE WATSON: Thank you, Mr. Stewart.

25 MS. MINCAVAGE: Good morning, Your Honor.

1 This is Charis Mincavage on behalf of Columbia Industrial  
2 Intervenors. And also my first and last name, if that's  
3 okay? It's Charis C-h-a-r-i-s and Mincavage M-i-n-c-a-v-a-  
4 g-e.

5 JUDGE WATSON: Thank you, Ms. Mincavage.

6 MS. KASTER: Good morning, Your Honor.  
7 Allison Kaster; K-a-s-t-e-r on behalf of the Bureau of  
8 Investigation and Enforcement.

9 JUDGE WATSON: Thank you. Okay, I believe  
10 that's everyone. And it's my understanding that there are  
11 no individual complainants present in the hearing room in  
12 Harrisburg.

13 MR. CICERO: Your Honor?

14 JUDGE WATSON: Yes?

15 MR. CICERO: Sorry. There are a few more of  
16 us.

17 JUDGE WATSON: I apologize. Go ahead,  
18 please.

19 MR. CICERO: Thank you. This is Patrick  
20 Cicero; C-i-c-e-r-o on behalf of the Coalition for  
21 Affordable Utility Services and Energy Efficiency in  
22 Pennsylvania.

23 JUDGE WATSON: Thank you, Mr. Cicero.

24 MR. ASMUS: Your Honor, this is Dan Asmus;  
25 A-s-m-u-s on behalf of the Office of Small Business

1 Advocate.

2 JUDGE WATSON: Thank you, Mr. Asmus. My  
3 apologies.

4 MS. MATZ: There are a few more, Your Honor.

5 JUDGE WATSON: Go ahead.

6 MS. MATZ: Regina Matz; M-a-t-z from I&E.

7 JUDGE WATSON: Thank you.

8 MR. PIERCE: Brandon Pierce from the Office  
9 of Consumer Advocate; P-i-e-r-c-e. And I believe I am the  
10 final participant, Your Honor.

11 JUDGE WATSON: All right, thank you, Mr.  
12 Pierce. It's my understanding there are no individual  
13 complainants present in Harrisburg, and in Pittsburgh it is  
14 only Judge Hoyer and myself and we're appearing by telephone  
15 for this proceeding.

16 Okay, it's my understanding there may be at  
17 least one preliminary matter that we need to address, so  
18 we'll begin with Mr. Tubbs. Anything on behalf of the  
19 Company?

20 MR. TUBBS: Yes, Your Honor. Yesterday  
21 afternoon the Company filed a motion for protective order.  
22 It relates to a single exhibit in the proceeding. And we  
23 circulated a draft protective order, as well. We have  
24 spoken to all the parties either yesterday afternoon or this  
25 morning, and all the parties have indicated that they do not

1 have any objections to the Company's motion as presented.

2 JUDGE WATSON: Okay, and I do have a copy of  
3 the correspondence from Mr. Tubbs dated February 12, 2013  
4 that was filed with the Secretary's Bureau on that date.  
5 And along with the correspondence is a motion of Columbia  
6 Gas of Pennsylvania, Inc. for a protective order. And it's  
7 my understanding that that deals essentially with what was  
8 marked as confidential exhibit JTG-R1 attached to the  
9 rebuttal testimony of Jeffery; J-e-f-f-e-r-y T. Gore; G-o-r-  
10 e on behalf of Columbia Gas of Pennsylvania. And that's the  
11 subject matter of the motion, Mr. Tubbs?

12 MR. TUBBS: That's correct, Your Honor.

13 JUDGE WATSON: Okay, and there's no objection  
14 to the motion?

15 (No response.)

16 JUDGE WATSON: Okay, hearing no objection,  
17 Judge Hoyer and I will issue an interim order granting the  
18 motion for protective order. And in dealing with the court  
19 reporter today and providing your evidence, you may treat  
20 that as if it a confidential document, okay? Any questions  
21 regarding that issue?

22 (No response.)

23 JUDGE WATSON: Okay, anything further with  
24 regard to that issue? Okay, if there's nothing further, any  
25 other preliminary matters before we get started?

1 (No response.)

2 JUDGE WATSON: All right, hearing none. It's  
3 my understanding that the parties have resolved the issues  
4 that have been raised in this case. Is that correct, Mr.  
5 Tubbs?

6 MR. TUBBS: Yes, it is, Your Honor.

7 JUDGE WATSON: Okay, good. I'd like to  
8 begin, unless anyone has anything else to add at this point,  
9 by putting your evidence into the record. So if no one has  
10 any other procedural matters or anything else at this point,  
11 let's begin with Mr. Tubbs or Mr. Hassell for Columbia Gas  
12 Company. What evidence would you like to admit into  
13 evidence at this point?

14 MR. TUBBS: Thank you, Your Honor. This is  
15 Mr. Tubbs. I've provided this morning to the court reporter  
16 an original and a copy of Columbia's verifications from its  
17 witnesses in this proceeding. Columbia has several exhibits  
18 and numerous pieces of testimony exhibits, and we've  
19 provided Your Honors and the court reporter with a list of  
20 the Company's exhibits and testimony. And I'll try to move  
21 through this as quickly as I can.

22 The first item are the Company's responses to  
23 the Commission's Standard Data Request related to cost of  
24 service, revenue requirement and rate return. These  
25 responses are contained in five volumes, which I will

1 identify now: Standard Data Request - GASCOS No. 01-21 -  
2 Volume 1 of 1; Standard Data Request - GASRR No. 01-23 -  
3 Volume 1 of 2; Standard Data Request - GASRR No. 24-55 -  
4 Volume 2 of 2; Standard Data Request - GASROR No. 01-09 -  
5 Volume 1 of 2; Standard Data Request - GASROR No. 10-23 -  
6 Volume 2 of 2.

7 I would ask that the Company's responses to  
8 the Commission's Standard Data Requests and Standard Filing  
9 Requirements collectively be identified as Columbia Exhibit  
10 A and moved into evidence by stipulation.

11 (Whereupon, the documents were marked as  
12 Columbia Gas of Pennsylvania Exhibit A  
13 for identification.)

14 JUDGE WATSON: Okay, it's my understanding  
15 the parties would stipulate to the authenticity and the  
16 admissibility of those documents; is that correct? No  
17 objection?

18 (No response.)

19 JUDGE WATSON: Okay, no objection to the  
20 admission of Columbia Exhibit A.

21 (Whereupon, the documents marked as  
22 Columbia Gas of Pennsylvania Exhibit A  
23 were received in evidence.)

24 MR. TUBBS: In addition, Your Honor, the  
25 Company has several exhibits responding to the Commission's

1 filing requirements at 52 Pa Code 53.52 and 53.53, which is  
2 financial and accounting data for the historic test year  
3 ended May 31, 2012. This material was submitted in four  
4 volumes and sponsored by various witnesses in this  
5 proceeding with the sponsoring witness identified in the  
6 upper right-hand corner of each page. Specifically, the  
7 Company submitted the following: Standard Filing  
8 Requirements - Exhibits 1-3, Standard Filing Requirements -  
9 Exhibit 4, Standard Filing Requirements Exhibits 5-12, and  
10 Standard Filing Requirements Exhibits 13-17. These have  
11 been marked in volumes 1 through 4 of 9.

12 I would ask the Company's responses to the  
13 Commission's Standard Filing Requirements relative to  
14 historic test year be marked for identification and admitted  
15 into evidence by stipulation.

16 (Whereupon, the documents were marked as  
17 Columbia Gas of Pennsylvania Standard Filing  
18 Requirements Exhibits Nos. 1 through 17 for  
19 identification.)

20 JUDGE WATSON: Any objection from anyone?

21 (No response.)

22 JUDGE WATSON: Okay, if there is no  
23 objection, those exhibits will be admitted into the record.

24 (Whereupon, the documents marked as  
25 Columbia Gas of Pennsylvania Standard Filing

1 Requirements Exhibits Nos. 1 through 17 were  
2 received in evidence.)

3 MR. TUBBS: Thank you, Your Honor. The  
4 Company has also submitted various information required by  
5 the Commission's standard filing requirements relative to  
6 the future test year ended May 31, 2013, in addition has  
7 provided detail relative to the Fully Forecasted Rate Year  
8 ending June 30, 2014. Similarly, this material was  
9 submitted in four volumes and sponsored by various witnesses  
10 in this proceeding with the sponsoring witness identified in  
11 the upper right-hand corner of each page. Specifically, the  
12 Company submitted the following: Standard Filing  
13 Requirements - Exhibits 101-109 - Volume 5 of 9; Standard  
14 Filing Requirements - Exhibits 110-117 - Volume 6 of 9;  
15 Standard Filing Requirements - Exhibits 400-403 - Volume 7  
16 of 9; and Standard Filing Requirements - Exhibits 404-414 -  
17 Volume 8 of 9.

18 I would ask that the Company's responses to  
19 the Commission's Standard Filing Requirements relative to  
20 the future and fully forecasted rate years be marked for  
21 identification and moved into evidence by stipulation.

22 (Whereupon, the documents were marked as  
23 Columbia Gas of Pennsylvania Standard Filing  
24 Requirements Exhibits Nos. 101 through 117,  
25 and 400 through 414 for identification.)

1 JUDGE WATSON: Okay, any objection from  
2 anyone?

3 (No response.)

4 JUDGE WATSON: All right, hearing no  
5 objection, those will be admitted into the record.

6 (Whereupon, the documents marked as  
7 Columbia Gas of Pennsylvania Standard Filing  
8 Requirements Exhibits Nos. 101 through 117,  
9 and 400 through 414 were received in  
10 evidence.)

11 MR. TUBBS: Thank you, Your Honor. The  
12 Company has also submitted a number of pieces of testimony  
13 on a variety of topics at issue in this proceeding. As I  
14 noted previously, an original and a copy of each witness's  
15 verification has been provided to the court reporter. The  
16 Company's first witness is Mark R. Kempic. Mr. Kempic is  
17 responsible for two pieces of testimony; Columbia Statement  
18 No. 1 and Columbia Statement No. 101-R. I would ask they be  
19 marked for identification and moved into evidence by  
20 stipulation.

21 (Whereupon, the documents were marked as  
22 Columbia Gas of Pennsylvania Statement No. 1  
23 and 101-R for identification.)

24 JUDGE WATSON: Any objection?

25 (No response.)

1 JUDGE WATSON: Hearing no objection, that  
2 will be admitted.

3 (Whereupon, the documents marked as  
4 Columbia Gas of Pennsylvania Statement No. 1  
5 and 101-R were received in evidence.)

6 MR. TUBBS: Our second witness is Amy L.  
7 Efland. Ms. Efland is responsible for two pieces of  
8 testimony; Columbia Statement No. 2 and Columbia Statement  
9 No. 102-R. I would ask they be marked for identification  
10 and moved into evidence by stipulation.

11 (Whereupon, the documents were marked as  
12 Columbia Gas of Pennsylvania Statement No. 2  
13 and 102-R for identification.)

14 JUDGE WATSON: Any objection from anyone?  
15 (No response.)

16 JUDGE WATSON: Hearing no objection, that  
17 will be admitted into evidence.

18 (Whereupon, the documents marked as  
19 Columbia Gas of Pennsylvania Statement No. 2  
20 and 102-R were received in evidence.)

21 MR. TUBBS: The Company's third witness is  
22 Melissa J. Bell. Ms. Bell is responsible for one piece of  
23 testimony, Columbia Statement No. 3 and two accompanying  
24 exhibits MJB-1 and MJB-2. I would ask they be marked for  
25 identification and moved into evidence by stipulation.

1 (Whereupon, the documents were marked as  
2 Columbia Gas of Pennsylvania Statement No. 3  
3 and Exhibits MJB-1 and 2 for  
4 identification.)

5 JUDGE WATSON: Any objection?

6 (No response.)

7 JUDGE WATSON: That will be admitted into  
8 evidence.

9 (Whereupon, the documents marked as  
10 Columbia Gas of Pennsylvania Statement No. 3  
11 and Exhibits MJB-1 and 2 were received in  
12 evidence.)

13 MR. TUBBS: Thank you, Your Honor. The  
14 fourth witness is Jeffery T. Gore. Mr. Gore is responsible  
15 for two pieces of testimony; Columbia Statement No. 4,  
16 Columbia Statement No. 104-R, Confidential Exhibit JTG-R1  
17 and JTG-R2. I would ask they be marked for identification  
18 and moved into evidence by stipulation.

19 (Whereupon, the documents were marked as  
20 Columbia Gas of Pennsylvania Statement Nos.  
21 4 and 104-R with Exhibit JTG-R1  
22 (CONFIDENTIAL) and Exhibit JTG-R2 for  
23 identification.)

24 JUDGE WATSON: Okay, any objection?

25 (No response.)

1 JUDGE WATSON: All right, if there's no  
2 objection, that will be admitted into evidence. And that  
3 particular evidence includes the confidential exhibit that  
4 we discussed previously; is that correct, Mr. Tubbs?

5 MR. TUBBS: Yes, it does, Your Honor.

6 JUDGE WATSON: Okay, and as I indicated, that  
7 motion is granted and we will treat that going forward here  
8 today as a confidential exhibits.

9 MR. TUBBS: Thank you, Your Honor.

10 JUDGE WATSON: Thank you.

11 (Whereupon, the documents marked as  
12 Columbia Gas of Pennsylvania Statement Nos.  
13 4 and 104-R with Exhibit JTG-R1  
14 (CONFIDENTIAL) and Exhibit JTG-R2 were  
15 received in evidence.)

16 MR. TUBBS: The Company's fifth witness is  
17 John J. Spanos. Mr. Spanos is responsible for two pieces of  
18 testimony; Columbia Statement No. 5 and accompanying exhibit  
19 JJS-01, and Columbia Statement No. 105-R and accompanying  
20 that testimony are Exhibits JJS-1R through 5R. I would ask  
21 they be marked for identification and moved into evidence by  
22 stipulation.

23 (Whereupon, the documents were marked as  
24 Columbia Gas of Pennsylvania Statement No. 5  
25 with Exhibit JJS-01 and Columbia Gas of

1 Pennsylvania Statement No. 105-R with  
2 Exhibits JJS-1R through 5R for  
3 identification.)

4 JUDGE WATSON: Any objection?

5 (No response.)

6 JUDGE WATSON: Hearing no objection, that  
7 will be admitted into evidence.

8 (Whereupon, the documents marked as  
9 Columbia Gas of Pennsylvania Statement No. 5  
10 with Exhibit JJS-01 and Columbia Gas of  
11 Pennsylvania Statement No. 105-R with  
12 Exhibits JJS-1R through 5R were received  
13 in evidence.)

14 MR. TUBBS: The Company's sixth witness is  
15 Nancy J.D. Krajovic. Ms. Krajovic is responsible for three  
16 pieces of testimony; Columbia Statement No. 6 and Exhibit  
17 NJDK-1, Columbia Statement No. 106-R and three exhibits,  
18 NJDK-1R through 3R, and Columbia Statement No. 106-SR. I  
19 would ask they be marked for identification and moved into  
20 evidence by stipulation.

21 (Whereupon, the documents were marked as  
22 Columbia Gas of Pennsylvania Statement No. 6  
23 with Exhibit NJDK-1 and Columbia Gas of  
24 Pennsylvania Statement No. 106-R with  
25 Exhibits NJDK-1R through 3R, and Columbia

1 Gas of Pennsylvania Statement No. 106-SR for  
2 identification.)

3 JUDGE WATSON: Okay, any objection from  
4 anyone?

5 (No response.)

6 JUDGE WATSON: No objection, those will be  
7 admitted into evidence.

8 (Whereupon, the documents marked as  
9 Columbia Gas of Pennsylvania Statement No. 6  
10 with Exhibit NJDK-1 and Columbia Gas of  
11 Pennsylvania Statement No. 106-R with  
12 Exhibits NJDK-1R through 3R, and Columbia  
13 Gas of Pennsylvania Statement No. 106-SR  
14 were received in evidence.)

15 MR. TUBBS: The Company's seventh witness is  
16 Robert M. Kitchell. Mr. Kitchell is responsible for two  
17 pieces of testimony; Columbia Statement No. 7, Exhibit RMK-  
18 1, and Columbia Statement No. 107-R. I would ask they be  
19 marked for identification and moved into evidence by  
20 stipulation.

21 (Whereupon, the documents were marked as  
22 Columbia Gas of Pennsylvania Statement No. 7  
23 with Exhibit RMK-1 and Columbia Gas of  
24 Pennsylvania Statement No. 107-R for  
25 identification.)

1 JUDGE WATSON: Okay, no objection from any  
2 party?

3 (No response.)

4 JUDGE WATSON: That will be admitted into the  
5 record.

6 (Whereupon, the documents marked as  
7 Columbia Gas of Pennsylvania Statement No. 7  
8 with Exhibit RMK-1 and Columbia Gas of  
9 Pennsylvania Statement No. 107-R were  
10 received in evidence.)

11 MR. TUBBS: The Company's eighth witness is  
12 Danny G. Cote. Mr. Cote is responsible for two pieces of  
13 testimony; Columbia Statement No. 8 and Exhibit DGC-1, and  
14 Columbia Statement No. 108-R and Exhibit DGC-1R. I would  
15 ask they be marked for identification and moved into  
16 evidence by stipulation.

17 (Whereupon, the documents were marked as  
18 Columbia Gas of Pennsylvania Statement No. 8  
19 with Exhibit DGC-1 and Columbia Gas of  
20 Pennsylvania Statement No. 108-R with  
21 Exhibit DGC-1R for identification.)

22 JUDGE WATSON: Okay, any objection from  
23 anyone?

24 (No response.)

25 JUDGE WATSON: Okay, if there's no objection,

1 that will be admitted into evidence.

2 (Whereupon, the documents marked as  
3 Columbia Gas of Pennsylvania Statement No. 8  
4 with Exhibit DGC-1 and Columbia Gas of  
5 Pennsylvania Statement No. 108-R with  
6 Exhibit DGC-1R were received in evidence.)

7 MR. TUBBS: The Company's ninth witness is  
8 John E. Skirtich. Mr. Skirtich is responsible for two  
9 pieces of testimony; Columbia Statement No. 9 and  
10 accompanying that testimony are Exhibits JES-1 through JES-  
11 5. Mr. Skirtich also sponsored Columbia Statement No. 109-R  
12 and Exhibits JES-1R through JES-8R. I would ask they be  
13 marked for identification and moved into evidence by  
14 stipulation.

15 (Whereupon, the documents were marked as  
16 Columbia Gas of Pennsylvania Statement No. 9  
17 with Exhibits JES-1 through 5, and Columbia  
18 Gas of Pennsylvania Statement No. 109-R with  
19 Exhibit JES-1R through 8R for  
20 identification.)

21 JUDGE WATSON: Okay, any objection?

22 (No response.)

23 JUDGE WATSON: Hearing no objection, that  
24 will be admitted into the record.

25 (Whereupon, the documents marked as

1 Columbia Gas of Pennsylvania Statement No. 9  
2 with Exhibits JES-1 through 5, and Columbia  
3 Gas of Pennsylvania Statement No. 109-R with  
4 Exhibit JES-1R through 8R were received in  
5 evidence.)

6 MR. TUBBS: The Company's tenth witness is  
7 Paul R. Moul. Mr. Moul is responsible for two pieces of  
8 testimony; Columbia Statement No. 10 and accompanying  
9 Appendices A through I, and Columbia Statement No. 110-R,  
10 Exhibit No. 400R, Schedules 1 through 4. I would ask they  
11 be marked for identification and moved into evidence by  
12 stipulation.

13 (Whereupon, the documents were marked as  
14 Columbia Gas of Pennsylvania Statement No.  
15 10 with Appendix A through I, and Columbia  
16 Gas of Pennsylvania Statement No. 110-R with  
17 Exhibit 400R and Schedules 1 through 4 for  
18 identification.)

19 JUDGE WATSON: Any objection?

20 (No response.)

21 JUDGE WATSON: Okay, if there's no objection,  
22 that evidence will be admitted into the record.

23 (Whereupon, the documents marked as  
24 Columbia Gas of Pennsylvania Statement No.  
25 10 with Appendix A through I, and Columbia

1 Gas of Pennsylvania Statement No. 110-R with  
2 Exhibit 400R and Schedules 1 through 4 were  
3 received in evidence.)

4 MR. TUBBS: The Company's eleventh witness is  
5 Panpilas W. Fischer. Ms. Fischer is responsible for two  
6 pieces of testimony; Columbia Statement No. 11 and Columbia  
7 Statement No. 111-R and Exhibits PWF-1R and PWF-R2. I would  
8 ask they be marked for identification and moved into  
9 evidence by stipulation.

10 (Whereupon, the documents were marked as  
11 Columbia Gas of Pennsylvania Statement No.  
12 11, and Columbia Gas of Pennsylvania  
13 Statement No. 111-R with Exhibits PWF-1R and  
14 PWF-R2 for identification.)

15 JUDGE WATSON: Any objection?

16 (No response.)

17 JUDGE WATSON: Okay, if there's no objection,  
18 that evidence will be admitted into the record.

19 (Whereupon, the documents marked as  
20 Columbia Gas of Pennsylvania Statement No.  
21 11, and Columbia Gas of Pennsylvania  
22 Statement No. 111-R with Exhibits PWF-1R and  
23 PWF-R2 were received in evidence.)

24 MR. TUBBS: The Company's twelfth witness is  
25 Gregory L. Shoemaker. Mr. Shoemaker has assumed

1 responsibility for and is sponsoring the direct testimony  
2 that was previously submitted by Ms. Summer Cogar. That is  
3 Columbia Statement No. 12 and Exhibits SDC-1 through SDC-4.  
4 Mr. Shoemaker is also offering rebuttal testimony Columbia  
5 Statement 112-R, Exhibits GLS-1R. I would ask that these  
6 items be marked for identification and moved into evidence  
7 by stipulation.

8 (Whereupon, the documents were marked as  
9 Columbia Gas of Pennsylvania Statement No.  
10 12 with Exhibits SDC-1 through 4, and  
11 Columbia Gas of Pennsylvania Statement No.  
12 112-R with Exhibit GLS-1R for  
13 identification.)

14 JUDGE WATSON: Any objection?

15 (No response.)

16 JUDGE WATSON: Hearing no objection, that  
17 evidence will be admitted into the record.

18 (Whereupon, the documents marked as  
19 Columbia Gas of Pennsylvania Statement No.  
20 12 with Exhibits SDC-1 through 4, and  
21 Columbia Gas of Pennsylvania Statement No.  
22 112-R with Exhibit GLS-1R were received in  
23 evidence.)

24 MR. TUBBS: The Company's fourteenth witness  
25 is Richard Fontaine. Mr. Fontaine is responsible for one

1 piece of testimony; Columbia Statement No. 13. I would ask  
2 they be marked for identification and moved into evidence by  
3 stipulation.

4 (Whereupon, the document was marked as  
5 Columbia Gas of Pennsylvania Statement No.  
6 13 for identification.)

7 JUDGE WATSON: Okay, any objection?

8 (No response.)

9 JUDGE WATSON: Hearing no objection, that  
10 evidence will be admitted into the record.

11 (Whereupon, the document marked as  
12 Columbia Gas of Pennsylvania Statement No.  
13 13 was received in evidence.)

14 MR. TUBBS: The Company's fifteenth witness  
15 is Deborah D. Schmelzer. Ms. Schmelzer is responsible for  
16 one piece of testimony; Columbia Statement No. 14 and  
17 Attachments A and B. I would ask they be marked for  
18 identification and moved into evidence by stipulation.

19 (Whereupon, the documents were marked as  
20 Columbia Gas of Pennsylvania Statement No.  
21 14 with Attachments A and B for  
22 identification.)

23 JUDGE WATSON: All right, any objection from  
24 anyone?

25 (No response.)

1 JUDGE WATSON: If there's no objection, that  
2 will be admitted into the record.

3 (Whereupon, the documents marked as  
4 Columbia Gas of Pennsylvania Statement No.  
5 14 with Attachments A and B were received  
6 in evidence.)

7 MR. TUBBS: The Company's sixteenth witness  
8 is Paula A. Strauss. Ms. Strauss is responsible for two  
9 pieces of testimony; Columbia Statement No. 15 and accompany  
10 Exhibits PAS-1 through PAS-4, and Columbia Statement No.  
11 115-R, Exhibits PAS-1R through PAS-4R. I would ask they be  
12 marked for identification and moved into evidence by  
13 stipulation.

14 (Whereupon, the documents were marked as  
15 Columbia Gas of Pennsylvania Statement No.  
16 15 with Exhibits PAS-1 through 4, and  
17 Columbia Gas of Pennsylvania Statement No.  
18 115-R with Exhibits PAS-1R through 4R for  
19 identification.)

20 JUDGE WATSON: Any objection from anyone?

21 (No response.)

22 JUDGE WATSON: If there's no objection, that  
23 evidence will be admitted into the record.

24 (Whereupon, the documents marked as  
25 Columbia Gas of Pennsylvania Statement No.

1 15 with Exhibits PAS-1 through 4, and  
2 Columbia Gas of Pennsylvania Statement No.  
3 115-R with Exhibits PAS-1R through 4R were  
4 received in evidence.)

5 MR. TUBBS: The Company's seventeenth witness  
6 is Shirley Bardes Hasson. Ms. Bardes Hasson is responsible  
7 for two pieces of testimony; Columbia Statement No. 16 and  
8 Exhibit SBH-1, and Columbia Statement No. 116-R. I would  
9 ask they be marked for identification and moved into  
10 evidence by stipulation.

11 (Whereupon, the documents were marked as  
12 Columbia Gas of Pennsylvania Statement No.  
13 16 with Exhibits SBH-1 and Columbia Gas of  
14 Pennsylvania Statement No. 116-R for  
15 identification.)

16 JUDGE WATSON: Okay, any objection from  
17 anyone?

18 (No response.)

19 JUDGE WATSON: If there's no objection, that  
20 evidence will be admitted into the record.

21 (Whereupon, the documents marked as  
22 Columbia Gas of Pennsylvania Statement No.  
23 16 with Exhibits SBH-1 and Columbia Gas of  
24 Pennsylvania Statement No. 116-R were  
25 received in evidence.)

1 MR. TUBBS: The Company's eighteenth witness  
2 is Thomas C. Heckathorn. Mr. Heckatorn is responsible for  
3 three pieces of testimony; Columbia Statement No. 17,  
4 Columbia Statement No. 117-R and Exhibits TCH-1R through 3R,  
5 and Columbia Statement No. 117-SR and Exhibit TCH-117-SR. I  
6 would ask they be marked for identification and admitted  
7 into evidence by stipulation.

8 (Whereupon, the documents were marked as  
9 Columbia Gas of Pennsylvania Statement No.  
10 17, Columbia Gas of Pennsylvania Statement  
11 No. 117-R with Exhibits TCH-1R through 3R,  
12 and Columbia Gas of Pennsylvania Statement  
13 No. 117-SR with Exhibit TCH-117-SR for  
14 identification.)

15 JUDGE WATSON: Okay, any objection from  
16 anyone?

17 (No response.)

18 JUDGE WATSON: If there's no objection, that  
19 evidence will be admitted into the record.

20 (Whereupon, the documents marked as  
21 Columbia Gas of Pennsylvania Statement No.  
22 17, Columbia Gas of Pennsylvania Statement  
23 No. 117-R with Exhibits TCH-1R through 3R,  
24 and Columbia Gas of Pennsylvania Statement  
25 No. 117-SR with Exhibit TCH-117-SR were

1 received in evidence.)

2 MR. TUBBS: The Company's nineteenth witness  
3 is Rachel Ford. Ms. Ford is responsible for two pieces of  
4 testimony; Columbia Statement No. 18 and Exhibit RF-1, and  
5 Columbia Statement No. 118-R and Exhibit RVF1-R. I would  
6 ask they be marked for identification and moved into  
7 evidence by stipulation.

8 (Whereupon, the documents were marked as  
9 Columbia Gas of Pennsylvania Statement No.  
10 18 with Exhibit RF-1, and Columbia Gas of  
11 Pennsylvania Statement No. 118-R with  
12 Exhibit RVF1-R for identification.)

13 JUDGE WATSON: Okay, any objection?

14 (No response.)

15 JUDGE WATSON: Hearing no objection, that  
16 evidence will be admitted into the record.

17 (Whereupon, the documents marked as  
18 Columbia Gas of Pennsylvania Statement No.  
19 18 with Exhibit RF-1, and Columbia Gas of  
20 Pennsylvania Statement No. 118-R with  
21 Exhibit RVF1-R were received in evidence.)

22 MR. TUBBS: The Company's twentieth witness  
23 is Erich A. Evans. Mr. Evans is responsible for two pieces  
24 of testimony; Columbia Statement No. 19, Columbia Statement  
25 119-R, and Exhibits EAE-1 and EAE-1R. I would ask they be

1 marked for identification and moved into evidence by  
2 stipulation.

3 (Whereupon, the documents were marked as  
4 Columbia Gas of Pennsylvania Statement No.  
5 19 with Exhibit EAE-1, and Columbia Gas of  
6 Pennsylvania Statement No. 119-R with  
7 Exhibit EAE-1R for identification.)

8 JUDGE WATSON: Okay, any objection?

9 (No response.)

10 JUDGE WATSON: If there's no objection, that  
11 evidence will be admitted into the record.

12 (Whereupon, the documents marked as  
13 Columbia Gas of Pennsylvania Statement No.  
14 19 with Exhibit EAE-1, and Columbia Gas of  
15 Pennsylvania Statement No. 119-R with  
16 Exhibit EAE-1R were received in evidence.)

17 MR. TUBBS: The Company's next witness is  
18 Joel L. Hoelzer. Mr. Hoelzer is responsible for one piece  
19 of testimony; Columbia Statement No. 120-R. I would ask  
20 they be marked for identification and moved into evidence by  
21 stipulation.

22 (Whereupon, the document was marked as  
23 Columbia Gas of Pennsylvania Statement No.  
24 120-R for identification.)

25 JUDGE WATSON: Okay, any objection?

1 (No response.)

2 JUDGE WATSON: If there's no objection, that  
3 evidence will be admitted into the record.

4 (Whereupon, the document marked as  
5 Columbia Gas of Pennsylvania Statement No.  
6 120-R was received in evidence.)

7 MR. TUBBS: The Company's next witness is  
8 Deborah A. Davis. Ms. Davis is responsible for one piece of  
9 testimony; Columbia Statement No. 121-R. I would ask they  
10 be marked for identification and moved into evidence by  
11 stipulation.

12 (Whereupon, the document was marked as  
13 Columbia Gas of Pennsylvania Statement No.  
14 121-R for identification.)

15 JUDGE WATSON: Okay, no objection?

16 (No response.)

17 JUDGE WATSON: Hearing no objection, that  
18 evidence will be admitted into the record.

19 (Whereupon, the document marked as  
20 Columbia Gas of Pennsylvania Statement No.  
21 121-R was received in evidence.)

22 MR. TUBBS: And the Company's final witness  
23 is Scott D. Phelps. Mr. Phelps is responsible for one piece  
24 of testimony; Columbia Statement No. 122-R. I would ask  
25 they be marked for identification and moved into evidence by

1 stipulation.

2 (Whereupon, the document was marked as  
3 Columbia Gas of Pennsylvania Statement No.  
4 122-R for identification.)

5 JUDGE WATSON: Okay, is there any objection?

6 (No response.)

7 JUDGE WATSON: All right, if there are no  
8 objection, that evidence will be admitted into the record.

9 (Whereupon, the document marked as  
10 Columbia Gas of Pennsylvania Statement No.  
11 122-R was received in evidence.)

12 JUDGE WATSON: Any other evidence to present  
13 at this point, Mr. Tubbs?

14 MR. TUBBS: No, Your Honor. This completes  
15 the presentation of Columbia's evidence. And again, I note  
16 that the Company has provided the court reporter with copies  
17 of the Company's verifications.

18 JUDGE WATSON: Okay, thank you, Mr. Tubbs.  
19 Also, I'd like to thank you for the testimony and exhibits  
20 for record materials that you provided, which was certainly  
21 very helpful.

22 MR. TUBBS: You're welcome, Your Honor.  
23 Thank you.

24 JUDGE WATSON: Thank you. Okay, and I'm  
25 sorry, one other matter, Mr. Tubbs. You did indicate that

1 all of the evidence that you've offered today did contain an  
2 executed verification attached to the testimony?

3 MR. TUBBS: We provided copies of the  
4 original and a copy of the verification for all the  
5 Company's witnesses to the court reporter.

6 JUDGE WATSON: Okay, thank you very much.

7 MR. TUBBS: You're welcome.

8 JUDGE WATSON: Nothing further from Columbia  
9 at this time?

10 MR. TUBBS: No, Your Honor.

11 JUDGE WATSON: Next, if it's okay with the  
12 parties I'd like to move to the Office of Consumer Advocate?

13 MR. PIERCE: Yes, Your Honor. This is  
14 Brandon Pierce on behalf of the Office of Consumer Advocate.

15 JUDGE WATSON: Thank you, Mr. Pierce.

16 MR. PIERCE: The OCA has pre-marked the  
17 following testimony; OCA Statement No. 1, the direct  
18 testimony of Mr. Thomas S. Catlin dated January 4, 2013,  
19 which includes Appendix A and Schedules TSC-1 through 17.

20 (Whereupon, the documents were marked as  
21 Office of Consumer Advocate Statement No.  
22 1 with Appendix A and Schedules TSC-1  
23 through 17 for identification.)

24 MR. PIERCE: OCA Statement No. 1-S, the  
25 surrebuttal testimony of Mr. Thomas S. Catlin dated February

1 8, 2013 which consists of Schedules TSC-1S through 18.

2 (Whereupon, the documents were marked as  
3 Office of Consumer Advocate Statement No.  
4 1-S with Schedules TSC-1S through 18S for  
5 identification.)

6 MR. PIERCE: OCA Statement No. 2, the direct  
7 testimony of Mr. Matthew I. Kahal dated January 4, 2013,  
8 which includes Appendix A and Schedules MIK-1 through 5.

9 (Whereupon, the documents were marked as  
10 Office of Consumer Advocate Statement No.  
11 2 with Appendix A and Schedules MIK-1  
12 through 5 for identification.)

13 MR. PIERCE: OCA Statement No. 2-S, the  
14 surrebuttal testimony of Mr. Matthew I. Kahal dated February  
15 8, 2013.

16 (Whereupon, the documents were marked as  
17 Office of Consumer Advocate Statement No.  
18 2-S identification.)

19 MR. PIERCE: OCA Statement No. 3, the direct  
20 testimony of Mr. Glenn A. Watkins dated January 4, 2013,  
21 which includes Appendix A and Schedules GAW-1 through 4.

22 (Whereupon, the documents were marked as  
23 Office of Consumer Advocate Statement No.  
24 3 with Appendix A and Schedules GAW-1  
25 through 4 for identification.)

1 MR. PIERCE: OCA Statement No. 3-R, the  
2 rebuttal testimony of Glenn A. Watkin dated January 28,  
3 2013.

4 (Whereupon, the documents were marked as  
5 Office of Consumer Advocate Statement No.  
6 3-R for identification.)

7 MR. PIERCE: OCA Statement No. 3-S, the  
8 surrebuttal testimony of Glenn A. Watkins dated February 8,  
9 2013.

10 (Whereupon, the documents were marked as  
11 Office of Consumer Advocate Statement No.  
12 3-S for identification.)

13 MR. PIERCE: And finally, OCA Statement No.  
14 4-R, the rebuttal testimony of Mr. Roger D. Colton dated  
15 January 28, 2013 and Appendix A.

16 (Whereupon, the documents were marked as  
17 Office of Consumer Advocate Statement No.  
18 4-R and Appendix A for identification.)

19 MR. PIERCE: The Office of Consumer Advocate  
20 has previously distributed copies of all OCA testimony to  
21 all the parties and Your Honor. The OCA also has provided  
22 two copies of each piece of testimony to the court reporter  
23 with a signed original verification and one copy of  
24 verifications of each witness for inclusion into the  
25 official record.

1 Our witnesses do not have any corrections or  
2 changes to these documents. And if our witnesses were here  
3 today and were asked the same questions contained in these  
4 statements, their answers would be the same.

5 The OCA moves that OCA Statements Nos. 1, 1-  
6 S, 2, 2-S, 3, 3-R, 3-S and 4-R and accompanying Appendices  
7 and Schedules be admitted into the record subject to timely  
8 motions.

9 JUDGE WATSON: Okay, any objection to the  
10 proposed exhibits by the Office of Consumer Advocate, OCA  
11 Statement Nos. 1, 1-S, 2, 2-S, 3, 3-R, 3-S, 4-R and  
12 accompanying Appendices and exhibits? Any objection to the  
13 admission of those documents?

14 (No response.)

15 JUDGE WATSON: Okay, hearing no objection,  
16 those will be admitted into the record.

17 (Whereupon, the documents marked as  
18 Office of Consumer Advocate Statement Nos.  
19 1, 1-S, 2, 2-S, 3, 3-R, 3-S, 4-R and  
20 Appendices and Schedules were received in  
21 evidence.)

22 JUDGE WATSON: Anything further from the  
23 Office of Consumer Advocate?

24 MR. PIERCE: That's all, Your Honor.

25 JUDGE WATSON: Okay, thank you very much, Mr.

1 Pierce. Next, Office of Small Business Advocate, Mr. Asmus?

2 MR. ASMUS: Thank you, Your Honor. The OSBA  
3 has pre-marked the following pieces of testimony which have  
4 been distributed previously to the parties and to Your  
5 Honors. OSBA Statement No. 1, which is the direct testimony  
6 and accompanying exhibits of Robert D. Knecht; K-n-e-c-h-t.  
7 OSBA Statement No. 2, which is the rebuttal testimony of  
8 Robert D. Knecht. And OSBA Statement No. 3, which is the  
9 surrebuttal testimony and single exhibit accompanying that  
10 of Robert D. Knecht.

11 We would request that these pieces be marked  
12 for identification and admitted into evidence by stipulation  
13 of the parties.

14 (Whereupon, the documents were marked as  
15 Office of Small Business Advocate Statements  
16 Nos. 1, 2 and 3 for identification.)

17 JUDGE WATSON: Okay, there's an offer by the  
18 Office of Small Business Advocate for the admission of OSBA  
19 Statement No. 1, Statement No. 2 and Statement No. 3 with  
20 the accompanying appendices and exhibits. Is there any  
21 objection to the admission of that documentation?

22 (No response.)

23 JUDGE WATSON: If there's nothing, that will  
24 be admitted into the record.

25 (Whereupon, the documents marked as

1 Office of Small Business Advocate Statements  
2 Nos. 1, 2 and 3 were received in evidence.)

3 JUDGE WATSON: Anything further, Mr. Asmus,  
4 on behalf of the Office of Small Business Advocate?

5 MR. ASMUS: Nothing further, Your Honor.

6 Thank you.

7 JUDGE WATSON: Okay, thank you, Mr. Asmus.  
8 Okay, next I have the Bureau of Investigation and  
9 Enforcement. And Ms. Kaster or Ms. Matz, do you have any  
10 evidence you would like to introduce today?

11 MS. MATZ: Yes, Your Honor. Good morning.  
12 This is Regina Matz for I&E. We have previously distributed  
13 to the parties, to Your Honors, and two copies to the court  
14 reporter this morning nine separate pieces of testimony and  
15 exhibits on behalf of witnesses from I&E. I'd like to  
16 identify those statements seriatim, if I may at this time?

17 JUDGE WATSON: Go ahead.

18 MS. MATZ: I&E has preliminarily marked for  
19 identification as I&E Statement No. 1, I&E Exhibit No. 1,  
20 I&E Statement No. 1-SR, and I&E Exhibit No. 1-SR, the direct  
21 and surrebuttal testimonies and exhibits of I&E witness  
22 Emily Sears. I'd ask that they be marked for identification  
23 at this time and moved into the evidentiary record. An  
24 original and one copy of the verification from Ms. Sears has  
25 been included with the testimony and exhibits.

1 (Whereupon, the documents were marked as  
2 Investigation and Enforcement Statement Nos.  
3 1 and 1-SR and Exhibits Nos. 1 and 1-SR  
4 for identification.)

5 JUDGE WATSON: Okay, any objection from  
6 anyone?

7 (No response.)

8 JUDGE WATSON: If there's no objection, that  
9 evidence will be admitted into the record.

10 (Whereupon, the documents marked as  
11 Investigation and Enforcement Statement Nos.  
12 1 and 1-SR and Exhibits Nos. 1 and 1-SR  
13 were received in evidence.)

14 MS. MATZ: I&E has also distributed and  
15 preliminary marked for identification as I&E Statement No.  
16 2, I&E Exhibit No. 2, I&E Statement No. 2-SR, and I&E  
17 Exhibit No. 2-SR the direct testimony and exhibit and  
18 surrebuttal testimony and exhibit of I&E witness Christine  
19 Wilson. An original verification and a copy of Ms. Wilson  
20 has been provided with these testimonies and exhibits. May  
21 they be so marked and moved into evidence?

22 (Whereupon, the documents were marked as  
23 Investigation and Enforcement Statement Nos.  
24 2 and 2-SR and Exhibits Nos. 2 and 2-SR  
25 for identification.)

1 JUDGE WATSON: Okay, any objection from  
2 anyone?

3 (No response.)

4 JUDGE WATSON: If there's no objection, that  
5 evidence will be admitted into the record.

6 (Whereupon, the documents marked as  
7 Investigation and Enforcement Statement Nos.  
8 2 and 2-SR and Exhibits Nos. 2 and 2-SR  
9 were received in evidence.)

10 MS. MATZ: I&E has also previously identified  
11 and distributed I&E Statement No. 3, I&E Exhibit No. 3, I&E  
12 Statement No. 3-SR and I&E Exhibit No. 3-SR which are the  
13 direct testimony and exhibit and surrebuttal testimony and  
14 exhibit of I&E witness Jeremy B. Hubert. An original  
15 verification and copy has been provided along with these  
16 testimonies and exhibits to the court reporter. May they be  
17 so identified and moved into evidence?

18 (Whereupon, the documents were marked as  
19 Investigation and Enforcement Statement Nos.  
20 3 and 3-SR and Exhibits Nos. 3 and 3-SR  
21 for identification.)

22 JUDGE WATSON: Okay, any objection?

23 (No response.)

24 JUDGE WATSON: Hearing no objection, that  
25 evidence will be admitted into the record.

1 (Whereupon, the documents marked as  
2 Investigation and Enforcement Statement Nos.  
3 3 and 3-SR and Exhibits Nos. 3 and 3-SR  
4 were received in evidence.)

5 MS. MATZ: I&E has previously distributed and  
6 preliminarily marked for identification I&E Statement No. 4,  
7 I&E Exhibit No. 4, I&E Statement No. 4-R, I&E Exhibit No. 4-  
8 R, and I&E Statement No. 4-SR, which are the direct  
9 testimony and exhibit, rebuttal testimony and exhibit, and  
10 surrebuttal testimony of I&E witness, Rachel Maurer. We  
11 have also provided an original verification and copy to the  
12 court reporter to accompany these testimonies and exhibits.

13 I would note, Your Honor, that the  
14 verification that was emailed to the parties and Your Honors  
15 this morning erroneously identified that there was also an  
16 I&E Exhibit 4-SR. There is no such exhibit. A correct  
17 verification is being provided to the court reporter. I'd  
18 ask Your Honors and the parties to disregard the  
19 verification that was emailed this morning, and we will  
20 circulate a correct verification at the conclusion of  
21 today's hearing.

22 May these testimonies and exhibits be so  
23 identified and moved into evidence?

24 (Whereupon, the documents were marked as  
25 Investigation and Enforcement Statement Nos.

1 4, 4-R and 4-SR and Exhibits Nos. 4 and 4-R  
2 for identification.)

3 JUDGE WATSON: Okay, you'll provide the court  
4 reporter with a copy of the corrected verification?

5 MS. MATZ: What is included with the  
6 testimonies and exhibits today is a correct representation,  
7 yes.

8 JUDGE WATSON: Okay, very good. Any  
9 objection?

10 (No response.)

11 JUDGE WATSON: All right, if there's nothing  
12 further, that evidence will be admitted into the record.

13 (Whereupon, the documents marked as  
14 Investigation and Enforcement Statement Nos.  
15 4, 4-R and 4-SR and Exhibits Nos. 4 and 4-R  
16 were received in evidence.)

17 MS. MATZ: Your Honor, I also note, I failed  
18 to identify when we identified I&E Statement No. 1 and  
19 Exhibit No. 1, which was the direct testimony and exhibit of  
20 Emily Sears, that when that testimony was originally  
21 circulated on January 4th, we subsequently discovered that  
22 there was a schedule in that Exhibit No. 1 that had  
23 incorrect data on it. Specifically, the years represented  
24 were incorrectly identified. That schedule would have been  
25 corrected by Ms. Sears on the stand today. It was corrected

1 in the copy of the exhibit that was provided to the court  
2 reporter today, and a correct version of the schedule in an  
3 entire re-served direct exhibit was provided by email to the  
4 parties this morning.

5 JUDGE WATSON: Okay, so I&E Exhibit No. 1  
6 with regard to witness Emily Sears has been corrected, and  
7 that is what has been provided to the court reporter, as  
8 well as all parties?

9 MS. MATZ: Yes, Your Honor. It was our  
10 intent to make sure that everything that was provided to the  
11 court reporter today was correct, and was eventually, if not  
12 previously, provided to the parties.

13 JUDGE WATSON: Okay, thank you very much.  
14 And that was admitted, and thank you for that clarification.

15 MS. MATZ: Certainly. I'm sorry I failed to  
16 mention it originally.

17 JUDGE WATSON: Not at all. Thank you.

18 MS. MATZ: Continuing with I&E Statement No.  
19 5, I&E Exhibit No. 5, I&E Statement No. 5-SR, and I&E  
20 Exhibit No. 5-SR, these were previously distributed and  
21 marked. They are the direct testimony and exhibits and  
22 surrebuttal testimony and exhibits of I&E witness Lisa A.  
23 Boyd. They were provided to the court reporter this morning  
24 along with an original and copy of a verification.

25 May they be identified as marked and moved

1 into evidence?

2 (Whereupon, the documents were marked as  
3 Investigation and Enforcement Statement Nos.  
4 5 and 5-SR and Exhibits Nos. 5 and 5-SR  
5 for identification.)

6 JUDGE WATSON: Okay, any objection?

7 (No response.)

8 JUDGE WATSON: If there's no objection, that  
9 evidence will be admitted into the record.

10 (Whereupon, the documents marked as  
11 Investigation and Enforcement Statement Nos.  
12 5 and 5-SR and Exhibits Nos. 5 and 5-SR  
13 were received in evidence.)

14 MS. MATZ: Thank you, Your Honor. Continuing  
15 with I&E Statement No. 6, I&E Exhibit No. 6, I&E Statement  
16 No. 6-SR, these are the direct testimony and exhibit, and  
17 surrebuttal testimony of I&E witness Daniel Mumford. They  
18 were previously distributed to the parties. An original  
19 verification and copy was provided along with the  
20 testimonies to the court reporter this morning.

21 May they be so identified and moved into  
22 evidence?

23 (Whereupon, the documents were marked as  
24 Investigation and Enforcement Statement Nos.  
25 6 and 6-SR and Exhibit No. 6 for

1 identification.)

2 JUDGE WATSON: Okay, any objection from  
3 anyone?

4 (No response.)

5 JUDGE WATSON: Hearing no objection, that  
6 evidence will be admitted into the record.

7 (Whereupon, the documents marked as  
8 Investigation and Enforcement Statement Nos.  
9 6 and 6-SR and Exhibit No. 6 were received  
10 in evidence.)

11 JUDGE WATSON: Next?

12 MS. MATZ: Thank you, Your Honor. We've also  
13 previously distributed what was identified as I&E Statement  
14 No. 7 and I&E Exhibit No. 7. This was the direct testimony  
15 and exhibit of I&E witness Andrew Geibel. An original  
16 verification and copy were provided, along with copies of  
17 the testimony and exhibit to the court reporter this  
18 morning.

19 May they be identified as marked and moved  
20 into evidence, please?

21 (Whereupon, the documents were marked as  
22 Investigation and Enforcement Statement No.  
23 7 and Exhibit No. 7 for identification.)

24 JUDGE WATSON: Okay, any objection to the  
25 introduction of I&E Statement No. 7 and Exhibit No. 7 with

1 regard to witness Andrew J. Geibel?

2 (No response.)

3 JUDGE WATSON: No objection? And that  
4 evidence will be admitted into the record.

5 (Whereupon, the documents were marked as  
6 Investigation and Enforcement Statement No.  
7 7 and Exhibit No. 7 were received in  
8 evidence.)

9 MS. MATZ: Thank you, Your Honor. And we  
10 also have previously distributed what was preliminarily  
11 marked for identification as I&E Statement No. 8-SR, which  
12 was the surrebuttal testimony of I&E witness Joseph Kubas.  
13 Copies have been provided along with an original  
14 verification and a copy to the court reporter this morning.

15 May I&E Statement No. 8-SR be identified as  
16 marked and moved into the record for evidence, please?

17 (Whereupon, the document was marked as  
18 Investigation and Enforcement Statement No.  
19 8-SR for identification.)

20 JUDGE WATSON: Okay, any objection?

21 (No response.)

22 JUDGE WATSON: All right, if there's no  
23 objection, that evidence will be admitted into the record,  
24 as well.

25 (Whereupon, the document marked as

1 Investigation and Enforcement Statement No.  
2 8-SR was received in evidence.)

3 MS. MATZ: And finally, Your Honor, I&E has  
4 previously distributed what has been preliminarily marked  
5 for identification as I&E Statement No. 9-SR, which is the  
6 surrebuttal testimony of I&E witness Paul Metro. Copies,  
7 along with an original verification and a copy of the  
8 verification have been provided to the court reporter this  
9 morning. We ask that this surrebuttal testimony be  
10 identified as marked and moved into the record, please.

11 (Whereupon, the document was marked as  
12 Investigation and Enforcement Statement No.  
13 9-SR for identification.)

14 JUDGE WATSON: Okay, any objection from  
15 anyone?

16 (No response.)

17 JUDGE WATSON: If there's no objection, that  
18 evidence will be admitted into the record.

19 (Whereupon, the document marked as  
20 Investigation and Enforcement Statement No.  
21 9-SR was received in evidence.)

22 JUDGE WATSON: Anything further, counsel?

23 MS. MATZ: No, Your Honor. That's all we  
24 have. Thank you very much.

25 JUDGE WATSON: Thank you very much. Okay

1 next, I have Columbia Industrial Intervenors, and Ms.  
2 Trinkle or Ms. Mincavage?

3 MS. TRINKLE: Your Honor, this is Elizabeth  
4 Trinkle. Your Honor, I have before me two documents. The  
5 first document is entitled rebuttal testimony and exhibit of  
6 Richard A. Baudino. This document consists of 13 pages of  
7 prepared testimony and one exhibit. I would ask this be  
8 identified and marked as CII Statement No. 1-R.

9 (Whereupon, the document was marked as  
10 Columbia Industrial Intervenors Statement  
11 No. 1-R for identification.)

12 MS. TRINKLE: The second document is a  
13 verification of Richard A. Baudino. The parties have  
14 indicated that they are willing to stipulate to this  
15 witness's testimony into the record. I provided the court  
16 reporter with two copies of CII Statement No. 1-R as well as  
17 the verification. Thus, at this time I would like to move  
18 CII Statement No. 1-R and the verification into the record.

19 JUDGE WATSON: Okay, any objection to CII  
20 Statement No. 1-R with regard to the testimony of Richard A.  
21 Baudino and the attached verification?

22 (No response.)

23 JUDGE WATSON: All right, if there's no  
24 objection, that evidence will be admitted into the record.

25 (Whereupon, the document marked as

1 Columbia Industrial Intervenors Statement  
2 No. 1-R was received in evidence.)

3 JUDGE WATSON: Anything further, Ms. Trinkle?

4 MS. TRINKLE: No, Your Honor.

5 JUDGE WATSON: Thank you very much. Next,  
6 CAUSE-PA? Mr. Cicero?

7 MR. CICERO: Yes. Thank you, Your Honors.  
8 Patrick Cicero appearing on behalf of CAUSE-PA. CAUSE-PA  
9 presented prepared written testimony from only one witness  
10 in this proceeding, Mr. Eugene M. Brady; B-r-a-d-y. That  
11 testimony consists of CAUSE-PA Statement No. 1, the prepared  
12 direct testimony of Eugene M. Brady, which consists of 18  
13 pages of testimony and one appendix. We also submitted  
14 CAUSE-PA Statement No. 1-SR, the prepared surrebuttal  
15 testimony of Eugene M. Brady consisting of five pages of  
16 testimony and no exhibits or appendices.

17 I'd ask that CAUSE-PA Statement No. 1 and  
18 CAUSE-PA Statement No. 1-SR be marked for the record as pre-  
19 marked.

20 (Whereupon, the documents were marked as  
21 CAUSE-PA Statements Nos. 1 and 1-SR for  
22 identification.)

23 JUDGE WATSON: Okay, any objection from  
24 anyone?

25 (No response.)

1 JUDGE WATSON: Okay, if there's no objection,  
2 that evidence will be admitted into the record.

3 (Whereupon, the documents marked as  
4 CAUSE-PA Statements Nos. 1 and 1-SR were  
5 received in evidence.)

6 JUDGE WATSON: Anything further, counsel?

7 MR. CICERO: No, Your Honor. Thank you. The  
8 only thing I would note is that copies of the affidavits  
9 have been provided to the court reporter; the original and  
10 one copy to the court reporter. And copies to Your Honors  
11 were previously forwarded by email. And I thank you for  
12 admitting the testimony into the record.

13 JUDGE WATSON: Thank you very much. Okay,  
14 next, Community Action Association of Pennsylvania. Mr.  
15 Vullo?

16 MR. VULLO: Thank you, Your Honor. I have  
17 premarked and previously distributed to the parties CAAP  
18 Statement No. 1, the direct testimony of Susan Moore-  
19 Wychulis. I have provided the court reporter with an  
20 affidavit and a copy of the affidavit along with the  
21 original testimony and a copy of the testimony. And I'm  
22 asking that the statement be so marked and admitted by  
23 stipulation.

24 (Whereupon, the document was marked as  
25 CAAP Statement No. 1 for identification.)

1 JUDGE WATSON: Okay, and is there any  
2 objection to the admission of CAAP Statement No. 1 on behalf  
3 of Community Action Association of Pennsylvania?

4 (No response.)

5 JUDGE WATSON: No objections? Then that  
6 evidence will be admitted into the record.

7 (Whereupon, the document marked as  
8 CAAP Statement No. 1 was received in  
9 evidence.)

10 JUDGE WATSON: Anything else, Mr. Vullo?

11 MR. VULLO: No, Your Honor.

12 JUDGE WATSON: Thank you. Okay, next -- bear  
13 with me for one second. I have Dominion Retail, Inc.,  
14 Interstate Gas Supply, Inc. and Shipley Choice, LLC, and Mr.  
15 Stewart?

16 MR. STEWART: Thank you, Your Honor. I'd  
17 like to identify three pieces of testimony for the record.  
18 They would be NGS Statement No. 1, which is the direct  
19 testimony of James L. Crist, and includes Exhibit NGS 1. I  
20 also note that after serving the original piece of  
21 testimony, we discovered an error in the exhibit. We  
22 circulated a revised copy of that exhibit to all the parties  
23 and Your Honor, and the documents have been provided to the  
24 court reporter include the revised exhibit.

25 We would also like to identify for the record

1 NGS Statement No. 2, which is the rebuttal testimony of  
2 James L. Crist. That contains no exhibits. And NGS  
3 Statement No. 3, the surrebuttal testimony of James L.  
4 Crist, which includes Exhibit NGS 1-SR.

5 I'd ask that these documents be identified  
6 and moved into the record according to stipulation.

7 (Whereupon, the documents were marked as  
8 NGS Statements Nos. 1, 2 and 3, and  
9 NGS Exhibits Nos. 1 and 1-SR for  
10 identification.)

11 JUDGE WATSON: Okay, what's being offered is  
12 NGS Statement No. 1 with a revised exhibit NGS No. 1  
13 pursuant to a letter from counsel dated January 7, 2013,  
14 which includes this revised exhibit, NGS Statement No. 2 and  
15 NGS Statement No. 3 with regard to the testimony of James L.  
16 Crist. Is there any objection to the admission of that  
17 evidence?

18 (No response.)

19 JUDGE WATSON: Hearing no objection, that  
20 evidence with the revised exhibit NGS No. 1 will be admitted  
21 into the record.

22 (Whereupon, the documents marked as  
23 NGS Statements Nos. 1, 2 and 3, and  
24 NGS Exhibits Nos. 1 and 1-SR were  
25 received in evidence.)

1 MR. STEWART: Thank you, Your Honor.

2 JUDGE WATSON: Anything further, Mr. Stewart?

3 MR. STEWART: Nothing, Your Honor.

4 JUDGE WATSON: Thank you, sir. Next, I have  
5 Pennsylvania State University, and counsel?

6 MR. HAAS: Yes. Thank you, Your Honor. We  
7 have previously distributed PSU Statement No. 1, which is  
8 the rebuttal testimony of James L. Crist. I've given two  
9 copies of that testimony to the court reporter this morning,  
10 in addition to a verification, an original and a copy  
11 executed by Mr. Crist. And I would ask that PSU Statement  
12 No. 1 be admitted into the record.

13 (Whereupon, the document was marked as  
14 Pennsylvania State University Statement  
15 No. 1 for identification.)

16 JUDGE WATSON: Okay, there's an offer of PSU  
17 Statement No. 1 with the attached verification to be  
18 admitted. Any objection?

19 (No response.)

20 JUDGE WATSON: And if there's no objection,  
21 that will be admitted into the record.

22 (Whereupon, the document marked as  
23 Pennsylvania State University Statement  
24 No. 1 was received in evidence.)

25 JUDGE WATSON: And anything further, counsel?

1 (No response.)

2 JUDGE WATSON: No?

3 MR. STEWART: Your Honor, this is Todd  
4 Stewart. I neglected to note that I also circulated a copy  
5 of Mr. Crist's affidavit and provided two copies to the  
6 court reporter of an original and a copy this morning.

7 JUDGE WATSON: Okay, and those are attached  
8 to your NGS Statement No. 1, No. 2 and No. 3?

9 MR. STEWART: Yes, Your Honor.

10 JUDGE WATSON: Okay, and the record will  
11 reflect that those executed verifications are attached to  
12 those exhibits and they are also admitted into the record.  
13 Thank you, Mr. Stewart.

14 Okay, anything further with regard to the  
15 admission of any evidence at this point?

16 MR. TUBBS: Your Honor, this is Mr. Tubbs on  
17 behalf of Columbia. I failed to note that the verifications  
18 of Mr. Spanos and Mr. Cote I provided copies to the court  
19 reporter. The originals should be FedEx'd to our office  
20 this morning and I'll get them over to the court reporter's  
21 office this afternoon.

22 JUDGE WATSON: Okay, very good. And just get  
23 those to the court reporter, and you've identified those and  
24 they will be made a part of the record.

25 MR. TUBBS: Thank you, Your Honor.

1 JUDGE WATSON: Thank you, Mr. Tubbs. Okay,  
2 any other testimony or exhibits that the parties wish to  
3 enter into the record at this point?

4 (No response.)

5 JUDGE WATSON: Okay, if there's nothing  
6 further, again, it's my understanding that appropriate  
7 notice was provided in this case, that none of the  
8 individual complainants have appeared. It's further my  
9 understanding that all of the parties present have waived  
10 cross-examination of the witnesses, and that's correct,  
11 counsel?

12 MR. TUBBS: Yes, it is, Your Honor.

13 JUDGE WATSON: And there's no objection to  
14 that?

15 (No response.)

16 JUDGE WATSON: Hearing none, okay. In  
17 addition, it's my understanding that the parties present  
18 have stipulated to the authenticity and admissibility of the  
19 evidence proposed today by the parties. And hearing no  
20 objection I'll assume that the parties have entered into  
21 such a stipulation.

22 Are there any other matters that anyone would  
23 like to raise at this time?

24 MR. HASSELL: Your Honor, this is Mike  
25 Hassell. With respect to the matter of waiver of cross, we

1 do think it's important to clarify. The parties are all  
2 waiving cross subject, of course, to the ultimate approval  
3 of the settlement by the Commission. As a standard practice  
4 the settlement agreement will contain boiler plate language  
5 that indicates that if the settlement were rejected by the  
6 Commission, the parties continue to retain their rights to  
7 pick up the case, basically, where it was left off. So I  
8 just didn't want it to be in anyway unclear on that standard  
9 practice with respect to the settlement.

10 JUDGE WATSON: Thank you, Mr. Hassell for  
11 that. And Judge Hoyer and I will be issuing some interim  
12 orders and that point is well taken and it will be noted.  
13 Okay, anything else?

14 (No response.)

15 JUDGE WATSON: No? Okay, well, if there's no  
16 further issues today that anyone wishes to raise at this  
17 time, Judge Hoyer and I will be issuing a written order  
18 memorializing what has been agreed to today. There will  
19 also be an interim order with regard to the motion by  
20 Columbia Gas with regard to the confidential exhibit.

21 In addition, we will waive the March 4, 2013  
22 main brief due date. We will expect that an executed joint  
23 settlement petition, together with all of the parties'  
24 statements in support of the settlement in Word format and  
25 hard copies be provided not later than March 18, 2013. And

1 I would just remind the parties these documents must also be  
2 submitted electronically to the Secretary's Bureau.

3 You've all indicated that the exhibits and  
4 copies and verifications have been provided to the court  
5 reporter, and I appreciate that very much.

6 Is there anything further from the parties at  
7 this time?

8 MR. TUBBS: Your Honor, this is Mr. Tubbs. I  
9 guess the one last house cleaning matter, that we'll be  
10 cancelling the hearings for Thursday and Friday, for the  
11 court reporter's benefit.

12 JUDGE WATSON: That's correct. We were  
13 initially scheduled to begin Tuesday in Harrisburg, and  
14 based upon the representation of the parties that these  
15 issues have been resolved, we cancelled Tuesday's hearing,  
16 and we appeared telephonically today at a hearing. Thursday  
17 and Friday will be cancelled.

18 If there's nothing else; Judge Hoyer?

19 JUDGE HOYER: Yes, I have a couple of  
20 housekeeping matters. As far as the statements in support,  
21 please cite to the record evidence any averments that you're  
22 making. We'll look for that, as Judge Watson said, by March  
23 18th.

24 Another matter would be the implementation  
25 order that I circulated last week via email to the parties

1 regarding e-filing testimony and exhibits that were admitted  
2 here today. We would expect that the parties will comply  
3 with that implementation order and submit e-filed or provide  
4 a CD to the Secretary's Bureau within 30 days. And I should  
5 say, the sooner you do that, the better. And with your e-  
6 filing, as much information as you can provide to the  
7 Secretary's Bureau, since this is a new pilot program, that  
8 would be appreciated.

9 One note for the record with respect to the  
10 confidential exhibit that Columbia has offered and has been  
11 admitted, that exhibit would have to be e-filed separately  
12 or be on a separate CD from the rest of the admitted  
13 testimony. But again, the sooner you can file this, the  
14 better.

15 Judge Watson and I anticipate that we'll be  
16 able to issue the protective order no later than the end of  
17 the day tomorrow. So when you do e-file or provide a CD,  
18 let us know via email that you've done that. You do not  
19 need to reserve all of that evidence or provide that  
20 evidence to the parties. Just again, let us know that  
21 you've e-filed it.

22 Based upon those comments, does anybody have  
23 anything that they want to add?

24 (No response.)

25 JUDGE HOYER: Okay.

1 JUDGE WATSON: Okay, if there's nothing  
2 further, Judge Hoyer and I would commend you all for your  
3 efforts in resolving this case. I know counsel has spent  
4 countless hours working diligently to resolve the issues in  
5 this case, and we certainly appreciate it. As you know, the  
6 Commission encourages settlement in these cases. So I'd  
7 like to thank you very much for your efforts in this matter.

8 Judge Hoyer?

9 JUDGE HOYER: Yes, I'm sorry, everyone.  
10 There's another thing that I forgot to mention. Obviously,  
11 you're going to need to serve the settlement petition, joint  
12 petition and all of your statements in support on the non-  
13 signatory parties. We anticipate that we'll issue an order  
14 granting the protective order tomorrow. Once the settlement  
15 is served on all of the parties, we'll issue another order  
16 regarding comments and then the last interim order we would  
17 issue would be closing the record for this.

18 Okay, anything else?

19 (No response.)

20 JUDGE WATSON: All right, thank you. The  
21 time is now 10:55 a.m. We are going to conclude this  
22 hearing. Thank you again.

23 (Whereupon, at 10:55 a.m., the hearing was  
24 adjourned.)

25 \* \* \*

C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.



BY: \_\_\_\_\_

Valorie H. Rosi

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