BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission : R-2022-3031113

Office of Consumer Advocate : C-2022-3031737

Office of Small Business Advocate : C-2022-3031858

Philadelphia Area Industrial :

Energy Users Group : C-2022-3032107

Byron L. Goldstein : C-2022-3032005

West Norriton Township : C-2022-3033273

Hubert Matthews : C-2022-3033921

:

v. :

:

PECO Energy Company – Gas Division :

# **BRIEFING ORDER**

On March 31, 2022, PECO Energy Company – Gas Division (PECO), filed Tariff Gas – Pa. P.U.C. No. 5 (Tariff No. 5) to become effective May 30, 2022. PECO is proposing an annual increase of approximately $81.2 million (9.1%) in additional distribution revenue.

On April 4, 2022, the Office of Consumer Advocate (OCA) filed a formal Complaint, Public Statement, Verification, and a Notice of Appearance on behalf of Laura J. Antinucci, Esq., et. al. The Complaint was docketed at C-2022-3031737.

On April 4, 2022, Scott B. Granger, Esq., entered a Notice of Appearance on behalf of the Bureau of Investigation and Enforcement (I&E).

On April 8, 2022, the Office of Small Business Advocate (OSBA) filed a formal Complaint, Public Statement, Verification, and a Notice of Appearance on behalf of Steven C. Gray, Esq. The Complaint was docketed at C-2022-3031858.

On April 13, 2022, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed a Petition to Intervene in this proceeding to which no parties objected.

By Order entered April 14, 2022, the Pennsylvania Public Utility Commission (Commission) instituted an investigation into the lawfulness, justness, and reasonableness of the proposed rate increase. Pursuant to Section 1308(d) of the Public Utility Code, 66 Pa.C.S. § 1308(d), the filing was suspended by operation of law until December 30, 2022, unless permitted by Commission Order to become effective at an earlier date. In addition, the Commission ordered that the investigation include consideration of the lawfulness, justness and reasonableness of PECO’s existing rates, rules, and regulations. The matter was assigned to the Office of Administrative Law Judge for the prompt scheduling of hearings culminating in the issuance of a Recommended Decision.

By Hearing Notice dated April 15, 2022, a Telephonic Prehearing Conference was scheduled for April 27, 2022, at 10:00 a.m. and the matter was assigned to me.

On April 18, 2022, Byron L. Goldstein filed a *pro se* formal Complaint. The Complaint was docketed at C-2022-3032005.

A Prehearing Order was issued on April 20, 2022, advising the parties of the date and time of the scheduled Prehearing Conference and informing them of the procedures applicable to this proceeding.

On April 25, 2022, the Philadelphia Area Industrial Energy Users Group (PAIEUG) filed a formal Complaint. The Complaint was docketed at C-2022-3032107.

On April 25-26, 2022, Prehearing Memoranda were filed by PECO, OCA, OSBA, I&E, PAIEUG, and CAUSE-PA.

A Telephonic Prehearing Conference was held on April 27, 2022. Counsel for PECO, OCA, OSBA, I&E, PAIEUG, and CAUSE-PA participated. Consumer Complainant Byron L. Goldstein also appeared *pro se*.[[1]](#footnote-1)

By Order dated May 10, 2022, I granted PECO’s Motion for Protective Order.

On May 11, 2022, I issued Prehearing Order #2 memorializing the matters decided and agreed upon by the parties attending the April 27, 2022, Prehearing Conference.

On June 1, 2022, telephonic public input hearings were held at 1:00 p.m. and 6:00 p.m.

On June 24, 2022, West Norriton Township filed a formal Complaint. The Complaint was docketed at C-2022-3033273.

On July 13, 2022, Hubert Matthews filed a *pro se* formal Complaint. The Complaint was docketed at C-2022-3033921.

On August 11, 2022, PECO, I&E, OCA, OSBA, CAUSE-PA, and PAIEUG filed a Joint Stipulation for Admission of Testimony and Exhibits in the above-captioned proceeding.

The evidentiary hearing was held as scheduled on August 12, 2022. During the hearing, PECO presented its witnesses’ rejoinder testimony, and also made its witnesses available for cross examination. All other party witnesses were excused from appearing at the hearing since no parties requested to cross examine them, and also because I did not have questions for them.

The parties were reminded during the hearing that briefs must be filed according to the schedule established in my Prehearing Order. I also advised the parties that I would subsequently issue a briefing order.

THEREFORE,

IT IS ORDERED:

1. That Main Briefs of the parties are due on or before September 7, 2022.
2. That Main Briefs shall: be limited to 150 pages, not including Findings of Fact, Conclusions of Law, or Ordering Paragraphs; be written in Times New Roman or Calibri 12pt font; and, have 1” margins all around.
3. That Reply Briefs are due on or before September 19, 2022.
4. That Reply Briefs shall: be limited to 100 pages, not including Findings of Fact, Conclusions of Law, or Ordering Paragraphs; be written in Times New Roman or Calibri 12pt font; and, have 1” margins all around.
5. That the briefs must substantially comply with the Commission's regulations at 52 Pa.Code §§ 5.501, 5.502.
6. 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 and exhibits; (e) proposed Conclusions of Law, together with legal citations and (f) proposed Ordering Paragraphs.
7. That the parties must use the Rate Case Tables provided via email on August 16, 2022, if necessary to address unresolved issues in this case.
8. That the parties must use a common outline for Main and Reply Briefs.
9. That the parties shall file the original copy of the Main Brief with the Commission no later than 4:00 p.m. on the date due.
10. That the parties shall file the original copy of the Reply Brief with the Commission no later than 2:00 p.m. on the date due.
11. That any brief not filed and served on or before the dates set forth above will not be accepted except by special permission.
12. That the parties are advised not to include any extra-record evidence in their briefs.
13. 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.
14. That the parties are reminded that they are to e-mail me a copy of their as-filed briefs in a WORD-formatted document in addition to ADOBE or other compatible PDF format.

Date: August 19, 2022 /s/

F. Joseph Brady

Administrative Law Judge

**R-2022-3031113 - PENNSYLVANIA PUBLIC UTILITY COMMISSION v. PECO ENERGY COMPANY – GAS DIVISION**

*Revised: August 10, 2022*

RICHARD G WEBSTER JR   
PECO ENERGY COMPANY

2301 MARKET STREET S15

PHILADELPHIA PA 19103

**215.841.5777**

[dick.webster@exeloncorp.com](mailto:dick.webster@exeloncorp.com)

ANTHONY GAY ESQUIRE  
JACK GARFINKLE ESQUIRE

BRANDON PIERCE ESQUIRE  
2301 MARKET STREET

LEGAL DEPARTMENT S23-1

PHILADELPHIA PA 19103

**215.841.4635**

[anthony.gay@exeloncorp.com](mailto:anthony.gay@exeloncorp.com)  
[jack.garfinkle@exeloncorp.com](mailto:jack.garfinkle@exeloncorp.com)  
[brandon.pierce@exeloncorp.com](mailto:brandon.pierce@exeloncorp.com)  
Accepts eService  
*(Counsel for PECO)*

KENNETH M KULAK ESQUIRE  
CATHERINE G VASUDEVAN ESQUIRE  
BROOKE E MCGLINN ESQUIRE  
MARK A LAZAROFF ESQUIRE

MORGAN LEWIS & BOCKIUS LLP

1701 MARKET STREET

PHILADELPHIA PA 19103-2921

**215.963.5384**

[kkulak@morganlewis.com](mailto:kkulak@morganlewis.com)  
[cvasudevan@morganlewis.com](mailto:cvasudevan@morganlewis.com)  
[bmcglinn@morganlewis.com](mailto:bmcglinn@morganlewis.com)  
[mark.lazaroff@morganlewis.com](mailto:mark.lazaroff@morganlewis.com)  
Accepts eService  
*(Counsel for PECO)*

BYRON GOLDSTEIN

2365 GENEVA AVE

GLENSIDE PA 19038

**215.884.5475**

[collegeadmissionscounselor@yahoo.com](mailto:collegeadmissionscounselor@yahoo.com)  
Accepts eService

LAUREN BERMAN ESQUIRE  
RIA PEREIRA ATTORNEY

PA UTILITY LAW PROJECT

118 LOCUST ST

HARRISBURG PA 17101

**717.710.3825**

[lberman@pautilitylawproject.org](mailto:lberman@pautilitylawproject.org)  
[rpereira@pautilitylawproject.org](mailto:rpereira@pautilitylawproject.org)

Accepts eService

CHARIS MINCAVAGE ESQUIRE  
ADEOLU A BAKARE ESQUIRE

MCNEES WALLACE & NURICK

100 PINE STREET

PO BOX 1166

HARRISBURG PA 17108

**717.237.5437**

[cmincavage@mwn.com](mailto:cmincavage@mwn.com)  
[abakare@mwn.com](mailto:abakare@mwn.com)  
Accepts eService  
*(Counsel for PAIEUG)*

JASON BOBST   
WEST NORRITON TOWNSHIP

1630 W MARSHALL STREET

NORRISTOWN PA 19403

**610.631.0450**

[jbobst@wntwp.com](mailto:jbobst@wntwp.com)  
Accepts eService

JOHN WALKO ESQUIRE

KILKENNY LAW LLC

519 SWEDE STREET

NORRISTOWN PA 19401

**484.679.8150**

[john@skilkennylaw.com](mailto:john@skilkennylaw.com)  
Accepts eService  
*(Counsel for West Norriton Township)*

HUBERT MATTHEWS

367 BURMONT ROAD

DREXEL HILL PA 19026-3525

**610.716.3072**

[fluffy3670.ts@gmail.com](mailto:fluffy3670.ts@gmail.com)

PATRICK M CICERO ESQUIRE  
BARRETT SHERIDAN ESQUIRE  
MACKENZIE BATTLE ESQUIRE

DARRYL A LAWRENCE ESQUIRE   
OFFICE OF CONSUMER ADVOCATE

555 WALNUT STREET 5TH FLOOR

FORUM PLACE

HARRISBURG PA 17101

**717.783.5048**

[pcicero@paoca.org](mailto:pcicero@paoca.org)  
[lantinucci@paoca.org](mailto:lantinucci@paoca.org)  
[bsheridan@paoca.org](mailto:bsheridan@paoca.org)  
[MBattle@paoca.org](mailto:MBattle@paoca.org)  
[dlawrence@paoca.org](mailto:dlawrence@paoca.org)  
Accepts eService

SCOTT B GRANGER ESQUIRE

PA PUC BUREAU OF INVESTIGATION & ENFORCEMENT

SECOND FLOOR WEST

400 NORTH STREET

HARRISBURG PA 17120

**717.425.7593**

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

STEVEN C GRAY ESQUIRE

OFFICE OF SMALL BUSINESS ADVOCATE

FORUM PLACE

555 WALNUT STREET 1ST FLOOR

HARRISBURG PA 17101

**717.783.2525**

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

1. Mr. Goldstein stated that he would like to be an inactive participant. [↑](#footnote-ref-1)