**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 GRANTING MOTION FOR ADMISSION OF EVIDENCE**

Pursuant to 52 Pa. Code 5.402, 5.403 and 5.483, this Order: (l) accepts a Joint Stipulation for the Admission of Evidence; and (2) grants a Motion for Admission of Evidence filed by UGI Utilities, Inc. - Gas Division (UGI Gas or Company), the Commission’s Bureau of Investigation and Enforcement (I&E), and the Office of Consumer Advocate (OCA).[[1]](#footnote-1) The parties in the above-captioned proceeding (Joint Petitioners or Parties), have submitted the Joint Stipulation for Admission of Evidence in the above-captioned consolidated proceeding to give effect to that Stipulation and have moved for the admission of evidence into the record. That Motion for Admission may be found within the Joint Stipulation and is granted, taking into account the request by the parties that some exhibits be accorded Confidential or Highly Confidential status.

HISTORY

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.

On June 9, 2022, a telephonic prehearing Conference was held on at which time the parties agreed to the consolidation of these cases, a tentative litigation schedule and matters related thereto.

On August 9, 2022, the Parties, having reached a Settlement in Principle of the issues in this matter, filed a Joint Stipulation for Admission of Evidence. A proposed Joint Settlement resolving all issues in this matter was filed on August 12, 2022. As the proposed Joint Settlement will be submitted to the Commission, there is no need for an evidentiary hearing in this case, and the Motion for Admission of Evidence is granted.[[2]](#footnote-2) I note that no opposition to the Motion for Admission has been received from the public although earlier in the proceeding a number of informal complaints had been filed.

TESTIMONY AND EXHIBITS

The following filings, statements and exhibits have been offered into evidence by the Parties:

1. **Testimony and Exhibits of UGI Gas**

UGI Gas Exhibit 1: Book 1, filed on April 29, 2022, containing the information submitted pursuant to 52 Pa. Code §§ 53.64(c) and 53.65 of the Commission’s regulations and 66 Pa. C.S. 1317(c) in support of 66 Pa. C.S. § 1307(f) Purchased Gas Costs for 2022.

UGI Gas Exhibit 2: Book 2, filed on June 1, 2022, containing the computation of the annual purchased gas cost filing submitted pursuant to 52 Pa. Code §§ 53.61, *et. seq*., of the Commission’s regulations and 66 Pa. C.S. § 1317(c) in support of 66 Pa. C.S. § 1307(f) Purchased Gas Costs for 2022. Book 2 includes the following direct testimony and exhibits:

UGI Gas Statement No. 1 – Direct Testimony of Kimberly M. Bassininsky and Exhibit UGI-KMB-1.

UGI Gas Statement No. 2 – Direct Testimony of Jesse R. Tyahla and Exhibits UGI-JRT-1, UGI-JRT-2, UGI-JRT-3, and UGI-JRT-4. 14. UGI Gas Statement No. 1-R – Rebuttal Testimony of Kimberly M. Bassininsky and UGI Gas Exhibits KMB-1R and KMB-2R.

UGI Gas Statement No. 2-R – Rebuttal Testimony of Jesse R. Tyahla (PUBLIC and HIGHLY CONFIDENTIAL VERSIONS) and UGI Gas Exhibit JRT-1R.

1. **Testimony and Exhibits of I&E**

I&E Statement No. 1 –Direct Testimony of Christopher Keller and Appendix A.

I&E Statement No. 2 – Direct Testimony of Ethan H. Cline (HIGHLY CONFIDENTIAL and PUBLIC versions), Appendix A, and I&E Exhibit No. 2 (HIGHLY CONFIDENTIAL).

1. **Testimony and Exhibits of OCA**

OCA Statement No. 1 – Direct Testimony of Jerome D. Mierzwa, which included a signed verification, and Schedule JDM-1.

DISPOSITION

The Joint Petitioners have requested that the above identified testimony and exhibits be moved into the record. All Parties have agreed to waive cross-examination in light of the pending settlement and the agreement to stipulate their evidence into the record. The filings, statements and exhibits listed above are relevant to this case. The Motion is unopposed and is essential to resolve this matter consistent with the filing of a Joint Petition for Approval of Unanimous Settlement filed by the Parties. Therefore, it will be granted. Consistent with the Protective Order issued in this proceeding, the Parties have requested that all filings, statements, and exhibits designated as “Confidential” or “Highly Confidential,” be placed in non-public folders by the Secretary’s Bureau of the Commission. That request is granted.

THEREFORE,

IT IS ORDERED:

1. That the Joint Stipulation for the Admission of Evidence filed August 9, 2022, by UGI Utilities, Inc. – Gas Division, the Bureau of Investigation and Enforcement of the Commission, and the Office of Consumer Advocate is accepted, and the related Motion for Admission of Evidence is granted.
2. That the filings, statements, and exhibits at Paragraphs 12-18 listed in Joint Stipulation are admitted into the record of this proceeding.
3. That copies of each filing, statement, and exhibit listed in the Stipulation at Paragraphs 12-18 be filed with the Secretary's Bureau of the Commission in conformity with the directions of the Secretary’s Office, unless previously filed.
4. That all filings, statements, and exhibits designated as Confidential or Highly Confidential be placed in non-public folders by the Secretary’s Bureau.

Dated: August 30, 2022 \_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dennis J. Buckley

Administrative Law Judge

**R-2022-3032242 et al - PENNSYLVANIA PUBLIC UTILITY COMMISSION v. UGI UTILITIES, INC.***Updated 07/07/22*

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1. The Office of Small Business Advocate (OSBA) did not file testimony in this proceeding but does not oppose the Joint Stipulation and Motion for Admission. [↑](#footnote-ref-1)
2. Some of the documents in this case contain Confidential or Highly Confidential information, and a Motion for Protective Order filed August 9, 2022, has been granted in this matter by separate Order. [↑](#footnote-ref-2)