**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :

:

v. : R-2022-3032764

:

Leatherstocking Gas Company LLC

**INTERIM ORDER**

**APPROVING JOINT STIPULATION AND ADMITTING TESTIMONY AND EXHIBITS INTO THE RECORD AND CANCELLING THE HEARINGS**

On July 1, 2022, Leatherstocking Gas Company LLC filed Supplement No. 17 to Tariff Gas -Pa.P.U.C. No. 1 to become effective September 1, 2022, which proposed changes in rates, rules, and regulations calculated to produce $701,200 (32.35%) in additional annual revenues. The total bill for a typical residential customer using 79 Ccf would increase from $169.82 to $226.19 per month or about 33.20%.

On July 19, 2022, I&E filed a Notice of Appearance for Carrie B. Wright.

On July 22, 2022, the OSBA filed a Formal Complaint, Public Statement, and Notice of Appearance, which was docketed at C-2022-3033978.

On August 4, 2022, the OCA filed a Formal Complaint, Public Statement, and Notice of Appearance, which was docketed at C-2022-3034235.

On August 4, 2022, the Pennsylvania Public Utility Commission (Commission) issued an Order suspending Supplement No. 17 by operation of law until April 1, 2023, unless permitted by Commission Order to become effective at an earlier date.

A prehearing conference was held on August 16, 2022, and a prehearing order was entered on August 17, 2022. The prehearing order confirmed the litigation schedule and discovery deadlines for this proceeding.

On August 17, 2022, A Telephonic Evidentiary Hearing Notice was issued scheduling the evidentiary hearing for October 26-27, 2022.

On August 19, 2022, A Telephonic Public Input Hearing Notice was issued scheduling the public input hearing for September 19, 2022.

On September 13, 2022, I&E, the OCA, and OSBA served their respective Direct Testimony and Exhibits as described below.

The public input hearing was held on September 19, 2022.

On October 4, 2022, an Interim Order was entered directing the Parties to exchange all written testimony by October 21, 2022, and a witness matrix by October 25, 2022. The October 4, 2022 interim order also directed the Parties to electronically submit all the pre-marked proposed exhibits/testimony and a master list of all the parties’ proposed testimonies, evidence and exhibits list of such exhibits and testimonies from all of the Parties, not later than October 25, 2022, at 12:00 p.m.

On October 5, 2022, Leatherstocking, OCA, and I&E served their respective Rebuttal Testimony and Exhibits as described below.

On October 17, 2022, counsel for the Company provided an email to the undersigned presiding officer advising that the Parties had reached a settlement in principle, advising that the Parties intended to enter into a stipulation, and requesting that the evidentiary hearing be cancelled. The undersigned presiding officer provided an email response to the Parties requesting that the stipulation include a list of all of the pre-marked testimony and evidence and exhibits, along with the testimony, verifications, and exhibits/evidence on or before October 24, 2022. In addition, the Parties were requested to confer and agree upon a common outline of issues to be used by all parties in the Settlement and Statements in Support of Settlement submitted by the Parties.

On October 21, 2022, an interim order was entered suspending the deadline imposed by the Interim Order entered on December 4, 2022, requiring the Parties to submit and exchange all written testimonies and exhibits they intend to introduce into evidence at the evidentiary hearing not later than  October 21, 2022; suspending the deadline requiring the Parties to submit a witness matrix not later than October 25, 2022; and requiring the Parties to submit their proposed stipulation, to include all pre-marked proposed exhibits/testimonies and a list of such exhibits and testimonies, not later than 4 p.m. on Monday, October 24, 2022.

On October 24, 2022, Leatherstocking Gas Company, LLC (Leatherstocking or LGC); the Bureau of Investigation & Enforcement (I&E); the Office of Consumer Advocate (OCA); and the Office of Small Business Advocate (OSBA) (hereinafter collectively referred to as the Joint Petitioners or Settling Parties), by their respective counsel, filed a Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record (Joint Stipulation or Settlement Petition). The Joint Petitioners agreed to the admission into the evidentiary record of this proceeding the previously distributed written testimony and exhibits prepared by Leatherstocking, I&E, the OCA, and OSBA and their witnesses as identified below.

In their Settlement Petition, the Joint Petitioners stipulated to the admission of the following into the evidentiary record:

### Leatherstocking Gas Company LLC Testimony and Exhibits:

Rate Case Filing and Direct Testimony

* 1. Appendix A – Tariff Leaves;
  2. Appendix B – Impact of the Proposed Rate Change on Total Bill Revenues for the Twelve Months Ended March 31, 2023;
  3. Leatherstocking Statement No. 1 – Direct Testimony of Accounting and Rate Panel Charles Lenns and Richard A. Kane, including Exhibit Nos. G-1 through G-6;
  4. Data Responses to 52 Pa. Code Section 53.52;
  5. Proofs of Notice;
  6. Verification.

Rebuttal Testimony

1. Leatherstocking Statement No. 1-R - Rebuttal Testimony of Accounting and Rate Panel Charles Lenns and Richard A. Kane, including Appendices A and B and Exhibits G-2 Oct. 2022 Update through G-4 Oct. 2022 Update.

Verifications

1. Testimony Verification of Charles Lenns;
2. Testimony Verification of Richard A. Kane.

### Bureau of Investigation and Enforcement Testimony and Exhibits:

Direct Testimony

1. I&E Statement No. 1 – Direct Testimony of Christine Wilson, including I&E Exhibit No. 1;
2. I&E Statement No. 2 – Direct Testimony of Anthony Spadaccio, including I&E Exhibit No. 2;
3. I&E Statement No. 3 - Direct Testimony of Esyan Sakaya, including I&E Exhibit No. 3.

Rebuttal Testimony

* + 1. I&E Statement No. 3-R – Rebuttal Testimony of Esyan Sakaya, including I&E Exhibit No. 3-R.

Verifications

1. Testimony Verification of Christine Wilson;
2. Testimony Verification of Anthony Spadaccio;
3. Testimony Verification of Esyan Sakaya.

### The Office of Consumer Advocate Testimony and Exhibits:

Direct Testimony

1. OCA Statement No. 1 - Direct Testimony of Jennifer Rogers, including Schedules JLR-1 to JLR-12 and a verification.

Rebuttal Testimony

1. OCA Statement No. 2-R – Rebuttal Testimony of Jerome D. Mierzwa, including a verification.

### Office of Small Business Advocate Testimony and Exhibits:

Direct Testimony

1. OSBA Statement No. 1 - Direct Testimony of Kevin Higgins, including an Appendix, Exhibits KCH-1 through KCH-5, and a verification.

The parties have included the witness verifications and a proposed order, included as Appendix A, listing all of the previously identified testimony for admission into the record. Copies of the testimony and exhibits will be filed electronically with the Commission pursuant to Section 5.412a of the Commission’s regulations. See 52 Pa. Code § 5.412a.

In the Settlement Petition, the Joint Petitioners agreed to the following:

1. That, upon the issuance of a separate Order by the undersigned presiding officer, the Testimony and Exhibits, as described above, shall be deemed to be made a part of the official evidentiary record of this proceeding and may be used for all proper and legal purposes in support of the Settlement and Joint Petition as if hearings had been conducted in this matter.
2. That cross-examination is waived with respect to all of the witnesses of the Joint Petitioners, that the Joint Petitioners agreed to the matters set forth above, and that evidentiary hearings scheduled for October 26-27, 2022, be cancelled. Copies of the testimony and exhibits will be filed electronically with the Commission pursuant to Section 5.412a of the Commission’s regulations. See 52 Pa. Code § 5.412a.
3. The admission by stipulation of the foregoing testimony and exhibits is subject to the Commission’s approval without modification of the Joint Petition for Settlement, which will be filed no later than December 1, 2022. The Joint Petitioners reserve their respective rights to submit additional testimony and to cross-examine witnesses in the event the Joint Petition for Settlement is not approved without modification.

As the Parties have stipulated to the admission of the evidence to be entered into the hearing record, have mutually agreed to waive cross-examination of witnesses and evidentiary challenges to the pre-served written testimony and accompanying exhibits and to cancel the evidentiary hearing in this proceeding, the Stipulation will be approved and the evidentiary hearing will be cancelled.

THEREFORE,

IT IS ORDER THAT:

1. That the Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record is approved and the Stipulation, filed on October 24, 2022, and the filings, statements, and exhibits listed therein are admitted into the record of this proceeding on the terms and conditions set forth in the Stipulation.

1. That the following pre-served written testimony statements, accompanying exhibits and appendices, and respective executed verifications are hereby admitted into the formal evidentiary record as evidence:

### Leatherstocking Gas Company LLC Testimony and Exhibits:

Rate Case Filing and Direct Testimony

* 1. Appendix A – Tariff Leaves;
  2. Appendix B – Impact of the Proposed Rate Change on Total Bill Revenues for the Twelve Months Ended March 31, 2023;
  3. Leatherstocking Statement No. 1 – Direct Testimony of Accounting and Rate Panel Charles Lenns and Richard A. Kane, including Exhibit Nos. G-1 through G-6;
  4. Data Responses to 52 Pa. Code Section 53.52;
  5. Proofs of Notice;
  6. Verification.

Rebuttal Testimony

1. Leatherstocking Statement No. 1-R - Rebuttal Testimony of Accounting and Rate Panel Charles Lenns and Richard A. Kane, including Appendices A and B and Exhibits G-2 Oct. 2022 Update through G-4 Oct. 2022 Update.

Verifications

1. Testimony Verification of Charles Lenns;
2. Testimony Verification of Richard A. Kane.

### Bureau of Investigation and Enforcement Testimony and Exhibits:

Direct Testimony

1. I&E Statement No. 1 – Direct Testimony of Christine Wilson, including I&E Exhibit No. 1;
2. I&E Statement No. 2 – Direct Testimony of Anthony Spadaccio, including I&E Exhibit No. 2;
3. I&E Statement No. 3 - Direct Testimony of Esyan Sakaya, including I&E Exhibit No. 3.

Rebuttal Testimony

* + 1. I&E Statement No. 3-R – Rebuttal Testimony of Esyan Sakaya, including I&E Exhibit No. 3-R.

Verifications

1. Testimony Verification of Christine Wilson;
2. Testimony Verification of Anthony Spadaccio;
3. Testimony Verification of Esyan Sakaya.

### The Office of Consumer Advocate Testimony and Exhibits:

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Rebuttal Testimony

1. OCA Statement No. 2-R – Rebuttal Testimony of Jerome D. Mierzwa, including a verification.

### Office of Small Business Advocate Testimony and Exhibits:

Direct Testimony

1. OSBA Statement No. 1 - Direct Testimony of Kevin Higgins, including an Appendix, Exhibits KCH-1 through KCH-5, and a verification.

3. That each filing, statement, and exhibit listed in the Stipulation be filed with the Secretary’s Bureau of the Commission. For purposes of the electronic submission of pre-served testimony, as required by 52 Pa.Code § 5.412a, the date of the "final hearing" shall be considered the date of this Order.

4. The briefing schedule remains as set forth in the August 17, 2022 Prehearing Order.

5. The evidentiary hearing scheduled for October 26-27, 2022 is cancelled.

6. That on or before December 1, 2022, the Parties shall file their Settlement Petition which shall be accompanied by Statements in Support of Settlement from each Party, and the Settlement Petition shall include proposed findings of fact, proposed conclusions of law, proposed ordering paragraphs and a procedural history, with specific citations to the record, where applicable.  The Settlement Petition and Statements in Support of Settlement shall be structured to utilize common issues outline agreed upon by the Parties which the Parties shall utilize in the organization of the Settlement Petition and Statements in Support of Settlement to the Settlement filed in these proceedings. The Parties shall confer and agree upon a common brief outline for use in organizing the Settlement Petition and Statements in Support of Settlement and shall exchange and submit the agreed upon common outline to the undersigned presiding officer not later than **November 23, 2022**. All issues addressed in the Settlement Petition and Statements in Support of Settlement shall be structured so that all parties’

Statements in Support of Settlement and Settlement Petition Settlement discuss identical issues as identified by the parties in their common brief outline. Main Briefs and Reply Briefs, if any, shall also be structured to utilize common issues identified by the Parties.

Date: October 25, 2022 /s/

Jeffrey A. Watson

Administrative Law Judge

**R-2022-3032764 – PENNSYLVANIA PUBLIC UTILITY COMMISSION v. LEATHERSTOCKING GAS COMPANY, LLC**WHITNEY E SNYDER ESQUIRE  
THOMAS J SNISCAK ESQUIRE  
PHILLIP D DEMANCHICK ESQUIREHAWKE MCKEON AND SNISCAK LLP100 N 10TH STREETHARRISBURG PA 17101717.236.1300  
wesnyder@hmslegal.comtjsniscak@hmslegal.com  
Accepts eService  
[pddemanchick@hmslegal.com](mailto:pddemanchick@hmslegal.com)  
  
CARRIE B WRIGHT ESQUIREPA PUC BIE LEGAL TECHNICALSECOND FLOOR WEST400 NORTH STREETHARRISBURG PA 17120**717.783.6156717.787.4887**carwright@pa.govAccepts eServiceSHARON E WEBB ESQUIRE  
OFFICE OF SMALL BUSINESS ADVOCATEFORUM PLACE555 WALNUT STREET 1ST FLOORHARRISBURG PA 17101**717.783.2525717.783.2831**swebb@pa.gov

ARON J BEATTY ESQUIREOFFICE OF CONSUMER ADVOCATE555 WALNUT STREET 5TH FLOORFORUM PLACEHARRISBURG PA 17101**717.783.5048**abeatty@paoca.orgAccepts eService