**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SBG Management Services, Inc. *et al.* : C-2012-2304183
: C-2012-2304324
: C-2015-2486618
: C-2015-2486677
: C-2015-2486674
: C-2015-2486670

v. : C-2015-2486664

: C-2015-2486655

: C-2015-2486648

Philadelphia Gas Works : C-2015-2486674

**PREHEARING ORDER FOR TELEPHONE HEARING ON REMAND**

AND NOW, this 28th day of October 2022, it is hereby ORDERED:

1. **DATE AND TIME OF HEARING.** An initial telephonic hearing will be held in this case on:

 **Tuesday, November 8, 2022,** beginning at **10:00 AM.**

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

 **Toll-free Bridge Telephone Number: 1-866-560-8322**

 **PIN Number: 36676820**

If a party wishes to appear at the hearing in person, they must notify me in writing by no later than noon on November 3, 2022. The opposing party may object to the request by no later than noon on November 4, 2022. If an in-person hearing is requested, counsel and witnesses must appear in person.

**FAILURE TO APPEAR**: **You may lose the case if you do not take part in this hearing and present evidence on the issues raised.** Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

1. **CONTINUANCES.** You may request a continuance of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least three (3) days before the hearing. Your motion should include:
2. The case name, case number, and hearing date;
3. The reason you are requesting a continuance; and
4. State whether the other party(s) agrees to the request (or if you do not know).

You must submit the motion to:

**evero@pa.gov**

You must submit the motion to the other party(s) at their email address.

1. **WITNESS MATRIX**

In preparation for the evidentiary hearing, the parties shall prepare a witness examination and cross-examination grid. Counsel for the Complainant is required to coordinate and to submit no later than close of business (4:30 p.m.) on November 3, 2022, a matrix of witness’ presentation for the evidentiary hearing.

1. **PRESENTING EXHIBITS.** If you intend to present any documents or exhibits at the hearing, you must email one (1) copy to me at **evero@pa.gov** and one (1) copy to every other party.  All copies must be received at least two (2) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.

Note that attachments to your Complaint or Answer are not admitted into the record unless submitted separately. Please be sure to have all pre-served exhibits with you at the time of the hearing. This hearing may be your only opportunity to present evidence in support of your complaint.

1. **PRESENTING EXPERT TESTIMONY**

The Commission encourages but does not require the use of written direct testimony of expert witnesses in non-rate cases. If a party wishes to submit written testimony of an expert witness, they must follow Commission regulation at 52 Pa. Code § 4.412.

Written testimony of an expert witness must be submitted by no later than noon on November 3, 2022. The expert witness must be present and available for cross-examination at the scheduled hearing.

1. **FILING AND SERVING DOCUMENTS DURING COVID-19**

FILING WITH THE PUC.

**E-FILING**. The PUC offers a free e-Filing Subscription Service. This service allows a user to file documents electronically and receive an automatic email notification whenever a document is added, removed, or changed on the PUC website in a specific case. information and to subscribe to this service, visit the PUC’s website at:

<https://www.puc.pa.gov/filing-resources/efiling/>

**PAPER FILING.** If you do not have the capability to open and use an e-Filing account, you may file paper documents with the Secretary of the Commission. Filing of paper documents must be sent by overnight delivery to:

Secretary of the Commission
400 North Street
Harrisburg, PA 17120

It is important that you retain the tracking information as proof of submission because during the pandemic emergency, the PUC has limited access to mail delivery.

SERVING OTHER PARTIES. When you file documents with the PUC, you must also serve a copy on the other party. During COVID-19, you can serve a copy by e-Service or e-mail. [For your convenience, a copy of the PUC’s current service list of all parties to this proceeding is enclosed with this Order].

SERVING THE PRESIDING OFFICER. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. You must email one (1) copy at **pmcneal@pa.gov.** If you send me any correspondence or document, you must also send a copy of that correspondence or document to every other party.

1. **REPRESENTATION.** If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*.[[1]](#footnote-1) And, unless you are an attorney, you may not represent someone else.
2. **BURDEN OF PROOF.** The Complainant (the one filing the Complaint) bears the burden of proof and must present evidence sufficient to demonstrate that the utility has violated the Public Utility Code, or a regulation or order of the PUC.[[2]](#footnote-2)

1. **CONTACT INFORMATION.** If your e-mail address or telephone number changes during the course of the proceeding, you must immediately update OALJ by calling 717-787-1399.
2. **ACCOMMODATION.**  Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Please call the PUC scheduling office prior to your hearing to submit your request.

If you require an interpreter to participate in the hearing, we will have an interpreter present. Please call the scheduling office at the PUC at least ten business days prior to your hearing to submit your request.

 Scheduling Office: (717) 787-1399

 The AT&T Relay Service number for persons who are deaf or hearing-impaired is:

1-800-654-5988.

1. **SETTLEMENT.** The PUC’s policy is to encourage settlements.[[3]](#footnote-3) The utility shall, contact the Complainant at least one week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached on all the issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.
2. **BILLING COMPLAINT**. If you are claiming that there are incorrect charges on your utility bill, then you must be prepared to provide the dates that are important and an explanation about any amounts or charges that you believe are not correct.
3. **VIOLATIONS.** A finding of a violation of a PUC Order, regulation or statute may result in the imposition of a civil penalty consistent with 66 Pa. C.S. § 3301 or other provision of the Public Utility Code.

**14. HEARING PROCEDURES.** Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the PUC’s Rules of Practice and Procedure at 52 Pa Code Chapters 1, 3, and 5.

Please be sure to participate from a location, and using a phone, where background noise will be minimized, and the reception is clear.

**15. FURTHER INFORMATION.** A guide to participating in a Formal Complaint proceeding is available on the PUC’s website at:

<https://www.puc.pa.gov/complaints/formal-complaints>.

Date: October 28, 2022 /s/

 Eranda Vero

 Administrative Law Judge

**C-2012-2304183, C-2012-2308454, C-2012-2308462, C-2012-2308465,**

**C-2012-2304167, C-2012-2304215, C-2012-230430, C-2012-2304324, C-2015-2486618,**

**C-2015-2486677, C-2015-2486674, C-2015-2486670, C-2015-2486664, C-2015-2486655,**

**C-2015-2486648, C-2015-2486674 - SBG MANAGEMENT SERVICES, INC /SIMON GARDEN REALTY CO., L.P., ET AL V. PHILADELPHIA GAS WORKS**

***Revised 09/06/22***

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1. 52 Pa. Code §§ 1.21 & 1.22. [↑](#footnote-ref-1)
2. 66 Pa.C.S. §332(a). [↑](#footnote-ref-2)
3. 52 Pa. Code § 5.231(a). [↑](#footnote-ref-3)