

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SBG Management Services, Inc. <i>et al.</i>	:	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

COMPLAINANTS' MOTION FOR CONTINUANCE

AND NOW, by and through their attorneys, Complainants, SBG MANAGEMENT SERVICES, INC., *et al.*, (“Complainants” or “SBG Parties”), move to continue the evidentiary hearing scheduled for November 8, 2022, and to reschedule the proceeding in one hundred and twenty (120) days, on or about March 8, 2023. In support of this motion, Complainants aver the following:

1. On remand to the Pennsylvania Public Utility Commission (“Commission”), Administrative Law Judge Vero has ordered and scheduled an evidentiary hearing for November 8, 2022.
2. This evidentiary hearing pertains to all claims currently pending before the Commission.
3. On or about October 14, 2022, Respondent PENNSYLVANIA GAS WORKS (“Respondent” or “PGW”) filed a Partial Motion to Dismiss, which targeted the claims relating to the *amount* PGW owes Complainants for, *inter alia*, improperly charging them interest and late fees at the 18% tariff rate on docketed municipal liens.

4. In regard to the evidentiary hearing scheduled for November 8, 2022, Complainants retained a forensic accountant to review all relevant documents and determine the actual amount that PGW has improperly charged Complainants.

5. These amounts are significant since PGW continued its erroneous practice of charging 18% interest, under its tariff rate, on docketed municipal liens throughout the duration of this litigation. It did not escrow these amounts, despite the fact that Complainants challenged these charge since initiating this litigation in 2012.

6. Given the complexity the calculations at issue and voluminous nature of the relevant documents, Complainants' expert witness cannot complete the analysis before the scheduled evidentiary hearing date.

7. Counsel for Complainants conferred with Counsel for PGW, inquiring whether PGW would be willing to consent to the 120-day extension requested by Complainants.

8. PGW will not consent to an extension of 120-days, but has indicated its agreement to an extension of seventy (70) days – which would place the new hearing date on or about January 17, 2023.

9. As a condition precedent, PGW has requested that Complainants provide and serve the written testimony (with exhibits) of their expert witness at least thirty (30) days before the new hearing date.

10. Complainants have agreed to PGW's condition precedent; however, Complainants insist on seeking a continuance of 120-days.

11. If Complainants serve the written testimony of their expert witness 30 days prior to the hearing, this allows their expert witness 30 days less time to complete the analysis.

12. An extension of 120 days, therefore, would allow Complainants expert witness ninety (90) days to complete the review of all files in the voluminous record and calculate the amount PGW has overcharged since before the inception of this litigation.

13. The extension period would include the holiday season in late November through December, which – for practical purposes – will detract from the uninterrupted time that Complainants’ expert will have to complete and finalize the analysis.

14. PGW has suggested that Complainants can dispense with much of the independent efforts of their expert witness by adopting the analysis that PGW’s expert has proffered. For reasons that are apparent, Complainants will not agree to this arrangement.

15. It is crucial for Complainants to conduct their own independent analysis of the records. This is the only way to make certain their interests are protected in presenting the evidence during this upcoming evidentiary hearing.

16. To ensure that this analysis is complete and thorough, Complainants respectfully request an extension of 120 days, which is reflected in the following table:

	Current Schedule	Proposed Schedule
Evidentiary Hearing	November 8, 2022	March 8, 2023

17. If the hearing were rescheduled to **March 8, 2023**, Complainants would agree to provide and serve the written testimony and exhibits of their expert witness on **February 6, 2023**.

18. The 70-day extension, for which PGW has agreed, would reschedule the hearing date to January 17, 2023 and require Complainants to serve the written testimony and exhibits of their expert witness on December 18, 2022.

19. This smaller timeframe would only afford Complainants expert witness a disjointed forty-seven (47) days to complete the analysis, with the Thanksgiving holiday causing interference.

WHEREFORE, on this 1st day of November, 2022, Complainants respectfully request that you approve the requested 120-day continuance and reschedule the evidentiary hearing for March 8, 2023.

GOLDSTEIN LAW PARTNERS, LLC

By: /s/ Shawn M. Rodgers
Michael Yanoff
Shawn M. Rodgers
Patricia Starner
11 Church Road, Suite 1A
Hatfield, PA 19440
(tel) 610.949.0444
(fax) 610.296.7730
myanoff@goldsteinlp.com
srodgers@goldsteinlp.com
pstarner@goldsteinlp.com

*Counsel for Complainants SBG
Management Services, Inc., et al.*

CERTIFICATE OF SERVICE

I, Shawn M. Rodgers, Esquire, do hereby certify that on November 1, 2022, I caused a true and correct copy of Complainants' Motion for Continuance to be served upon the following by e-filing and/or email:

Daniel Clearfield, Esquire
Carl R. Schultz, Esquire
Eckert Seamans Cherin & Mellott, LLC
Two Liberty Place
50 South 16th Street, 22nd Floor
Philadelphia, PA 19102
Tel: (215) 851-8400
Fax: (215) 851-8383
dclearfield@eckertseamans.com
cschultz@eckertseamans.com

/s/ Shawn M. Rodgers

MICHAEL YANOFF, ESQUIRE
SHAWN M. RODGERS, ESQUIRE