

November 8, 2022

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**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pa. Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

RE: Supplement No. 152 to the Gas Service Tariff – Pa. P.U.C. of Philadelphia Gas Works,  
Docket No. R-2022-3034229

Petition of Philadelphia Gas Works for Approval on Less than Statutory Notice of Tariff  
Supplement Revising Weather Normalization Adjustment  
Docket No. P-2022-3034264

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Motion to Hold Procedural Schedule in Abeyance on behalf of Philadelphia Gas Works in the above-referenced matters.

Copies are being served in accordance with the Certificate of Service.

Sincerely,

*/s/ Karen O. Moury*

Karen O. Moury

Enclosure

cc: Certificate of Service (with Enclosure)

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of the foregoing Motion upon the persons listed below in the manner indicated in accordance with the requirements of 52

Pa. Code Section 1.54.

**Via Email only**

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Dated: November 8, 2022

*Karen O. Moury*

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Karen O. Moury, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	R-2022-3034229
	:	P-2022-3034264
Philadelphia Gas Works	:	

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**NOTICE TO PLEAD**

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You are hereby notified that an Answer to a Motion is due within 10 days of service under 52 Pa. Code § 5.103, or within such time as may be directed by the presiding officer pursuant to 52 Pa. Code § 5.483. All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for Philadelphia Gas Works, and the Administrative Law Judge presiding over this matter.

*Karen O. Moury*

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Karen O. Moury, Esquire

Date: November 8, 2022

Counsel for Philadelphia Gas Works

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	R-2022-3034229
	:	P-2022-3034264
Philadelphia Gas Works	:	

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**MOTION OF PHILADELPHIA GAS WORKS  
TO HOLD PROCEDURAL SCHEDULE IN ABEYANCE**

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TO: THE HONORABLE MARTA GUHL, ADMINISTRATIVE LAW JUDGE:

Pursuant to Sections 1.15 and 5.103 of the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) regulations, 52 Pa. Code §§ 1.15 and 5.103, Philadelphia Gas Works (“PGW” or “Company”) submits this Motion to Hold in Abeyance the Procedural Schedule in the above referenced proceeding. In a separate filing, PGW has submitted a Petition for Leave to Withdraw (“Withdrawal Petition”) requesting to withdraw Supplement No. 152 to Gas Service Tariff – Pa. P.U.C. No. 2 and the Petition for Approval on Less than Statutory Notice of Tariff Supplement Revising Weather Normalization Adjustment (“Cap Petition”) filed on August 2, 2022. As part of its Withdrawal Petition, PGW has included a commitment to file a complete proposal regarding its Weather Normalization Adjustment by March 1, 2023.

Through this Motion, PGW respectfully requests that the litigation schedule in this proceeding be held in abeyance pending a decision on its Withdrawal Petition. PGW submits that this will prevent the Company and the parties from expending resources unnecessarily to prepare testimony, engage in discovery, and otherwise pursue litigation at this time, while the Withdrawal Petition is pending and may be granted. In the event that the Withdrawal Petition is

not granted, PGW will agree to further extend the suspension date to accommodate a revised litigation schedule.

In support of this Motion, PGW states as follows:

**I. BACKGROUND**

1. PGW is owned by the City of Philadelphia and provides public utility services as a city natural gas distribution operation in the City of Philadelphia, consistent with Section 2212 of the Public Utility Code. 66 Pa.C.S. § 2212. PGW came under the Commission’s jurisdiction on July 1, 2000.

2. PGW’s Weather Normalization Adjustment (“WNA”) was originally authorized by the Commission in 2002 and has worked more or less as anticipated since then. *Pa. Public Utility Commission v. Philadelphia Gas Works*, Docket No. R-00017034 (Order entered on August 8, 2002, Ordering Paragraph 5). PGW’s WNA is an automatic adjustment clause that adjusts billings to customers based upon the degree to which actual weather in its service territory varies from “normal” weather levels, which, based on a settlement reached in PGW’s 2017 base rate case, is currently determined on the basis of a twenty year average of heating degree days (“HDDs”). *Pa. Public Utility Commission v. Philadelphia Gas Works*, Docket No. R-2017-2586783 (Order entered November 8, 2017, at Pages 17-18 and Ordering Paragraph No. 3).

3. The Commission-approved WNA is applied to customer usage from October 1 through May 31. As established by the Tariff, the charges or credits are calculated on the basis of a formula that considers historic normal HDDs and actual experienced HDDs for the billing cycle’s usage.

4. An anomaly occurred with the WNA for May 2022 usage, which produced unusually large charges to customers in many billing cycles with May usage. PGW determined

that its customers should not bear these unprecedented large charges, albeit correctly calculated. Therefore, PGW filed a Petition for Emergency Order on June 30, 2022 at Docket No. P-2022-3033477 seeking Commission approval to immediately revise its Tariff to reverse WNA charges that were applied to May 2022 usage billings, while customers would retain any credits related to the WNA for May usage. In addition, the Petition for Emergency Order explained that PGW had instituted an internal investigation into the WNA formula.

5. The Commission issued an Emergency Order on July 1, 2022 authorizing PGW to implement the proposed Tariff revision. The Emergency Order was ratified by Ratification Order at the Public Meeting held on July 14, 2022. The Ratification Order also directed that PGW submit a report of its findings as a result of investigation regarding the WNA by August 15, 2022.

6. On August 2, 2022, PGW filed Supplement No. 152 due to the unexpected WNA charges that had occurred with respect to some customers' May 2022 usage and PGW's desire to minimize the possibility of a recurrence of a significant anomaly in future months covered by the WNA. To put this mechanism in place quickly at the onset of the next heating season commencing on October 1, 2022, PGW filed the Cap Petition requesting that the Commission approve the Tariff change on less than statutory notice, that is, at its Public Meeting of September 15, 2022.

7. On August 12, 2022, consistent with the Ratification Order entered on July 14, 2022, PGW submitted a report of its investigation ("Investigation Report") to the Commission. OCA filed Comments on September 1, 2022 and CAUSE-PA and TURN filed Comments on September 6, 2022. No further action has been taken on the Investigation Report.

8. On September 15, 2022, the Commission suspended Supplement No. 152 for investigation, thereby extending the effective date to April 1, 2023 (“Suspension Order”). Therefore, the 25% cap did not go into effect on October 1, 2022 as requested by PGW’s Cap Petition.

9. A Prehearing Conference was held on September 28, 2022. Prehearing memoranda were submitted by the parties prior to the Prehearing Conference. During development of a procedural schedule for the suspension and investigation of Supplement No. 152, PGW voluntarily extended the effective date to October 1, 2023.

10. On October 12, 2022, the Commission issued a Notice scheduling telephonic Public Input Hearings for November 17, 2022 at 10:00 a.m. and 6:00 p.m. By this Motion, PGW is not requesting a cancellation or rescheduling of the Public Input Hearings.

11. Simultaneously with this Motion, PGW has filed its Withdrawal Petition, with the commitment to file a complete WNA proposal by March 1, 2023.

12. Under the procedural schedule developed by the parties for this proceeding, PGW’s Direct Testimony is currently due on November 30, 2022.

13. This Motion is requesting that the procedural schedule following the Public Input Hearings be held in abeyance pending a ruling on the Withdrawal Petition.

## **II. ARGUMENT**

14. The Commission’s regulation at 52 Pa. Code § 1.15 provides that a motion to request a continuance or an extension of time to perform a required act may be granted for good cause shown.<sup>1</sup>

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<sup>1</sup> See, e.g., *Motion of PPL Electric Utilities Corp. to Hold This Proceeding in Abeyance Pending Resolution of the Base Rate Case*, Order Holding Proceeding in Abeyance, Docket No M-00072020 (entered July 25, 2007) (granting PPL’s motion to hold its Universal Service and Energy Conservation Plan in abeyance pending resolution of its base rate case).

15. Further, the Commission's regulations give the presiding officer authority to regulate the course of the proceeding. 52 Pa. Code § 5.483.

16. PGW submits that holding the procedural schedule in abeyance pending a decision on its Withdrawal Petition will provide for the most efficient use of resources by the Company, the Commission, and the interested parties. Under the current proposed procedural schedule, PGW's Direct Testimony is currently due in a few short weeks, by November 30, 2022. The parties have also begun conducting formal discovery. It is not an efficient use of the Company's or the parties' time and resources to continue litigation of this proceeding while the Withdrawal Petition is pending. If the Petition is granted, these efforts may have been wasted.

17. Further, PGW submits that holding the procedural schedule in abeyance will not affect the parties' ability to fully investigate the Company's WNA proposal. If the Withdrawal Petition is granted, the parties will have the opportunity to investigate PGW's full WNA proposal, which the Company has committed to filing by March 1, 2023. If the Petition is not granted, PGW will agree to further extend the suspension date of Supplement No. 152 to accommodate a revised litigation schedule. In either case, the parties will have the opportunity to fully investigate the WNA proposal.

18. Given the Company's continuing concerns about the possibility of a recurrence of the anomaly that occurred in May/June 2022, PGW remains vigilant about monitoring the effects of the WNA on its customers' bills, and will continue to do so. Indeed, PGW is committed to seeking emergency relief as necessary.

### **III. CONCLUSION**

For the reasons set forth above, PGW respectfully requests that the Administrative Law Judge grant this Motion and hold the procedural schedule in abeyance pending resolution of PGW's Petition to Withdraw.



Respectfully submitted,

*Karen O. Moury*

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Date: November 8, 2022