


COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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November 14, 2022

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission
v.
Supplement No. 152 to 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:

Attached for electronic filing please find the Office of Consumer Advocate's Answer in Response to the Motion to Hold Procedural Schedule in Abeyance in the above-referenced proceedings. As required under the Commission's regulations, the Office of Consumer Advocate's Answer is accompanied by a verification in accordance with 52 Pa. Code Section 1.36.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Christy M. Appleby
Christy M. Appleby
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Enclosures:

cc: The Honorable Marta Guhl (**email only**)
Athena Delvillar, ALJ's Legal Assistant (**email only**: sdelvillar@pa.gov)
Certificate of Service

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CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission :
v. : Docket No. R-2022-3034229
Supplement No. 152 to Gas Service Tariff – :
Pa. P.U.C. of Philadelphia Gas Works :

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

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Answer in Response to the Motion to Hold Procedural Schedule in Abeyance, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 14th day of November 2022.

SERVICE BY E-MAIL ONLY

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Phone: (717) 783-5048

Fax: (717) 783-7152

Dated: November 14, 2022

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

ANSWER OF THE
OFFICE OF CONSUMER ADVOCATE
IN RESPONSE TO THE
MOTION TO HOLD PROCEDURAL
SCHEDULE IN ABEYANCE

The Office of Consumer Advocate (OCA) submits this Answer in Response to the Motion of Philadelphia Gas Works (PGW or Company) to Hold Procedural Schedule in Abeyance in the above-referenced dockets.

I. INTRODUCTION

Pursuant to Section 1.15 and 5.103 of the Public Utility Commission’s regulations, on November 8, 2022, PGW filed a Motion to Hold in Abeyance the Procedural Schedule (Motion). Motion at 1; 52 Pa. Code 1.15, 5.103. Concurrent with the Motion, PGW also filed a Petition for Leave to Withdraw (Petition) withdraw its Supplement No. 152¹ and the Cap Petition.² PGW requests that the litigation schedule in this proceeding be held in abeyance pending a decision on its Petition. For the reasons set forth below, the OCA agrees with the proposal to hold in abeyance

¹ As PGW noted in its Petition, Supplement No. 152 proposed to revise PGW’s Gas Service Tariff- Pa. P.U.C. No. 2, Page Nos. 149-150, effective October 1, 2022. Petition at 1.

² The OCA notes that concurrent with the Petition for Leave to Withdraw, PGW also filed a Motion for Abeyance of the Procedural Schedule (Motion). The OCA will file separately an Answer to the Motion. As will be noted in the OCA’s Answer, the OCA does not oppose an abeyance of the procedural schedule to allow PGW the opportunity to modify its proposal.

the procedural schedule in this matter pending review of the Petition. The OCA has separately filed an Answer in Opposition to PGW's request for leave to withdraw its tariff filing.

II. ANSWER

In its Motion, PGW argues that good cause exists to hold the procedural schedule in abeyance pending the decision on the Petition. Petition at 16. As PGW notes, PGW's Direct Testimony is due on November 30, 2022 and the parties have begun conducting formal discovery. Petition at ¶ 16. PGW argues that continuation of the existing procedural schedule is not the most efficient use of resources. Petition at ¶ 16.

The OCA can agree with PGW's proposal to hold the procedural schedule in abeyance. The OCA agrees that PGW should not submit Direct Testimony on November 30, 2022, pending a determination on the Petition to Withdraw. The OCA submits, however, that the parties should still be permitted to conduct formal discovery in order to continue to productively use the time that the Petition is pending. Further discovery will be necessary whether or not the proposed Petition is granted and will allow the parties to continue to discuss the possibility of settlement in the interim pending the ruling on the Petition. If the Petition is denied, as requested by the OCA for the reasons set forth in its Answer to the Petition, the OCA respectfully requests that a revised procedural schedule be adopted such that the Commission's Order will be issued prior to the current October 1, 2023 suspension date.

III. CONCLUSION

For the reasons set forth above, the Office of Consumer Advocate respectfully requests that PGW's Motion be granted pending a determination on PGW's Petition for Leave to Withdraw, but that discovery rights be permitted to continue in the interim. If the Petition to for Leave to Withdraw is denied, the OCA respectfully requests that a revised procedural schedule be adopted such that the Commission's Order will be issued prior to the current October 1, 2023 suspension date.

Respectfully Submitted,

/s/ Christy M. Appleby

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DATE: November 14, 2022


BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
v.	:	Docket No. R-2022-3034229
Supplement No. 152 to Gas Service Tariff –	:	
Pa. P.U.C. of Philadelphia Gas Works	:	
	:	
Petition of Philadelphia Gas Works for	:	
Approval on Less than Statutory Notice	:	Docket No. P-2022-3034264
of Tariff Supplement Revising Weather	:	
Normalization Adjustment	:	

VERIFICATION

I, Patrick M. Cicero, hereby state that the facts set forth in the Office of Consumer Advocate's Answer in Response to the Motion to Hold Procedural Schedule in Abeyance, are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: November 14, 2022
*337558

Signature: 
Patrick M. Cicero
Consumer Advocate

Address: Office of Consumer Advocate
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