

COMMONWEALTH OF PENNSYLVANIA



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December 8, 2022

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

Re: Grays Ferry Cogeneration Partnership and
Vicinity Energy Philadelphia, Inc.

v.

Philadelphia Gas Works
Docket No. C-2021-3029259

Dear Secretary Chiavetta,

On November 9, 2022, Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. (Vicinity) filed a Formal Complaint against Philadelphia Gas Works' (PGW or Company) Tariff Supplement No. 156, to PGW's Gas Services Tariff Pa. P.U.C. No. 2, filed November 1, 2022, with an effective date of January 1, 2022 (Supplement) at Docket No. R-2022-3036472. Currently, PGW serves Vicinity under a twenty-five year old, long-term contract set to expire on December 31, 2022. The future terms of service between PGW and Vicinity is the subject of pending litigation at Docket No. C-2021-3029259, in which the Office of Consumer Advocate is an active participant. Under PGW's Supplement No. 156, the Company proposes to continue serving Vicinity on and after January 1, 2023 under existing terms, subject to the possible recalculation of billed amounts.

On November 28, 2022, Vicinity filed a Petition for Interim Emergency Relief (Petition) seeking an interim order from the Commission, extending the twenty-five year contract until the Commission can rule on the merits of Vicinity's underlying pending complaint. The OCA supports PGW's Supplement No. 156 as filed on November 1, 2022 and opposes Vicinity's Petition. The OCA submits that the cost-basis of PGW's future provision of service is the subject of the underlying dispute that is currently pending before the PUC and it would be unreasonable for the Commission to grant the interim relief requested by Vicinity while that dispute remains pending. PGW's Supplement No. 156 provides a reasonable path forward while the Commission reaches a final determination in Docket No. C-2021-3029259. Given this viable alternative presented by PGW, the OCA submits that expedited relief in the form of a contract extension, at terms negotiated twenty-five years ago, is not warranted.

Rosemary Chiavetta, Secretary

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

Respectfully submitted,

/s/ Harrison W. Breitman

Harrison W. Breitman

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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

Grays Ferry Cogeneration Partnership :
and Vicinity Energy Philadelphia, Inc. : Docket No. C-2021-3029259
v. :
Philadelphia Gas Works :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Letter In Support of PGW's Answer, 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 8th day of December 2022.

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