



December 12, 2022

Via E-Mail Only

Honorable Mary D. Long,
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17120
malong@pa.gov

Re: Pennsylvania Public Utility Commission v. National Fuel Gas Distribution Corporation, Docket No. R-2022-303573

Prehearing Memorandum of CAUSE-PA

Your Honor:

Please find the attached **Prehearing Memorandum of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)** in the above noted proceeding.

As indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "L. N. Berman".

Lauren N. Berman, Esq.
Counsel for CAUSE-PA

CC: Secretary Rosemary Chiavetta (via E-file only)
Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
 :
 v. : Docket No. R-2022-3035730
 :
 National Fuel Gas Distribution Corporation :
 :

**PREHEARING MEMORANDUM
OF THE COALITION FOR AFFORDABLE UTILITY SERVICES
AND ENERGY EFFICIENCY IN PENNSYLVANIA**

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA

Lauren N. Berman, Esq., PA ID: 310116

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John W. Sweet, Esq., PA ID: 320182

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December 12, 2022

On December 8, 2022, a Prehearing Conference Order was issued by Administrative Law Judge Mary D. Long setting a telephonic prehearing conference for Wednesday, December 14, 2022 at 10:00 a.m., and requiring parties to file a Prehearing Memorandum no later than 3:00 p.m. on Monday, December 12, 2022. In response, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), through its counsel at the Pennsylvania Utility Law Project, hereby files this Prehearing Conference Memorandum.

I. Background

On October 31, 2022, National Fuel Gas Distribution Corporation (“NFG” or the “Company”) submitted a rate filing, Supplement No. 248 to National Fuel Gas Tarriff – Pa. P.U.C. No. 9 (“Supplement No. 248”), which proposes to increase the Company’s overall revenues by \$28.1 million, or by 9.2%. According to the Company, the total bill for a residential customer who purchases 84 ccfs of gas from NFG per month would increase from \$99.93 to \$109.67 per month, or by 9.7%.

On November 15, 2022, CAUSE-PA filed a Petition to Intervene and Answer, requesting full intervenor status as an active party to the proceeding.

On December 8, 2022, the Commission entered an Order suspending NFG’s proposed Supplement No. 248 to Gas Tariff – Pa. P.U.C. No. 9 by operation of law, and opening an investigation to determine the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained therein. (S&I Order).

II. Issues to be Presented

In addition to compliance with sound rate making principles, including the requirement that rates be just and reasonable, NFG must also ensure that its rates and tariff comply with

universal service requirements. See 66 Pa. C.S. § 2203(8). In determining whether rates are just and reasonable, the Commission must examine whether rates are affordable and accessible to those served.

If the Commission approves any natural gas distribution rate increase, the Commission should condition approval on NFG's agreement to perform such actions as are necessary to ensure compliance with applicable sections of the Public Utility Code, Commission regulations and guidelines, and settlement agreements.

CAUSE-PA has conducted an initial review of NFG's proposed tariff changes and testimony and opposes NFG's request on the grounds that the proposed rate increase and tariff changes may result in unjust and unreasonable rates that would impose severe hardship on low and moderate income residential customers. CAUSE-PA identifies the following specific issues of concern, which must be addressed in this proceeding, though it reserves the right to raise additional issues which may arise through the course of this proceeding:

- i. The conformity to law and the effect of NFG's rate filing and proposed rate increase on low income households.
- ii. The effect of NFG's rate filing and proposed rate increase on low income households enrolled in or eligible for universal service and energy conservation programming, and the continued adequacy of those programs in delivering universally accessible natural gas service.
- iii. Whether NFG's proposed Weather Normalization Adjustment (WNA) is just and reasonable, and how such a charge will impact energy efficiency and conservation.
- iv. The reasonableness of NFG's proposed energy efficiency pilot (EE Pilot), and whether low income customers can adequately access and will proportionately benefit from the EE Pilot, if implemented.

- v. The effect and reasonableness of NFG’s proposed Low to Moderate Income Non-Customer Conversion Demonstration Project (LMI Demonstration).

III. Witnesses and Testimony

CAUSE-PA intends to present the following witness to testify in this matter, but reserves the right to call additional or substitute witnesses as may be warranted upon proper notice to Your Honor and the parties:

Harry S. Geller, Esq.
118 Locust Street
Harrisburg, PA 17101
hgeller@pautilitylawproject.org

Mr. Geller will address the issues identified above, as well as other issues that may arise throughout this proceeding.

IV. Discovery

CAUSE-PA supports the discovery modifications proposed by the Office of Consumer Advocate (OCA).

V. Settlement

CAUSE-PA is willing and ready to engage in settlement discussions in an attempt to resolve or narrow the issues in this proceeding, with any and all parties, and encourages the parties to engage in settlement discussions early in the process.

VI. Service on CAUSE-PA

CAUSE-PA is represented by the attorneys at the Pennsylvania Utility Law Project. All documents should be served on CAUSE-PA as follows:

Lauren N. Berman, Esq.
Ria M. Pereira, Esq.
John W. Sweet, Esq.
Elizabeth R. Marx, Esq.
PENNSYLVANIA UTILITY LAW PROJECT
118 Locust Street
Harrisburg, PA 17102
Telephone: 717-236-9486
Facsimile: 717-233-4088
E-mail: pulp@pautilitylawproject.org

CAUSE-PA requests that parties agree to electronic service in this proceeding.

VII. Representation of CAUSE-PA at Prehearing Conference

At the Prehearing Conference, CAUSE-PA will be represented by Lauren N. Berman, Esq.

VIII. Litigation Schedule

CAUSE-PA is actively involved in discussions with NFG and other parties to reach a mutually agreeable litigation schedule and to determine the appropriate amount of hearing time needed in this matter. In the absence of an alternative schedule being agreed to by the parties prior to the prehearing conference in this matter, CAUSE-PA proposes the following schedule:

Initial Filing	October 28, 2022
Prehearing Conference	December 14, 2022
Other Parties' Direct Testimony	January 26, 2023
Rebuttal Testimony	February 16, 2023
Surrebuttal Testimony	March 1, 2023
Rejoinder Outlines	March 6, 2023, 12:00pm
Hearings	March 14-16, 2023
Main Brief	April 4, 2023

WHEREFORE, CAUSE-PA respectfully submits this Prehearing Conference Memorandum.

Respectfully submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



Lauren N. Berman, Esq., PA ID: 310116
Ria M. Pereira, Esq., PA ID: 316771
John W. Sweet, Esq., PA ID: 320182
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Pennsylvania Public Utility Commission	:	
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v.	:	Docket No. R-2022-3035730
	:	
National Fuel Gas Distribution Corporation	:	
	:	

Certificate of Service

I hereby certify that I have this day served copies of the **Prehearing Memorandum of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54.

VIA Email Only

Anthony D. Kanagy, Esq. Garrett P. Lent, Esq. Post & Schell, P.C. 17 North Second Street, 12 th Floor Harrisburg, PA 17101 akanagy@postschell.com glent@postschell.com	Kevin C. Higgins Energy Strategies 111 East Broadway, Ste. 1200 Salt Lake City, UT 84111 khiggins@energystrat.com
Mackenzie C. Battle, Esq. Lauren E. Guerra, Esq. Andrew J. Zerby, Esq. Aron J. Beatty, Esq. Office of Consumer Advocate 555 Walnut Street 5th Floor, Forum Place Harrisburg, PA 17101-1923 mbattle@paoca.org lguerra@paoca.org azerby@paoca.org abeatty@paoca.org OCAPECOGAS2022@paoca.org	Steven C. Gray, Esq. Office of Small Business Advocate 555 Walnut Street, 1 st Floor Harrisburg, PA 17101 sgray@pa.gov

<p>Scott B. Granger, Esq. Bureau of Investigation & Enforcement PA Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 sgranger@pa.gov</p>	<p>Joseph L. Vullo, Esq. PA Weatherization Providers Task Force 1460 Wyoming Ave. Forty Fort, PA 18704 jlvullo@bvrrlaw.com</p>
<p>Honorable Mary D. Long Administrative Law Judge Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2nd Floor West Harrisburg, PA 17120 malong@pa.gov</p>	

Respectfully Submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



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