

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

**Pennsylvania Public Utility
Commission**

v.

Philadelphia Gas Works

Public Meeting held December 22, 2022

R-2022-3036472

C-2022-3036774

C-2022-3036783

MOTION OF VICE CHAIRMAN STEPHEN M. DEFRANK

On November 1, 2022, Philadelphia Gas Works (PGW) filed Supplement No. 156 to Gas Service Tariff Pa. P.U.C. No. 2 (Supplement No. 156) with the Pennsylvania Public Utility Commission (Commission) to become effective on January 1, 2023. Supplement No. 156 proposes to modify the date by which PGW's Rate GTS-F will terminate by temporarily extending the termination date until a decision is issued by the Commission in the matter at Docket C-2021-3029259 (Complaint Proceeding), or until April 23, 2023, whichever occurs sooner. On November 11, 2022, formal complaints to Supplement No. 156 were filed by Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia Inc. (collectively Grays Ferry) at Docket Numbers C-2022-3036783 and C-2022-3036774, respectively, opposing PGW's tariff filing.

PGW's Rate GTS-F is set to expire on December 31, 2022. PGW and Grays Ferry have been in active litigation before the Commission disputing the appropriate rate to be charged by PGW prospectively, starting January 1, 2023. This is the main crux of the Complaint Proceeding. PGW avers that in all reasonable likelihood, the Rate GTS-F will expire before the Commission has an opportunity to determine the appropriate rate that will apply prospectively.¹ Therefore, PGW filed Supplement No. 156 to extend the termination date of Rate GTS-F.

This Supplement No. 156 proceeding and the Complaint Proceeding represent unique dockets with similar issues. Given these circumstances, and pursuant to 66 Pa. C.S. §§ 1308(b) and 1310(a), I believe it is prudent and in the public interest for this Commission to temporarily approve Supplement No. 156, commence investigation of Supplement No. 156, and assign this instant docket to the Office of Administrative Law judge for Alternative Dispute Resolution, if possible, and for the prompt scheduling of such hearing as may be necessary. The tariff revisions submitted by PGW will be permitted to go into effect as filed and remain in effect during the pendency of the Complaint Proceeding and be subject to refund pending disposition of the formal complaints filed by Grays Ferry, as appropriate.

This temporary approval, pursuant to Sections 1308(b) and 1310(a) of the Public Utility Code, is wholly intended to provide additional time for PGW and Grays Ferry to litigate the two

¹ PGW Answer at 3.

pending, related proceedings to a conclusion while maintaining the existing tariff rules and rates. Further, this temporary approval is made without prejudice to any of the disputed matters and positions at this instant docket or to any disputed matters and positions of the parties at the corresponding Complaint Proceeding docket at C-2021-3029259.

THEREFORE, I MOVE THAT:

1. Philadelphia Gas Works' Supplement No. 156 to Gas Service Tariff Pa. P.U.C. No. 2 is temporarily approved.
2. That the tariff revisions submitted by Philadelphia Gas Works shall be permitted to go into effect as filed and remain in effect until April 23, 2023, or until a decision is issued by the Commission in the Formal Complaint filed by Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia Inc. at Docket C-2021-3029259, subject to refund, as appropriate.
3. That an investigation on Commission motion be, and hereby is, instituted to determine the lawfulness, justness, and reasonableness of the rates, rules, and regulations in Philadelphia Gas Works' Supplement No. 156 to Gas Service Tariff Pa. P.U.C. No. 2.
4. That this case at Docket No. R-2022-3036472 be assigned to the Office of Administrative Law Judge for Alternative Dispute Resolution, if possible, and for the prompt scheduling of such hearings as may be necessary culminating in the issuance of a Recommended Decision within 90 days of the issuance of an Order consistent with this motion.
5. The Bureau of Technical Utility Services draft an Opinion and Order consistent with this Motion.

DATE: December 22, 2022



Stephen M. DeFrank, Vice Chairman