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January 9, 2023

**VIA ELECTRONIC FILING**

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

RE: Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. v. Philadelphia Gas Works; Docket Nos. R-2022-3036472, C-2022-3036774 and C-2022-3036783; **JOINT PETITION FOR LEAVE TO WITHDRAW THE FORMAL COMPLAINTS OF GRAYS FERRY COGENERATION PARTNERSHIP AND VICINITY ENERGY PHILADELPHIA, INC.**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is the Joint Petition for Leave to Withdraw the Formal Complaints of Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. (collectively "Vicinity") in the above-captioned dockets. A copy of this Joint Petition has been served as indicated on the attached Certificate of Service.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me.

Very truly yours,

Dennis A. Whitaker  
Kevin J. McKeon  
Todd S. Stewart  
*Counsel for Grays Ferry Cogeneration  
Partnership and Vicinity Energy Philadelphia,  
Inc.*

TSS/jld  
Enclosure

cc: Administrative Law Judge Marta Guhl (via electronic mail – [mguhl@pa.gov](mailto:mguhl@pa.gov))  
Athena Delvillar, Legal Assistant (via electronic mail – [sdelvillar@pa.gov](mailto:sdelvillar@pa.gov))  
Per Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party)

### VIA ELECTRONIC MAIL ONLY

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Norman J. Kennard, Esquire  
Carl R. Shultz, Esquire  
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*Counsel for Philadelphia Industrial and Commercial Gas User Group*



Todd S. Stewart

DATED: January 9, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Grays Ferry Cogeneration Partnership and	:	
Vicinity Energy Philadelphia, Inc.,	:	
Complainants,	:	Docket Nos. R-2022-3036472
	:	C-2022-3036774
v.	:	C-2022-3036783
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

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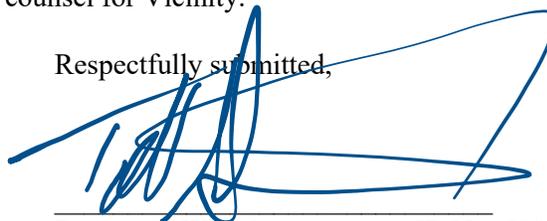
**NOTICE OF PLEAD**

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TO: Daniel Clearfield  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101

Pursuant to 52 Pa. Code §§5.21, 5.22 and 5.32, you are hereby notified that Vicinity Energy Philadelphia, Inc. (“VEPI”) and Grays Ferry Cogeneration Partnership, LLC (“Grays Ferry”) (collectively “Vicinity”) have filed a Joint Petition for Leave to Withdraw the Formal Complaints in the above matters to which you may file an Answer within ten (10) days, of service by the Pennsylvania Public Utility Commission, unless otherwise provided in Title 52 of the Pennsylvania Code. All Pleadings such as any Answer to this Joint Petition must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Vicinity.

Respectfully submitted,



Dennis A. Whitaker, Attorney ID No. 53975  
Kevin J. McKeon, Attorney ID No. 30428  
Todd S. Stewart, Attorney ID No. 75556  
Hawke McKeon & Sniscak LLP  
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*Counsel for Grays Ferry Cogeneration  
Partnership and Vicinity Energy Philadelphia,  
Inc.*

DATED: January 9, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Grays Ferry Cogeneration Partnership and	:	
Vicinity Energy Philadelphia, Inc.,	:	
Complainants,	:	Docket Nos. R-2022-3036472
	:	C-2022-3036774
v.	:	C-2022-3036783
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

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**JOINT PETITION FOR LEAVE  
TO WITHDRAW FORMAL COMPLAINTS**

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NOW COME Vicinity Energy Philadelphia, Inc. (“VEPI”) and Grays Ferry Cogeneration Partnership, LLC (“Grays Ferry”) (collectively “Vicinity”), by and through their counsel, Hawke McKeon & Sniscak, LLP, and pursuant to 52 Pa. Code § 5.94(a), and hereby Petition for Leave to Withdraw the Formal Complaints filed at the above-captioned complaint dockets. The two nearly identical Complaints are premised on the ongoing validity of a contract for natural gas service between Philadelphia Gas Works (“PGW”) and Vicinity. That Contract, however, expired on December 31, 2022. Accordingly, without prejudice to its rights in any other proceeding, Vicinity submits that the issue of PGW’s refusal to extend the contract is now moot. Because that issue is the sole issue raised in the Complaints, Vicinity contends that the appropriate course of action is to withdraw the Complaints. In support of its Petition, Vicinity states as follows:

1. On October 22, 2021, Vicinity filed a Formal Complaint at Docket C-2021-3029259 against PGW regarding the appropriate rates for PGW to serve Vicinity after the expiration of the Contract that has governed that relationship for 25 years.

2. On November 1, 2022, while the litigation of the Complaint at Docket C-2021-3029259 was still under way, and the contract set to expire in 60 days, PGW filed a revised tariff for Rate GTS that would extend the terms of service that it provides to Vicinity until the Commission is able to finally resolve the appropriate rate for PGW's service to Vicinity, subject to refund back to January 1, 2023.

3. On November 11, 2022, VEPI and Grays Ferry separately filed complaints at the above dockets, contending that the tariff filing was insufficient because although the tariff language purported to provide for a continuation of the services covered by the contract beyond the expiration of the contract on December 31, 2022, it did not extend the term of the contract itself.

4. On December 5, 2022, Vicinity filed a Petition for Interim Emergency Relief requesting the Commission to extend the term of the contract until such time as the Commission was able to resolve the Complaint at Docket C-2021-3029259.

5. By Order dated December 27, 2022, the Commission temporarily approved the tariff, and required that said tariff be scheduled for hearing on an expedited basis.

6. On December 28, 2022, the Commission denied Vicinity's Petition for Interim Emergency Relief which had the effect of allowing the contract to expire as of January 1, 2023.

7. The effect of the Commission's December 27 order placing the tariff into effect and the December 28 order denying the request to extend the contract is to moot Vicinity's challenge to the tariff in these dockets because the Contract has now expired, and the tariff has become effective.

8. Therefore, Vicinity respectfully requests that it be permitted to withdraw its complaints and that said complaints be withdrawn.

9. Vicinity has contacted PGW to obtain its agreement to the withdrawal and PGW does not oppose this request.

10. Accordingly, Vicinity also requests that the Prehearing Conference scheduled to be held in this matter on Friday, January 13, 2023, be cancelled and that the requirement that Parties submit Prehearing Conference Memoranda be rescinded.

Now, therefore, Vicinity requests that the Honorable Presiding Administrative Law Judge grant this Petition for Leave to Withdraw its formal complaints at the above dockets and take all other action as may be necessary or reasonable to give effect to the withdrawal.

Respectfully submitted,



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Kevin J. McKeon, Attorney ID No. 30428  
Todd S. Stewart, Attorney ID No. 75556  
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*Counsel for Grays Ferry Cogeneration  
Partnership and Vicinity Energy  
Philadelphia, Inc.*

DATED: January 9, 2023