



Eckert Seamans Cherin & Mellott, LLC
213 Market Street
8th Floor
Harrisburg, PA 17101

TEL: 717 237 6000
FAX: 717 237 6019

Norman J. Kennard
717.602.6546
nkennard@eckertseamans.com

January 12, 2023

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Grays Ferry Cogeneration Partnership, and Vicinity Energy Philadelphia, Inc. v.
Philadelphia Gas Works, Docket No. R-2022-3036472, C-2022-3036774 and
C-2022-3036783

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' ("PGW") Prehearing Memorandum with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

Norman J. Kennard
Norman J. Kennard, Esquire

NJK/lww
Enclosure

cc: Hon. Marta Guhl, w/enc.
Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of PGW's Prehearing Memorandum, upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email Only

Dennis A. Whitaker, Esquire
Kevin J. McKeon, Esquire
Todd S. Stewart, Esquire
Hawke McKeon & Sniscak LLP
100 N 10th Street
Harrisburg, PA 17101
dawhitaker@hmslegal.com
kjmckeon@hmslegal.com
tsstewart@hmslegal.com

Gina L. Miller, Esquire
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street, 2nd Floor
Harrisburg, PA 17120
ginmiller@pa.gov

Charis Mincavage, Esquire
Adelou A. Baker, Esq.
Sarah Hibbert, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108
cmincavage@mcneeslaw.com
abakare@mcneeslaw.com
shibbert@mcneeslaw.com

Aron J. Beatty, Esquire
Harrison W Breitman, Esquire
Andrew J. Zerby, Esquire
Office of Consumer Advocate
555 Walnut Street
Form Place, 5th Floor
Harrisburg, PA 17101-1923
abeatty@paoca.org
hbreitman@paoca.org
azerby@paoca.org

Sharon E. Webb
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101-1923
swebb@pa.gov

Craig W. Berry, Esq.
Senior Attorney
Philadelphia Gas Works
800 W. Montgomery Ave.
Philadelphia, PA 19122
Craig.berry@pgworks.com

Dated: January 12, 2023

Norman J. Kennard

Norman J. Kennard, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:		
	:	Docket No.	R-2022-3036472
v.	:		C-2022-3036774
	:		C-2022-3036783
Philadelphia Gas Works	:		

**PREHEARING MEMORANDUM
OF PHILADELPHIA GAS WORKS**

Pursuant to 52 Pa Code § 5.223, the Prehearing Conference Order dated January 11, 2023 2018, and in anticipation of the Initial Prehearing Call In Telephonic Conference scheduled before Administrative Law Judge Marta Guhl on Friday, January 13, 2023, Philadelphia Gas Works (“PGW” or “Respondent”) submits this Prehearing Memorandum.

I. BACKGROUND

On November 1, 2022, Philadelphia Gas Works (“PGW”), Utility Code 125042, 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 proposed 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 30, 2023, whichever occurs sooner.

On November 11, 2022, formal complaints to Supplement No. 156 were filed by Grays Ferry Cogeneration Partnership (“GFCP”) and Vicinity Energy Philadelphia Inc. (“VEPI”) (collectively “GFCP/VEPI”) at Docket Numbers C-2022-3036783 and C-2022-3036774,

respectively, opposing PGW's tariff filing ("Second Complaints"). PGW filed Answers and Preliminary Objections to the Second Complaints on November 18, 2022.

By Order entered on December 27, 2022, the Commission approved Supplement No. 156. Supplement No. 156 extends the rates and terms of prior service provided by PGW to the Complainants preserving the status quo until such time as the Commission determines the appropriate rates for application to GFCP/VEPI or April 23, 2023. Consistent with the Commission's Order of December 27, 2022, PGW updated Supplement No. 156, which is now in effect.

On January 9, 2023, the Complainants filed an uncontested Petition to Withdrawal their Second Complaints explaining that the underlying 1996 Contract expired on December 31, 2022 and, therefore, "Vicinity submits that the issue of ... extend[ing] 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." Petition to Withdrawal at 1.

PGW agrees that the 1996 Contracts have expired and the issues raised in the Second Complaints are moot.

II. DISCOVERY AND PROCEDURAL SCHEDULE

It is PGW's position that the issues raised in the Second Complaints are moot and further litigation is unnecessary. Supplement No. 156 simply extended the terms and conditions of service until the until the Commission determines the appropriate rates for application as of January 1, 2023.

In lieu of additional discovery, PGW proposes that the record and documents on file with the Commission at the companion Docket C-2021-3029259 ("Complaint Proceeding") be incorporated by reference into this proceeding. Of particular relevance, the record developed on

the Petition for Interim Emergency Order filed by GFCEP/VEPI at that docket addresses the contract extension issues raised by the complaints here.

Based on the use of the prior record, PGW proposes the following schedule:

Pre-Hearing Conference	January 13, 2023
Direct Testimony – PGW	January 20, 2023
Rebuttal Testimony - Others	January 27, 2023
Surrebuttal Testimony - PGW and Others	February 3, 2023
Hearings (with Oral Rejoinder)	February 10, 2023
Main/Initial Briefs - All Parties	February 21, 2023
Reply Briefs - All Parties	March 3, 2023
Initial Decision	March 27, 2023
Exceptions	April 6, 2023
Reply Exceptions	April 11, 2023
Public Meeting	May 18, 2023

III. FACTUAL AND LEGAL ISSUES

The lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in Philadelphia Gas Works’ Supplement No. 156 to Gas Service Tariff Pa. P.U.C. No. 2.

IV. SERVICE OF DOCUMENTS

PGW requests that all documents be served on:

Daniel Clearfield, Esq. (I.D. No. 26183)
Norman J. Kennard (I.D. No. 29921)
Carl R. Shultz, Esq. (I.D. No. 70328)
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
717.237.7173 (direct dial)
717.255.3742 (direct dial)
717-237-6019 (fax)
dclearfield@eckertseamans.com
nkennard@eckertseamans.com
cshultz@eckertseamans.com

and

Craig W. Berry, Esq. (I.D. No. 328527)
Senior Attorney
Philadelphia Gas Works
800 W. Montgomery Ave.
Philadelphia, PA 19122
215.684.6049
215.684.6798 (fax)
Craig.Berry@pgworks.com

PGW also agrees to receive service of documents electronically in this proceeding. To the extent that materials are available electronically, it is requested that copies be served upon the persons identified above.

V. WITNESSES

PGW suggests that the record developed at Docket C-2021-3029259 fully and completely addresses the issues raised in the Second Complaints. PGW has not identified any additional witnesses for this proceeding and reserves the right to modify this witness list prior to the submission of testimony.

VI. SETTLEMENT

PGW does not oppose the request of the Complainants to withdrawal the Second Complaints and is willing to enter into a settlement to that.

Respectfully submitted,

Of Counsel:

Craig W. Berry, Esq. (I.D. No. 328527)
Senior Attorney
Philadelphia Gas Works
800 W. Montgomery Ave.
Philadelphia, PA 19122
215.684.6049
215.684.6798 (fax)
Craig.Berry@pgworks.com

Norman J. Kennard
Daniel Clearfield, Esq. (I.D. No. 26183)
Norman J. Kennard (I.D. No. 29921)
Carl R. Shultz, Esq. (I.D. No. 70328)
Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Fl.
Harrisburg, PA 17101
717.237.7173 (direct dial)
717.255.3742 (direct dial)
717-237-6019 (fax)
dclearfield@eckertseamans.com
nkennard@eckertseamans.com
cshultz@eckertseamans.com

Dated: January 12, 2022

Counsel for Philadelphia Gas Works