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January 12, 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; **PREHEARING CONFERENCE MEMORANDUM OF GRAYS FERRY COGENERATION PARTNERSHIP AND VICINITY ENERGY PHILADELPHIA, INC.**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is the Prehearing Conference Memorandum of Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. (collectively "Vicinity") in the above-captioned dockets. A copy of this Prehearing Memorandum 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)
Athena Delvillar, Legal Assistant (via electronic mail – 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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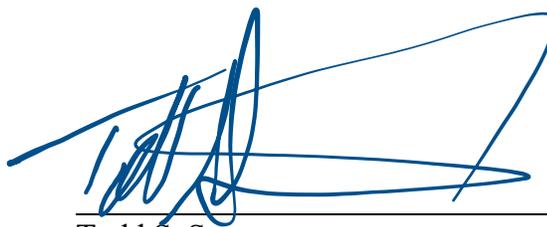
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Todd S. Stewart

DATED: January 12, 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.	:	

**PREHEARING CONFERENCE MEMORANDUM
OF GRAYS FERRY COGENERATION PARTNERSHIP
AND VICINITY ENERGY PHILADELPHIA, INC.**

TO THE HONORABLE MARTA GUHL, PRESIDING ADMINISTRATIVE LAW JUDGE:

NOW COME, Grays Ferry Cogeneration Partnership (“GFCP”) and Vicinity Energy Philadelphia, Inc. (“VEPI”) (collectively “Vicinity”), pursuant to the Prehearing Conference Order issued by Presiding Administrative Law Judge (“ALJ”), the Honorable Marta Guhl, on January 5, 2023, in the above-captioned matter, in anticipation of the Prehearing Conference scheduled for January 13, 2023, and submits the following Prehearing Conference Memorandum.

I. PROCEDURAL HISTORY

1. On November 1, 2022, PGW filed a tariff supplement at R-2022-3036472 that would extend rate GTS during the pendency of Commission’s deliberations of the outcome of the Formal Complaint at Docket No. C-2021-3026783.

2. 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.

3. 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.

4. By Order dated December 27, 2022, the Commission temporarily approved the tariff, and required that said tariff be scheduled for hearing before the Presiding Administrative Law Judge on an expedited basis.

5. 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.

6. On January 5, 2023, the Presiding Administrative Law Judge issued a Prehearing Conference Order that among other things, requires the Parties to submit Prehearing Memoranda no later than January 12, 2023.

7. On January 9, 2023, Vicinity filed a Petition to Withdraw the two above-captioned Complaints regarding PGW's tariff supplement.

II. COUNSEL

8. Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. ("Vicinity") are represented in this matter by:

Dennis A. Whitaker, Attorney ID No. 53975
Kevin J. McKeon, Attorney ID No. 30428
Todd S. Stewart, Attorney ID No. 75556
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9. Vicinity Requests that the above-listed counsel be included on the electronic service list for this matter.

III. STATEMENT OF THE ISSUES

10. If this matter were to proceed to litigation, the issue would be whether PGW's tariff supplement is just and reasonable. Because Vicinity has petitioned to withdraw their Complaints, as to Vicinity that issue is now moot.

IV. PROPOSED WITNESSES

11. Under the assumption that this proceeding will be terminated, Vicinity does not expect to call a witness. If for some reason the Petition to Withdraw Complaints is denied or litigation otherwise proceeds, Vicinity will call Mr. James L. Crist as its witness.

James L. Crist
Lumen Group
4226 Yarmouth Drive, Suite 101
Allison Park, PA 15101
412-487-9708
jlcris@aol.com

V. SCHEDULE

12. Operating under the assumption that no further litigation will be required in this matter, Vicinity does not believe it is necessary to propose a litigation schedule. Nonetheless, to

the extent that this proceeding continues, Vicinity can accept the schedule below, which was proposed by PGW.

<u>Action</u>	<u>Proposed Date</u>	<u>Day of Week</u>	<u>Days from last Action</u>
Prehearing Conference	January 13, 2023	Friday	0
Direct Testimony - PGW	January 20, 2023	Friday	7
Rebuttal Testimony - Others	January 27, 2023	Friday	7
Surrebuttal Testimony - PGW and Others	February 3, 2023	Friday	7
Hearings (with Oral Rejoinder)	February 10, 2023	Friday	7
Main/Initial Briefs - All Parties	February 21, 2023	Tuesday	11
Reply Briefs - All Parties	March 3, 2023	Friday	10
Initial Decision	March 27, 2023	Monday	24
Exceptions	April 6, 2023	Thursday	10
Reply Exceptions	April 11, 2023	Tuesday	5
Public Meeting	May 18, 2023	Thursday	37

VI. DISCOVERY

13. In the event that this matter proceeds to litigation, Vicinity supports several modifications to the Commission’s Discovery Regulations, 52 Pa. Code §§5.321-5.373, in order to maintain the dates in the proposed schedule. These are the same modifications, typically employed in rate cases. These include the following:

A. Answers to written interrogatories shall be electronically served within ten (10) calendar days of service.

B. Objections to interrogatories shall be communicated orally within three (3) business days of service. As is typical practice before the Commission, objections should include a representation that the objecting party has contacted the party that served the request and attempted to resolve the objection before serving the objection.

C. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within five (5) calendar days of service of written objections.

D. Answers to motions to dismiss objections and compel the answering of interrogatories shall be filed within five (5) calendar days of service of such motions.

Vicinity is willing to consider further modifications as may be warranted.

VII. SETTLEMENT

14. No party to this proceeding objects to the withdrawal of the Complaints, nor do they believe that further litigation is necessary. Vicinity will work with the other parties to resolve this matter without the need for litigation.

VIII. SERVICE LIST

15. Vicinity requests that the following persons be included on the service list:

Dennis A. Whittaker	dawhittaker@hmslegal.com
Kevin J. McKeon	kjmckeon@hmslegal.com
Todd S. Stewart	tsstewart@hmslegal.com
James L. Crist	jlcrist@aol.com

IX. CONCLUSION

WHEREFORE, Vicinity hereby respectfully submits this Prehearing Conference Memorandum for consideration by the Presiding Administrative Law Judge at the Prehearing Conference currently scheduled to be held telephonically on Friday, January 13, 2023, at 10:00 am.

Respectfully submitted,



Dennis A. Whitaker, Attorney ID No. 53975

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 12, 2023