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January 19, 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; **VICINITY ENERGY PHILADELPHIA, INC. AND GRAYS FERRY COGENERATION PARTNERSHIP'S STATEMENT IN SUPPORT OF THE JOINT PETITION FOR SETTLEMENT**

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission, please find Vicinity Energy Philadelphia, Inc. and Grays Ferry Cogeneration Partnership's Statement in Support of the Joint Petition for Settlement in the above-referenced matter.

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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Todd S. Stewart

DATED: January 19, 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.	:	

**VICINITY ENERGY PHILADELPHIA, INC.
AND GRAYS FERRY COGENERATION PARTNERSHIP’S
STATEMENT IN SUPPORT
OF THE JOINT PETITION FOR SETTLEMENT**

TO THE HONORABLE MARTA GUHL, ADMINISTRATIVE LAW JUDGE:

Vicinity Energy Philadelphia, Inc. (“VEPI”) and Grays Ferry Cogeneration Partnership (“Grays Ferry”) (collectively “Vicinity”) hereby submit the following Statement in Support of the Joint Petition for Settlement (“Settlement”) in the above-captioned matter. Vicinity believes that the Settlement is in the public interest and should be approved by the presiding Administrative Law Judge (“ALJ”) without modification. In support thereof, Vicinity states as follows:

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.

8. On January 13, 2023, the Presiding Administrative Law Judge convened a Prehearing Conference at which time she indicated that she could not resolve the matters at hand without the need for litigation, unless there was a settlement between the parties.

9. The parties subsequently convened and agreed upon the language in the Settlement as the best means of resolving the outstanding tariff matter. The Settlement recognizes that the Commission authorized Supplement 156 to go into effect temporarily and rejected Vicinity's request to include a contract extension, which because of the contract's subsequent expiration rendered the issue of the tariff's lack of provision for contract extension a moot issue. The

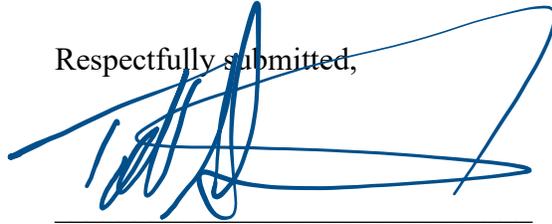
underlying Complaint at Docket No. C-2021-3029259 is pending before the Commission and the Settlement reserves all the Parties' rights in that proceeding. At the same time the settlement respects the fact that because the primary issue raised in the complaints against the tariff supplement is moot, it would be a waste of the time and resources of the Parties to litigate a case that none want to pursue.

10. The Commission's policy favors settlement. The long-standing policy of the Commission is to encourage settlements, and the Commission has stated that settlement outcomes are often preferable to those achieved at the conclusion of a fully litigated proceeding. 52 Pa. Code §§ 5.231, 69.401. A full settlement of all the issues in a proceeding eliminates the time, effort, and expense that otherwise would have been used in litigating the proceeding, effort, and expense of litigating a case. This means that a settlement, which allows the parties to avoid or minimize the substantial costs of litigation, may yield potential savings for customers. Thus, a settlement, whether full or partial, may directly benefit the named parties as well as indirectly benefit the customers of the public utility involved in the case. For this and other sound reasons, settlements are encouraged by long-standing Commission policy.

11. No party is prejudiced by the Settlement as it preserves the rights of all parties in the underlying docket and preserves the services and rates under the contract until such time as the Commission determines otherwise. In short, the Public interest is served by terminating the instant tariff complaint and R-docket proceedings.

WHEREFORE, Vicinity, the Complainant in the two complaint dockets referenced above, respectfully requests that the three dockets listed above be marked closed, that the Complaints be withdrawn and that this proceeding be terminated.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'D.A. Whitaker', written over a horizontal line.

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DATED: January 19, 2023