

Deanne M. O'Dell, Esq.
717.255.3744
dodell@eckertseamans.com

February 21, 2023

Via Electronic Filing

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

Re: Pennsylvania Public Utility Commission, Office of Consumer Advocate and Office of
Small Business Advocate v. Philadelphia Gas Works (1307(f))
Docket Nos. R-2023-3038069; C-2023-3038375; C-2023-3038286

Dear Secretary Chiavetta:

On behalf of Philadelphia Gas Works, enclosed for electronic filing please find its Prehearing Conference Memorandum with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,



Deanne M. O'Dell

DMO/lww

Enclosure

cc: Hon. Arlene Ashton w/enc. (via email)
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

Gina L. Miller, Esq.
Scott B. Granger, Esq.
Bureau of Investigation & Enforcement
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
ginmiller@pa.gov
sgranger@pa.gov

Aron J. Beatty, Esq.
Christy Appleby, Esq.
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
abeatty@paoca.org
cappleby@paoca.org

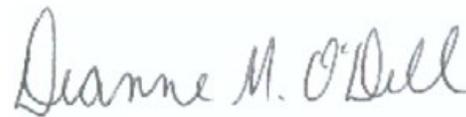
Sharon E. Webb, Esq.
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101
swebb@pa.gov

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

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

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

Dated: March 7, 2023



Deanne M. O'Dell, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:		
	:	Docket No.	R-2023-3038069
	:		
	:		
Office of Consumer Advocate	:	Docket No.	C-2023-3038375
Office of Small Business Advocate	:	Docket No.	C-2023-3038286
Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc.	:	Docket No.	C-2023-3038722
	:		
	:		
v.	:		
	:		
Philadelphia Gas Works			

**PREHEARING MEMORANDUM
OF PHILADELPHIA GAS WORKS**

Pursuant to 52 Pa Code § 5.223, the Prehearing Conference Order dated March 2, 2023 and in anticipation of the Initial Telephonic Prehearing Conference scheduled before Administrative Law Judge Arlene Ashton on Thursday, March 9, 2023, Philadelphia Gas Works (“PGW”) submits this Prehearing Memorandum.

I. BACKGROUND

1. On February 1, 2023, PGW filed its supporting information for the prefiling for its annual 2023-2024 Gas Cost Rate (“GCR”).

2. In its prefiling, PGW noted that – pursuant to the Commission’s approval in its 2022-2023 GCR – it intended to depart from certain requirements of 52 Pa. Code Sections 53.45(b), 53.64(c), 53.68(a) and 53.64(i)(5)(i) to address the timing of bill inserts, public notice and underlying data to be relied upon for the March 1, 2023 quarterly 1307(f) filing. Per the Commission approved settlement, PGW has followed the notice process for its 2023-2024 GCR

proceeding and will continue to do so in subsequent GCR proceedings, unless and until the Commission enters an Order rescinding such authority.¹

3. On February 13, 2023, the Bureau of Investigation and Enforcement (“I&E”) filed a Notice of Appearance.

4. The Office of Consumer Advocate (“OCA”) and the Office of Small Business Advocate (“OSBA”) subsequently filed complaints. The OCA complaint is docketed at C-2023-3038375, and the OSBA complaint is docketed at C-2023-3038286. Consistent with 52 Pa. Code § 5.61(d), PGW did not file answers to the Complaints.

5. On February 14, 2023, the Philadelphia Industrial and Commercial Gas Users Group (“PICGUG”) filed a Petition to Intervene. PGW does not object to PICGUG’s intervention.

6. On March 1, 2023, PGW filed its Section 1307(f) filing which included: proposed tariff revisions (Supplement No. 160 to PGW’s Gas Service Tariff – Pa P.U.C. No. 2 and Supplement No. 106 to PGW’s Gas Supplier Tariff – Pa P.U.C. No. 1; supporting information regarding the computation of annual purchased gas costs for twelve months ending August 31, 2023, and the direct testimony of Florian Teme (PGW St. 1) and Ryan E. Reeves (PGW St. 2)).

7. On March 3, 2023, Grays Ferry Cogeneration Partnership and Vicity Energy Philadelphia, Inc. (collectively “Vicinity”) filed a complaint against the GCR filing.

¹ *Pennsylvania Public Utility Commission, et. al v. Philadelphia Gas Works*, Docket Nos. R-2022-3030686, C-2022-3030978, C-2022-3030971, Order entered July 14, 2022, Ordering Paragraph 6 at 2-3.

II. DISCOVERY

1. Consistent with the discovery modifications adopted in prior GCR proceedings and in consultation with the parties to this proceeding, PGW can accept the following discovery modifications:

- a. Answers to written interrogatories prior to the due date for service of rebuttal testimony will be served in-hand within ten (10) calendar days of service of the interrogatories except that service of interrogatories served after 12:00 noon on a Friday shall be deemed served on the following business day;
- b. Parties will use best efforts to serve answers to written interrogatories **on or after** the due date for service of rebuttal testimony within five (5) calendar days of service of the interrogatories;
- c. Objections to interrogatories will be communicated orally within three (3) days of service; unresolved objections shall be served on the ALJ in writing within five (5) business days of service of the interrogatories;
- d. Motions to dismiss objections and/or direct the answering of interrogatories will be filed within three (3) business days of service of written objections to interrogatories;
- e. Responses to motions to dismiss objections and/or direct the answering of interrogatories will be filed within three (3) business days of service of such motions;
- f. Responses to requests for document production, entry for inspection, or other purposes will be served in-hand within ten (10) calendar days or objected to within five (5) business days of service;
- g. Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) business days of service.
- h. Answers to on-the-record data requests will be served in-hand within seven (7) calendar days of request;
- i. Rulings over motions shall be issued, if possible, within seven (7) calendar days of the filing of the motion;
- j. Any discovery or discovery related pleadings such as objections, motions, answers to motions served after 12:00 noon on a Friday or after 12:00 noon on any business day preceding a state holiday, shall be deemed to have been served on the following business day for purposes of tracking responsive due dates; and

- k. That due dates be “in-hand” and that electronic or fax service on the due date will satisfy the “in-hand” requirement, where such service is immediately followed by a hard copy sent by first class mail upon request of the Party.

III. FACTUAL AND LEGAL ISSUES

This proceeding will focus on whether PGW’s proposed 2023-2024 GCR, claimed realized natural gas expense, GCR Expense, and prior years’ over-/under-collections are just, reasonable, and in pursuit of a least cost fuel procurement and other standards set forth in 66 Pa.C.S. §§ 1307(f), 1317 and 1318. In addition, the proceeding will focus on whether PGW’s proposed Tariff Supplement No. 160 to PGW’s Gas Service Tariff – Pa P.U.C. No. 2, adjusting the GCR, and making corresponding adjustments to the Price-to-Compare, Efficiency Cost Recovery Surcharge, and Universal Service and Energy Conservation Surcharge, and to the proposed Tariff Supplement No. 106 to PGW’s Gas Supplier Tariff – Pa P.U.C. No. 1 to adjust the load balancing charge, are just, reasonable and otherwise consistent with law. PGW submits that its proposals, as outlined in its GCR filing, are just, reasonable, and otherwise consistent with the law.

IV. SERVICE OF DOCUMENTS

PGW requests that all documents be served on:

Deanne O’Dell, Esquire – **Speaking for PGW at the Pre-Hearing Conference**
Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Fl.
Harrisburg, PA 17101
717.237.6000
dodell@eckertseamans.com

Craig Berry, Senior Attorney
Legal Department
Philadelphia Gas Works
800 W. Montgomery Ave
Philadelphia, PA 19122
(215) 684-6049
Craig.berry@pgworks.com

PGW agrees to receive service of documents electronically in this proceeding.

V. PROCEDURAL SCHEDULE

PGW appreciates the proposed schedule included in the Prehearing Order. However, one of PGW’s witnesses has a conflict on the evidentiary hearing dates proposed therein. Therefore, PGW respectfully requests consideration of the below revised schedule and is willing to consider reasonable modifications to this schedule as may be offered.

Prehearing Order Proposed Date	Event	PGW Proposed Revised
	Other Parties Direct Testimony	Friday, March 31, 2023
	Rebuttal Testimony	Tuesday, April 11, 2023
	Surrebuttal Testimony	Monday, April 17, 2023
Thursday, April 19, 2023	Oral Rejoinder at hearing	Tuesday, April 25, 2023 (proposed revision)
Wednesday, April 19, and Thursday, April 20, 2023	Evidentiary Hearings	Tuesday, April 25, 2023 (proposed revision)
Thursday, April 20, 2023	Close of Record	Tuesday, April 25, 2023 (proposed revision)
Monday, May 1, 2023	Main Briefs Due	Wednesday, May 3, 2023 (proposed revision)
Wednesday, May 10, 2023 (by Noon)	Reply Briefs Due	Wednesday, May 10, 2023

VI. WITNESSES

PGW expects to submit the testimony of the following witnesses:

- Florian Teme, Vice President, Marketing, Sales and Energy Planning at PGW. The issues Mr. Teme will address are set forth in his Direct Testimony dated March 1, 2023. Mr. Teme’s telephone number is 215.684.6463.
- Ryan E. Reeves, Director of Gas Supply, Transportation and Control at PGW. The issues Mr. Reeves will address are set forth in his Direct Testimony dated March 1, 2023. Mr. Reeves’ telephone number is 215.787.5103.

The business address for PGW's witnesses is 800 W. Montgomery Ave., Philadelphia, PA 19122.

PGW reserves its right to modify this witness list prior to the submission of testimony into the record.

VII. PROTECTIVE ORDER

PGW has already received interrogatories that require the production of confidential information. Accordingly, PGW will be submitting a proposed protective order for entry by the ALJs in order to protect its confidential information from public release or being used for purposes other than this proceeding. PGW is creating a draft and hopes to be able to circulate a draft for review by the parties prior to submission to the presiding officers by the end of this week.

VIII. SETTLEMENT

PGW is willing to participate in settlement discussions and will be initiating such discussions as soon as the parties indicate that they have had sufficient time to review PGW's claims in its filing.

Respectfully Submitted,



Deanne M. O'Dell, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Fl.
Harrisburg, PA 17101
717.237.6000
dclearfield@eckertseamans.com
kmarsilio@eckertseamans.com

Craig Berry, Senior Attorney
Legal Department
Philadelphia Gas Works
800 W. Montgomery Ave
Philadelphia, PA 19122
(215) 684-6049
Craig.berry@pgworks.com

Attorneys for Philadelphia Gas Works

Dated: March 7, 2023