BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :

:

v. : R-2022-3034229

: P-2022-3034264

Philadelphia Gas Works :

**PREHEARING ORDER # 3**

History

On August 2, 2022, Philadelphia Gas Works (PGW), Utility Code 125042, filed Supplement No. 152 to Gas Service Tariff - Pa. P.U.C. No. 2 to become effective

October 1, 2022, and a Petition for Approval on Less than Statutory Notice of Tariff Supplement Revising Weather Normalization Adjustment. The tariff supplement proposed changes would add a control cap to PGW’s Weather Normalization Adjustment (WNA) Clause so that its customers would not be billed a WNA charge or credit greater than 25% of total delivery charge excluding the WNA.

On August 22, 2022, the Office of Consumer Advocate (OCA) filed an Answer to the filings. The OCA stated that PGW did not provide evidence as to how it determined that a 25% cap was the appropriate level of protection for customers. The OCA also stated that the only reasonable approach is to suspend the WNA mechanism until a revised formula, free from its current defects, can be developed.

Pursuant to the Public Utility Code, 66 Pa. C.S. § 1308(b), by Order dated September 15, 2022, the Commission suspended the proceedings until April 1, 2023 and sent the matter to the Office of Administrative Law Judge for evidentiary hearings and a Recommended Decision. The matter was assigned to Administrative Law Judge Marta Guhl.

The telephonic prehearing conference in this matter was held on Wednesday, September 28, 2022. Counsel for PGW, I&E, OCA, OSBA, CAUSE-PA and TURN were present. The parties needed additional time to draw up a procedural schedule and submitted it to me on October 5, 2022 which I approved.

On November 8, 2022, PGW filed a Petition for Leave to Withdraw its filings and also a Motion to Hold the Procedural Schedule in Abeyance. OCA and CAUSE-PA objected to the Petition for Leave to Withdraw. I granted the request to hold the matter in abeyance.

On December 6, 2022, Counsel for PGW notified me that the parties had agreed to a new procedural schedule in this matter that would render their Petition to Withdraw moot. I notified that parties that there were no dates for Public Input hearings and counsel for PGW provided me with dates for the Public Input hearings on December 14, 2022.

On December 15, 2022, Philadelphia Industrial and Commercial Gas Users Group filed a Late-Filed Petition to Intervene in this matter, which was granted.

PGW was to submit its direct testimony by February 14, 2023 and failed to do so. PGW did not file any Motions prior to the testimony due date to request a change in the schedule. OCA and CAUSE-PA both objected to the failure to file direct testimony. An emergency telephonic conference was held on February 22, 2023. In an order dated February 23, 2023, PGW was directed to submit its Direct Testimony by the close of business on February 23, 2023.

On March 23, 2023, counsel for the OCA contacted my office and requested an extension of time for the Non-company parties to file their direct testimony from April 6, 2023 to April 13, 2023. The OCA also requested a modification to the discovery rules for responses to requests must be answered in 10 days instead of 15 days after April 13, 2023. None of the parties objected to the request. This order memorializes these changes.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the procedural schedule is modified as requested by the OCA.
2. That the Non-Company parties are directed to submit their direct testimony by the close of business on April 13, 2023.
3. That the discovery rules are modified for answers to discovery requests made after April 13, 2023 are due within ten (10) days from service of the discovery request.

Date: March 31, 2023 /s/

Marta Guhl

Administrative Law Judge

**R-2022-3034229 – Pennsylvania Public Utility Commission v. Philadelphia Gas Works**   
  
**P-2022-3034264 – Petition of Philadelphia Gas Works for Approval on Less than Statutory Notice of Tariff Supplement Revising Weather Normalization Adjustment** =\

KAREN O. MOURY ESQUIRE  
DANIEL CLEARFIELD ESQUIRE

ECKERT SEAMANS CHERIN & MELLOTT LLC

213 MARKET STREET 8TH FL

HARRISBURG PA 17101

**717.237.6036**

**717.571.1420**

[kmoury@eckertseamans.com](mailto:kmoury@eckertseamans.com)  
dclearfield@eckertseamans.com  
Accepts eService  
*(Counsel for Philadelphia Gas Works)*

CRAIG W BERRY ESQUIRE

PHILADELPHIA GAS WORKS

800 W MONTGOMERY AVENUE

PHILADELPHIA PA 19122

215-684-6049

703-895-1396

craig.berry@pgworks.com

Accepts eService

ARON J. BEATTY ESQUIRE  
FORUM PLACE

555 WALNUT STREET 5TH FLOOR

HARRISBURG PA 17101

**717.783.5048**

**717.780.4517**

[abeatty@paoca.org](mailto:abeatty@paoca.org)  
Accepts eService  
*(Counsel for Office of Consumer Advocate)*

SHARON E. WEBB ESQUIRE

FORUM PLACE

555 WALNUT STREET 1ST FLOOR

HARRISBURG PA 17101

**717.783.2525**

[swebb@pa.gov](mailto:swebb@pa.gov)  
*(Counsel for Office of Small Business Advocate)*

CARRIE B WRIGHT ESQUIRE

PA PUC BIE  
400 NORTH STREET

HARRISBURG PA 17120

**717.783.6156**

[carwright@pa.gov](mailto:carwright@pa.gov)  
Accepts eService

JOHN W. SWEET ESQUIRE   
ELIZABETH R. MARX ESQUIRE  
RIA M. PEREIRA ESQUIRE  
LAUREN N. BERMAN ESQUIRE

118 LOCUST STREET

HARRISBURG PA 17101

**717.701.3837  
717.236.9486**

[jsweet@pautilitylawproject.org](mailto:jsweet@pautilitylawproject.org)  
[emarx@pautilitylawproject.org](mailto:emarx@pautilitylawproject.org)  
[rpereira@pautilitylawproject.org](mailto:rpereira@pautilitylawproject.org)  
[lberman@pautilitylawproject.org](mailto:lberman@pautilitylawproject.org)  
Accepts eService  
*(Counsel for “CAUSE-PA”)*

ROBERT W. BALLENGER ESQUIRE  
JOLINE PRICE ESQUIRE

1424 CHESTNUT STREET

PHILADELPHIA PA 19102

**215.981.3788  
215.981.3756**

[rballenger@clsphila.org](mailto:rballenger@clsphila.org)  
[jprice@clsphila.org](mailto:jprice@clsphila.org)  
Accepts eService  
*(Counsel for Community Legal Services, Inc.)*

CHARIS MINCAVAGE ESQUIRE  
ADEOLU A BAKARE ESQUIRE

SARAH HIBBERT ESQUIRE

MCNEES WALLACE & NURICK LLC

PO BOX 1166

100 PINE STREET

HARRISBURG PA 17108-1166

**717.232.8000**  
cmincavage@mwn.com

abakare@mwn.com

Accepts eService   
[shibbert@mcneeslaw.com](mailto:shibbert@mcneeslaw.com)  
*(Counsel for “PICGUG”)*