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April 27, 2023

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

RE: Pennsylvania Public Utility Commission, et al. v. Philadelphia Gas Works; Docket Nos. R-2023-3037933 and C-2023-3038727; **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"). 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 Eranda Vero (via email – evero@pa.gov)
Administrative Law Judge Arlene Ashton (via email – aashton@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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DATED: April 27, 2023

Todd S. Stewart

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	Docket Nos. R-2023-3037933
Grays Ferry Cogeneration Partnership and	:	C-2023-3038727
Vicinity Energy Philadelphia, Inc.	:	
	:	
v.	:	
	:	
Philadelphia Gas Works	:	

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

TO THE HONORABLE ERANDA VERO AND ARLENE ASHTON, PRESIDING ADMINISTRATIVE LAW JUDGES:

NOW COMES, Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. (collectively "Vicinity") and submits this Prehearing Conference Memorandum in anticipation of the Prehearing Conference currently scheduled for Friday, April 28, 2023, at 1:30 PM before Presiding Administrative Law Judges Eranda Vero and Arlene Ashton.

I. ISSUES

Vicinity is the largest customer on the PGW system and has been involved in litigation with Philadelphia Gas Works ("PGW") since October 2021, at Docket No. C-2021-3029259. The litigation concerns the appropriate rates to be charged to Vicinity at the conclusion of a 25-year contract between Vicinity and PGW that predates PGW becoming subject to Commission regulation. That contract expired at the end of 2022, but Vicinity continues to be served under tariff rate GTS-F, as required by the Commission's April 20, 2023, Opinion and Order at the same Docket. In its Order the Commission assigned the task of determining the appropriate rates to be charged to Vicinity to the instant rate case and also provided guidance on what specific issues must be addressed in this proceeding. Vicinity's primary concern in this proceeding is to ensure that it is not subjected to rates that are neither just nor

reasonable, including rates for transportation, rates for capacity and rates for other services that it currently purchases from PGW under Rate GTS-F. In light of the specific parameters set out in the April 20, 2023, Order, Vicinity will need adequate time to develop its presentation. Vicinity reserves the right to appropriately address additional issues that may arise in the course of litigation.

II. PROPOSED WITNESS

Vicinity expects to call James Crist as its witness. Mr. Crist will address all issues for Vicinity, including whether the rates, terms and conditions proposed by PGW are just and reasonable. Vicinity reserves the right to call additional witness as may be necessary, upon notice to Your Honor and the other parties: Mr. Crist's information is:

James L. Crist
Lumen Group
4226 Yarmouth Drive, Suite 101
Allison Park, PA 15101
412-487-9708
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III. SERVICE LIST

Representing Vicinity in this matter are Todd S. Stewart, Dennis Whittaker and Kevin McKeon of Hawke McKeon and Sniscak LLP. Please address all correspondence in this matter as follows:

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IV. DISCOVERY

Vicinity has no particular discovery plan, except that it will require adequate time to conduct discovery after PGW submits its supplemental testimony addressing the Vicinity Order. As a general

matter, Vicinity is amenable to the sorts of modifications ordinarily proposed in these proceedings to expedite the discovery process. Vicinity has already begun to conduct discovery in this matter and will be engaging in further discovery shortly.

V. HEARING TIME

Based upon the number of parties and expected witnesses, two days of hearings should be sufficient.

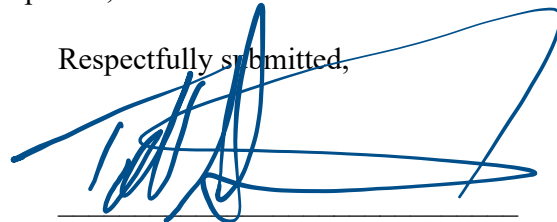
VI. SCHEDULE

Vicinity has had discussions with the other parties regarding scheduling and the parties have and will work cooperatively to produce a schedule that is acceptable to Vicinity and the other parties.

VII. CONCLUSION

Accordingly, Vicinity hereby submits its Prehearing Conference Memorandum as required by Your Honor's Prehearing Conference Order dated April 20, 2023.

Respectfully submitted,



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DATED: April 27, 2023