



Dennis A. Whitaker
Office: 717 236-1300 x226
Direct: 717 703-0805
dawhitaker@hmslegal.com

Kevin J. McKeon
Office: 717 236-1300 x235
Direct: 717 703-0801
kjmckeon@hmslegal.com

Todd S. Stewart
Office: 717 236-1300 x242
Direct: 717 703-0806
tsstewart@hmslegal.com

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

May 18, 2023

VIA ELECTRONIC FILING

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

RE: Pennsylvania Public Utility Commission, et al. v. Philadelphia Gas Works; Docket Nos. R-2023-3037933 and C-2023-3038727; **GRAYS FERRY COGENERATION PARTNERSHIP AND VICINITY ENERGY PHILADELPHIA, INC.'S MOTION TO DISMISS THE OBJECTIONS OF THE PHILADELPHIA GAS WORKS TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, SET III AND IV, AND TO COMPEL ANSWERS THERETO**

Dear Secretary Chiavetta:

Please find enclosed Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc.'s (collectively "Vicinity") Motion to Dismiss the Objections of the Philadelphia Gas Works to Interrogatories and Requests for Production of Documents, Sets III and IV, and to Compel Answers Thereto in the above-captioned matters. Copies of the Motion have been served in accordance with 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,

Todd S. Stewart
Dennis A. Whitaker
Kevin J. McKeon
*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)
Pamela McNeal, Legal Assistant (via electronic mail – pmcneal@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

Daniel Clearfield, Esquire
Sarah Stoner, Esquire
Norman J. Kennard, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
dclearfield@eckertseamans.com
sstoner@eckertseamans.com
nkennard@eckertseamans.com
Counsel for Philadelphia Gas Works

Harrison W. Breitman, Esquire
Mackenzi C. Battle, Esquire
David T. Evrard, Esquire
Darryl A. Lawrence, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
OCAPGW2023BRC@paoca.org

Allison C. Kaster, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
akaster@pa.gov

Robert D. Knecht
Industrial Economics Incorporated
5 Plymouth Road
Lexington, MA 02421
rdk@indecon.com

Craig Berry, Esquire
Senior Attorney
Philadelphia Gas Works
800 W. Montgomery Ave.
Philadelphia, PA 19122
craig.berry@pgworks.com
Counsel for Philadelphia Gas Works

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

Charis Mincavage, Esquire
Adeolu A. Bakare, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
PO Box 1166
Harrisburg, PA 17108-1166
cmincavage@mcneeslaw.com
abakare@mcneeslaw.com
Counsel for the Philadelphia Industrial and Commercial Gas Users Group

Rebecca Barker, Esquire
EarthJustice
311 S. Wacker Drive, Suite 1400
Chicago, IL 60606
rbarker@earthjustice.org
Counsel for POWER Interfaith

Devin McDougall, Esquire
Senior Attorney
Clean Energy Program
EarthJustice
1617 John F. Kennedy Blvd., Suite 2020
Philadelphia, PA 19103
dmcdougall@earthjustice.org
Counsel for POWER Interfaith

John W. Sweet, Esquire
Elizabeth R. Marx, Esquire
Ria M. Pereira, Esquire
Lauren N Berman, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org

Glenn A. Watkins
President/Senior Economist
Jenny Dolen
Technical Associates, Inc.
6377 Mattawan Trail
Mechanicsville, VA 23116
watkinsg@tai-econ.com
jenny.dolen@tai-econ.com

Robert W. Ballenger, Esquire
Joline R. Price, Esquire
Daniela E. Rakhlina-Powner, Esquire
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
rballenger@clsphila.org
jprice@clsphila.org
drakhlinapowner@clsphila.org



Todd S. Stewart

DATED: May 18, 2023

**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	:	

**GRAYS FERRY COGENERATION PARTNERSHIP
AND VICINITY ENERGY PHILADELPHIA, INC.’S
MOTION TO DISMISS THE OBJECTIONS
OF THE PHILADELPHIA GAS WORKS
TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS,
SETS III AND IV, AND TO COMPEL ANSWERS THERETO**

Pursuant to Section 5.342 of the Commission’s regulations, 52 Pa. Code § 5.342, Grays Ferry Cogeneration Partnership (“Grays Ferry”) and Vicinity Energy Philadelphia, Inc. (“VEPI”) (collectively, “Vicinity”) hereby move the Honorable Presiding Administrative Law Judges to dismiss the Objections of the Philadelphia Gas Works (“PGW”) to the Interrogatories and Requests for Production of Documents propounded by Vicinity. PGW objects on the basis that the questions are “irrelevant, unreasonably burdensome, overbroad or would require and unreasonable investigation.” PGW’s Objections are wholly lacking in merit and fail to recognize that Vicinity offered a compromise that would have substantially reduced the scope of the subject interrogatories. Vicinity’s Motion requests that PGW be required to provide full and complete answers to Set III, Nos. 3, 4, and 16 and Set IV, No. 2 in a complete and timely manner. In support of its Motion, Vicinity states as follows:

I. BACKGROUND

On May 5, 2023, Vicinity Served its Set III Interrogatories and Requests for Production of Documents on PGW. (Attached as **Attachment A**). On May 8, 2023, Vicinity served its Set IV Interrogatories and Requests for Production of Documents (Attached as **Attachment B**). On May 10, 2023, and several times thereafter, the undersigned had conversations regarding PGW’s Objections to the above noted requests. These discussions culminated in Vicinity agreeing to withdraw several requests and to modify certain others. Vicinity proposed to modify Set III requests 3, 4 and 16 as follows:

<u>Set</u>	<u>No.</u>	<u>Original Request</u>	<u>Modified Request</u>
III	3	Provide data of annual consumption and peak day consumption, load factor, and annual revenue for the largest 50 customers by year for the period 2018-2022.	Provide data of annual consumption and peak day consumption, and annual revenue for the largest 50 customers for 2022.
	4	Provide data of annual non-gas revenue (distribution charges) received from the largest 50 customers by year for the period 2018-2022	Provide data of annual non-gas revenue (distribution charges) received from the largest 50 customers by year for 2022.
	16	Provide data of annual consumption and peak day consumption, load factor, and annual revenue for each of the industrial class customers by year for the period 2018-2022.	Provide data of annual consumption and peak day consumption, and annual revenue for each of the industrial class customers by year for 2022.

These modifications would have reduced the scope of the requests by more than 80% by cutting off four of the five requested years. Vicinity never received a response to these proposals until PGW filed the instant Objections. Likewise, No. 16 was never discussed with PGW after the proposed modification was offered. Vicinity also agreed to modify Set IV, No. 2 by clarifying that it seeks only Ms. Heppenstall’s testimony related to direct allocation in Cost of Service

Studies performed for gas utilities. Vicinity believes, however, that PGW has misinterpreted the request in Set IV, No. 2, by suggesting that Vicinity seeks all cost of service studies ever performed, by anyone, that discussed direct allocation of costs. In the context of directing these questions solely to Ms. Heppenstall, Vicinity was only requesting cost of service studies performed by Ms. Heppenstall where direct allocation was performed. PGW's suggested reading of the request is taken out of context. Had PGW consulted with Vicinity on this question, clarification could have resolved the issue. Nonetheless, Vicinity addresses the Objections in detail below.

II. LEGAL AUTHORITY

The burden is placed on the party objecting to discovery to establish that the information requested is not relevant or discoverable.¹ Relevance depends upon the nature and facts of the individual case, and any doubts are to be resolved in favor of relevancy and permitting discovery.² For information to be relevant it must either tend to establish a material fact, tend to make a fact at issue more or less probable, or support a reasonable inference or presumptions regarding a material fact.³

Under the Commission's regulations, the scope of discovery is broad and allows for a party to obtain discovery relating to any non-privileged matter which is relevant to the subject matter involved in the pending action if it relates to the claim or defense of another party. This includes the existence of any documents. 52 Pa. Code § 5.321(c). Further, it is not grounds for objection that the information sought will be inadmissible at hearing if the

¹ See *Petition of the Borough of Cornwall for a Declaratory Order that the Provision of Water Service to Isolated Customers Adjoining its Boundaries Does Not Constitute Provision of Public Utility Service Under 66 Pa.C.S. § 102*, Docket No. P-2015-2476211, (Order issued September 11, 2015) citing *Koken v. One Beacon Insurance Company*, 911 A.2d 1021, 1025 (Pa. Cmwlth. 2006).

² *Id.*

³ *Id.* at 9-10, (citing *Smith v. Morrison*, 47 A.3d 1311 (Pa. Super. 2012), *alloc. Denied*, 57 A.3d 71 (Pa. 2012)).

information sought appears reasonably calculated to lead to the discovery of admissible evidence. *Id.* § 5.321 outlines the scope of discovery as follows:

(c) *Scope.* Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.⁴

In short, the scope of discovery is broad. Moreover, in a rate proceeding, the regulations are clear that the need to perform a special study alone is not sufficient to prohibit discovery.⁵ Rather, the regulations are clear that a request must cause an unreasonable investigation.⁶ Here, PGW's objections allege no facts that would suggest that it does not possess the information, nor does it provide a credible assessment of the alleged burden retrieving the data. More importantly, nowhere does PGW assert that it does not have the information or is unable to produce the information.

III. OBJECTIONS

a. *GFCP/VEPI Set III, Nos. 3, 4, and 16 are Irrelevant, Unreasonably Burdensome, Overbroad and Requires an Unreasonable Investigation. 52 Pa. Code § 5.361(a)-(b).*

In its first Objection, PGW contends, incorrectly, that because Vicinity might want the information requested in Set III, Nos. 3 and 4 to compare its consumption and peak day consumption to that of other customers, such a request is not relevant because PGW has already conceded that Vicinity should be in its own special rate class. PGW conveniently ignores,

⁴ 52 Pa. Code § 5.321(c).

⁵ 52 Pa. Code § 5.361(b).

⁶ *Id.*

however, the elephant in the room, namely, the rates PGW has proposed for Vicinity, the allocation of costs to Vicinity's service, and a host of other issues where the data regarding what other customers consume versus the dollars allocated to their rates is germane. PGW cannot simply declare the scope of the proceeding and what is necessary for other parties to present their case.

PGW repeats without presenting any evidence to support its allegation, that it would need to conduct a "special study" to obtain the data that it does not contend it does not have. Under PGW's approach, entering a query into its customer information system is akin to a special study. Under that theory, every data request becomes a special study. PGW gives no indication of the scope of the inquiry for a single year's data, or the time and effort involved. PGW repeats this contention for Set I, No. 16 but again fails to note that a request for a single customer likely involves the same amount of human interaction as a request for an entire class of data, as if a person had to sit and review every single record by hand. The reason PGW likely has not provided even a suggestion of the actual scope of work required is that the time it takes is negligible.

b. GFCP/VEPI Set IV, No. 2 is Unreasonably Burdensome, Overbroad and Requires Unreasonable Investigation. 52 Pa. Code § 5.361(a)-(b).

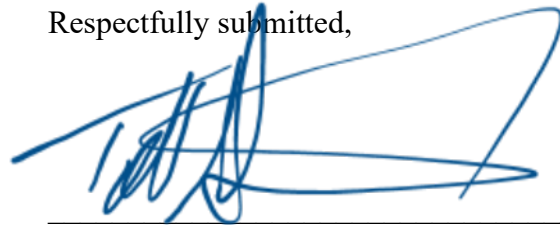
As noted above, it appears that either on purpose or otherwise, PGW misinterpreted the scope of Set IV, No. 2. Vicinity did not ask for every Cost of Service Study conducted since the beginning of time in which direct allocation of costs was at issue. Rather, because the interrogatory was directed to Ms. Heppenstall and Ms. Heppenstall alone, the request was seeking Cost of Service Studies prepared by Ms. Heppenstall that addressed direct allocation. The difference in the scope of these two readings of the question is considerable, and PGW's concern could have been resolved with a telephone call. When interpreted correctly there is no

cogent objection available for this question, when in this case the concept of direct allocation is an active issue and the testimony formerly offered by Ms. Heppenstall on the subject, if there is any, clearly is relevant. PGW's objection based on the misreading of the request should be dismissed and PGW should be required to respond to the request.

IV. CONCLUSION

For the foregoing reasons, PGW's objections to Vicinity's Interrogatories and Requests for Production of Documents, Sets III and IV should be dismissed and PGW should be required to respond to the Interrogatories and Requests for Production of Documents.

Respectfully submitted,



Todd S. Stewart, Attorney ID No. 75556
Dennis A. Whitaker, Attorney ID No. 53975
Kevin J. McKeon, Attorney ID No. 30428
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
(717) 236-1300
(717) 236-4841 (fax)
tsstewart@hmslegal.com
dawhitaker@hmslegal.com
kjmckeon@hmslegal.com

*Counsel for Grays Ferry Cogeneration
Partnership, and Vicinity Energy Philadelphia,
Inc.*

DATED: May 18, 2023

ATTACHMENT A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

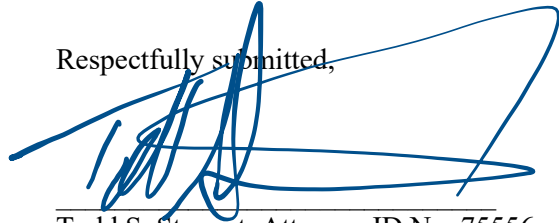
Pennsylvania Public Utility Commission	:	Docket Nos. R-2023-3037933
Grays Ferry Cogeneration Partnership and	:	C-2023-3038727
Vicinity Energy Philadelphia, Inc.	:	
	:	
v.	:	
	:	
Philadelphia Gas Works	:	

**GRAYS FERRY COGENERATION PARTNERSHIP
AND VICINITY ENERGY PHILADELPHIA, INC.
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS, SET III, DIRECTED TO PHILADELPHIA GAS WORKS**

TO: Philadelphia Gas Works

Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. (collectively “Vicinity”), by and through their counsel in this matter, Hawke McKeon & Sniscak, LLP, and pursuant to the Pennsylvania Utility Commission’s (“Commission”) Regulations at 52 Pa. Code §§5.341 and 5.349 *et. seq.*, hereby propound the following Interrogatories and Requests for Production of Documents upon Philadelphia Gas Works (“PGW”) and those individuals authorized to answer on PGW’s behalf. Said answers are due within 15 days from the date of service or any earlier date approved by the Presiding Administrative Law Judge.

Respectfully submitted,



Todd S. Stewart, Attorney ID No. 75556
Dennis A. Whitaker, Attorney ID No. 53975
Kevin J. McKeon, Attorney ID No. 30428
Hawke McKeon & Sniscak LLP
100 N 10th Street
Harrisburg, PA 17101
(717) 236-1300
(717) 236-4841 (fax)
tsstewart@hmslegal.com
dawhitaker@hmslegal.com
kjmckeon@hmslegal.com

*Counsel for Grays Ferry Cogeneration
Partnership and Vicinity Energy Philadelphia,
Inc.*

DATED: May 5, 2023

INSTRUCTIONS AND DEFINITIONS

1. The term "document" means any written, printed, typed, or other graphic matter of any kind or nature, however produced or reproduced, whether sent or received or neither, including drafts and copies bearing notations or marks not found in the original, and includes, but is not limited to:
 - (a) all contracts, agreements, representations, warranties, certificates, opinions;
 - (b) all letters or other forms of correspondence or communication, including envelopes, notes, telegrams, cables, telex messages, messages (including reports, notes, notations, and memoranda of or relating to telephone conversations or conferences);
 - (c) all memoranda, reports, test results, financial statements or reports, notes, transcripts, tabulations, studies, analyses, evaluations, projections, work papers, government records or copies thereof, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical records, compilations;
 - (d) all desk calendars, appointment books, diaries;
 - (e) all books, articles, press releases, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, manuals;
 - (f) all minutes or transcripts of all meetings; and/or
 - (g) all photographs, microfilms, phonographs, tapes or other records, punch cards, magnetic tapes, print-outs, and other data compilations from which information can be obtained.
2. The term "communication" means not only oral communications but also any "documents" (as such term is defined in Paragraph 1 above), whether or not such document or the information contained therein was transmitted by its author to any other person.
3. When used in reference to a natural person, the terms "identify," "identity," or "identification" mean to provide the following information:
 - (a) the person's full name;
 - (b) the person's present or last-known business and residential addresses;
 - (c) the person's present or last-known business affiliation; and
 - (d) the person's present or last-known employment position (including job title and a description of job responsibilities).
4. When used with reference to any entity other than a natural person, the terms "identify," "identity," or "identification" mean to provide the following information:
 - (a) its full name;
 - (b) the address of its principal place of business;
 - (c) in the case of a corporation, the names of its directors and principle officers; and

- (d) in the case of an entity other than a corporation, the identities of its partners or principals or all individuals who acted or authorized another to act on its behalf in connection with the matters referred to.
5. When used in reference to a document, the terms "identify," "identity," or "identification" mean to provide the following information:
- (a) the nature of the document (e.g., letter, contract, memorandum) and any other information (i.e., its title, index, or file number) which would facilitate in the identification thereof;
 - (b) its date of preparation;
 - (c) its present location and the identity of its present custodian, or if its present location and custodian are not known, a description of its last known disposition);
 - (d) its subject matter and substance or, in lieu thereof, attach a legible copy of the document to the answers of those interrogatories;
 - (e) the identity of each person who performed any function or had any role in connection therewith (i.e., author, contributor of information, recipient, etc.) or who has any knowledge; and
 - (f) if the document has been destroyed or is otherwise no longer in existence or cannot be found, the reason why such document no longer exists, the identity of the people responsible for the document no longer being in existence and of its last custodian.
6. When used in connection with an oral communication, the terms "identify," "identity," and "identification" mean to provide the following information:
- (a) the general nature (i.e., conference, telephone communication, etc.);
 - (b) the time and place of its occurrence;
 - (c) its subject matter and substance;
 - (d) the identity of each person who performed any function or had any role in connection therewith or who has any knowledge thereof, together with a description of each such person's function, role, or knowledge; and
 - (e) the identity of each document which refers thereto or which was used, referred to, or prepared in the course or as a result thereof.
7. The terms "describe" and "description" mean:
- (a) provide a descriptive statement or account thereof, including but not limited to the general nature of the subject and its time or location;
 - (b) identify each person who has any knowledge thereof;
 - (c) identify each document which refers thereto, or which was used, referred to, or prepared in the course of, or as a result thereof, and

- (d) identify each oral communication which refers thereto, or which occurred in the course of or as a result thereof.
8. The term "basis" means set forth each item of information upon which the allegation, contention, claim, or demand referred to in the interrogatory is based.
 9. The terms "relates to" or "thereto" or "relating to" means used or occurring or referred to in the preparation therefore, or in the course thereof, or as a consequence thereof, or referring thereto.
 10. The term "liquids pipeline" refers to that approximately 2-mile section of 24" pipeline that runs from TETCO gate station 060 on its Philadelphia lateral, to PGW's Passyunk Avenue gate station that was converted to use as a natural gas pipeline circa. 1996 as part of a project to provide natural gas service to Grays Ferry.
 11. The term "16" line" refers to that approximately 2-mile section of 16" natural gas pipeline that was constructed by PGW, circa. 1996, from PGW's Passyunk Avenue gate station to Grays Ferry, as part of a project to provide natural gas service to Grays Ferry.
 12. The term "4-mile line" refers to the combination of the liquids pipeline and the 16" line that allows natural gas to be delivered from TETCO's gate station 60 to Grays Ferry.
 13. TETCO shall mean the Texas Eastern Transmission Corporation which operates a natural gas transmission pipeline serving Philadelphia.
 14. The term "PGW" shall mean the Philadelphia Gas Works, which is an instrumentality of, and wholly owned by, the City of Philadelphia.
 15. Answer by Reference to Documents: If any interrogatory is answered by reference to a document or group of documents, with respect to each such interrogatory answer, identify the specific document or documents containing the requested information.
 16. The term "person" means all natural persons, corporations, partnerships, or other business associations, public authorities, municipal corporations, state governments, local governments, all governmental bodies, and all other legal entities.
 17. Inability to Answer: If any interrogatory cannot be answered after the Company has conducted a reasonable investigation, state:
 - (a) the answer to the extent possible;
 - (b) what information cannot be provided; and
 - (c) what efforts were made to obtain the unknown information?
 18. Unless otherwise noted in the request, all spreadsheets or other documents created in spreadsheet format shall be provided in live Excel format.

**GRAYS FERRY COGENERATION PARTNERSHIP
AND VICINITY ENERGY PHILADELPHIA, INC.
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS, SET III, DIRECTED TO PHILADELPHIA GAS WORKS**

DOCKET NO. R-2023-3037933 and C-2023-3038727

1. With regard to the testimony of Ms. Heppenstall, what prior Cost of Service Studies (“COSS”) submitted on behalf of PGW in prior rate cases by other witnesses did Ms. Heppenstall review in preparation for her preparation of the COSS submitted in this case or her testimony in this proceeding? Please list each COSS Ms. Heppenstall reviewed and provide a copy of each COSS in native format.
2. In performing the COSS submitted in this matter (Exhibit CEH-1) and any updates or revisions thereto, what PGW employees did Ms. Heppenstall consult with? List the employee and topics discussed including but not limited to: allocation of cost, COSS method, classification of the four mile pipe, or other aspects of PGW’s service as part of her Cost-of-Service Study.
3. Provide data of annual consumption and peak day consumption, load factor, and annual revenue for the largest 50 customers by year for the period 2018-2022.
4. Provide data of annual non-gas revenue (distribution charges) received from the largest 50 customers by year for the period 2018-2022.
5. Identify using a unique identifier, the fifty largest customers of PGW, their annual volume, their peak annual demand in Dth/day, and the average rate paid during the recent 12-months
6. Provide a list of all PGW customers service whose gas supply flows off of the Philadelphia lateral. Provide monthly volumes for 2018-2022 by customer. If such granularity is not available provide data in the aggregate. Indicate the Grays Ferry volumes separately from the other customers data.
7. What is the actual design delivery capacity of both the Passyunk and Richmond LNG facilities?
8. What are the actual peak delivery volumes each year for 2011-2022 for both the Passyunk and Richmond LNG facilities?
9. List each occurrence in the most recent 5-year period that PGW liquified natural gas at its Passyunk Ave. facility. For each occurrence, provide the volume of gas liquefied, and the dates on which the process was undertaken.
10. List each occurrence in the most recent 5-year period when PGW flowed gas to its 150 lb. distribution system through the Passyunk plant. For each such occurrence, provide the date(s) and volume(s).

**GRAYS FERRY COGENERATION PARTNERSHIP
AND VICINITY ENERGY PHILADELPHIA, INC.
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS, SET III, DIRECTED TO PHILADELPHIA GAS WORKS**

DOCKET NO. R-2023-3037933 and C-2023-3038727

11. List each task that must be completed to accomplish ARS service, broken down by, daily, weekly, monthly, quarterly, and annually. List each PGW employee or contractor who performs each task so identified, and the amount of time each person spent at each such task related directly to provision of ARS in each of the last 2 years.
12. Please list all training Ms. Heppenstall has received for performing Cost of Service Studies.
13. Please explain why Ms. Heppenstall selected Average & Excess, and what considerations were given to other acceptable COSS methods.
14. Explain how contributions in aid to construction are considered in the COSS performed by Ms. Heppenstall.
15. What measuring station expenses were directly assigned to Grays Ferry?
16. Provide data of annual consumption and peak day consumption, load factor, and annual revenue for each of the industrial class customers by year for the period 2018-2022.
17. Provide customer class data of annual consumption, peak day consumption if available, peak month consumption, and monthly revenue, by year for the period 2018-2022.
18. List all lines operated at 125 psig or greater and provide their usual operating pressure, and list customers served from each line, along with annual volumes for each customer.
19. Provide data and workpapers used to calculate customer load factors.
20. Provide a comprehensive list of PGW customers who have individual meters on their boilers. Provide copies of PGW operations manuals or other documents related to individual metering of commercial and industrial equipment.
21. Identify the pipeline(s) that supply gas to/from each LNG facility on the PGW distribution system. Provide information about the pipeline sizes, operating pressures, and monthly gas throughput.
22. Regarding PGW's Rate IT, explain the rationale used to determine the five interruptible transportation thresholds. Provide workpapers or studies used in the determination. List the customers on Rate IT, at 80,000 Dth/yr., or greater, and each customer's annual consumption.

**GRAYS FERRY COGENERATION PARTNERSHIP
AND VICINITY ENERGY PHILADELPHIA, INC.
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS, SET III, DIRECTED TO PHILADELPHIA GAS WORKS**

DOCKET NO. R-2023-3037933 and C-2023-3038727

23. Provide all cost of service studies and all testimony (direct, rebuttal, surrebuttal, oral) related to cost of service studies produced by or for PGW for the period 1996 through 2023.
24. Identify the cost of the meter installation at Grays Ferry's Christian Street plant. Provide details on date of installation and identify meter model.
25. Regarding the contracts providing capacity on the Philadelphia lateral, indicate the original dates of the predecessor contracts. Provide copies of all contracts that provide capacity on the Philadelphia Lateral.
26. Regarding released capacity on the Philadelphia lateral, for the period January 2019 through December 2022, list the amount of capacity released each month along with the price that PGW paid for the capacity, the price Grays Ferry paid for the released capacity, and the lowest price paid by other parties for the released capacity.
27. Provide copies of Schedule 4, Item 53.64(c)(7) from PGW's 1307(f) filings from 2011 through 2023.
28. Provide the descriptions of FERC accounts 874 and 887. Provide all annual costs in accounts 874 and 887 for the most recent five-year period. Confirm that all maintenance costs for the four-mile line were included in accounts 874 and 887. Identify all other facilities whose maintenance costs are accounted-for in those accounts. Explain how costs in accounts 874 and 887 were allocated in the Cost-of-Service Study submitted in PGW's response to Set I, No. 13. Provide all spreadsheets in live Excel format.
29. Is natural gas able to be delivered to PGW's distribution system through the interconnection with PGW's Passyunk plant? Identify each and every occurrence when such deliveries were made and the volumes of such deliveries in live Excel format.
30. Provide all documents that substantiate the net book value of the liquids pipeline and the 16" line, including initial entry of the lines into PGW's property records and all records of depreciation thereof, in live Excel format.
31. Confirm that PGW has not transported gas from the 4-mile line, through the Passyunk Station, to its distribution system since 1996. If PGW cannot confirm, provide the monthly volumes of gas transported through Passyunk Station for customers other than Vicinity since 1996 in live Excel format.
32. Provide copies of any testimony provided by Ms. Heppenstall, in the past ten years, on the subject of Cost-of-Service Studies.
33. Provide a list of customers receiving rate discounts. Provide the amount of discount per Dth, the annual Volume and the annual discount amount.

**GRAYS FERRY COGENERATION PARTNERSHIP
AND VICINITY ENERGY PHILADELPHIA, INC.
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS, SET III, DIRECTED TO PHILADELPHIA GAS WORKS**

DOCKET NO. R-2023-3037933 and C-2023-3038727

34. Provide PGW's most recent calculation of its lost and unaccounted-for natural gas as a percentage of gas moved on its distribution system and in actual quantity gas.
35. Provide the name and title of all individuals who supervise the provision of ARS. Provide the lists of tasks undertaken by each supervisor in fulfillment of ARS.
36. Provide a list of all Texas Eastern Transmission Company ("TETCO") capacity held by PGW. Identify the capacity that is used to provide ARS.
37. Provide all documents showing engineering design, costs, and the construction schedule related to the conversion of the liquids pipeline from the Tetco station 060 and the construction of the 16" line from Passyunk station to Grays Ferry.
38. Provide annual maintenance documents since the placement into service of the four-mile line from TETCO to Grays Ferry. Indicate actual maintenance task, date, and cost.
39. Identify any and all previous or current customers of PGW served off of the converted liquids pipeline.
40. Identify any and all previous or current customers of PGW served off of the 16" line.
41. Provide the costs for the construction of the metering station at Grays Ferry. Provide all supporting engineering, design, construction, and cost documents.
42. Provide all documentation of annual maintenance undertaken by PGW or contractors at the Grays Ferry metering station. Such records should include task, date, and cost.
43. Provide the present book value of the four-mile line.
44. Provide a list of all interconnections to the four-mile line and identify all metering stations on the line. Indicate all connections on a map.
45. Provide annual metering data from 1996 to 2022 for each meter connected to the four-mile line indicating gas into the four-mile line at Tetco station 060, and gas flowing out of the four-mile line. Indicate causes of any discrepancies.
46. Provide a schedule that compares, during the period 2010-2022, the monthly volumes metered at the Grays Ferry meter house to the monthly volumes received from Tetco at station 73060. Identify any discrepancies and the cause.
47. Regarding the recent base rate case R-2020-3017206, describe treatment of the capital cost of the four-mile line and associated metering stations.

**GRAYS FERRY COGENERATION PARTNERSHIP
AND VICINITY ENERGY PHILADELPHIA, INC.
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS, SET III, DIRECTED TO PHILADELPHIA GAS WORKS**

DOCKET NO. R-2023-3037933 and C-2023-3038727

48. Provide a list of all capacity assets for which PGW has contracts to ship gas to the Passyunk Ave. gate station including the date of the first contract, the expiration date of the current contract, the daily volume and the rate paid for the capacity.
49. Provide a list of all customers that PGW has placed on an interruptible service rate within the past four years. Provide the form of proof that was provided by each customer to document that they are appropriately designated as an interruptible customer and the date and time and reason that any such customer's service was interrupted in the past four years.

ATTACHMENT B

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

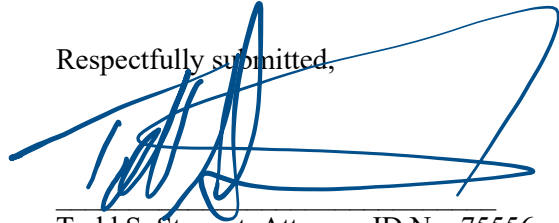
Pennsylvania Public Utility Commission	:	Docket Nos. R-2023-3037933
Grays Ferry Cogeneration Partnership and	:	C-2023-3038727
Vicinity Energy Philadelphia, Inc.	:	
	:	
v.	:	
	:	
Philadelphia Gas Works	:	

**GRAYS FERRY COGENERATION PARTNERSHIP
AND VICINITY ENERGY PHILADELPHIA, INC.
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS, SET IV, DIRECTED TO PHILADELPHIA GAS WORKS**

TO: Philadelphia Gas Works

Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. (collectively “Vicinity”), by and through their counsel in this matter, Hawke McKeon & Sniscak, LLP, and pursuant to the Pennsylvania Utility Commission’s (“Commission”) Regulations at 52 Pa. Code §§5.341 and 5.349 *et. seq.*, hereby propound the following Interrogatories and Requests for Production of Documents upon Philadelphia Gas Works (“PGW”) and those individuals authorized to answer on PGW’s behalf. Said answers are due within 15 days from the date of service or any earlier date approved by the Presiding Administrative Law Judge.

Respectfully submitted,



Todd S. Stewart, Attorney ID No. 75556
Dennis A. Whitaker, Attorney ID No. 53975
Kevin J. McKeon, Attorney ID No. 30428
Hawke McKeon & Sniscak LLP
100 N 10th Street
Harrisburg, PA 17101
(717) 236-1300
(717) 236-4841 (fax)
tsstewart@hmslegal.com
dawhitaker@hmslegal.com
kjmckeon@hmslegal.com

*Counsel for Grays Ferry Cogeneration
Partnership and Vicinity Energy Philadelphia,
Inc.*

DATED: May 8, 2023

INSTRUCTIONS AND DEFINITIONS

1. The term "document" means any written, printed, typed, or other graphic matter of any kind or nature, however produced or reproduced, whether sent or received or neither, including drafts and copies bearing notations or marks not found in the original, and includes, but is not limited to:
 - (a) all contracts, agreements, representations, warranties, certificates, opinions;
 - (b) all letters or other forms of correspondence or communication, including envelopes, notes, telegrams, cables, telex messages, messages (including reports, notes, notations, and memoranda of or relating to telephone conversations or conferences);
 - (c) all memoranda, reports, test results, financial statements or reports, notes, transcripts, tabulations, studies, analyses, evaluations, projections, work papers, government records or copies thereof, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical records, compilations;
 - (d) all desk calendars, appointment books, diaries;
 - (e) all books, articles, press releases, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, manuals;
 - (f) all minutes or transcripts of all meetings; and/or
 - (g) all photographs, microfilms, phonographs, tapes or other records, punch cards, magnetic tapes, print-outs, and other data compilations from which information can be obtained.
2. The term "communication" means not only oral communications but also any "documents" (as such term is defined in Paragraph 1 above), whether or not such document or the information contained therein was transmitted by its author to any other person.
3. When used in reference to a natural person, the terms "identify," "identity," or "identification" mean to provide the following information:
 - (a) the person's full name;
 - (b) the person's present or last-known business and residential addresses;
 - (c) the person's present or last-known business affiliation; and
 - (d) the person's present or last-known employment position (including job title and a description of job responsibilities).
4. When used with reference to any entity other than a natural person, the terms "identify," "identity," or "identification" mean to provide the following information:
 - (a) its full name;
 - (b) the address of its principal place of business;
 - (c) in the case of a corporation, the names of its directors and principle officers; and

- (d) in the case of an entity other than a corporation, the identities of its partners or principals or all individuals who acted or authorized another to act on its behalf in connection with the matters referred to.
5. When used in reference to a document, the terms "identify," "identity," or "identification" mean to provide the following information:
- (a) the nature of the document (e.g., letter, contract, memorandum) and any other information (i.e., its title, index, or file number) which would facilitate in the identification thereof;
 - (b) its date of preparation;
 - (c) its present location and the identity of its present custodian, or if its present location and custodian are not known, a description of its last known disposition);
 - (d) its subject matter and substance or, in lieu thereof, attach a legible copy of the document to the answers of those interrogatories;
 - (e) the identity of each person who performed any function or had any role in connection therewith (i.e., author, contributor of information, recipient, etc.) or who has any knowledge; and
 - (f) if the document has been destroyed or is otherwise no longer in existence or cannot be found, the reason why such document no longer exists, the identity of the people responsible for the document no longer being in existence and of its last custodian.
6. When used in connection with an oral communication, the terms "identify," "identity," and "identification" mean to provide the following information:
- (a) the general nature (i.e., conference, telephone communication, etc.);
 - (b) the time and place of its occurrence;
 - (c) its subject matter and substance;
 - (d) the identity of each person who performed any function or had any role in connection therewith or who has any knowledge thereof, together with a description of each such person's function, role, or knowledge; and
 - (e) the identity of each document which refers thereto or which was used, referred to, or prepared in the course or as a result thereof.
7. The terms "describe" and "description" mean:
- (a) provide a descriptive statement or account thereof, including but not limited to the general nature of the subject and its time or location;
 - (b) identify each person who has any knowledge thereof;
 - (c) identify each document which refers thereto, or which was used, referred to, or prepared in the course of, or as a result thereof, and

- (d) identify each oral communication which refers thereto, or which occurred in the course of or as a result thereof.
8. The term "basis" means set forth each item of information upon which the allegation, contention, claim, or demand referred to in the interrogatory is based.
 9. The terms "relates to" or "thereto" or "relating to" means used or occurring or referred to in the preparation therefore, or in the course thereof, or as a consequence thereof, or referring thereto.
 10. The term "liquids pipeline" refers to that approximately 2-mile section of 24" pipeline that runs from TETCO gate station 060 on its Philadelphia lateral, to PGW's Passyunk Avenue gate station that was converted to use as a natural gas pipeline circa. 1996 as part of a project to provide natural gas service to Grays Ferry.
 11. The term "16" line" refers to that approximately 2-mile section of 16" natural gas pipeline that was constructed by PGW, circa. 1996, from PGW's Passyunk Avenue gate station to Grays Ferry, as part of a project to provide natural gas service to Grays Ferry.
 12. The term "4-mile line" refers to the combination of the liquids pipeline and the 16" line that allows natural gas to be delivered from TETCO's gate station 60 to Grays Ferry.
 13. TETCO shall mean the Texas Eastern Transmission Corporation which operates a natural gas transmission pipeline serving Philadelphia.
 14. The term "PGW" shall mean the Philadelphia Gas Works, which is an instrumentality of, and wholly owned by, the City of Philadelphia.
 15. Answer by Reference to Documents: If any interrogatory is answered by reference to a document or group of documents, with respect to each such interrogatory answer, identify the specific document or documents containing the requested information.
 16. The term "person" means all natural persons, corporations, partnerships, or other business associations, public authorities, municipal corporations, state governments, local governments, all governmental bodies, and all other legal entities.
 17. Inability to Answer: If any interrogatory cannot be answered after the Company has conducted a reasonable investigation, state:
 - (a) the answer to the extent possible;
 - (b) what information cannot be provided; and
 - (c) what efforts were made to obtain the unknown information?
 18. Unless otherwise noted in the request, all spreadsheets or other documents created in spreadsheet format shall be provided in live Excel format.

**GRAYS FERRY COGENERATION PARTNERSHIP
AND VICINITY ENERGY PHILADELPHIA, INC.
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS, SET IV, DIRECTED TO PHILADELPHIA GAS WORKS**

DOCKET NO. R-2023-3037933 and C-2023-3038727

Discovery Requests to Ms. Constance Heppenstall

1. With regard to the testimony of Ms. Heppenstall, what prior Cost of Service Studies have you performed for natural gas utilities? Provide copies of all previous testimony concerning COSS for natural gas utilities.
2. Provide copies of any COSS for any utilities where direct allocation of costs was done.
3. Identify all displacement transactions executed by PGW during the period 2018-2022.

Discovery Requests to Mr. Florian Teme

1. List all customers whose annual volumes are greater than 1 Bcf annually, along with annual volumes.
2. Identify the make and model of the two installed meters at GFCP/VEPI. Provide details about the installation date(s), original cost of meters, and any maintenance that has been performed on the meters.
3. Identify all customers that have installed meters substantially similar to either of the two meters at GFCP/VEPI.

Discovery Requests to Mr. Ryan Reeves

1. Identify all positions under Mr. Reeves' supervision, by job title, and explain job functions. Include job descriptions as usually maintained by PGW's Human Resources department.
2. Identify employees involved with the scheduling of ARS gas deliveries. Provide employee timesheets for the past three-year period.
3. Provide data about all capacity releases on TETCO with a delivery point on the Philadelphia Lateral during 2018 to present.
4. Provide all data and workpapers used to calculate the rate of \$1.05/Dth in Mr. Reeves' Supplemental Direct Testimony, Page 6, Line 24. Please provide the documents in Excel format.
5. Provide data similar to data that was used to calculate the rate of \$1.05/Dth in Mr. Reeves' Supplemental Direct Testimony, Page 6, Line 24 for the years 2018 through the 2022 fiscal year. Please provide all documents in Excel format.

**GRAYS FERRY COGENERATION PARTNERSHIP
AND VICINITY ENERGY PHILADELPHIA, INC.
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS, SET IV, DIRECTED TO PHILADELPHIA GAS WORKS**

DOCKET NO. R-2023-3037933 and C-2023-3038727

6. Provide copies of TETCO tariff pages referenced in Mr. Reeves' Supplemental Direct Testimony, Page 6, Line 24.