



May 31, 2023

Via Electronic Mail Only

Hon. Eranda Vero
Hon. Arlene Ashton
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

RE: Pa. PUC v. Philadelphia Gas Works, Docket No. R-2023-3037933

Dear Judges Vero and Ashton,

Enclosed please find the Joint Answer of Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) and the Tenant Union Representative Network (TURN) to the Office of Consumer Advocate's (OCA) Motion to Strike Supplemental Direct Testimony of Philadelphia Gas Works (PGW).

Copies of this Joint Answer are being served pursuant to the attached Certificate of Service.

Thank you for your attention to this matter.

Sincerely,

/s/ Robert W. Ballenger
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Community Legal Services, Inc.

Counsel for TURN

cc. Service List

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the following Joint Answer upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54.

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May 31, 2023

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	R-2023-3037933
	:	
v.	:	
	:	
Philadelphia Gas Works	:	

**JOINT ANSWER OF CAUSE-PA AND TURN
TO OFFICE OF CONSUMER ADVOCATE
MOTION TO STRIKE**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) and the Tenant Union Representative Network (TURN), pursuant to 52 Pa. Code § 5.103(c), file this Joint Answer to the Office of Consumer Advocate’s (OCA) motion to strike the supplemental direct testimony of Philadelphia Gas Works (PGW) submitted on April 3, 2023. In support of this Answer, CAUSE-PA and TURN aver as follows:

ANSWER

1-16. Admitted.

17. Admitted in part, denied in part. By way of further answer, CAUSE-PA and TURN admit that PGW’s supplemental direct testimony regarding its Weather Normalization Adjustment charge (WNA) in the base rate case should be stricken by the ALJs so that all WNA issues may be properly considered in the proceeding commenced to address them.¹ However, CAUSE-PA and TURN submit that PGW’s WNA testimony should be stricken without consideration of whether such testimony is “unduly repetitive.” As set forth in the Commission’s May 18, 2023 Opinion and Order (Order),² denying PGW’s request for interlocutory review and answer to material question, the Commission held that “the instant

¹ Pa. PUC v. Philadelphia Gas Works, Dockets No. R-2022-3034229, P-2022-3034264 (WNA Proceeding).

² WNA Proceeding (Opinion and Order entered May 18, 2023).

proceeding,” i.e., the WNA Proceeding at Dockets R-2022-3034229 and P-2022-3034264, “is the proper forum to address the WNA issues.” The Commission went on to explain that the WNA Proceeding “is not limited and obsolete,” “is well underway and will provide for [] timely resolution,” and that PGW is not prejudiced “in any way by continuing to litigate the WNA issues” in the WNA Proceeding.³ Finally, the Commission held that it would not be in the public interest to move litigation of WNA issues to this base rate proceeding because “doing so would waste resources and delay resolution.”⁴ Accordingly, the Commission’s determination that WNA issues must be fully and finally considered in the WNA Proceeding is premised on multiple considerations, namely: the propriety of that forum; the breadth and scope of review available in that forum; the review ongoing therein; the need for timely resolution of WNA issues; the lack of prejudice to PGW; and the avoidance of waste and delay. The Commission has determined that WNA issues must be addressed in the WNA Proceeding without limitation, noting explicitly that the scope of review in the WNA Proceeding was ordered from the start to broadly encompass all aspects of review of PGW’s WNA – including the overall justness and reasonableness of the charge.⁵ The submission of testimony in this base rate proceeding regarding WNA issues, regardless of whether it is repetitive, would circumvent the Commission’s Order definitively concluding WNA issues are properly addressed in the WNA Proceeding at Dockets R-2022-3034229 and P-2022-3034264. As a result, PGW’s supplemental direct testimony in this proceeding should be stricken.

18. Admitted.

³ Order at 18.

⁴ Order at 19.

⁵ Order at 18. “PGW has known since September 2022 that the scope of this proceeding included the investigation into the justness and reasonableness of the WNA. Therefore, PGW is not prejudiced in any way by continuing to litigate the WNA issues in this [WNA] proceeding.”

CONCLUSION

CAUSE-PA and TURN submit that Administrative Law Judges Vero and Ashton should grant OCA's Motion and issue an Order striking PGW's supplemental direct testimony on WNA issues, as well as any other party testimony responsive thereto.

Respectfully submitted,

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