

June 16, 2023

Via Email

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

Re: PA Public Utility Commission, et al., v. Philadelphia Gas Works
2023 PGW Base Rate Case Filing – Docket No. R-2023-3037933

Dear Secretary Chiavetta:

Philadelphia Gas Works (“PGW”) recognizes and acknowledges POWER Interfaith’s (“POWER”) request for a further extension of discovery deadlines relating to PGW’s Set I interrogatories by seven (7) calendar days until Thursday, June 22. As stated in PGW’s June 15, 2023 response to POWER’s request, PGW does not object to the granting of that request. However, pursuant to 52 Pa. Code §§ 5.61 and 5.342, and in light of the existing deadline of June 26, 2023 for the service of PGW’s rebuttal testimony in response to POWER’s distributed direct testimony in this proceeding, PGW also requests that the Commission direct that: 1) during the one-week period of extension of formal discovery deadlines POWER provide PGW with any and all responses, or partial responses, to interrogatories to which POWER has offered no objection; and 2) to avoid prejudicing PGW in providing its rebuttal testimony, extend PGW’s deadline for serving rebuttal testimony to POWER’s direct testimony by seven (7) days to July 3, 2023.

In POWER’s response today they propose to agree to produce unobjected to responses to interrogatories as required under the procedural rules, and based upon their own speculation as to what matters might be addressed by PGW in rebuttal testimony, POWER offers a counter proposal which permits them to get their requested seven (7) day stand down of discovery, reduces PGW’s request for seven (7) days to three (3) days and gives POWER an additional two (2) days to respond with surrebuttal. POWER’s proposal, if adopted, would authorize it to submit supplemental surrebuttal testimony on July 10, 2023, the day before evidentiary hearings are to commence in this proceeding. Adoption of POWER’s proposal would leave PGW no meaningful time to review supplemental surrebuttal testimony in advance of the evidentiary hearing. As PGW has the burden of proof in this case – not POWER – this counter proposal is

neither fair nor reasonable. PGW should have the last word regarding the evidence and information with which it meets its burden of proof in this proceeding. Accordingly, PGW maintains that its proposal is not only a reasonable accommodation to POWER's witness circumstances, but also consistent with the burden of proof in this proceeding. Any permitted modification of the current schedule should not result in PGW being prejudiced for not opposing the accommodations requested by POWER.

Sincerely

Sarah C. Stoner
Sarah C. Stoner

SCS/lww

Enclosure

cc: Cert. of Service w/enc.
Rosemary Chiavetta, Secretary (COS only)

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of **PGW's Letter Response to POWER's Answer**, upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email Only

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Date: June 16, 2023

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