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November 7, 2023

**VIA ELECTRONIC FILING**

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

RE: Petition for Declaratory Order of the Retail Energy Supply Association; Docket No. P-2023-3039774; **JOINT PETITION FOR APPROVAL OF SETTLEMENT**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is the Joint Petition for Approval of Settlement of the Retail Energy Supply Association (“RESA”) and Columbia Gas of Pennsylvania, Inc. (“Columbia”) (collectively “Joint Petitioners”) and Appendices A through C consisting of: **Appendix A** – the Joint Stipulation of Facts of the Retail Energy Supply Association and Columbia Gas of Pennsylvania, Inc.; **Appendix B** – the Retail Energy Supply Association’s Statement in Support; and **Appendix C** – Columbia Gas of Pennsylvania, Inc.’s Statement in Support in the above-captioned matter. Copies of the Joint Petition 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 do not hesitate to contact me.

Very truly yours,

Todd S. Stewart  
*Counsel for The Retail Energy Supply Association*

TSS/jld  
Enclosure

cc: Administrative Law Judge Christopher P. Pell (via electronic mail – [cpell@pa.gov](mailto:cpell@pa.gov))  
Administrative Law Judge Chad L. Allensworth (via electronic mail – [callenswor@pa.gov](mailto:callenswor@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: November 7, 2023

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Todd S. Stewart

**BEFORE  
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition for Declaratory Order of the Retail :  
Energy Supply Association Re Columbia : Docket No. P-2023-3039774  
Gas' Interim Purchase Gas Cost Adjustment :  
Filings :

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**JOINT PETITION FOR APPROVAL OF SETTLEMENT  
OF THE RETAIL ENERGY SUPPLY ASSOCIATION  
AND COLUMBIA GAS OF PENNSYLVANIA, INC.**

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**BEFORE THE HONORABLE ADMINISTRATIVE LAW JUDGES CHRISTOPHER P. PELL AND CHAD L. ALLENSWORTH:**

**I. INTRODUCTION**

The parties to the above-captioned matter, the Retail Energy Supply Association, (“RESA”)<sup>1</sup> and Columbia Gas of Pennsylvania, Inc. (“Columbia”) (collectively “Joint Petitioners”)<sup>2</sup> hereby submit in this Joint Petition for Approval of Settlement (“Joint Petition” or “Settlement”) and respectfully request that the Pennsylvania Public Utility Commission approve the Settlement recited herein, in the above captioned matter, as being just and reasonable and in the public interest as a resolution of the Petition for Declaratory Order filed by RESA, regarding the interim adjustment made to its purchased gas cost rate (“PGC”) made by Columbia effective March 1, 2023. As stated below, the Joint Petitioners have agreed to a procedure to be followed by Columbia in any future interim PGC adjustment filings by Columbia that are not Columbia’s

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<sup>1</sup> The positions expressed in this filing are those of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org).

<sup>2</sup> The Pennsylvania Office of Consumer Advocate (“OCA”) does not oppose the Settlement.

regularly scheduled quarterly adjustments. In support of the Joint Petition, the Joint Petitioners state and aver as follows:

## **II. BACKGROUND**

1. On or about April 10, 2023, RESA filed a Petition for Declaratory Order pursuant to 66 Pa. C.S. § 331(f) and 52 Pa Code § 5.42, in which RESA requested that the Commission declare that interim adjustments made to Columbia's purchased gas cost rate (“PGC”), effective March 1, 2023 and April 1, 2023, were illegal and unwarranted.

2. On May 1, 2023, Columbia filed its Answer to the Petition in which it denied that its interim adjustments of the PGC was either illegal or unwarranted.

3. Also on May 1, 2023, the OCA submitted an answer to the Petition, opposing the relief requested in RESA’s Petition.

4. By notice dated July 7, 2023, this matter was assigned to Administrative Law Judges Christopher P. Pell and Chad L. Allensworth (“ALJs”) for the purpose of holding a prehearing conference and the eventual adjudication of this matter.

5. A prehearing conference was scheduled to be held on Tuesday August 9, 2023, but was cancelled by the ALJs when they were informed that settlement discussions were underway. The ALJs required a status report to be filed on or before August 28, 2023, by Interim Order entered August 7, 2023.

6. On August 28, 2023, the parties notified the ALJs that a settlement had been reached. By email notice sent September 5, 2023, the ALJs required the participants to submit on or before November 7, 2023: 1) a Joint Petition for Settlement; 2) Statements in Support of the Settlement; and 3) a Joint Stipulation of Facts to support the Settlement.

### **III. SETTLEMENT**

7. The terms of this Settlement are intended to create a process by which Columbia, and only Columbia, will proceed in any future circumstance in which it may seek an interim adjustment to its PGC that is not a regularly scheduled quarterly adjustment. The Settlement does not resolve RESA's arguments regarding the legality or propriety of an interim PGC adjustment by Columbia. Rather, it is a compromise that will allow the Joint Petitioners to move forward without litigating those issues and preserving the arguments made by the parties to this proceeding.

8. The terms of the Settlement are:

a. If in the future, Columbia desires to make an interim adjustment to the PGC, whether that adjustment be to increase or decrease the PGC, it will make a filing with the Commission seeking approval of such adjustment. Columbia reserves the right to make such filing on an expedited basis.

b. If Columbia seeks to adjust its PGC through a filing as described above, Columbia will provide notice to all suppliers ("NGSs") serving load on its system, by email, provided that it will only provide notice to NGSs that have a valid email address registered with Columbia for the receipt of notices.

### **IV. CONDITIONS**

This Settlement is conditioned upon the Commission's approval of the terms and conditions contained herein without modification. If the ALJs or the Commission modifies the Settlement, then any Joint Petitioner may elect to withdraw from this Settlement and may proceed with litigation and, in such event, this Settlement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon

all Joint Petitioners within five (5) business days after the entry of any recommendation or Order modifying the Settlement.

9. It is understood and agreed by the Parties, that the terms of this Settlement are unique to Columbia and to the facts of this matter and may not be cited as precedent in any future proceeding, except to the extent required to implement or enforce this Settlement.

10. The Commission's approval of the Settlement shall not be construed to represent approval of any Joint Petitioner's position on any issue raised in this proceeding, except to the extent required to effectuate the terms and agreements of the Settlement in these and future proceedings involving Columbia.

11. It is understood and agreed among the Joint Petitioners that the Settlement is the result of compromise and does not necessarily represent the position(s) that would be advanced by any Joint Petitioner in these proceedings, if they were fully litigated.

12. This Settlement is being presented only in the context of these proceedings to resolve the proceedings in a manner that is just and reasonable. The Settlement is the product of compromise between and among the Joint Petitioners. This Settlement is presented without prejudice to any position that any of the Joint Petitioners may have advanced and without prejudice to the position any of the Joint Petitioners may advance in the future on the merits of the issues in future proceedings except to the extent necessary to effectuate the terms and conditions of this Settlement. This Settlement does not preclude the Joint Petitioners from taking other positions in proceedings involving other public utilities under Section 1308 of the Public Utility Code, 66 Pa. C.S. § 1308, or any other proceeding.

13. If the ALJs adopt the Settlement without modification, the Joint Petitioners waive their individual rights to file exceptions with regard to the Settlement.

## V. PUBLIC INTEREST

14. This Settlement was achieved by the Joint Petitioners after the filing of a Petition for Declaratory Order and the Answers thereto. The parties engaged in good faith negotiations to resolve this matter without the need to litigate the facts, which are largely not disputed.

15. Acceptance of the Settlement will avoid the necessity of further administrative and possibly appellate proceedings regarding the settled issues at what would have been a substantial cost to all parties.

16. Joint Petitioners have submitted, along with this Settlement, their respective statements in support of the Settlement setting forth the bases upon which each believes the Settlement to be fair, just and reasonable and therefore, in the public interest. The Joint Petitioners' Statements in Support are attached hereto as **Appendices B and C**. Also attached is a Joint Stipulation of Facts, which is a recitation of the facts as presented in the pleadings and as would have been addressed had a hearing been held in this matter. The Joint Stipulation is attached as **Appendix A**.

## VI. CONCLUSION

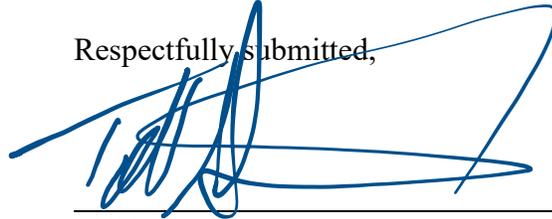
WHEREFORE, the Joint Petitioners, by their respective counsel, respectfully request as follows:

1. That the Honorable Administrative Law Judges Christopher P. Pell and Chad L. Allensworth and the Commission approve this Settlement including all terms and conditions thereof, without modification.

2. That the Commission's proceeding at Commission Docket P-2023-3039774, be marked closed.

3. That the Commission enter an Order approving the process adopted by the Settlement for all future instances where Columbia may seek an interim adjustment that is not a regularly scheduled quarterly adjustment to its PGC as being just and reasonable and in the public interest.

Respectfully submitted,



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*Counsel for Columbia Gas of Pennsylvania, Inc.*

DATED: November 7, 2023

# **APPENDIX A**

**BEFORE  
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition for Declaratory Order of the Retail :  
Energy Supply Association Re Columbia : Docket No. P-2023-3039774  
Gas' Interim Purchase Gas Cost Adjustment :  
Filings :

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**JOINT STIPULATION OF FACTS  
OF THE RETAIL ENERGY SUPPLY ASSOCIATION  
AND COLUMBIA GAS OF PENNSYLVANIA, INC.**

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**BEFORE THE HONORABLE ADMINISTRATIVE LAW JUDGES CHRISTOPHER P. PELL AND CHAD L. ALLENSWORTH:**

Pursuant to 52 Pa. Code § 5.232(c), the parties to the above-captioned matter, the Retail Energy Supply Association, (“RESA”)<sup>1</sup> and Columbia Gas of Pennsylvania, Inc. (“Columbia”) (collectively “Joint Petitioners”)<sup>2</sup> hereby provide this Joint Stipulation of Facts in the above captioned matter, to provide a factual basis for the Presiding Administrative Law Judges and the Pennsylvania Public Utility Commission to determine the justness and reasonableness of the Joint Petition for Settlement being filed simultaneously herewith. The facts stipulated herein are for this matter only, and only for the purposes stated herein. The Joint Petitioners stipulate to the following facts:

1. On or about February 28, 2023, Columbia submitted Tariff Supplement 356 to its Tariff Gas Pa. P.U.C. No. 9, to be effective March 1, 2023.

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<sup>1</sup> The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org).

<sup>2</sup> The Office of Consumer Advocate does not oppose the Settlement.

2. On April 10, 2023, RESA filed the above captioned Petition for Declaratory Order in which it averred that Columbia's interim adjustment, accomplished via Supplement No.9, was contrary to the law and otherwise anticompetitive.

3. On May 1, 2023, Columbia filed an answer to RESA's Petition wherein it denied the material allegations of the Petition for Declaratory Order.

4. Also on May 1, 2023, the Office of Consumer Advocate submitted an answer to the Petition for Declaratory Order.

5. By notice dated July 7, 2023, this matter was assigned to Deputy Chief Administrative Law Judge Christopher P. Pell and Administrative Law Judge Chad L. Allensworth and was set for a prehearing conference on August 8, 2023.

6. Prior to the Prehearing Conference, the parties engaged in settlement negotiations and reflected a potential for settlement in their respective prehearing conference memorandums.

7. The Prehearing Conference was continued, and the parties notified the ALJs on August 28, 2023, that a settlement had been achieved. By subsequent Order, the ALJs directed the parties to submit a Joint Petition for Settlement, a Joint Stipulation of Facts, and Statements in Support of the Settlement, on or before November 7, 2023.

8. Supplement 356 reduced Columbia's purchased gas cost ("PGC") rate by approximately 22%, effective March 1, 2023.

9. Columbia is a public utility as defined in 66 Pa. C.S. § 102 and is a Natural Gas Distribution Company as defined in 66 Pa. C.S. § 2202. Columbia files its annual gas costs case pursuant to 66 Pa. C.S. § 1307(f) on or about April 1 of each year. Columbia makes its quarterly purchased gas cost filings on or about July 1, October 1, December 1, and April 1 of each year.

10. RESA is an association of diverse competitive energy suppliers devoted to promoting vibrant and sustainable competitive retail energy markets for residential and business customers. Members of RESA include NGSs licensed by the Commission, pursuant to the Natural Gas Choice and Competition Act, to sell natural gas supply to retail customers throughout Pennsylvania and in Columbia's service territory.

11. NGSs sell natural gas to customers via natural supply contracts that are subject to (for residential and small commercial customers) the Commission's detailed regulations regarding language to be included in the contracts and well as the timing and content of notices to be provided to customers upon pending expiration of the contract or notice of material changes, including pricing changes. (*See 52 Pa. Code §§ 62.71 et seq.*)

12. Changes to the gas cost rate impact the Price to Compare ("PTC"), which is the retail rate charged to customers who do not purchase natural gas from a competitive supplier and is the *de facto* comparison price for most retail customers.

13. Columbia submitted Supplement 356 to implement a reduced PGCrate to customers because the drop in market prices was significant in late 2022, and the Company had over-collected approximately \$18.7 million from PGC customers from January 1 – February 28, 2023. Columbia estimated that without an interim adjustment effective March 1, 2023, the Company would have over-collected an estimated additional \$5.6 million from customers from March 1 to April 1.

14. Columbia determined that without an interim adjustment effective March 1, 2023, the Company projected a 33% reduction in rates beginning October 1, 2023, due to the return to customers of the overcollection plus interest included in the E-factor.

15. Columbia's PGC filing made on or about March 28, 2023, to be effective April 1, 2023, was pursuant to the Company's quarterly schedule identified above in Paragraph 9.

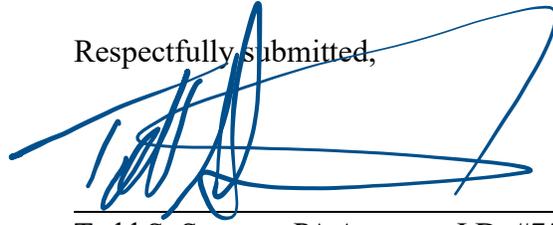
16. RESA filed the instant Petition at the above docket in order to present its concern that interim adjustments may harm the market because changing the PTC more often than quarterly can cause shopping customers to cancel fixed rate contracts that may appear to be more costly than the PTC and, in some cases, might cause customers to incur early termination fees.

17. In the instant Petition matter, RESA also presents its argument that making interim adjustments to the PGC to reflect the market more closely transforms default service into a competitive variable price product and that could create harmful volatility in the competitive market.

18. In its Answer, Columbia denies RESA's assertions in its Petition regarding any alleged market harm of its interim PGC adjustment.

19. This Stipulation does not constitute an admission by either party to the allegations raised by any other party.

Respectfully submitted,



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*Counsel for the Retail Energy Supply  
Association*



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*Counsel for Columbia Gas of Pennsylvania,  
Inc.*

DATED: November 7, 2023

# **APPENDIX B**

**BEFORE  
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition for Declaratory Order of the Retail :  
Energy Supply Association Re Columbia : Docket No. P-2023-3039774  
Gas' Interim Purchase Gas Cost Adjustment :  
Filings :

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**STATEMENT IN SUPPORT  
OF THE RETAIL ENERGY SUPPLY ASSOCIATION**

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**TO THE HONORABLE CHRISTOPHER P. PELL:  
TO THE HONORABLE CHAD ALLENSWORTH:**

AND NOW, comes the Retail Energy Supply Association (“RESA”), and hereby submits its Statement in Support of the Joint Petition for Partial Settlement (“Settlement”) being filed simultaneously herewith. RESA respectfully submits that the Settlement is in the public interest and should be approved by the Pennsylvania Public Utility Commission (“Commission”) in its entirety, as being just and reasonable and in the public interest as a resolution of the Petition for Declaratory Order filed by RESA, regarding the interim adjustment made by Columbia Gas Company of Pennsylvania’s (“Columbia”) to its purchased gas cost rate (“PGC”) effective March 1, 2023. As stated below, the Joint Petitioners to the Settlement have agreed to a procedure to be followed by Columbia in any future interim PGC adjustment filings by Columbia that are not Columbia’s regularly scheduled quarterly adjustments. In support of the Joint Petition, RESA states and aver as follows:

1. On or about April 10, 2023, the Retail Energy Supply Association (“RESA”) filed a Petition for Declaratory Order pursuant to 66 Pa. C.S. § 331(f) and 52 Pa Code § 5.42, in which RESA requested that the Commission declare that interim adjustments made to Columbia’s

purchased gas cost rate ("PGC"), effective March 1, 2023, and April 1, 2023, were illegal and unwarranted.

2. On May 1, 2023, Columbia Gas of Pennsylvania, Inc. ("Columbia") filed its Answer to the Petition in which it denied that its interim adjustments of the PGC was either illegal or unwarranted.

3. Also on May 1, 2023, the Office of Consumer Advocate ("OCA") submitted an answer to the Petition, opposing the relief requested in RESA's Petition.

4. By notice dated July 7, 2023, this matter was assigned to Administrative Law Judges Christopher Pell and Chad Allensworth ("ALJs") for the purpose of holding a Prehearing Conference and the eventual adjudication of this matter.

5. A Prehearing Conference was scheduled to be held on Tuesday, August 9, 2023, but was cancelled by the ALJs when they were informed that settlement discussions were underway. The ALJs required a status report to be filed on or before August 28, 2023, by Interim Order entered August 7, 2023. By email notice sent September 5, 2023, the Presiding ALJs required the participants to submit, on or before November 7, 2023: 1) a Joint Petition for Settlement; 2) Statements in Support of the Settlement; and, 3) a Joint Stipulation of Facts to support the Settlement.

## **I. SETTLEMENT**

6. The Settlement creates a process by which Columbia will proceed, if in the future it desires to adjust its PGC on an interim basis, that is, not a regularly scheduled quarterly adjustment. The process is simple and applies whether the interim adjustment is an increase or decrease. Instead of simply submitting the tariff, Columbia will make a filing seeking Commission approval of the interim adjustment and will serve that filing on all licensed suppliers operating in the Columbia

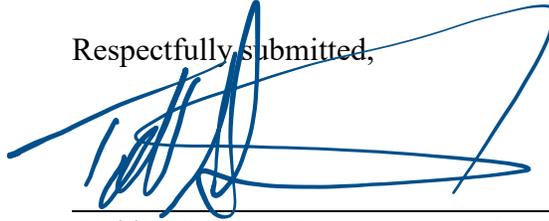
service territory for which Columbia has valid email addresses. Columbia reserves the right to make such a filing on an expedited basis.

7. The Settlement is specific to Columbia and specific to non-scheduled interim adjustments. However, it will provide a critical opportunity for suppliers who may wish to challenge such an adjustment, with notice and an opportunity to be heard -- before the Commission addresses any such interim adjustment. The Settlement also leaves the determination of whether any particular interim adjustment is just and reasonable to the circumstances of any such future interim adjustment. The Settlement does not address the interim adjustment that prompted the filing of the Petition, and instead is oriented to providing a clear process for the future.

8. The Settlement is just and reasonable because it resolves the dispute regarding the March interim adjustment, not by seeking to unwind it, with all the uncertainty that such a proceeding can involve, and instead provides a reasonable process to address and such filings in the future, in a manner that will provide concerned parties with notice and an opportunity to participate in the process before an adjustment becomes effective. Considering the infrequency of such filings, it is best to address each on its own merits, and this process will allow that to happen. The result produced by this settlement will provide notice to all suppliers on the Columbia system at the time the filing is made, which was not done in the case that sparked this filing. All of these factors prove that the Settlement is just and reasonable and in the public interest and should be approved.

Wherefore RESA respectfully requests that the Presiding ALJs and the Commission approve the Settlement without modification.

Respectfully submitted,



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*Counsel for the Retail Energy Supply Association*

DATED: November 7, 2023

# **APPENDIX C**

**BEFORE  
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition For Declaratory Order of the :  
Retail Energy Supply Association :  
Re Columbia Gas' Interim Purchase Gas Cost : P-2023-3039774  
Adjustment Filings :

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**COLUMBIA GAS OF PENNSYLVANIA, INC.'S  
STATEMENT IN SUPPORT OF SETTLEMENT  
OF RESA PETITION FOR DECLARATORY ORDER**

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**TO ADMINISTRATIVE LAW JUDGES CHRISTOPHER P. PELL AND CHAD L. ALLENSWORTH:**

Columbia Gas of Pennsylvania, Inc. (“Columbia” or the “Company”), by and through its undersigned counsel, hereby respectfully submit that the terms and conditions of the foregoing Joint Settlement Agreement (“Settlement”) are in the public interest and represent a fair, just and reasonable balance of the interests of Columbia and its customers and the Retail Energy Supply Association (“RESA”) and its members. The parties to this Settlement have negotiated in good faith, and as a result, Columbia and RESA (“Joint Petitioners”)<sup>1</sup> have agreed upon the terms set forth in the Settlement. This request is based Columbia’s position that the Settlement is in the public interest, as supported by the following factors:

1. Columbia is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with a principal place of business at 121 Champion Way, Suite 100, Canonsburg, Pennsylvania 15317. Columbia is engaged in the business of selling and distributing natural gas to retail customers within the Commonwealth, and therefore, is a “public

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<sup>1</sup> The Office of Consumer Advocate (“OCA”) does not oppose the Settlement.

utility” within the meaning of 66 Pa. C.S. § 102, subject to the regulatory jurisdiction of the Public Utility Commission (“Commission”). Columbia provides natural gas service to approximately 442,000 customers in 26 counties in Pennsylvania, pursuant to certificates of public convenience granted by the Commission.

2. On or about April 10, 2023, RESA filed a Petition for Declaratory Order (“Petition”), wherein RESA sought a finding that two of Columbia’s purchased gas cost (“PGC”) filings are improper and requested that the Commission issue a cease-and-desist order that prohibits Columbia from making interim PGC adjustment filings. Specifically, the PGC filings that RESA referenced are (1) the filing made February 27, 2023, to be effective March 1, 2023 (“March 1 Interim Filing”), and (2) the filing made March 28, 2023, to be effective April 1, 2023 (“April 1 Quarterly Filing”).

3. On or about May 1, 2023, Columbia filed an Answer to RESA’s Petition, asserting that the Company submitted the March 1 Interim Filing to reduce the PGC rate due to the significant, unexpected reduction in actual gas prices from those projected in late 2022. The significant gap between projected gas prices and actual gas prices had already resulted in an approximate \$18.7 million over-collection from customers from January 1-February 28, 2023. Further, Columbia asserted that the April 1 Quarterly Filing was made in accordance with the Company’s regular quarterly PGC filing schedule and was therefore, a required filing.

4. On or about May 1, 2023, the OCA filed an Answer to RESA’s Petition, wherein the OCA supported Columbia’s March 1 Interim Filing that decreased the PGC rate and requested that the Commission deny RESA’s requested relief.

5. The matter was assigned to Administrative Law Judges Christopher P. Pell and Chad L. Allensworth (“ALJs”), and a prehearing conference was scheduled for August 8, 2023.

6. The parties submitted prehearing memoranda indicating they were engaging in productive settlement discussions and presented to the ALJs that they agreed that the prehearing conference should be cancelled. As such, the prehearing conference was cancelled.

7. On August 28, 2023, the parties advised the ALJs that a settlement had been reached between RESA and Columbia, with OCA's non-opposition so long as the settlement was not precedential. The ALJs directed the parties to file the Settlement, a stipulation of facts and statements in support of the Settlement by November 7, 2023.

8. In accordance with the Commission's policy of favoring settlements<sup>2</sup> over costly, time-consuming litigation, the parties were successful in achieving a full and complete settlement of all issues utilizing the negotiation process.

9. Columbia submits that the proposed Settlement is in the public interest and should be approved by the ALJs and Commission for the following reasons:

a. The Settlement sets forth a process for Columbia to seek to implement an interim PGC rate, which process does not affect or alter Columbia regularly scheduled quarterly PGC rate filings;

b. The aforementioned process provides for notice to interested stakeholders, such as NGSs, prior to the implementation of an interim PGC rate;

c. The last time the Company sought to implement an interim PGC rate, Columbia utilized the aforementioned process. *See Columbia Gas of Pennsylvania, Inc. Petition Concerning a Change in Purchased Gas Costs*, P-00062200 (Order entered Jan. 27, 2006);

d. Approval of the Settlement will avoid the substantial time, effort and costs associated with litigation of RESA's Petition; and

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<sup>2</sup> See 52 Pa. Code § 5.231.

e. The Settlement has no precedential value to any other public utility seeking to implement an interim PGC rate.

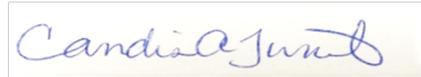
10. The Settlement is conditioned upon the Commission's approval of all terms and conditions contained therein. Should the Commission fail to grant such approval or otherwise modify the terms and conditions of the Settlement, it may be withdrawn by the Company or RESA.

11. Columbia's agreement to settle this matter is made without any admission of wrongdoing or prejudice to any position the Company may take during subsequent litigation in the event the Settlement is rejected by the Commission or otherwise properly withdrawn by any Joint Petitioner.

12. If the ALJs recommend that the Commission adopt the Settlement as proposed, Columbia has agreed to waive the filing of exceptions. The Company has not, however, waived its right to file exceptions to any modifications to the terms and conditions of the Settlement, or any additional matters, that may be proposed by the ALJs in the Initial Decision. Columbia has also reserved the right to file reply exceptions to any exceptions that may be filed by RESA or the OCA.

WHEREFORE, Columbia Gas of Pennsylvania, Inc. respectfully requests that the ALJs and the Commission adopt the Settlement without modification.

Respectfully submitted,

A rectangular box containing a handwritten signature in blue ink that reads "Candis A. Tunilo".

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Date: November 7, 2023

*Attorneys for Columbia Gas of  
Pennsylvania, Inc.*