

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held December 7, 2023

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

Pennsylvania Public Utility Commission	R-2023-3037933
Bureau of Investigation and Enforcement	
Office of Consumer Advocate	C-2023-3038846
Office of Small Business Advocate	C-2023-3038885
Philadelphia Industrial and Commercial Gas User Group	C-2023-3039059
Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc.	C-2023-3038727
James M. Williford	C-2023-3039130

v.

Philadelphia Gas Works

Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc.	C-2021-3029259
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v.

Philadelphia Gas Works

OPINION AND ORDER

BEFORE THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are: (1) the Petition for Clarification filed by Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. on November 20, 2023, and (2) the Petition for Reconsideration filed by Philadelphia Gas Works on November 27, 2023, seeking clarification/reconsideration of the Opinion and Order entered on November 9, 2023, relative to the above-captioned proceeding.

Pursuant to Rule 1701 of the Pennsylvania Rules of Appellate Procedure, Pa. R.A.P. 1701, the Commission must act to grant a petition for reconsideration within thirty days of the date of entry of the order for which reconsideration is sought or otherwise lose jurisdiction to do so if a petition for review is timely filed.¹ The thirty-day period within which the Commission must act upon the Petitions in order to preserve jurisdiction ends on December 11, 2023.²

Granting reconsideration pending review of, and consideration on, the merits of the Petition to preserve Commission jurisdiction and toll the thirty-day time period for filing a petition for appellate review does not automatically stay the Commission's underlying Opinion and Order.³ Pursuant to 52 Pa. Code § 5.572, petitions seeking a stay or supersedeas must be filed with the Commission within fifteen (15) days after the underlying Opinion and Order becomes final.⁴

¹ Commission Rules of Practice and Procedure provide that a party may file an Answer to the Petition within ten (10) days of service. 52 Pa. Code § 5.571(c). As of the date of this Order no Answers have been received.

² The thirty-day period ends on December 9, 2023, which is a Saturday. Therefore, the next business day, December 11, 2023, is the deadline for the Commission to act on the Petition.

³ 52 Pa. Code § 5.572; Pa. R.A.P. 1701.

⁴ *See also*, Pa. R.A.P. 1781.

Accordingly, we shall grant reconsideration, within the meaning of Pa. R.A.P. 1701(b)(3), pending review of, and consideration on, the merits of the Petitions; **THEREFORE,**

IT IS ORDERED: That the Petition for Clarification filed by Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc. on November 20, 2023 and the Petition for Reconsideration filed by Philadelphia Gas Works on November 27, 2023, are hereby granted, pending further review of, and consideration on, the merits.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: December 7, 2023

ORDER ENTERED: December 7, 2023