



COMMONWEALTH OF PENNSYLVANIA

January 16, 2024

E-FILED

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

Re: National Fuel Gas Distribution Corporation's Purchased Gas Cost Filing Under Section 1307(f) of the Public Utility Code and 52 Pa. Code §§ 53.64 and 53.65 / Docket No. R-2024-3045177

Dear Secretary Chiavetta:

Enclosed please find the Complaint, Notice of Intervention, Public Statement, and Verification, on behalf of the Office of Small Business Advocate ("OSBA"), in the above-captioned proceeding.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399

Enclosures

cc: Mark Ewen
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

National Fuel Gas Distribution Corporation's Purchased Gas Cost Filing Under Section 1307(f) of the Public Utility Code and 52 Pa. Code §§ 53.64 and 53.65 : **Docket No. R-2024-3045177**
:
:
:

**COMPLAINT
OF THE SMALL BUSINESS ADVOCATE**

1. The Complainant is:

NazAarah Sabree
Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

2. The name and address of the Complainant's attorneys are:

Rebecca Lyttle
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
relyttle@pa.gov

Steven C. Gray
Senior Supervising
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
sgray@pa.gov

/s/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399

/s/ Steven C. Gray

Steven C. Gray
Senior Supervising
Assistant Small Business Advocate
Attorney ID No. 77538

3. The respondent utility is:

National Fuel Gas Distribution Corporation
6363 Main Street
Williamsville, NY 14221

4. The Complainant is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission (“Commission”).

5. On December 29, 2023, pursuant to Section 1307(f) of the Public Utility Code, and 52 Pa. Code §§ 53.64 and 53.65, the National Fuel Gas Distribution Corporation (“NFG” or the “Company”) submitted the Company’s pre-filing in support of its annual Purchased Gas Cost (“PGC”) Rate filing.

6. Section 1318 of the Public Utility Code, 66 Pa. C.S. § 1318, provides that no rates of a natural gas distribution utility shall be deemed just and reasonable unless the Commission finds that the utility is pursuing a least cost fuel procurement policy, consistent with the obligation to provide safe, adequate, and reliable service. The Commission must find, among other things, that the utility has (1) fully and vigorously represented ratepayer interests before the Federal Energy Regulatory Commission; (2) taken all prudent steps to negotiate favorable gas supply contracts and to relieve its obligations under contracts that may be adverse to ratepayer interests; (3) taken all reasonable steps to obtain lower cost gas supplies; and (4) not withheld or caused to be withheld gas supplies that should have been utilized as part of a least cost fuel procurement policy. 66 Pa. C.S. § 1318(a).

7. The OSBA files this Formal Complaint to ensure that the Company’s purchased gas cost rates are consistent with a least cost fuel procurement policy and do not result in rates and charges that are excessive, unjust or unreasonable, discriminatory or otherwise contrary to Commission regulation or policy.

8. The OSBA also files this Complaint to ensure that the Company will provide a formal payment assistance plan for its small business customers.

9. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- a. Hold evidentiary hearings in accordance with Section 1307(f) of the Public Utility Code;
- b. Deny any proposed rate changes which are not the result of a least cost fuel procurement policy as defined by the standards set forth in Section 1318 of the Public Utility Code, and as defined by other applicable ratemaking standards;
- c. Ensure that the Company's small business customers are not allocated any costs that should not be borne by them;
- d. Deny any rate change that is unjust, unreasonable, unduly discriminatory or contrary to sound ratemaking principles; and
- e. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

/s/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 301299

For:
NazAarah Sabree
Small Business Advocate

Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-0253
(717) 783-2831 (fax)

Dated: January 16, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

National Fuel Gas Distribution Corporation's Purchased Gas Cost Filing Under Section 1307(f) of the Public Utility Code and 52 Pa. Code §§ 53.64 and 53.65 : **Docket No. R-2024-3045177**
:
:
:

**PUBLIC STATEMENT
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (the "Act"). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by her initiation of or intervention in any proceeding involving those interests before the Public Utility Commission or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of a complaint against the 2024 Purchased Gas Cost ("PGC") Rate pre-filing of National Fuel Gas Distribution Corporation ("NFG" or the "Company").

The Small Business Advocate files this formal complaint against the Company's proposed gas cost rate to protect the interests of NFG's small business customers. A thorough inquiry by the Public Utility Commission into all the elements of the Company's gas cost rate filing is necessary to ensure that the utility is pursuing a least cost fuel procurement policy, consistent with the obligation to provide safe, adequate, and reliable service.

In view of the foregoing, the Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of the proposed rates in

the Company's 2024 PGC Rate filing and if the Company has any formal payment assistance programs for its small business customers. The Small Business Advocate will ask the Commission to deny any proposed rate increase or other changes in NFG's present tariffs that apply to small business customers that are not proven by NFG to be lawful, just, reasonable, and non-discriminatory.

Complainant:

NazAarah Sabree
Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

Complainant's Attorneys:

Rebecca Lyttle
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
relyttle@pa.gov

/s/ Rebecca Lyttle
Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399

Steven C. Gray
Senior Supervising
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
sgray@pa.gov

/s/ Steven C. Gray
Steven C. Gray
Senior Supervising
Assistant Small Business Advocate
Attorney ID No. 77538

Dated: January 16, 2024

VERIFICATION

I, NazAarah Sabree, hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: January 16, 2024



(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

National Fuel Gas Distribution Corporation's Purchased Gas Cost Filing Under Section 1307(f) of the Public Utility Code and 52 Pa. Code §§ 53.64 and 53.65 : **Docket No. R-2024-3045177**
:
:
:

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless other noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Charles E. Rainey Jr.
Chief Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
crainey@pa.gov

Gina L. Miller, Esquire
Christopher M. Andreoli, Esquire
Jacob D. Guthrie, Esquire
Aron J. Beatty, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101
OCAPNG2023BRC@paoca.org

Richard Kanaskie, Esquire
Carrie B. Wright, Esquire
Bureau of Investigation & Enforcement
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
rkanaskie@pa.gov

Paul Diskin, Director
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
pdiskin@pa.gov

Anthony D. Kanagy, Esquire
Post & Schell, P.C.
7 North Second Street 12th Floor
Harrisburg, PA 17101
akanagy@postschell.com

/s/ Rebecca Lyttle

Assistant Small Business Advocate
Attorney I.D. No. 201399

DATE: January 16, 2024