

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2024-3047014
Office of Consumer Advocate	:	C-2024-3047737
Office of Small Business Advocate	:	C-2024-3047686
	:	
v.	:	
	:	
Columbia Gas of Pennsylvania, Inc.	:	

PREHEARING ORDER

On March 1, 2024, Columbia Gas of Pennsylvania, Inc. (Columbia or Company) submitted its purchased gas cost (PGC) pre-filing pursuant to the Commission’s regulations at 52 Pa.Code §§ 53.64-53.65. Relative to the current rate of \$0.41059/Therm, Columbia’s pre-filing anticipates an increase of \$0.01968/Therm to a rate of \$0.43027/Therm for service rendered on and after October 1, 2024. On April 1, 2024, Columbia filed with the Commission Supplement No. 379 to Tariff Gas Pa. P.U.C. No. 9. Supplement No. 379 is to become effective for service rendered on and after October 1, 2024. In Supplement No. 379, Columbia proposes an increase in its rates for recovery of purchased gas costs of \$0.01968/Therm.

On March 20, 2024, the Office of Small Business Advocate (OSBA) filed a formal rate Complaint docketed at C-2024-3047686, and on March 21, 2024, the Commission’s Office of Consumer Advocate (OCA) filed a formal rate Complaint docketed at C-2024-3047737. The Commission’s Bureau of Investigation and Enforcement (BIE) entered an appearance on March 26, 2024.

On March 27, 2024, the Commission issued a Prehearing Conference Notice, scheduling a prehearing conference for April 3, 2024. I issued a Prehearing Conference Order on April 1, 2024.

A prehearing conference was held on April 3, 2024, as scheduled. Columbia, BIE, OCA, and OSBA were represented by counsel. The parties discussed a variety of matters detailed below.

Litigation Schedule

The parties agreed upon the following litigation schedule, which was adopted:

<u>Date</u>	<u>Event</u>
May 3, 2024	Written Direct Testimony of All Other Parties Due <u>by 12:00 pm noon</u>
May 20, 2024	Written Rebuttal Testimony Due <u>by 12:00 pm noon</u>
May 29, 2024	Written Surrebuttal Testimony Due <u>in Hand*</u>
Friday, May 31, 2024, and Monday June 3, 2024	Telephonic Evidentiary Hearings and Oral Rejoinder
June 12, 2024	Main Briefs Due <u>in Hand</u>
June 20, 2024	Reply Briefs or Submission of Joint Settlement Petition Executed By Representatives of All Parties, Together With All Parties' Statements In Support of Settlement Due <u>in Hand</u>

* Email service by 4:30 p.m. satisfies the “in hand” requirement.

The parties are reminded of the Commission’s requirements for the preparation and filing of written testimony. 52 Pa.Code §§ 5.412 and 5.412a. Written testimony must be accompanied by all exhibits to which it relates. Technical terms and concepts are to be clearly defined and explained in the testimonies and briefs. **No written testimony will be admitted into evidence unless accompanied by a verification or affidavit of the witness.**

Parties serving prepared testimony in proceedings pending before the Commission pursuant to 52 Pa.Code § 5.412(f) shall be required, within thirty (30) days after the final hearing in an adjudicatory proceeding, to e-file with the Secretary’s Bureau a copy of all testimony furnished to the court reporter during the proceeding consistent with 52 Pa.Code § 5.412a.

The Presiding ALJ agrees to accept email transmission of such material, so long as: the subject email for written surrebuttal testimony is received by 4:30 p.m. on the date due. The email address of the Presiding ALJ is edevoe@pa.gov.

Hearings will begin promptly at **10:00 a.m. on May 31, 2024, and June 3, 2024.** The parties must confer before commencement of the hearings to schedule their witnesses so as to avoid “holes” or “dead time” during the hearings.

Parties

As of the date of this Order, Columbia, OCA, OSBA, and BIE are the only parties involved in this case. The parties are directed to monitor filings with the Commission’s Secretary’s Bureau and advise the undersigned of any additional formal complaints or petitions to intervene filed after the date of this Order. A Service List of these parties is appended to this Order.

Service

All parties agreed to accept service by email. There is no need for parties to follow email service with service by first class mail.

Consolidation

At the prehearing conference, the undersigned consolidated the complaint of the Office of Consumer Advocate at C-2024-3047737 and the complaint of the Office of Small Business Advocate at C-2024-30476686, with the rate proceeding at Docket No. R-2024-3047014.

Public Input Hearings

At present, no party has identified a need to conduct a public input hearing in the Company's service territory. If consumer interest arises, however, the parties are hereby directed to give this matter their prompt attention and notify the Presiding ALJ immediately of the change in circumstances.

Issues

In their respective prehearing memoranda, the parties identified various issues they may wish to pursue. The reader is directed to these documents to review a recitation of these issues. Additional issues may arise as the discovery process unfolds.

Discovery

The parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa.Code § 5.322. If this process fails, the parties have recourse to the Commission's procedures for formal discovery, as herein modified. 52 Pa.Code §§ 5.321, *et seq.* The parties must not send the Presiding ALJ discovery material or cover letters, unless attached to a motion to compel. **All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally.** If a motion to compel fails to contain such certification, the Presiding ALJ will contact the parties and direct them to pursue informal discovery.

At the prehearing conference, the parties agreed to the following modifications of the Commission's procedures for formal discovery, which were adopted:

1. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.

2. Objections to interrogatories and/or requests for production shall be communicated orally within three (3) calendar days of service; unresolved objections shall be served to the propounding party within five (5) calendar days of service of the interrogatories.

3. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of written objections.

4. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.

5. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

6. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.

7. Discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after 1:30 p.m. on a Friday 6 or after 1:30 p.m. on any business day preceding a state holiday will be deemed to have been served on the next business day.

Protective Order

The parties must comply with 52 Pa.Code § 5.362 regarding the preparation and filing of a motion for a protective order. If a party files a motion for a protective order, it must submit a copy of the proposed protective order to the Presiding ALJ by email **in a *Microsoft Office Word* format.**

Settlement

The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa.Code § 5.231(a). The parties are strongly urged to seriously explore this possibility.

In the event that a partial settlement is achieved, the parties should be prepared to proceed on the first scheduled day of hearing to present evidence on the non-resolved issues.

In the event that a full settlement is achieved, the parties should notify the presiding ALJ as soon as possible prior to the scheduled hearings, but no later than **10:00 a.m. on May 30, 2024**. If the parties reach a full settlement, they may choose to convene on May 31, 2024 and/or June 3, 2024, as scheduled and offer their written testimonies and exhibits on the record. Testimonies and exhibits may be admitted into the record upon oral motion as long as the other parties waive cross-examination of the witness and an appropriate verification has been filed with the Commission's Secretary's Bureau.

If the parties reach a full settlement or otherwise deem it appropriate, they may request that the ALJ cancel the evidentiary hearings. Such a request should be made as soon as possible prior to the scheduled hearings, but no later than **10:00 a.m. on May 30, 2024**. The ALJ will not cancel the evidentiary hearings unless and until the parties file a fully-executed joint stipulation for the admission of evidence with the Secretary's Bureau. The stipulation must include: (1) a stipulation that all parties waive cross-examination of all witnesses, (2) a list of all testimonies and exhibits to be admitted into the record, either embedded within the stipulation or attached to the stipulation, and (3) a stipulation that the testimonies and exhibits to be admitted into the record are admissible and should be admitted. If such a stipulation is filed, the ALJ may issue an Order adopting the stipulation, admitting the evidence into the record, cancelling the evidentiary hearings, and ordering the parties to file their testimonies and exhibits, with appropriate verifications, with the Commission's Secretary's Bureau along with a copy of the Order.

A Joint Settlement Petition, if any, must be executed by representatives of all parties, and, together with all parties' Statements In Support of Settlement, must be filed with the Secretary's Bureau and received in-hand by the Presiding ALJ no later than **4:30 p.m. on Wednesday, June 20, 2024**.

Stipulations

If settlement is not feasible, the parties are encouraged to stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in

litigation on all parties and conserve precious administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.

All stipulations entered into by the parties must be reduced to writing, signed by the parties to be bound thereby, and moved into the record in this case either orally at an evidentiary hearing or through a motion filed with the Secretary's Bureau.

Cross-Examination

Friendly cross-examination or cumulative cross-examination during hearings will not be permitted. 52 Pa.Code §§ 5.76 & 5.243.

Briefs

The parties must comply with 52 Pa.Code §§ 5.501, *et seq.*, regarding the preparation and filing of briefs. Page limitations on briefs will be discussed on or before the last day of hearing. The parties shall submit an electronic copy of all briefs to the Presiding ALJ **in a Microsoft Office Word format.**

Modification

Any of the provisions of this Prehearing Order may be modified upon motion and good cause shown by any party in interest.

Date: April 4, 2024

_____/s/
Emily I. DeVoe
Administrative Law Judge

**R-2024-3047014 - PENNSYLVANIA PUBLIC UTILITY COMMISSION V. COLUMBIA
GAS OF PENNSYLVANIA**

NICOLE M PALONEY
DIR OF REGULATORY AFFAIRS
COLUMBIA GAS OF PENNSYLVANIA
INC

121 CHAMPION WAY SUITE 100
CANONSBURG PA 15317

724.416.6388

614.531.3511

npaloney@nisource.com

Served via email and first class mail

SHARON E WEBB ESQUIRE
NAZAARAH SABREE ESQUIRE
OFFICE OF SMALL BUSINESS
ADVOCATE

FORUM PLACE
555 WALNUT STREET 1ST FLOOR
HARRISBURG PA 17101

717.783.2525

717.783.2831

swebb@pa.gov

ra-sba@pa.gov

Served via email and first class mail

PATRICK M CICERO ESQUIRE
OFFICE OF CONSUMER ADVOCATE
555 WALNUT STREET 5TH FLOOR
FORUM PLACE

HARRISBURG PA 17101

717.783.5048

717.780.4517

pcicero@paoca.org

Accepts eService

SCOTT B GRANGER ESQUIRE
PA PUC BUREAU OF INVESTIGATION
& ENFORCEMENT

SECOND FLOOR WEST
400 NORTH STREET

HARRISBURG PA 17120

717.425.7593

717.884.1440

sgranger@pa.gov

Accepts eService