

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2024-3046519
Office of Small Business Advocate	:	C-2024-3047905
Office of Consumer Advocate	:	C-2024-3047675
Ronald T. Bernick	:	C-2024-3048339
	:	
v.	:	
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**PREHEARING ORDER**

On March 15, 2024, Columbia Gas filed with the Commission, Supplement No. 374 to its Tariff Gas – Pa. P.U.C. No. 9. Supplement No. 374 was issued to be effective for service rendered on or after May 14, 2024. It proposed changes to Columbia’s distribution base rates designed to produce an increase in annual revenues of approximately \$124.1 million based upon data for a fully projected future test year (FPFTY) ending December 31, 2025.

On April 4, 2024, the Commission issued an Order suspending Columbia’s Supplement No. 374 by operation of law until December 14, 2024.

On March 20, 2024, the Office of Consumer Advocate filed a Formal Complaint (Complaint) at Docket No. C-2024-3047675.

On March 27, 2024, the Office of Small Business Advocate filed a Formal Complaint at Docket No. C-2024-3047905.

On March 29, 2024, Ronald T. Bernick filed a Formal Complaint at Docket No. C-2024-3048339.

On March 18, 2024, the Pennsylvania Weatherization Providers Task Force, Inc. filed a Petitions to Intervene.

On April 4, 2024, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed a Petition to Intervene.

On March 21, 2024, the Commission's Bureau of Investigation and Enforcement filed a Notice of Appearance.

On April 10, 2024, a Call-In Telephone Prehearing Conference Notice (Conference Notice) was issued scheduling an initial telephonic prehearing conference in this case is scheduled for April 17, 2024, at 10:00 a.m.

By Prehearing Conference Order dated April 10, 2024, Columbia, OCA, OSBA, I&E, Pennsylvania Weatherization Providers Task Force, Inc., and CAUSE-PA were notified that the proceeding was assigned to the undersigned Administrative Law Judge (ALJ or Presiding Officer) for a telephonic Prehearing Conference on April 17, 2024 at 10:00 a.m. In accordance with the regulations pertaining to prehearing conferences, 52 Pa. Code §§5.221-5.224, the parties were directed to file there prehearing memorandums on or before April 15, 2024.

On April 16, 2024, a copy of the Prehearing Conference Order and Conference Notice was provided by email to Ronald Bernick. The Parties timely filed prehearing memoranda. The Prehearing Conference proceeded as scheduled on April 17, 2024. Counsel for Columbia, OCA, OSBA, I&E, Pennsylvania Weatherization Providers Task Force, Inc., and CAUSE-PA, as well as Ronald Bernick participated in the Prehearing Conference, which resulted in the establishment of a litigation schedule and an agreement regarding various scheduling and procedural matters.

This Order sets forth the litigation schedule and consolidates the formal complaints in this proceeding.

### **Litigation Schedule**

The litigation schedule will be as follows:

<u>Event</u>	<u>Date</u>
Other Parties' Direct Testimony	June 14, 2024
Rebuttal Testimony	July 11, 2024
Surrebuttal Testimony	July 25, 2024
Rejoinder Outlines	July 30, 2024, by 12:00 PM

Telephone Hearings for cross-examination of all witnesses, oral rejoinder	July 31, August 1, 2, 2024
Main Briefs Due	August 20, 2024
Reply Briefs Due	August 30, 2024
End of Suspension	December 14, 2024

The Parties are reminded of the Commission’s requirements for the preparation and filing of written testimony. 52 Pa. Code § 5.412. Written testimony must be accompanied by all exhibits to which it relates. **Worksheet and calculations which are used as exhibits must be provided in Excel format by email to the Administrative Law Judge and other Parties within two business days of the testimony being served.** Technical terms and concepts are to be clearly defined and explained in the testimonies and briefs. **The Parties are to agree on a list of common acronyms and use them consistently in all written testimony and briefs.**

The above-stated dates are in-hand dates for service on the Parties and the Administrative Law Judge. The Parties at the Prehearing Conference and the Administrative Law Judge agree to accept electronic service of such material, so long as the subject email is received by the date due.

The evidentiary hearings will begin promptly at 10:00 a.m. The Parties must confer before commencement of the hearing to schedule their witnesses so as to avoid “holes” or “dead time” during the hearing. In the event that a partial settlement is achieved, the Parties should be prepared to proceed at the hearing to present evidence on the non-resolved issues.

Service of Documents

All parties have agreed to accept electronic service, and the documents described in the litigation schedule referenced above shall be served electronically on the date indicated, by 4:30 P.M. unless otherwise indicated. Hard copies will not be required.

The parties are reminded of the Commission's requirements for the preparation and filing of written testimony. 52 Pa. Code §5.412. Written testimony must be accompanied by all exhibits to which it relates. The above-stated dates are in-hand dates for service on the parties and the Presiding ALJ. The parties and the Presiding ALJ agree to accept email transmission of such material, so long as the subject email is received by 4:30 p.m. on the date due. Parties must serve the undersigned presiding officer directly (electronically at [jeffwatson@pa.gov](mailto:jeffwatson@pa.gov) and to my Legal Assistant Mary Swarner at [mwarnar@pa.gov](mailto:mwarnar@pa.gov) with any document you file in this proceeding. If you send any document or correspondence, you must send a copy to all other parties in the case. The current service list is attached to this order. My correct mailing address is:

Administrative Law Judge Jeffrey A. Watson  
Pennsylvania Public Utility Commission  
301 Fifth Avenue, Suite 220, Pittsburgh, PA 15222

The Presiding ALJ will not accept facsimile transmissions greater than ten pages in length without prior authorization. If the parties have any questions, they may call the office of the Presiding ALJ at (412) 565-3550.

Any party, wishing to submit written testimony, pursuant to 52 Pa. Code §5.412(f), is advised to comply with the Commission's requirement concerning the electronic filing of written testimony as specified in the Commission's implementation Order, dated January 10, 2013, at Docket No. M-2012-2331973. Furthermore, the parties are reminded that parties serving pre-served 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 (unless such time period is otherwise modified by the presiding officer), to either eFile with or provide to the Secretary's Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding. In addition to the testimony that is electronically submitted to the Commission either by eFiling or by the submission of a CD to the Secretary's Bureau, parties must continue to submit copies of such testimony to the court reporter at the hearing of this matter.

The evidentiary hearing scheduled in this proceeding will be scheduled as a telephonic hearing and shall begin promptly at 10:00 a.m. each day. The parties must confer before commencement of the hearing to schedule their witnesses so as to avoid “holes” or “dead time” during the hearing. In addition, the Parties identified a potential issue which may require flexibility in the order of calling witnesses at the evidentiary hearing. The Parties shall confer to resolve any such issues prior to the date of the hearing.

#### Pre-Served Testimony and Exhibits

No written testimony will be admitted into evidence unless accompanied by a verification or affidavit of the witness.

Confidential Security Information (CSI) as defined by 35 P.S. § 2141 *et seq.* should not be transmitted by email or other electronic means. The Parties are to avoid introducing CSI into the record and should develop alternative means, such as joint stipulations or redaction when proposing testimony or exhibits. If there is no other alternative to establish a material fact other than by CSI, the Parties are to contact the Administrative Law Judge immediately and in advance of the evidentiary hearing.

#### Parties

Columbia, OCA, OSBA, I&E, Pennsylvania Weatherization Providers Task Force, Inc., CAUSE-PA, and Ronald Bernick<sup>1</sup> are parties to this proceeding. A Service List is appended to this Order. 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 are filed after the date of this Order.

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<sup>1</sup> At the Prehearing Conference, Ronald Bernick requested that he receive copies of all Orders and documents issued by the Commission in this proceeding.

### Consolidation of Formal Complaints

The Formal Complaint of OCA at Docket No. C-2024-3047675, OSBA at Docket No. C-2024-3047905, and Ronald Bernick at Docket No. C-2024-3048339 are consolidated with the Columbia filing at R-2024-3046519. Any additional complaints filed following the April 17, 2024 Prehearing Conference are deemed consolidated without further order.

### Intervention

The Petitions to Intervene filed on March 18, 2024, by the Pennsylvania Weatherization Providers Task Force, Inc., and filed on April 4, 2024, by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, are granted.

### Public Input Hearings

At the prehearing conference, the parties have identified a need to conduct public input hearings. The Parties agreed that Public Input hearings will be scheduled on May 21, 22 or 23, 2024. Telephone hearings will be scheduled on one date at 1 p.m. and 6 p.m. In person hearings will be scheduled on another date at 1 p.m. and 6 p.m. The Parties shall promptly confer and agree upon the hearing dates and location for the in-person hearings and propose the form, manner and content of public notice for the public input hearing and provide their proposal to the Parties and the undersigned presiding officer not later than Monday, April 22, 2024. Additionally, once the locations of the in-person public input hearings are finalized, Columbia is hereby ordered to publish notice of the date, time and registration instructions for the public input hearings in newspapers of general circulation in Columbia's service territory, weekly, for two consecutive weeks, if possible, in consideration of necessary lead time for publication. Columbia shall file proof of publication with the Commission's Secretary's Bureau. Columbia is further ordered to publish notice of the public input hearings on its website, social media and through any other electronic means available.

## 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.* Except as herein allowed, the parties must not send the Presiding ALJ discovery material or cover letters, unless attached to a motion to compel or a motion for sanctions. All such motions 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.

OCA requested modification of the Commission's procedures for formal discovery. All parties agreed to the proposed modifications, therefore that request is hereby granted. Therefore, the following modified discovery procedure applies to this case, and shall apply to all future discovery requests served as of the day of the prehearing conference on April 17, 2024.

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

- C. 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.
- D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of such motions.
- E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.
- G. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

After rebuttal is served, the discovery deadlines should be reduced as follows:

- A. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served within five (5) calendar days of service of the interrogatories or requests for production.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within two (2) calendar days of service; unresolved objections shall be served on the propounding party in writing within three (3) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of written objections.
- D. Answers to motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of such motions.
- E. Requests for admission shall be deemed admitted unless answered or objected to within three (3) calendar days of service.
- F. Discovery requests and discovery related pleadings (such as objections, motions, and answers to same) served after 4:30 p.m. Monday through

Thursday or after 1:30 p.m. on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.

The parties must, in good faith and on an informal basis, attempt to resolve any discovery dispute amicably among themselves, before contacting the Presiding ALJ for resolution.<sup>2</sup> **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 Administrative Law Judge will contact the Parties and direct them to pursue informal discovery.

### **Settlement and Stipulations**

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.

Submission of a fully executed joint settlement petition, together with all Parties' statements in support of the joint petition/settlement, must be filed with the Secretary for the Commission and received in-hand by the Administrative Law Judge no later than the close of business on August 30, 2024.

The Parties must agree on a common outline for statements in support, including headings and subheadings. Each party need not address every issue, but the same headings and subheadings must be presented in the same order. Statements in support should be specific and explain the benefit of the settlement terms to your client beyond the savings of litigation time and expense.

A settlement petition must include an appendix table which sets for the following information: the current rates for each customer class in each rate zone, the rate increase proposed in the initial filing for each customer class in each rate zone and the rates proposed for each customer class in each rate zone in the petition for settlement. Presentation of rate impacts

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<sup>2</sup> If the parties cannot resolve their discovery dispute informally, they may request to confer informally with the Presiding ALJ to resolve any outstanding discovery disputes.

should be clear and consistent regarding whether the impacts include supply rates in effect at the time of the settlement or are exclusively related to distribution rates. All of these costs and comparisons shall be stated in dollar/cents amounts and in percentages.

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 during the hearing in this case. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

### **Cross-Examination**

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

### **Briefs and Pleadings**

The Parties must comply with 52 Pa. Code §§ 5.501, et seq., regarding the preparation and filing of briefs. Briefs must include proposed conclusions of law and proposed ordering paragraphs. Page limitations on briefs will be discussed on or before the last day of hearing. The Parties shall submit to the Administrative Law Judge one copy by email. The electronic version of a brief must be prepared in Microsoft Office Word format. If in doubt, please email the office of the Administrative Law Judge for clarification.

**IMPORTANT NOTICE:** All briefs must conform to the “Instructions for Briefs” attached hereto as Appendix A and made a part of this order. **Also, Rate Case Tables will be electronically provided to the Parties. These Tables must be used by Columbia and all Parties in this proceeding.** If any party fails to follow these instructions in the smallest detail,

that party's position will not be considered, regardless of where the record may support it or the position of any other party to this proceeding. Your anticipated cooperation will be appreciated.

#### Modification

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

#### Service

The Parties shall serve copies of all filings electronically to the witnesses identified in the respective prehearing memoranda submitted by the Parties, as well as to additional witnesses to be identified by the Parties.

#### Miscellaneous

An electronic version of all briefs, settlement documents and pleadings filed in this proceeding shall be provided to the Administrative Law Judge in Microsoft Office Word format and served electronically.

Dated: April 18, 2024

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/s/  
Jeffrey A. Watson  
Administrative Law Judge

## Appendix A

### Special Instructions for Briefs and Exceptions in Major General Rate Increase Proceedings

1. Each brief shall follow the general organization shown in the attached standardized format.
2. Each brief shall contain a table of contents with page references to a summary of argument and to each topic addressed in the argument.
3. Adjustments contained in each brief shall:
  - a. be based on a specific test year, to be selected before the close of the record;
  - b. be complete and self contained, include accurate reference to the appropriate record sources, be on a before-income-tax basis (never on a net income or revenue requirement basis) and be on a consistent jurisdictional basis (if record support cannot be located, the adjustment may/will be rejected);
  - c. be detailed to demonstrate the step-by-step calculation of that adjustment together with appropriate accurate record references (once again, if the record support cannot be located for the necessary steps, the adjustment may/will be rejected);
  - d. include concomitant rate base, revenue, expense, depreciation expense, and tax (i.e., taxes other, State Income, and federal Income) adjustments set forth, together with the details of their calculation;
  - e. include within the brief calculations which are the basis for proposed adjustments, but which are incomplete in the record.
4. Tables showing all proposed rate base and income adjustments, organized as shown in the attached Table I and Table II, shall be submitted with each brief which includes such adjustments.
  - a. The starting point of Table I “Income Summary” shall be the utility’s final pro forma showing at present rates. The ALJS shall specify the starting point to be the most recent update admitted into evidence. The update, admission, and ALJS ruling shall be cited on the table.

- b. The effect of deferred or accrued taxes on the various tax adjustments presented in Table II “Summary of Adjustments” shall be indicated by a footnote.
5. The following schedules shall be submitted with each brief.
- a. A schedule showing the precise derivation of any adjustment to proposed cash working capital allowance.
    - i. The schedule describing an adjustment to a Utility’s claim for Cash Working Capital shall separately list (1) adjustments originating from Table II “Summary of Adjustments” and (2) adjustments resulting from the proposed revenue increase. Any effect on deferred and/or accrued taxes shall be shown in a separate column or footnote.
    - ii. Net Revenue and Expense Lag Days for all Cash Working Capital Adjustments shall be calculated to at least one decimal place.
  - b. A schedule showing all tax and jurisdictional allocation factors utilized (any deviations from standard or obvious factors should be explained on the schedule on in the brief).
  - c. A schedule listing, for the party or Parties filing the brief, each exhibit or other document admitted into the record, along with the date the document was identified and the date the document was admitted.
6. Rate structure proposals shall be reasonably specific and explicit, shall, as appropriate, refer accurately to record support and shall be summarized at the end of the “Rate Structure” topic heading of each brief.
7. Parties shall, as feasible and appropriate, discuss alternative rate design proposals for overall rate increases at and below the requested increase
8. Regarding the filing of exceptions, the following instructions are provided:
- a. Each exception shall be separately identified and, as necessary, discussed.
  - b. Each exception shall include, before any discussion is provided, the following elements (see examples attached):
    - i. a reference to the relevant part of the Recommended Decision, at least to the relevant pages;
    - ii. a reference to related discussions in the excepting party’s brief and, as appropriate, to other briefs; and
    - iii. a concise statement of the exception.
  - c. The exceptions shall follow the order of presentation provided in the table of contents to the Recommended Decision.

- d. If a party takes exception concerning a topic not included within the Recommended Decision or the table of contents thereto, the appropriate exception shall be included at the end of the appropriate major topic heading (such as “Rate Base” or “Expenses”).
- e. If a party seeks to correct computations associated with the Recommended Decision, replacement computations, with source references to briefs or the record, shall be provided.

Standardized Brief Format for  
General Rate Increase Proceedings

- I. Introduction
- II. Summary of Argument
- III. Rate Base
  - A. Fair Value
  - B. Plant in Service
  - C. Depreciation Reserve
  - D. Additions to Rate Base
  - E. Deductions from Rate Base
  - F. Conclusion
- IV. Revenues
- V. Expenses
- VI. Taxes
- VII. Rate of Return
- VIII. Miscellaneous Issue
- IX. Rate Structure
  - A. Cost of Service
  - B. Revenue Allocation
  - C. Tariff Structure
  - D. Summary and Alternatives
- X. Conclusion

Note: Appropriate modifications may be made. For instance, a party might add “Affiliated Interest Expenses” as a major topic heading or might brief only rate structure and not use other topic headings. A summary and alternatives should be provided under “Rate Structure” but the “Rate Base” and “Rate Structure” formats shown may be modified, as appropriate. Additional subheadings should be used, as appropriate.

TABLE I  
INCOME SUMMARY  
(\$000)

	<u>Pro Forma</u> <u>Present</u> <u>Rates</u> \$	<u>Recommended</u> <u>Adjustments</u> \$	<u>Adjusted</u> <u>Present</u> <u>Rates</u> \$	<u>Revenue</u> <u>Adjustment</u> \$	<u>Total</u> <u>Allowable</u> <u>Revenues</u> \$
Operating Revenues	_____	_____	_____	_____	
Deductions:					
O&M Expenses					
Depreciation					
Taxes:					
State					
Federal					
Other	_____	_____	_____	_____	
Total Deductions	_____	_____	_____	_____	
Net Income Available for Return	=====	=====	=====	=====	
Rate Base					
Recommended Rate of Return					

TABLE II  
SUMMARY OF ADJUSTMENTS  
(\$000)

<u>Recommended Adjustments</u>	<u>Exhibit Reference</u>	<u>Rate Base Effect</u>	<u>Revenue Effect</u>	<u>Expense Effect</u>	<u>Depreciation Effect</u>	<u>Effect Upon Taxes - Other</u>	<u>State Tax Effect</u>	<u>Federal Tax Effect</u>
		\$	\$	\$	\$	\$	\$	\$
Total Adjustments		_____	_____	_____	_____	_____		
Company Rate Base		_____	_____	_____	_____	_____		
Recommended Rate Base		_____	_____	_____	_____	_____		

### Examples of Specific Exceptions

1. Staff excepts to the ALJS's rejection of the Staff (and OCA) rate case expense adjustment. See R.D., pp. 31-2; Staff brief, pp. 54-5; OCA brief, pp. 98-9. The \$128,000 adjustment, based on a filing once every four years and on disallowance of certain expenses, should be accepted.

2. The Company excepts to the adoption of the OCA revenue adjustment. See R.D., pp. 28-30; Company brief, pp. 56-9; Company reply brief, p. 12. This adjustment was based on unreasonable projections of industrial consumption (see OCA brief, p. 84). The Company projection, as modified at Company St. 14, pp. 11-12, should be used.

3. OCA excepts to the ALJS's failure to address, and accept, its weather adjustment to revenues. See OCA brief, pp. 21-4; OCA reply brief, p. 12.

4. Corrections to calculations underlying salary increases (R.D., p. 41), force reductions (R.D., pp. 48-9) and tax normalization (R.D., pp. 81-2) are offered and explained at Appendix B.

**R-2024-3046519 - PA PUBLIC UTILITY COMMISSION v. COLUMBIA GAS OF PENNSYLVANIA INC**

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