

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2024-3046931
	:	
	:	
Office of Consumer Advocate	:	C-2024-3048362
Office of Small Business Advocate	:	C-2024-3048467
Alan McCarthy	:	C-2024-3048475
Philadelphia Area Industrial Energy Users Group	:	C-2024-3048671
	:	
v.	:	
	:	
PECO Energy Company (Electric)	:	

Pennsylvania Public Utility Commission	:	R-2024-3046932
	:	
	:	
Office of Consumer Advocate	:	C-2024-3048363
Office of Small Business Advocate	:	C-2024-3048456
State Representative Christina Sappey	:	C-2024-3048631
Alan McCarthy	:	C-2024-3048497
	:	
v.	:	
	:	
PECO Energy Company (Gas)	:	

PREHEARING CONFERENCE ORDER

A telephonic prehearing conference has been scheduled in the above-captioned case for **May 7, 2024, at 1:30 p.m.** The call-in information is as follows:

**Toll-free Bridge Number: 866.675.3641
PIN Number: 3702098**

Parties shall review the regulation pertaining to prehearing conferences, 52 Pa.Code §§ 5.222 and 5.224. Be prepared to discuss the schedule, possibilities for settlement,

discovery issues, issues relating to the hearings that will be held, service among parties and all other procedural issues relevant to this proceeding. In addition, note subsection (d), which provides, in part:

1. (d) Parties and counsel will be expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.
52 Pa.Code § 5.222.

2. All of the following matters shall be addressed at the prehearing conference:
 - (a) Establishment of the official service list, and an informal e-mail distribution list.
 - (b) Complaint, OCA C-2024-3048362
 - (c) Complaint, OSBA C-2024-308467
 - (d) Complaint, Alan McCarthy C-2024-3048475
 - (e) Complaint, State Representative Christina Sappey C-2024-3048631
 - (f) Complaint, Philadelphia Area Industrial Energy Users Group C-2024-3048671
 - (g) Petition to Intervene filed by International Brotherhood of Electrical Workers, AFL-CIO Local 614
 - (h) Petition to Intervene filed by Trustees of the University of Pennsylvania and Hospital at the University of Pennsylvania
 - (i) A proposed plan and schedule of discovery as well as modification of the Commission's rules pertaining to discovery (52 Pa.Code, Subchapter D) and subpoenas (52 Pa.Code § 5.421), if appropriate.
 - (j) Public input hearings
 - (k) Other matters that may aid in the orderly conduct and disposition of the proceeding and the furtherance of justice, including but not limited to the following:

- (1) Simplification of the issues;
- (2) The obtaining of admissions as to, or stipulations of, facts not in dispute or the authenticity of documents which might properly shorten the hearing;
- (3) Limitations as to the number of witnesses;
- (4) Limitations of time and scope for direct and cross-examinations; and
- (5) The need for a protective order

3. **Unless the parties agree upon an acceptable alternative schedule**, the following schedule will be adopted. This schedule does not include dates for the filing of non-company party and rebuttal, as those dates can be agreed upon by the parties.

Evidentiary Hearing	July 30-31, 2024 (Philadelphia)
Close of Record	August 1, 2024
Main Briefs	August 21, 2024
Reply Briefs	August 30, 2024
Recommended Decision	October 1, 2024

4. The last reasonable available public meeting date is **December 5, 2024**. Any alternative schedule agreed upon by the parties should be sent to the undersigned for review by **11:00 a.m. on May 6, 2024**.

5. **On or before 11:00 a.m. on May 6, 2024**, each party shall email to the undersigned, file and serve a prehearing memorandum with the information required by 52 Pa.Code § 5.222(d)(1), which includes but is not limited to: a list of the issues and sub-issues in this proceeding which the party intends to address and a statement of the party's position on each of the issues and sub-issues listed, and the names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness' testimony. If a party is unable to prepare and serve a prehearing memorandum, the party must be prepared to state on the record the issues the party intends to address, the positions on those issues and the witnesses to be presented.

6. Parties must directly serve the presiding officers (electronically at dheep@pa.gov and mguhl@pa.gov (and also by hard copy)) 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. The contact information for the presiding officers is:

Administrative Law Judges
Marta Guhl and Darlene Heep
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
801 Market Street, Suite 4063
Philadelphia, PA 19107
Telephone: 215-560-2105
Fax: 717-231-4764

7. Pursuant to 52 Pa.Code § 1.55, each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number, business telefacsimile number (if any), and business e-mail address (if any) of the person they wish to include on the service list.

8. Parties shall be limited to those persons or entities who: (1) file a complaint or petition to intervene pursuant to 52 Pa.Code §§ 5.32, 5.71-76 (or a notice of intervention for those entities with a statutory right of participation) and (2) attend the initial prehearing conference. After the prehearing conference, intervention is limited to those persons or entities granted party status pursuant to 52 Pa.Code §§ 5.71-5.76, as set forth in *Re: Mercer Gas Company*, 71 Pa. PUC 19 (1989), and *Re: S.T.S. Motor Freight, Inc.*, 54 Pa. PUC 343, 344 (1980) or who file a complaint.

9. Petitions to intervene, if not untimely or otherwise defective on their face, shall be deemed granted if not objected to within three business days after filing. If objected to, such pleadings will be addressed by order.

10. Pursuant to 52 Pa.Code §§ 1.21-1.23, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you. However, if you are a partnership, corporation, trust, association, joint venture, other business organization, trust, trustee, legal representative, receiver, agency, governmental entity, municipality or other political subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *pro hac vice* represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall ensure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).

11. The parties are directed to cooperate and exchange information, either on an informal or formal basis. In addition, the parties are urged to use alternative means of discovery such as discovery conferences or depositions. All discovery requests should be narrowly tailored, and parties should coordinate their discovery if possible; responses are due on a best-efforts basis. The parties are expected to resolve discovery issues among themselves; motions to compel should be filed only after such efforts have failed. If the objections are not resolved, counsel will alert the presiding officers by e-mail of the need for a ruling, and a conference call will be scheduled. The presiding officers will make a ruling over the telephone and not reduce it to writing unless requested to do so. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

12. The parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expense 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 shall be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearings in this case. An exception to this requirement may occur when circumstances warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

13. The parties are to confer among themselves in an attempt to resolve all or some of the issues associated with this Petition. 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. A joint settlement petition executed by representatives of all parties to be bound thereby, together with statements in support of settlement by all signatory parties must be filed with the Secretary along with a CD in searchable PDF format, and both a paper copy and electronic copy in Word 2007 or a compatible format served on us.

14. Absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the date, time and location thereof, without good cause shown, shall constitute a waiver of all objections to the agreements reached, and an order or ruling with respect thereto.

Date: April 29, 2024

/s/
Darlene Heep
Administrative Law Judge

/s/
Marta Guhl
Administrative Law Judge

R-2024-3046931, R-2024-3046932 - PA PUBLIC UTILITY COMMISSION v. PECO ENERGY COMPANY – ELECTRIC

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