

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2024-3048767
Office of Consumer Advocate	:	C-2024-3049088
	:	
v.	:	
	:	
PECO Energy Company 1307(f) – Gas Division	:	

PREHEARING CONFERENCE ORDER

On April 30, 2024, PECO Energy Company (PECO or the Company) made a preliminary filing with the Public Utility Commission (Commission) pursuant to 52 Pa. Code §§ 53.64 and 53.65 regarding proposed changes in rates resulting from changes in the purchased gas costs and other elements of the company’s Purchased Gas Cost (PGC) rate.

On May 6, 2024, Notices of Appearance were filed by Courtney L. Schultz, Esq. and Shane P. Simon, Esq. on behalf of PECO.

On May 16, 2024, a Petition to Intervene was filed by the Philadelphia Area Industrial Energy Users Group (PAIEUG).

On May 17, 2024, the Office of Consumer Advocate (OCA) filed a Complaint (docketed at C-2024-3049088), a Public Statement, and a Notice of Appearance for Melanie Joy El Atieh, Esq., and Emily A. Farren, Esq.

On May 22, 2024, a Notice of Appearance was filed by Steven C. Gray, Esq. on behalf of the Office of Small Business Advocate (OSBA).

On May 31, 2024, pursuant to 66 Pa.C.S.A. § 1307(f), 52 Pa. Code § 53.61 *et seq.* and the Schedule of Filing Dates established by the Commission, PECO filed its definitive PGC

filing, PGC No. 41, Supplement No. 15 to Tariff Gas-Pa.P.U.C. No. 5, to become effective for service rendered on and after December 1, 2024.¹

As required by 52 Pa. Code § 53.68, PECO provided public notice of the proposed tariff through bill inserts and newspaper publication in PECO's service territory.

By operation of law, the filing was suspended for a period of six months for an investigation into the lawfulness, justness and reasonableness of the proposed rates and to satisfy the requirements of Sections 1307, 1317 and 1318 of the Public Utility Code, 66 Pa.C.S.A. §§ 1307, 1317, and 1318.

A telephonic prehearing conference will be held on **Monday, June 24, 2024, at 10:00 a.m.** To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a Passcode Participant number, which is also listed below.

Toll-free Conference Number: 1-877-874-1047

Passcode Participant Number: 11738422

THEREFORE,

IT IS ORDERED:

1. All parties must serve me directly (electronically to my Legal Assistant, Pam McNeal, at pmcneal@pa.gov) with any document you file in this proceeding. If you send me any document or correspondence, you must send a copy to all other parties in the case. The current service list (with available email addresses) is attached to this order.

2. 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,

¹ The last reasonable public meeting date prior to December 1, 2024, is on November 7, 2024.

business tele-facsimile number (if any), and business e-mail address (if any) of the person they wish to have listed on the service list.

3. 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. 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.

4. 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).

5. 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:

- (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.

7. 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) A proposed plan and schedule of discovery which may include specific limitations on the number of written interrogatories and requests for admissions, 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.
- (c) 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.

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

Prehearing conference	June 24, 2024
Close of the record	July 25, 2024
Main Briefs	August 4, 2024
Reply Briefs	August 14, 2024²
Recommended Decision	September 13, 2024

9. **By close of business on Friday, June 21, 2024**, each party shall file and serve a prehearing memorandum which shall include the information required by 52 Pa. Code §

² This date is non-negotiable.

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, it must be prepared to state on the record the issues they intend to address, their positions on those issues and the witnesses to be presented.

10. 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 as narrowly tailored as possible, 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 officer by e-mail of the need for a ruling, and a conference call will be scheduled. The presiding officer 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.

11. 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.

12. 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 served on us.

13. 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: June 6, 2024

_____/s/
F. Joseph Brady
Administrative Law Judge

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