

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2024-3048767
Office of Consumer Advocate	:	C-2024-3049088
Office of Small Business Advocate	:	C-2024-3049496
	:	
v.	:	
	:	
PECO Energy Company 1307(f) – Gas Division	:	

PREHEARING ORDER No. 2

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.

By Notice dated June 5, 2024, a Telephonic Prehearing Conference was scheduled for June 24, 2024, and the matter was assigned to me.

A Prehearing Order was issued on June 6, 2024, advising the parties of the date and time of the scheduled Prehearing Conference and informing them of the procedures applicable to this proceeding.

On June 10, 2024, the OSBA filed a Complaint (docketed at C-2024-3049496) and a Public Statement.

On June 21, 2024, Prehearing Memoranda were filed by PECO, the OCA, the OSBA, PAIEUG, and the I&E.

A Telephonic Prehearing Conference was held on June 24, 2024. Counsel for PECO, the OCA, the OSBA, PAIEUG, and the I&E participated.

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

This Prehearing Order memorializes the matters decided and agreed upon by the parties attending the June 24, 2024 Prehearing Conference.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the parties of record as of this date are PECO, the OCA, the OSBA, PAIEUG, and the I&E.
2. That the parties may arrange service amongst themselves as they agree.
3. That parties may serve documents electronically by 4:30 p.m. to meet any required due date, with the provision that large documents not able to be transmitted electronically may be hand-delivered to the parties located in Harrisburg on the due date and received the next business day by parties located outside Harrisburg.
4. That discovery shall be conducted according to the Commission's rules and regulations at 52 Pa. Code § 5.321 *et seq*, subject to the following modifications:
 - A. When an interrogatory, request for production, request for admission or motion is served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day before a holiday recognized by the Commission, the appropriate response period is deemed to start on the next business day.
 - B. The response period for replying to written interrogatories, requests for production and requests for admissions is eight (8) calendar days of receipt. Responses may be served electronically.

- C. Objections to written interrogatories, requests for production and requests for admissions are to be communicated orally to the party serving the interrogatory within three (3) calendar days of receipt and in writing within five (5) calendar days of receipt. The parties are directed to confer, by telephone or e-mail, and attempt to resolve the objections.
- D. Motions to dismiss objections and to compel responses shall be filed with the Commission and served on the Administrative Law Judge and the other parties within three (3) calendar days of receipt of the written objections. Answers to such motions shall be filed and served within three (3) calendar days after filing of the motion.
- E. 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.
- F. Interrogatories, requests for production and requests for admissions that are objected to but which are not made the subject of a motion to compel will be deemed withdrawn.
- G. Requests for admission shall be deemed admitted unless objected to within five (5) calendar days of receipt or answered within ten (10) calendar days of receipt.
- H. Discovery requests, motions to compel and responses are to be served electronically.
- I. Any discovery-related pleading such as objections, motions or answers served on a Friday or the day before a holiday recognized by the Commission will be deemed to have been served on the following business day for purposes of tracking due dates.
- J. After rebuttal testimony is served, the foregoing deadlines should be reduced as follows:
 - (1) 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.
 - (2) 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.

(3) 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.

(4) 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.

(5) Requests for admission shall be deemed admitted unless answered or objected to within three (3) calendar days of service.

(6) 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.

5. That the parties are required to attempt to resolve discovery disputes among themselves prior to seeking a resolution from the Administrative Law Judge.

6. That discovery disputes may be resolved via telephone conference with the Administrative Law Judge without the need for filing a motion to compel, although the propounding party may choose to file a formal motion to compel.

7. That the following schedule is adopted:

<u>Subject</u>	<u>Date</u>
Rate Filing	May 31, 2024
Prehearing Conference	June 24, 2024
Direct Testimony	July 10, 2024
Rebuttal Testimony	July 17, 2024

Surrebuttal Testimony	July 24, 2024
Evidentiary Hearings	July 29-30, 2024
Close of Record	July 30, 2024
Main Briefs	August 2, 2024
Reply Briefs	August 9, 2024
Recommended Decision	September 8, 2024
End of Suspension	December 1, 2024

8. That the July 29-30, 2024 hearings will be held telephonically and commence at 10:00 a.m. Parties will complete the daily witness listing and cross-examination grid as directed.

9. That any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within three days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted.

10. In accordance with the schedule set forth above, main briefs must be filed with the Secretary of the Commission and received by all parties no later than 4:30 p.m. on the date listed; reply briefs must be filed with the Secretary and received by all parties no later than 12:00 p.m. on the date listed.

11. That an original copy of all briefs must be filed with the Secretary, in accordance with 52 Pa. Code § 5.502(b), and one copy served on the presiding officer and the other parties no later than 4:30 p.m. on the dates listed. Service can be made electronically.²

² Parties are directed to e-mail me a copy of their as-filed briefs in a WORD-formatted document in addition to ADOBE or other compatible PDF format. The format of the briefs served electronically on the parties may be as requested by the parties.

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