

**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
Linda Allison	:	C-2024-3048588
Philip Bloch	:	C-2024-3048478
Pennsylvania State University	:	C-2024-3048624
Daniel E. Skvarla	:	C-2024-3049677
	:	
v.	:	
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**INTERIM ORDER SETTING VARIOUS DEADLINES AND PROCEDURES FOR THE
EVIDENTIARY HEARING**

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., 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 8, 2024, Linda Allison filed a Formal Complaint at Docket No. C-2024-3048588.

On April 15, 2024, Philip Bloch filed a Formal Complaint at Docket No. C-2024-3048478.

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 their 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.

On April 18, 2024, a Prehearing Order was entered which, among other things, adopted discovery deadlines and a litigation schedule.

On April 22, 2024, the Pennsylvania State University filed a Formal Complaint at Docket No. C-2024-3048624.

On May 1, 2024, a public input hearing notice was issued which scheduled in-person public input hearings for Tuesday, May 21, 2024, at 1 p.m. and 6 p.m. and telephone public input hearings for Wednesday, May 22, 2024, at 1 p.m. and 6 p.m.

On May 21, 2024, the undersigned presiding officer convened the initial in-person public input hearing at 1 p.m. Two individuals, Richard Culbertson and Gordon Lowry provided testimony. Richard Culbertson also provided the undersigned presiding officer with a thirty-six-page packet of information, including Appendices I, II and III, which was marked for identification purposes as Culbertson Exhibit 1. After providing the Parties with an opportunity to address the request by Mr. Culbertson, and given the voluminous nature of the exhibit and the relatively short period of time that Parties may have had to review the exhibit the undersigned presiding officer advised the Parties that an Order would be entered providing a deadline of May 29, 2024 to file and serve objections to Culbertson Exhibit 1 and June 5, 2024 to file and serve responses to the objections.

On May 21, 2024, at 6 p.m. the undersigned presiding officer convened the second in-person public input hearing. No individuals requested to provide testimony and the hearing was adjourned.

On May 22, 2024, the undersigned presiding officer convened the initial telephone public input hearing at 1 p.m. Six individuals, Daniel Skvarla, Renee Rothwell, Philip

Bloch, Linda Mosley, Raymond Berisko and Corey Burnett appeared and provided sworn testimony, with the exception of Raymond Berisko, who made an unsworn statement off of the record. On May 22, 2024, the undersigned presiding officer convened the second telephone public input hearing at 6 p.m. Linda Mosley appeared and supplemented her testimony from the 1 p.m. telephone public input hearing and the hearing was adjourned as no other witnesses offered to provide testimony.

On May 23, 2024, an Interim Order was entered permitting the Parties to file objections to the evidence offered by Richard Culbertson by May 29, 2024, and permitting the Parties and Richard Culbertson to file a response to the Objections by June 5, 2024.

On May 29, 2024, Columbia filed its Objections to the testimony and exhibit of Richard C. Culbertson. At paragraph 6 of its Objections, Columbia objected to certain portions of Mr. Culbertson's testimony and Culbertson Exhibit 1 as being irrelevant to the rates and service of Columbia. At paragraph 7 of its objections, Columbia objects to the certain portions of Mr. Culbertson's testimony and Culbertson Exhibit 1, as hearsay. Columbia also objected at paragraph 8 of its Objections, to certain portions of Mr. Culbertson's testimony and Culbertson Exhibit 1, arguing they raise issues and claims that were previously decided by the Commission and the Commonwealth Court.

On May 31, 2024, Richard C. Culbertson filed Objections to the Objections of Columbia.

On June 20, 2024, an Interim Order was entered denying the Objections of Columbia Gas set forth in Paragraphs 6 and 8 of Columbia's Objections and sustaining the hearsay Objections of Columbia Gas set forth in Paragraph 7 of Columbia's Objections. The Interim Order further provided that the evidence provided through Mr. Culbertson at the public input hearing identified in Paragraphs 6 and 8 of Columbia's Objections would be admitted to the hearing record, that the presiding officer would determine the weight, if any, which the evidence would carry and Columbia could provide rebuttal evidence to the admitted evidence. The Interim Order further provided that the objections to the evidence provided through Mr.

Culbertson at the public input hearing identified in Paragraph 7 of Columbia's Objections were sustained and the hearsay evidence would be stricken from the hearing record.

On June 20, 2024, Columbia filed the Motion for Protective Order of Columbia Gas of Pennsylvania, Inc. No objections were filed.

On July 17, 2024, a Protective Order was entered in this proceeding.

The telephone evidentiary hearing has been scheduled to begin on July 31, 2024.

For the appropriate presentation of evidence in this proceeding, the following Order will be entered.

THEREFORE,

IT IS ORDERED:

1. That all Parties who will present evidence or examine witnesses must consult with each other and identify, exchange and serve upon the undersigned presiding officer a list of all written testimony, exhibits, and all such documents and materials that each Party intends to introduce into evidence at the evidentiary hearing as well as a list of all documents and materials that each party intends to use at the evidentiary hearing, by no later than Monday, July 29, 2024, at 4:00 p.m.

2. That all Parties who will present evidence or examine witnesses must consult with each other and prepare a witness matrix including the identification of witnesses for each party, indicating which parties intend to cross-examine which witnesses and the approximate amount of time for examination of each witness by each Party and cross-examination by each Party. The witness matrix shall be provided to the undersigned presiding officer not later than Monday, July 29, 2024, at 4:00 p.m.

3. That with regard to hearing materials and evidence, including all statements, written testimony and exhibits, each Party or the Parties collectively must submit one email or a joint email that contains all of the parties' pre-marked proposed exhibits/testimonies and exhibits and a list of such exhibits and testimonies, including verifications or affidavits of witnesses, along with all such attachments to the undersigned presiding officer, and a separate email that contains all of the parties' pre-marked proposed Confidential or Proprietary exhibits/testimonies and exhibits and a list of such exhibits and testimonies, including verifications or affidavits of witnesses, and send that email with attachments not later than Monday, July 29, 2024, at 4:00 p.m. The emails shall also include a master list of all the parties' proposed public testimonies, evidence and exhibits and a master list of all the parties' proposed Confidential or proprietary testimonies, evidence and exhibits, and shall be clearly marked accordingly. These emails and attached lists and exhibits will be provided to the Court reporter by the undersigned presiding officer.

4. That no written testimony will be admitted into evidence at the evidentiary hearing unless accompanied by a verification or affidavit of the witness.

5. In the event of a settlement by the Parties, a request to cancel the evidentiary hearings will be considered in the event the Parties consent and the settling parties file a fully executed joint stipulation for the admission of evidence with the Secretary's Bureau not later than Monday, July 29, 2024, at 4:00 p.m. 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, and a stipulation regarding proposed findings of fact with references to the evidence to support each such stipulated finding of fact. 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. The stipulation shall also be provided to the ALJ in WORD format.

6. That any Briefs, Settlement Petitions or Statements in Support of Settlement filed in this case shall clearly set forth, in the text of the document, and not as a reference to an exhibit or other document, the essential terms of the Settlement.

7. That any Settlement Petition shall include stipulated findings of fact to include supporting citations to the record evidence for each, as well as proposed conclusions of law, proposed ordering paragraphs and a procedural history, with specific citations to the record, where applicable. In the event of a settlement or the filing of Briefs, the Parties shall confer and establish a list of common issues which the Parties shall utilize in the organization of the briefs, settlement petition and all statements in support of settlement in these proceedings.

8. The Parties shall agree on a list of common acronyms and use them consistently in any Settlement Petition, Statements in Support of Settlement, objections to settlement and briefs. Parties and witnesses must use the following acronyms uniformly in all such documents filed in this proceeding.

9. 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.

10. The Parties must agree on a common outline for any Settlement Petition, statements in support of Settlement, and objections to settlement, 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. The Parties must also agree on a common outline for any briefs filed in this proceeding, including headings and subheadings. The list of common issues shall be exchanged by the

parties, agreed upon and provided to the undersigned presiding officer on or before 4:00 p.m. on Monday, July 29, 2024.

11. 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 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 these costs and comparisons shall be stated in dollar/cents amounts and in percentages.

12. Any Settlement Petitions, Statements in Support of Settlement, Briefs, Objections to Settlement and other pleadings or requests or relief shall be provided electronically in WORD format to the undersigned presiding officer, upon filing, at jeffwatson@pa.gov.

13. 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.

14. In order to assist the moderator who will be coordinating the telephonic evidentiary hearing, all Parties counsel and Parties, including the individual Complainants, who will be calling in to the hearing, shall provide the legal assistant for the undersigned, Mary Swarner, with the telephone number that you will be calling into the hearing from, as well as the telephone number for each witness that you intend to call to testify at the hearing. If a Party is represented by counsel, please also provide the name and telephone number of legal counsel who will be representing each party at the hearing and the name and telephone number of lead counsel. This information shall be provided by email to Mary Swarner at mwarn@pa.gov not later than 10:00 a.m. on July 30, 2024.

15. That the Parties shall comply in all respects with the terms of the Prehearing Order entered on April 18, 2024, not inconsistent with the terms set forth in this Order.

Date: July 17, 2024

/s/
Jeffrey A. Watson
Administrative Law Judge

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

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