

COMMONWEALTH OF PENNSYLVANIA



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August 30, 2024

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission  
v.  
Columbia Gas of Pennsylvania, Inc.  
Docket No. R-2024-3046519

Dear Secretary Chiavetta:

Enclosed for e-filing please find a copy of the Reply Brief of the Office of Consumer Advocate in the captioned proceeding.

Copies have been served on the Honorable Administrative Law Judge Jeffrey A. Watson and as indicated on the enclosed Certificate of Service.

Respectfully submitted,

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cc: Honorable Administrative Law Judge Jeffrey A. Watson (via e-mail)  
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Certificate of Service (as indicated)

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission :  
v. : Docket Nos. R-2024-3046519  
Columbia Gas of Pennsylvania, Inc. :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Reply Brief upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below. This document was filed on the Commission’s electronic filing system.

Dated this 30th day of August 2024.

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Dated: August 30, 2024

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	Docket Nos.
	:	R-2024-3046519
v.	:	C-2024-3047905
	:	C-2024-3047675
Columbia Gas Pennsylvania, Inc.	:	

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REPLY BRIEF  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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Dated: August 30, 2024

## Table of Contents

I.	INTRODUCTION .....	1
II.	LEGAL STANDARDS .....	1
III.	ARGUMENT .....	1
IV.	CONCLUSION.....	3

**Table of Authorities**

**Page(s)**

**Statutes**

71 P.S. § 309-5.....1  
66 Pa. C.S. § 315(a) .....1  
66 Pa. C.S. § 1301(a) .....1, 2  
66 Pa. C.S. § 1304.....1, 2

## **I. INTRODUCTION**

The Office of Consumer Advocate (OCA) submits this Reply Brief in response to the Brief of Columbia Gas of Pennsylvania, Inc. (Columbia or the Company). On August 22, 2024, the OCA, Columbia, and CAUSE-PA filed Main Briefs. The OCA's Main Brief contained a comprehensive discussion of the evidence and its opposition to the Company's proposed Municipal Levelization Charge (MLC). Thus, in this Reply Brief, the OCA only responds to those matters raised by Columbia that were not previously addressed or that require clarification or response. The OCA supports the arguments asserted by CAUSE-PA to the extent they do not conflict with the arguments set forth in the OCA's Main Brief.

## **II. LEGAL STANDARDS**

Notably absent from Columbia's Main Brief is any discussion or citation to statute, case law, regulation, or Commission decision that the Company would submit governs its proposed MLC rate design. The OCA's Main Brief sets forth the applicable legal standards in this proceeding as to Columbia's burden of proof under Section 315(a) to demonstrate that its proposed MLC is a just and reasonable rate under Section 1301(a) and a not unduly discriminatory rate under Section 1304. 66 Pa.C.S. §§ 315(a), 1301(a), 1304.

Additionally, in rendering its decision in this matter, the Commission must "consistent with its other statutory responsibilities, take such action with due consideration to the interests of consumers." 71 P.S. § 309-5.

## **III. ARGUMENT**

While the Company in its Main Brief succeeded in providing its litany of grievances against local municipalities that Columbia considers to be guilty of imposing unjustifiably burdensome requirements related to utility restoration work; the Company's Main Brief is notably

void of any citation to the Public Utility Code (Code) to support its MLC proposal. Columbia does not even assert that the proposed MLC is just and reasonable under Section 1301(a). The only support it provides for its request for approval of the MLC is that the MLC is “experimental” and a proposed “pilot program.” However, *every* rate a utility charges consumers must be just and reasonable and not unduly discriminatory, which the MLC is clearly not. 66 Pa.C.S. §§ 1301(a), 1304. There are no exceptions for rates that are experimental, temporary, or piloted. *Id.* Furthermore, Columbia attempts to bolster its argument by comparing the MLC to the pilot program which laid the foundation for utility Customer Assistance Programs (CAPs) and pipeline capacity release programs. Such comparison is false and should be rejected given that neither of the referenced pilot programs resulted in unjust and unreasonable rates or rates that are unduly discriminatory. Here, Columbia has failed to carry its burden of proof; the MLC rate is unjust and unreasonable and unduly discriminatory because it creates unreasonable differences in rates as between localities, makes an unreasonable preference and disadvantage to consumers in rates based on where they reside, is not aligned with well-established principles of cost causation, is an attempt at impermissible single-issue ratemaking, is not adopted in any other state, and is not supported by record evidence as being necessary. 66 Pa.C.S. §§ 315(a), 1301(a), 1304. Accordingly, the MLC does not serve or protect the interests of Columbia’s consumers, which the Commission must consider pursuant to 71 P.S. § 309-5. Therefore, the Commission should reject the proposed MLC for all the reasons stated above and as set forth in the OCA’s Main Brief.

#### IV. CONCLUSION

For the reasons stated above, the OCA requests that the Commission reject the Company's proposed Municipal Levelization Charge because the Company has failed to meet its burden of proving that the rate is permitted under Sections 1301(a) and 1304 of the Public Utility Code, 66 Pa. C.S. §§ 1301(a), 1304, and consistent with generally accepted ratemaking principles. The OCA also respectfully requests the Commission to adopt the OCA's proposed findings of facts, conclusions of law, and ordering paragraphs set forth in Appendices A, B, and C of its Main Brief.

Respectfully submitted,

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