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Devin Ryan

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File #: 172359

January 16, 2025

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Petition of UGI Utilities, Inc. – Gas Division for Approval of Phase II of its Energy  
Efficiency and Conservation Plan  
Docket No. M-2024-3048418**

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Dear Secretary Chiavetta:

Attached for filing is the Prehearing Conference Memorandum of UGI Utilities, Inc. – Gas Division in the above-referenced proceeding.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DR/dmc  
Attachments

cc: The Honorable Steven K. Haas (*via email; w/attachments*)  
Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL**

Steven C. Gray, Esquire  
Office of Small Business Advocate  
555 Walnut Street  
Forum Place, 1<sup>st</sup> Floor  
Harrisburg, PA 17101

Ryan Morden, Esquire  
Darryl A. Lawrence, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
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Harrisburg, PA 17101-1923

Elizabeth R. Marx, Esquire  
John W. Sweet, Esquire  
Ria M. Pereira, Esquire  
Lauren N. Berman, Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
*CAUSE-PA*

Date: January 16, 2025



Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of UGI Utilities, Inc. – Gas Division :  
for Approval of Phase II of its Energy : Docket No. M-2024-3048418  
Efficiency and Conservation Plan :

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**PREHEARING CONFERENCE MEMORANDUM  
OF UGI UTILITIES, INC. – GAS DIVISION**

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**TO ADMINISTRATIVE LAW JUDGE STEVEN K. HAAS:**

Pursuant to 52 Pa. Code § 5.222(d) and the direction of Administrative Law Judge Steven K. Haas (the “ALJ”) UGI Utilities, Inc. – Gas Division (“UGI Gas” or the “Company”) hereby respectfully submits this Prehearing Conference Memorandum in the above-captioned matter and states as follows:

**I. BACKGROUND**

On April 15, 2024, UGI Gas filed the above-captioned Petition with the Pennsylvania Public Utility Commission (“Commission”), seeking approval of its Phase II Energy Efficiency and Conservation Plan (“Phase II EE&C Plan” or the “Plan”). The Phase II EE&C Plan includes a broad portfolio of energy efficiency programs, conservation practices, and energy education initiatives for the time period beginning October 1, 2025, through September 30, 2030. These integrated programs are designed to help customers reduce their energy consumption in a cost-effective manner over the five-year duration of the Phase II EE&C Plan. The Plan builds upon the Company’s Phase I EE&C Plan or Phase I Plan, which was approved in UGI Gas’s 2019 base rate case proceeding.<sup>1</sup> The Plan consists of four natural gas efficiency programs and one combined

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<sup>1</sup> See *Pa. PUC v. UGI Utilities, Inc.*, Docket No. R-2018-3006814 (Order entered Oct. 4, 2019) (“*2019 Rate Case Order*”). The current EE&C Plan is referred to as the Consolidated EE&C Plan or Phase I EE&C Plan.

heat and power (“CHP”) program.

On May 3, 2024, the Office of Small Business Advocate (“OSBA”) filed a Notice of Appearance, Answer, Notice of Intervention, and Public Statement.

On May 6, 2024, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”) filed a Petition to Intervene and Answer.

Also on May 6, 2024, the Office of Consumer Advocate (“OCA”) filed a Notice of Appearance, Answer, Notice of Intervention, and Public Statement.

On September 12, 2024, a Telephonic Prehearing Conference Notice was issued, which scheduled a prehearing conference for September 26, 2024, at 10:00 AM before the ALJ.

Via email sent September 24, 2024, the ALJ asked whether the parties would like time to discuss settlement before establishing a litigation schedule. The parties requested time to pursue settlement prior to setting a litigation schedule.

On September 25, 2024, the Commission issued a Cancellation Notice, which canceled the Prehearing Conference.

Via email sent to the ALJ on November 22, 2024, the parties requested that a prehearing conference be scheduled and a litigation schedule established in order to avoid a compressed litigation schedule while settlement negotiations continue.

On January 14, 2025, a Telephonic Prehearing Conference Notice was issued, which rescheduled the prehearing conference for Friday, January 17, 2025, at 10:00 AM before the ALJ.

Also on January 14, 2025, the ALJ directed the parties to submit a list of issues to be addressed at the prehearing conference via email by 12:00 PM on January 15, 2025.

UGI Gas hereby files this Prehearing Memorandum pursuant to 52 Pa. Code § 5.222(d) and the ALJ’s direction.

## **II. SERVICE OF DOCUMENTS**

UGI Gas's counsel in this proceeding are Michael S. Swerling, Esquire, Lindsay A. Berkstresser, Esquire, Devin T. Ryan, Esquire, and Megan E. Rulli, Esquire. The Company requests that Mr. Ryan be listed as the recipient for service. Mr. Ryan's contact information is provided below:

Devin T. Ryan (ID # 316602)  
Pittsburgh, PA 15219  
Post & Schell, P.C.  
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UGI Gas also requests that Mr. Swerling, Ms. Berkstresser, and Ms. Rulli be added to any electronic distribution lists in this proceeding. Mr. Swerling's email address is swerlingm@ugicorp.com, Ms. Berkstresser's email address is berkstresserl@ugicorp.com, and Ms. Rulli's email address is mrulli@postschell.com. In addition, the Company agrees to receive service of documents electronically in this proceeding.

The lead representative on behalf of UGI Gas for purposes of the prehearing conference will be Mr. Ryan.

## **III. WITNESSES, ISSUES, AND EVIDENCE**

A list of witnesses and the general subject matter of their testimony is provided below. The testimony and related exhibits fully support UGI Gas's voluntary Phase II EE&C Plan and demonstrate that the Plan, including the proposed cost-recovery mechanism, is just and reasonable, complies with the guidance provided in the Commission's *Phase IV Implementation Order*<sup>2</sup> and

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<sup>2</sup> See *Energy Efficiency and Conservation Program*, Docket No. M-2020-3015228 (Order entered June 18, 2020) ("*Phase IV Implementation Order*"), clarified, Docket No. M-2020-3015228 (Order entered March 12, 2020).

EE&C Secretarial Letter,<sup>3</sup> and should be approved by the Commission. UGI Gas reserves the right to call additional witnesses, as necessary, to address other issues that may arise during the course of this proceeding. Moreover, the Company avers that all issues in this proceeding should be limited to UGI Gas’s Phase II EE&C Plan.

<u>Witness</u>	<u>Statement</u>	<u>General Subject Matter</u>
Theodore M. Love Partner Green Energy Economics Group, Inc. 2523 Downingsville Road Lincoln, VT 05443	UGI Gas Statement No. 1	Background on the Company’s EE&C Plan and Overview of the Phase II EE&C Plan; Development of the Phase II EE&C Plan; Changes Proposed for Phase II; Description of the Plan’s Implementation, Evaluation, Reporting, and Administrative Requirements
Tracy A. Hazenstab Principal Analyst – Rates UGI Utilities, Inc. 1 UGI Drive Denver, PA 17517	UGI Gas Statement No. 2	Cost Recovery; Phase II Energy Efficiency and Conservation Rider (“Phase II EEC Rider”); <i>Pro Forma</i> Tariff Supplement

**IV. PROCEDURAL SCHEDULE**

The parties have agreed upon the following procedural schedule:

Other Parties’ Written Direct Testimony	February 11, 2025
Parties’ Written Rebuttal Testimony	March 4, 2025
Parties’ Written Surrebuttal Testimony	March 25, 2025
Evidentiary Hearing	March 27, 2025
Main Briefs	April 17, 2025
Reply Briefs	May 1, 2025

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<sup>3</sup> See *Re: Voluntary Energy Efficiency and Conservation Program*, Docket No. M-2009-2142851 (Dec. 23, 2009) (“EE&C Secretarial Letter”).

## V. DISCOVERY

To date, the Company has received and responded to, or is in the process of responding to, interrogatories from the OSBA, the OCA, and CAUSE-PA. The Company is willing to work with the parties, through informal discovery, to expedite any additional discovery. UGI Gas proposes that discovery conclude prior to the evidentiary hearing.

In addition, the Company proposes and supports the following discovery response modifications:

(1) Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service of the interrogatories, provided that, if receipt of the interrogatories occurs after 12:00 noon on either a Friday or the day preceding a holiday, service shall be deemed to have occurred on the next business day;

(2) Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories, provided that, if receipt of the interrogatories occurs after 12:00 noon on either a Friday or the day preceding a holiday, service shall be deemed to have occurred on the next business day. Unresolved objections to written interrogatories shall be served in writing on the propounding party within five (5) calendar days of service of the interrogatories, as defined above;

(3) Motions to compel answers to written interrogatories that have been objected to in writing and answers to such motions to compel shall be filed and served within three (3) calendar days of service of the written objections or motions to compel, provided that, if receipt of the objections or motions to compel occurs after 12:00 noon on either a Friday or the day preceding a holiday, service of these documents shall be deemed to have occurred on the next business day;

(4) Rulings on motions to compel shall be issued, if possible, within seven (7) calendar days of filing of the motion, consistent with the above-mentioned rule changes;

(5) Responses or objections to requests for document production, entry for inspection, or other purposes shall be served in hand within ten (10) calendar days of service of the request, provided that, if receipt of the request occurs after 12:00 noon on

either a Friday or the day preceding a holiday, service shall be deemed to have occurred on the next business day; and

(6) Requests for admission shall be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service of the requests, provided that, if receipt of the request occurs after 12:00 noon on either a Friday or the day preceding a holiday, service shall be deemed to have occurred on the next business day.

(7) All service in this proceeding will be by electronic mail. No hard copy follow-up will be required.

(8) Parties providing testimony must either include with such testimony electronic workpapers, cited studies and other documents relied on, or provide such documents in workable electronic format within two (2) business days of the testimony submission date to all parties.

#### **VI. PUBLIC INPUT HEARINGS**

UGI Gas is not aware of any substantial consumer interest with respect to this proceeding. UGI Gas does not propose that any public input hearings be held absent substantial public interest in this proceeding and specific requests for such hearings.

#### **VII. PROTECTION OF CONFIDENTIAL INFORMATION**

The Company has entered into or is in the process of entering into Stipulated Protective Agreements with the current participants addressing rules for the provision of confidential information in discovery requests. The Company intends to file a Motion for a Protective Order to supplement or supplant the protections afforded by the Stipulated Protective Agreements. The Company will work with all parties to obtain agreement on the Protective Order prior to filing.

## VIII. SETTLEMENT DISCUSSIONS

To date, the parties have held multiple settlement discussions and are actively working together to develop a settlement term sheet. The Company will continue to work with the parties in an effort to resolve this proceeding through settlement.

Respectfully submitted,



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Dated: January 16, 2025

Counsel for UGI Utilities, Inc. – Gas Division