

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et al.	:	
	:	
	:	
v.	:	R-2025-3052742
	:	
National Fuel Gas Distribution Corporation	:	

PREHEARING ORDER

On December 30, 2024, National Fuel Gas Distribution Corporation (NFG) filed with the Pennsylvania Public Utility Commission (Commission) a purchase gas cost recovery pre-filing pursuant to Sections 53.64 and 53.65 of Title 52 of the Pennsylvania Public Utility Code at docket number R-2025-3052742.

On January 7, 2025, the Office of Consumer Advocate (OCA) filed a Complaint and Public Statement through its attorney, Harrison Breitman, Esquire.

On January 8, 2025, the Commission’s Bureau of Investigation and Enforcement (I&E) filed a Notice of Appearance through its attorney, Carrie B. Wright, Esquire.

On January 17, 2025, NFG filed an answer to OCA’s Complaint.

On January 21, 2025, the Office of Small Business Advocate (OSBA) filed a Notice of Appearance through its attorney, Steven C. Gray, Esquire.

On January 31, 2025, NFG filed with the Commission a definitive purchase gas cost recovery request pursuant to Section 1307(f) of Title 66 of the Pennsylvania Public Utility Code at docket number R-2025-3052742.

On February 7, 2025, OSBA filed a Complaint and Public Statement through its attorney, Steven C. Gray, Esquire.

On February 14, 2025, NFG filed a letter advising that it would not file an answer to OCA's complaint pursuant to 52 Pa. Code § 5.61(d).

On February 18, 2025, the Office of Consumer Advocate (OCA) filed a Notice of Appearance through its attorneys, Harrison Breitman, Esquire and Katherine M. Kennedy, Esquire.

Also on February 18, 2025, the Commission served a notice establishing an initial telephonic prehearing conference for this matter for Monday, February 24, 2025 at 10:00 a.m. and assigning me as the presiding officer.

I served a prehearing conference order on February 18, 2025, setting forth the rules and expectations for the conference.

No other complaints or petitions to intervene have been filed to date.

The telephonic prehearing conference was held as scheduled on February 24, 2025. The participants were:

NFG	Anthony D. Kanagy, Esquire
I&E	Carrie B. Wright, Esquire
OCA	Harrison Breitman, Esquire and Katherine M. Kennedy, Esquire
OSBA	Steven C. Gray, Esquire

This Order sets forth the procedural matters addressed at the prehearing conference.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the active parties of record as of this date are NFG, I&E, OCA, and OSBA.
2. That the parties will inform me if any future complaints are filed in this matter.
3. That NFG will file a Petition for Protective Order with the Secretary's Bureau (or the parties may file a Joint Petition for Protective Order). If a Joint Petition is not filed, I will reach out to the parties regarding replies to the Petition filed by NFG.
4. That service on NFG shall be made on Mr. Kanagy and Mr. Stobbe; service on I&E shall be made on Ms. Wright; service on OCA shall be made on Mr. Breitman and Ms. Kennedy; and service on OSBA shall be made on Mr. Gray. A service list is attached to this Order. Please direct any changes, corrections or additions to me. In the event that future complaints are filed, service on individual complainants shall be made directly.
5. That our e-mail distribution list is in the chart that follows. This email distribution list is important, and any changes or corrections should be communicated to me, via e-mail, as soon as possible.

Party	Counsel	E-mail
NFG	Anthony D. Kanagy, Esquire	akanagy@postschell.com
NFG	Nicholas A. Stobbe, Esquire	Nstobbe@postschell.com
I&E	Carrie B. Wright, Esquire	carwright@pa.gov

OCA	Harrison Breitman, Esquire	Hbreitman@paoca.org
OCA	Katherine M. Kennedy, Esquire	Kkennedy@paoca.org
OSBA	Steven C. Gray, Esquire	sgray@pa.gov

From Office of OALJ

Title	Name	E-mail
ALJ	Charece Z. Collins	charcollin@pa.gov

6. That parties may arrange service among themselves as they agree.

Electronic service of documents is permitted. Pursuant to 52 Pa. Code § 5.154(c), the parties are permitted without further order to limit the service of documents to parties who indicate that they do not wish to be served with such documents.

7. That parties may serve documents electronically by 4:30 p.m. to meet any required due date.

8. That pursuant to 52 Pa. Code § 5.342(d), the Commission's regulations relating to discovery are modified as proposed by OCA and agreed upon by the parties as follows:

(1) Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.

(2) Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party in writing within five (5) 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 five (5) calendar days of service of written objections.

(4) Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of such motions.

(5) Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

(6) Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.

(7) Any discovery or 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 before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

After rebuttal is served, the deadlines should be reduced as follows:

A. 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.

B. 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.

C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of written objections.

D. Answers to motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of such motions.

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

F. 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.

9. That the following procedural schedule is adopted:

Non-Company Direct Testimony	March 7, 2025
Rebuttal Testimony	March 19, 2025
Surrebuttal Testimony	March 24, 2025
Oral Rejoinder Outline	March 27, 2025
Hearings (two days)	March 28 and 31, 2025 (10:00 a.m.)
Main Briefs	April 4, 2025
Reply Briefs ¹	April 11, 2025

The due dates included in the schedule will be considered “in-hand” dates, and electronic service on the due date will satisfy the “in-hand” requirement.

10. That the parties comply with the Commission’s requirements for the preparation and service of written testimony. 52 Pa. Code § 5.412.

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

¹ Or the submission of a Joint Settlement Petition with accompanying statements in support. I thank the parties for any efforts made to attempt to settle this matter.

12. That the March 28 and 31, 2025 evidentiary hearings will be held telephonically. A separate hearing notice will be issued and published on the Commission's website. A three-day turnaround for the hearing transcript will be requested.

13. That any party, or anyone that a party plans to call as a witness, who needs an accommodation for a disability in order to participate in the hearings may request one. Please call the scheduling office for the Office of Administrative Law Judge (717) 787-1399 at least five (5) business days prior to the hearing to submit this request. If a party or witness requires an interpreter to participate in the hearing, we will have an interpreter present. Please call the scheduling office (717) 787-1399 at the PUC at least ten (10) business days prior to the hearing to submit a request. Persons who are deaf or hearing-impaired may call a relay operator at 711.

14. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve 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 hearing in this case. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

15. That the evidentiary hearings in this matter constitute formal legal proceedings and will be conducted in accordance with the Commission's Rules of Administrative Practice and Procedure and the Pennsylvania Rules of Evidence as applied to administrative hearings.

16. That the parties must comply with 52 Pa. Code §§ 5.501, *et seq.*, regarding the preparation and filing of briefs. 52 Pa. Code § 5.501(e) requires that "[b]riefs shall be as concise as possible." **All briefs must be written pursuant to an identical outline.** Service of briefs can be made electronically by no later than 4:30 p.m. on the dates listed. Parties are directed to e-mail me a copy of as-filed briefs in ADOBE or other compatible PDF format in

addition to a WORD-formatted document. The format of the briefs served electronically on the parties may be as requested by the parties.

17. That all main briefs, regardless of length, must contain:
 - A. A table of contents;
 - B. A history of the proceeding;
 - C. A discussion;
 - D. Proposed findings of fact (with record citations to transcript pages or exhibits where supporting evidence appears);
 - E. Proposed conclusions of law (with citations to supporting statutes, regulations or relevant case law); and
 - F. Proposed ordering paragraphs specifically identifying the relief sought.

I will issue a briefing order with further instructions following the evidentiary hearings in this case.

18. That the parties are to confer among themselves to attempt to resolve all or some of the issues associated with the Complaints in this proceeding. The parties are commended for their willingness to discuss settlement. The parties are reminded that 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. If a settlement is reached, 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 for the Commission and served on me. Any settlement petition should also include proposed findings of fact with page references to statements of testimony and exhibits, proposed conclusions of law, with legal citations and proposed ordering paragraphs.

19. That the parties shall comply with the procedural rules and regulations discussed herein.

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Revised: February 12, 2025

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