

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2024-3052359
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: :
v. : :
: :
Pike County Light & Power Company (Electric):

Pennsylvania Public Utility Commission : R-2024-3052357
: :
: :
v. : :
: :
Pike County Light & Power Company (Gas) :

PREHEARING ORDER

This order sets forth the history of the case and addresses procedures and other subjects discussed during the Prehearing Conference held on February 14, 2025. Parties should read the Order in its entirety.

On December 30, 2024, Pike County Light & Power Company (“PCLP” or “Company”) filed proposed Supplement No. 127 to Tariff Gas – Pa. P.U.C. No. 6 (“Supplement No. 127”) with a proposed effective date of February 28, 2025. Supplement No. 127 contained changes in gas rates, rules, and regulations with a proposed revenue increase of \$905,900, or 35.8%.

On January 8, 2025, the Office of Consumer Advocate (“OCA”) filed a Formal Complaint and Public Statement. On January 10, 2025, the Office of Small

Business Advocate (“OSBA”) filed its Notice of Appearance. That same day, the Commission’s Bureau of Investigation and Enforcement (“I&E”) filed its Notice of Appearance. On January 16, 2025, OSBA filed a Formal Complaint and Public Statement.

On January 17, 2025, PCLP filed Supplement No. 128 to Tariff Gas – Pa. P.U.C. No. 6 voluntarily postponing the effective date of the rate increase until March 15, 2025.

On January 14, 2025, PCLP filed Supplement No. 105 to Tariff Electric – Pa. P.U.C. No. 8 (“Supplement No. 105”), with the Commission, to become effective on March 15, 2025. The Company filed to increase rates to produce additional operating revenues of \$1,874,600 per year above existing rates. Pike additionally proposes to roll into distribution rates its Distribution System Improvement Charge (DSIC) balance of \$269,300. The actual distribution revenue increase in this case as proposed by Pike is \$2,143,900 or 29.1% based upon a future test year ending September 30, 2025.

On January 23, 2025, the Commission entered an Order pursuant to Section 1308(d) of the Public Utility Code suspending the implementation of the proposed rates contained within Supplement No. 127 until October 15, 2025, and opening an investigation into the lawfulness, justness, and reasonableness of the proposed rates, rules, and regulations contained therein. The case was assigned to the Office of Administrative Law Judge for the prompt scheduling of such hearings as may be necessary culminating in the issuance of a Recommended Decision.

On February 7, 2025, PCLP filed Supplement No. 129 to Tariff Gas – Pa. P.U.C. No. 6 (“Supplement No. 129”) postponing the effective date of Supplement No. 127 until October 15, 2025.

On January 24, 2025, OCA filed a Formal Complaint, Public Statement and Notice of Appearance related to the Electric proceeding to protect the interests of consumers in the Company's service territory and to ensure that the Company is permitted to implement only a level of rates that is just and reasonable and in accordance with sound ratemaking principles. On January 17, 2025, OSBA filed a Notice of Appearance. On January 24, 2025, OSBA filed a Formal Complaint. On January 17, 2025, I&E filed a Notice of Appearance.

On February 6, 2025, the Commission issued an Order that initiated an investigation into the lawfulness, justness, and reasonableness of the proposed rate increase in the electric filing in addition to the Company's existing rates, rules, and regulations, assigned this matter to the OALJ for further proceedings as appropriate, and suspended the effective date of Supplement No. 105 until October 15, 2025.

On February 7, 2025, PCLP filed Supplement No. 106 to Tariff Gas – Pa. P.U.C. No. 8 postponing the effective date of Supplement No. 105 until October 15, 2025.

Pursuant to the Prehearing Conference Notices issued on January 23, 2025 (Gas) and February 6, 2025 (Electric), a telephonic Prehearing conference was scheduled for February 14, 2025 at 10:00 a.m. before Administrative Law Judges (“ALJs”) Marta Guhl and Alphonso Arnold III. A Prehearing Conference Order was issued directing the filing of Prehearing Conference Memorandums in advance of the Prehearing conference.

On February 7, 2025, PCLP filed a Motion to Consolidate the Electric and Gas base rate proceedings.

All parties represented by counsel filed Prehearing Conference Memorandums. The Prehearing conference was held as scheduled on February 14, 2025. Participating were:

PCLP	Whitney E. Snyder, Esq.; Erich W. Struble, Esq.
OCA	Jacob Guthrie, Esq.; Ryan Morden, Esq.
BIE	Michael A. Podskoch, Jr., Esq.
OSBA	Steven Gray, Esq.

There was also a consumer complainant, Deborah Rutt, present for the conference. The procedures and schedule for this matter were discussed with the parties during the conference.

IT IS ORDERED:

1. That pursuant to 52 Pa. Code §§ 5.32 and 5.61, complaints filed in the instant matter are considered docketed with the proceeding at R-2024-3052359 (electric) and need not be consolidated with the Commission’s investigation or answered by Respondent. The following Complaints have been filed:

James Romeo	:	C-2025-3053400
Charles Gillinder	:	C-2025-3053396
Office of Consumer Advocate	:	C-2025-3053076
Office of Small Business Advocate	:	C-2025-3053075
Deborah Rutt	:	C-2025-3052967

2. That pursuant to 52 Pa. Code §§ 5.32 and 5.61, complaints filed in the instant matter are considered docketed with the proceeding at R-2024-3052357 (gas) and need not be consolidated with the Commission’s investigation or answered by Respondent. The following Complaints have been filed:

James Romeo	:	C-2025-3053399
Charles Gillinder	:	C-2025-3053398

Office of Small Business Advocate : C-2025-3052972
Deborah Rutt : C-2025-3052965
Office of Consumer Advocate : C-2025-3052853

3. That the Motion to Consolidate the Electric and Gas base rate cases filed by PCLP, is granted for the purposes of the procedural schedule and any hearings.

4. That Deborah Rutt, having attended the Prehearing conference, will be treated as an active party in this matter. All other parties who did not attend the Prehearing Conference will be treated as inactive parties in this matter. Active parties will be served with all of the pleadings, filings, discovery requests, written testimony and orders and decisions served and issued in this proceeding. Inactive parties will not receive any pleadings, filings, discovery requests, written testimony or orders and decisions in this matter. Inactive parties may testify at the public input hearings scheduled for this matter.

5. That any party may request to change their status from an inactive party to an active party or from active party to an inactive party by sending an email to the undersigned Administrative Law Judges and to the active parties to this proceeding.

6. That parties to be officially served are listed on the attached service list and any changes, corrections or additions are to be directed to Pamela McNeal, Legal Assistant, at pmcneal@pa.gov.

7. That any Complaints filed by customers and other parties that are not yet docketed enter this matter and shall be addressed as.

8. That parties may arrange service among themselves as they agree. Pursuant to 52 Pa. Code § 1.54(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. **Parties should review the Prehearing Memoranda and seek to comply with the Service of Documents requests therein.**

9. That parties may serve documents electronically by 4:30 p.m. to meet any required due date, with hard copy to follow by regular first-class mail when the Commission resumes normal operations.

8. That pursuant to 52 Pa. Code § 5.342(d), the Commission's regulations relating to discovery are modified as proposed by OCA, and which is not opposed, as follows:

- A. 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.
- B. 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 within five (5) 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 five (5) business days of service of written objections.
- D. 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.
- E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.
- G. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after 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 following modifications will apply:

- 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. The parties are reminded that 52 Pa. Code § 1.35(c)(1) provides that a signature on a document filed with the Commission constitutes a certificate by the individual that the document is “well grounded in fact and is warranted by existing law” and is not “interposed for an improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation,” and that violations are subject to the sanctions listed in 52 Pa. Code § 1.35(c)(2).

10. The parties are directed to cooperate and exchange information on an informal basis. The parties are encouraged to resolve discovery issues among themselves; motions to compel should be filed only after such efforts have failed. All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally. In addition, the parties are urged to use alternative means of discovery such as discovery conferences or depositions. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§ 5.361, 5.371-5.372.

11. That the following schedule is adopted¹:

<u>Event</u>	<u>Date(s)</u>
Public Input Hearings	March 18 & 19, 2025
Other Parties' Direct Testimony	April 3, 2025
Rebuttal Testimony	May 1, 2025
Surrebuttal Testimony	May 15, 2025
Rejoinder	May 19, 2025
Evidentiary Hearings	May 21-23, 2025
Main Briefs	June 9, 2025
Reply Briefs	June 23, 2025

12. The Public Input Hearings will consist of four hearings (two in-person hearings in the service territory, afternoon and evening; two telephonic hearings, afternoon and evening).

¹ Testimony shall not be filed with the Commission at the time of service, but parties may file a certificate of service.

13. Evidentiary hearing exhibits need not include all pre-served testimony which is circulated in this proceeding in accordance with the above-referenced procedural schedule. However, such pre-served testimony may be identified for movement into the record at the hearing through an inventory of pre-served testimony which is to be provided as a hearing exhibit.

14. That all parties are to provide copies of hearing exhibits to all other parties and to both hearing officers **no later than 10 a.m. on May 20, 2025**, with the exception of hearing exhibits related to rejoinder which may be provided by the end of the day on same day.

15. That the hearings will be held telephonically.

16. That the gas base rate proceeding shall be addressed first at the evidentiary hearings, followed by the electric base rate proceeding.

17. That the parties comply with the Commission's requirements for the preparation and service of written testimony. 52 Pa. Code § 5.412. These include, but are not limited to, the requirement that written testimony must be accompanied by all exhibits to which it relates. Written testimony shall be marked with numerical, sequential statement numbers. Oral direct, rebuttal or surrebuttal testimony or witnesses not identified in a party's prehearing memorandum shall not be permitted, except by permission for good cause.

18. That the parties shall comply with the provisions of 52 Pa. Code § 5.243(e) which prohibit the introduction of evidence during rebuttal which should have been included in the party's case-in-chief, or which substantially varies from the party's

case-in-chief, unless the party is introducing evidence in support of a proposed settlement.

19. 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 precious 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 hearings 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.

20. 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, as well as the rules of evidence as applied to administrative hearings.

21. That parties serving pre-served testimony in proceedings pending before the Commission pursuant to 52 Pa. Code § 5.412(f) shall be required, within thirty (30) days after the final hearing in an adjudicatory proceeding to either eFile with or provide to the Secretary's Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding, consistent with the Commission's Implementation Order, dated January 10, 2013, at Docket No. M-2012-2331973.

22. Motions with respect to objections to written testimony must be presented in writing no later than three days prior to the date 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 for good cause will not be accepted.

23. That the parties must comply with 52 Pa. Code §§ 5.501, *et seq.*, regarding the preparation and filing of briefs. Service can be made electronically by no later than 4:30 p.m. on the dates listed, with a hard copy received in hand on the next business day. Parties are directed to e-mail to the undersigned 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.

24. Rate tables submitted by the parties **MUST** be in a uniform format consistent with the Commission's Bureau of Technical Utility Services template tables. **Rate Case Tables** will be electronically provided to the parties. These Tables **must** be used by PCLP and all active parties in this proceeding. A party's failure to follow these instructions in the smallest detail may result in non-consideration of that party's position, regardless of where the record may support it or the position of any other party to this proceeding.

25. That the parties are to confer among themselves in an attempt to resolve all or some of the issues associated with these Complaints. The parties are reminded 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. 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 the undersigned.

R-2024-3052357, R-2024-3052359- PA PUBLIC UTILITY COMMISSION v. PIKE COUNTY LIGHT & POWER – ELECTRIC and GAS

Revised: February 25, 2025

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