



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

March 7, 2025

***Via Electronic Filing***

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

Re: Pennsylvania Public Utility Commission v.  
Philadelphia Gas Works - 1307(f)  
Docket No. R-2025-3053241  
**I&E Prehearing Memorandum**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Prehearing Memorandum of the Bureau of Investigation and Enforcement in the above-captioned proceeding.

Copies are being served on parties per the attached Certificate of Service. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Michael Podskoch'.

Michael A. Podskoch, Jr.  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 330132  
(717) 783-6151  
[mpodskoch@pa.gov](mailto:mpodskoch@pa.gov)

MAP/ac  
Enclosures

cc: Deputy Chief Administrative Law Judge Christopher P. Pell (*via email* – [cpell@pa.gov](mailto:cpell@pa.gov))  
Per Certificate of Service



## **I. INTRODUCTION**

On January 31, 2025, Philadelphia Gas Works (“PGW”) submitted its pre-filing information in support of its annual reconciliation of purchased gas costs rates.

On February 7, 2025, the Office of Consumer Advocate (“OCA”) filed its Notice of Appearance and Formal Complaint and Public Statement. On February 10, 2025, the Philadelphia Industrial and Commercial Users Group (“PICGUG”) filed a Petition to Intervene. On February 11, 2025, I&E filed its Notice of Appearance. On February 25, 2025, the Office of Small Business Advocate (“OSBA”) filed its Notice of Appearance.

On February 28, 2025, PGW made its Annual Purchased Gas Cost Rate filing in accordance with Section 1307(f) of the Public Utility Code.

On March 3, 2025, I&E received a Prehearing Conference Order which was issued to advise parties that Deputy Chief Administrative Law Judge (“ALJ”) Christopher P. Pell would be presiding in this case and to memorialize the date, time, and requirements for the Prehearing Conference.

Pursuant to the Prehearing Conference Order, a telephonic Prehearing Conference is scheduled on March 11, 2025 at 10:00 a.m. before ALJ Pell.

## **II. ISSUES**

The following list represents I&E’s preliminary determination of the potential issues in this proceeding:

1. Unaccounted for Gas;
2. Off System Sales/Capacity Release;
3. Heating Degree Days;
4. Capacity Requirements;
5. Natural Gas Contracts;
6. LNG;
7. C-Factor;

8. E-Factor;
9. Supplier Refunds;
10. Pipeline Refunds;
11. Interest Rate on Over/Under Collections;
12. Purchase of Receivables;
13. Other Post Employment Benefit Surcharge; and
14. Receivables Program/Merchant Function Charge

The listing is as complete as can be made at this time. I&E specifically reserves the right to address other issues as it deems appropriate if any such relevant issues arise.

### **III. WITNESSES**

It is currently expected that I&E may call the following expert witnesses without being limited thereto:

1. Zachari Walker, Fixed Utility Financial Analyst
2. Ethan Cline, Fixed Utility Valuation Engineer

The I&E witnesses may be contacted through the information listed above for Mr. Podskoch. The witness list is provided without the benefit of complete discovery or analysis of the positions of the other parties to this proceeding. Accordingly, I&E reserves the right to call additional witnesses or withdraw the name of the witnesses listed above.

### **IV. EVIDENCE**

I&E expects to present all written direct, rebuttal, and surrebuttal testimony and accompanying exhibits at the evidentiary hearings. Moreover, I&E intends to rely on the Company's filing, supplemental testimony, answers to data requests and interrogatories, annual reports and other documents submitted to the Commission, other relevant Commission filings, any other relevant Commonwealth agency letters or reports, general financial market information sources, and other public documents and reports. However, there may be issues of law or Commission policy that are not properly the subject of

testimony or factual issues that are clear on the record and need not be supported by testimony. I&E thereby reserves the right to dispense with testimony when, in its opinion, an issue can be adequately addressed through briefing.

**V. DISCOVERY**

Discovery in this matter has begun and is ongoing. I&E has not proposed any discovery modifications. I&E will work with the parties to determine the appropriate discovery modifications in this proceeding.

**VI. SCHEDULE**

I&E has reviewed the proposed schedule for hearings and briefs set forth in the Prehearing Conference Order. I&E does not object to those dates proposed for hearings and briefing. Additionally, I&E will work with the parties to develop mutually agreeable testimony deadlines. I&E supports the following litigation schedule as proposed by PGW:

Non-Company Direct Testimony	March 28, 2025
Rebuttal Testimony	April 8, 2025
Surrebuttal Testimony	April 14, 2025
Rejoinder	April 16, 2025
Evidentiary Hearings	April 16, 2025
Main Briefs	May 6, 2025
Reply Briefs	May 16, 2025

I&E proposes the use of telephonic hearings in this proceeding. However, to the extent that evidentiary hearings will be convened in person, I&E requests that those hearings be held in Harrisburg in order to save the Commission the expense of sending the I&E prosecutor, witnesses, and technical supervisors to out-of-town hearings.

## VII. SERVICE OF DOCUMENTS

I&E requests that all documents in this proceeding be served on:

Michael A. Podskoch, Jr., Esq.  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
[mpodskoch@pa.gov](mailto:mpodskoch@pa.gov)

For purposes of satisfying in-hand requirements for discovery responses, prepared testimony, briefs, and other documents during this proceeding, and consistent with Commission regulations and policy, I&E proposes to both only serve and accept electronic delivery of documents.

## VIII. SETTLEMENT

I&E will maintain an open dialogue and is willing to make good faith efforts to successfully resolve this matter through settlement. In the event settlement discussions fail to result in a full and complete resolution of the matter, I&E is prepared to fully or partially litigate this proceeding.

Respectfully submitted,



Michael A. Podskoch, Jr.  
Prosecutor  
PA Attorney ID No. 330132

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Dated: March 7, 2025

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :  
 :  
 v. : Docket No. R-2025-3053241  
 :  
 Philadelphia Gas Works - 1307(f) :

**CERTIFICATE OF SERVICE**

I hereby certify that I am serving the foregoing **Prehearing Memorandum** dated March 7, 2025, in the manner and upon the person listed below.

**Served via Electronic Mail Only**

Deanne M. O’Dell, Esq.  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)  
*Counsel for PGW*

Graciela Christlieb, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
[graciela.christlieb@pgworks.com](mailto:graciela.christlieb@pgworks.com)  
*Counsel for PGW*

Harrison W. Breitman, Esq.  
Ryan Morden, Esq.  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101  
[hbreitman@paoca.org](mailto:hbreitman@paoca.org)  
[rmorden@paoca.org](mailto:rmorden@paoca.org)

Charis Mincavage, Esq.  
Adeolu A. Bakare, Esq.  
Harrison Ryan Block, Esq.  
McNees Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17101  
[cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com)  
[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)  
[rblock@mcneeslaw.com](mailto:rblock@mcneeslaw.com)  
*Counsel for PICGUG*

Rebecca Lyttle, Esq.  
Office of Small Business Advocate  
555 Walnut Street  
1st Floor, Forum Place  
Harrisburg, PA 17101  
[relyttle@pa.gov](mailto:relyttle@pa.gov)



---

Michael A. Podskoch, Jr.  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 330132  
(717) 783-6151  
[mpodskoch@pa.gov](mailto:mpodskoch@pa.gov)