

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission <i>et al.</i>	:	
	:	
v.	:	R-2024-3052716
	:	
UGI Utilities Inc. – Gas Division	:	

**PREHEARING ORDER**

On January 27, 2025, UGI Utilities Inc. (UGI Gas) filed Supplement No. 55 to UGI Gas Tariff – Pa. P.U.C. Nos. 7 and 7S (Supplement No. 55) with the Pennsylvania Public Utility Commission (Commission) to be effective for service rendered on or after March 28, 2025. It proposed changes to UGI Gas’s base retail distribution rates designed to produce an increase in revenues of approximately \$110.395 million, based upon data for a fully projected future test year (FPFTY) ending September 30, 2026 (2025 Base Rate Case).

On January 28, 2025, the Commission’s Bureau of Investigation and Enforcement (I&E) filed its Notice of Appearance.

On January 30, 2025, the Office of Small Business Advocate (OSBA) filed a Notice of Appearance. On February 7, 2025, the OSBA filed a Public Statement, a Formal Complaint, and a Verification in the 2025 Base Rate Case, which was docketed at Docket No. C-2025-3053306.

On February 7, 2025, the Office of Consumer Advocate (OCA) filed a Complaint and Public Statement in the above-captioned rate case at Docket No. C-2025-3053304. On April 1, 2024, Duquesne Light filed an Answer to OCA’s Complaint.

On February 13, 2025, the Commission on Economic Opportunity (CEO) filed a Petition to Intervene in this proceeding.

On February 18, 2025, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed a Petition to Intervene in this proceeding.

Also on February 18, 2025, The Retail Energy Supply Association (RESA), and Shipley Choice, LLC d/b/a Shipley Energy (Shipley) (collectively, “RESA/Shipley”) filed a Petition to Intervene in this proceeding.

On February 20, 2025, the Commission issued an Order suspending Supplement No. 55 until October 28, 2025, unless permitted by Commission Order to become effective at an earlier date pursuant to 66 Pa. C.S. §1308(d). The matter was referred to the Office of the Administrative Law Judge and assigned to Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Charece Z. Collins (the ALJs).

On February 25, 2025, the Commission issued a Call-In Telephone Prehearing Conference Notice. Also, on February 25, 2025, the ALJs served a Prehearing Conference Order. A Telephone Prehearing Conference was scheduled for March 4, 2025.

On March 3, 2025, UGI Gas filed a Motion for Protective Order. The Motion for Protective Order is unopposed by UGI Gas, OCA, I&E, RESA/Shipley, CAUSE-PA, and CEO.

On March 3, 2025, UGI Industrial Intervenors (UGIII) filed a formal complaint in this proceeding at Docket No. C-2025-3053698.

Also on March 3, 2025, Local 777 of the International Brotherhood of Electrical Workers, AFL-CIO (IBEW) filed a petition to intervene in this proceeding.

The Prehearing Conference convened as scheduled on March 4, 2025. Counsel for UGI Gas, I&E, OCA, OSBA, CAUSE-PA, CEO, UGIII, and RESA/Shipley appeared. Joseph Kubas and Matthew Odenthal also appeared.

On March 5, 2025, IBEW filed a Motion for Admission *Pro Hac Vice* moving for the admission *pro hac vice* to permit Morgan L. Bigelow, Esquire to appear on its behalf in this proceeding. By First Interim Order on March 25, 2025, the Motion was granted.

On March 19, 2025, four notices of public input hearings were served specifying the dates, times, locations and procedures to be followed for participating in three in-person public input hearings and two telephonic public input hearings. The public input hearing dates and times are set forth in the “Litigation Schedule” section of this Prehearing Order and further instructions for the parties regarding the scheduled public input hearings is included in the “Public Input Hearings” section of this Prehearing Order.

This Prehearing Order memorializes the matters decided and agreed upon by the parties attending the conference and sets forth other procedural requirements to be followed.

#### Consolidation

The complaints of the statutory advocates (OCA and OSBA) and the following listed complaints are consolidated with the above-docketed rate proceeding for disposition: Steven Miller at Docket No. C-2025-3053105, Thomas J. Nagies at Docket No. C-2025-3053141, Rachel Warden at Docket No. C-2025-3053142, Barbara Menichini at Docket No. C-2025-3053159, Scott M. Ferrin at Docket No. C-2025-3053200, Joseph Kubas at Docket No. C-2025-3053295, Adam Walter at Docket No. C-2025-3053338, Sarah Topper at Docket No. C-2025-3053384, Ben Noel at Docket No. C-2025-3053385, Elaine Barnick at Docket No. C-2025-3053733, Carmen Campbell at Docket No. C-2025-3053627, UGIII at Docket No. C-2025-3053698, Dawn Quinones at Docket No. C-2025-3053671, JoAnn Pilvelis at Docket No. C-2025-3053684, Matthew Odenthal at Docket No. C-2025-3053470, Maricela Everitt at Docket No. C-2025-3053714, Natalie Wolfel at Docket No. C-2025-3054016, Stephanie Altieri Fisher at Docket No. C-2025-3053793, Jon McKinnis at Docket No. C-2025-3053750, Timothy M. Pyles, Sr. at Docket No. C-2025-3054017, David L. Chaump at Docket No. C-2025-3053787, and Cruzmaria Gonzalez at Docket No. C-2025-3054103.

Any additional formal complaints filed following the March 4, 2025, Prehearing Conference concerning UGI Gas's rate filing at Docket No. R-2024-3052716 are deemed consolidated without further order.

#### Petitions to Intervene

There was no objection to the petitions to intervene of CAUSE-PA, CEO, RESA/Shiplely and IBEW. Those petitions are granted.

#### Service List

UGI Gas, I&E, OCA, OSBA, UGIII, Joseph Kubas, CAUSE-PA, CEO, RESA/Shiplely, and IBEW are on the active service list (the parties). This service list is subject to modification if additional formal complainants inform the ALJs and service list parties in writing that they wish to become active participants.

Any party that did not appear at the March 4, 2025, Prehearing Conference will be treated as an inactive participant in this proceeding, unless they submit a written request to the undersigned advising that they are an active participant and wish to be added to the active participant list. Inactive participants will receive the ALJs' written orders, notices of hearings and public input hearings and copies of any Commission decisions and orders. Inactive participants will not participate in discovery, testify at the evidentiary hearing on June 9-10, 2025, or cross-examine witnesses. Inactive participants will not receive copies of the hearing exhibits or briefs filed by the active participants. Any participant entering their appearance after the March 4, 2025, Prehearing Conference must designate whether they want to be treated as an active participant in writing to the ALJs and the active participants of record on the service list above.

Litigation Schedule

<u>Date</u>	<u>Event</u>
March 4, 2025	Prehearing Conference
April 7, 2025, at 6:00 p.m.	In-Person Public Input Hearing at Holiday Inn Downtown Williamsport, PA.
April 8, 2025, at 6:00 p.m.	In-Person Public Input Hearing at Double Tree Resort by Hilton Hotel Lancaster, PA
April 9, 2025, at 1:00 p.m.	In-Person Public Input Hearing at City Council Chambers-City Hall Wilkes-Barre, PA
April 10, 2025	Public Input Hearings at 1:00 p.m. and 6:00 p.m. by telephone
April 18, 2025	Service of written Direct Testimony of Other Parties
May 16, 2025, by 12:00 p.m.	Service of written Rebuttal Testimony
May 30, 2025	Service of written surrebuttal testimony
June 5, 2025	Written rejoinder and <b>witness matrix listing all parties intending to cross-examine each witness and the extent of any cross-examination</b>
June 9-10, 2025, at 10:00 a.m. each day	Technical evidentiary hearings by telephone
June 27, 2025	Filing and service of main briefs
July 9, 2025	Filing and service of reply briefs or submission of joint settlement petition executed by representatives of Parties thereto, together with all Parties' statements in support of joint petition/settlement

The parties are reminded of the Commission's requirements for the preparation and filing of written testimony. 52 Pa. Code § 5.412. Written testimony must be accompanied by all exhibits to which it relates. **Worksheet and calculations which are used as exhibits must be provided in Excel format by email to the ALJs and other parties within two business days of the testimony being served.** Technical terms and concepts are to be clearly defined and explained in the testimonies and briefs. **The parties are to agree on a list of common acronyms and use them consistently in all written testimony and briefs.**

The above-stated dates are in-hand dates for service on the parties and the ALJs. The parties at the Prehearing Conference and the ALJs agree to accept electronic service of such material,<sup>1</sup> so long as the subject email is received by the date due. The ALJs' e-mail addresses are as follows: Deputy Chief Administrative Law Judge Mark A. Hoyer ([mhoyer@pa.gov](mailto:mhoyer@pa.gov)), Administrative Law Judge Charece Z. Collins ([charcollin@pa.gov](mailto:charcollin@pa.gov)).

The evidentiary hearings will begin promptly at 10:00 a.m. The parties must confer before commencement of the hearing to schedule their witnesses so as to avoid “holes” or “dead time” during the hearing. In the event that a partial settlement is achieved, the parties should be prepared to proceed at the hearing to present evidence on the non-resolved issues.

#### Public Input Hearings

Three in-person public input hearings shall be held as follows:

Monday, April 7, 2025, at 6:00 p.m.  
Holiday Inn Downtown Williamsport  
100 Pine Street  
Williamsport PA 17701

Tuesday, April 8, 2025, at 6:00 p.m.  
Double Tree Resort by Hilton Hotel Lancaster  
2400 Willow Street Pike  
Lancaster PA 17602

Wednesday, April 9, 2025, at 1:00 p.m.  
City Council Chambers  
4<sup>th</sup> Floor City Hall  
40 East Market Street  
Wilkes-Barre PA 18711

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<sup>1</sup> For parties accepting electronic service, the documents are to be served electronically on the date indicated, by 4:00 p.m. unless otherwise indicated.

There will be no pre-registration for any of the three in-person public input hearings listed above. Witnesses can sign up to testify at the hearing sites immediately prior to the scheduled hearing.

In addition to the three in-person public input hearings there will be two telephonic public input hearings on Thursday, April 10, 2025, at 1:00 p.m. and 6:00 p.m. Pre-registration to testify is strongly encouraged. To pre-register to testify at a telephonic public input hearing or simply to listen to the hearing, you can either e-mail Mary Swarner at [mwarners@pa.gov](mailto:mwarners@pa.gov) or call 412-565-3555 by April 9, 2025. The toll-free bridge telephone number and PIN number are the same for both hearings. The telephone number is 888.795.4352 and the PIN number is 72378378.

Individual complainants who are not active participants or on the service list above can testify at a public input hearing.

UGI Gas is hereby ordered to publish notice of the date, time, location and registration instructions for the public input hearings in newspapers of general circulation in UGI Gas's service territory near the in-person public input hearing sites in the non-legal sections of applicable newspapers, and also to publish notice of the two telephonic public input hearings, including the call-in bridge telephone number and PIN number, for the two scheduled hearings on April 10, 2025. UGI Gas shall file proof of publications with the Commission's Secretary's Bureau. UGI Gas is further ordered to publish notice of the public input hearings on its website, social media and through any other electronic means available.

### Issues

In their respective prehearing memoranda, the parties identified various issues they may wish to pursue. The reader is directed to these documents to review a recitation of these issues. Additional issues may arise as the discovery process develops.

## Discovery

The parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa. Code § 5.322. If this process fails, the parties have recourse to the Commission's procedures for formal discovery, as herein modified. 52 Pa. Code §§ 5.321, *et seq.* The parties must not send the ALJs discovery material or cover letters, unless attached to a motion to compel. **All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally.** If a motion to compel fails to contain such certification, the ALJs will contact the parties and direct them to pursue informal discovery.

The parties must endeavor to complete discovery upon the filing of surrebuttal testimony absent extraordinary circumstances.

UGI Gas and OCA proposed modifications to the Commission's procedures for formal discovery. No party objected to the proposed modifications. Following a discussion with the parties at the Prehearing Conference, the following modified discovery procedures apply to this case:

- 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 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 testimony is served, the deadlines shall 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.

All discovery due dates shall be “in-hand” and electronic or fax service on the due date will satisfy the “in-hand” requirement.

These modifications to discovery procedures are effective March 4, 2025. Any other discovery propounded before March 4, 2025, is subject to the normal response times for discovery in the Commission's procedural rules.

#### Pre-Served Testimony and Exhibits

No written testimony will be admitted into evidence unless accompanied by a verification or affidavit of the witness.

Confidential Security Information (CSI) as defined by 35 P.S. § 2141 *et seq.* should not be transmitted by email or other electronic means. The parties are to avoid introducing CSI into the record and should develop alternative means, such as joint stipulations or redaction when proposing testimony or exhibits. If there is no other alternative to establish a material fact other than by CSI, the parties are to contact the ALJs immediately and in advance of the evidentiary hearing.

#### Settlement and Stipulations

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. Submission of a fully executed joint settlement petition, together with all parties' statements in support of the joint petition/settlement, must be filed with the Secretary for the Commission and received in-hand by the Administrative Law Judge no later than the close of business on July 9, 2025.

The parties must agree on a common outline for statements in support, including headings and subheadings. Each party need not address every issue, but the same headings and subheadings must be presented in the same order. Statements in support should be specific and explain the benefit of the settlement terms to your client beyond the savings of litigation time and expense.

A settlement petition must include an appendix table which sets for the following information: the current rates for each customer class in each rate zone, the rate increase proposed in the initial filing for each customer class in each rate zone and the rates proposed for each customer class in each rate zone in the petition for settlement. Presentation of rate impacts should be clear and consistent regarding whether the impacts include supply rates in effect at the time of the settlement or are exclusively related to distribution rates. All of these costs and comparisons shall be stated in dollar/cents amounts and in percentages.

If settlement is not feasible, the parties are encouraged to stipulate 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 must 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.

#### Cross-Examination

Friendly cross-examination or cumulative cross-examination during hearings will not be permitted. 52 Pa. Code §§ 5.76; 5.243.

#### Briefs and Reply Briefs

The parties must comply with 52 Pa. Code §§ 5.501, et seq., regarding the preparation and filing of briefs. Briefs must include proposed findings of fact with citations to the record evidence, proposed conclusions of law and proposed ordering paragraphs. Page limitations on briefs will be discussed on or before the last day of hearing. The parties shall submit to the ALJs one copy by email. The electronic version of a brief must be prepared in Microsoft Office Word format. If you are in doubt, please email the ALJs for clarification.

IMPORTANT NOTICE: All briefs must conform to the Special Instructions for Briefs and Exceptions in Major General Rate Increase Proceedings attached hereto and make a part of this Prehearing Order, and any subsequent Briefing Order served after the evidentiary hearing. **Also, Rate Case Tables will be electronically provided to the parties. These Tables must be used by UGI Gas and all parties in this proceeding.** If any party fails to follow these instructions in the smallest detail, that party's position will not be considered, regardless of where the record may support it or the position of any other party to this proceeding. Your anticipated cooperation will be appreciated.

Modification

Any of the provisions of this Prehearing Order may be modified upon motion and good cause shown by any party in interest.

Date: March 28, 2025

\_\_\_\_\_/s/  
Mark A. Hoyer  
Deputy Chief Administrative Law Judge

\_\_\_\_\_/s/  
Charece Z. Collins  
Administrative Law Judge

Special Instructions for Briefs and Exceptions  
in Major General Rate Increase Proceedings

1. Each brief shall follow the general organization shown in the attached standardized format.
2. Each brief shall contain a table of contents with page references to a summary of argument and to each topic addressed in the argument.
3. Adjustments contained in each brief shall:
  - a. be based on a specific test year, to be selected before the closing of the record;
  - b. be complete and self-contained, include accurate reference to the appropriate record sources, be on a before-income-tax basis (never on a net income or revenue requirement basis) and be on a consistent jurisdictional basis (if record support cannot be located, the adjustment may/will be rejected);
  - c. be detailed to demonstrate the step-by-step calculation of that adjustment together with appropriate accurate record references (once again, if the record support cannot be located for the necessary steps, the adjustment may/will be rejected);
  - d. include concomitant rate base, revenue, expense, depreciation expense, and tax (i.e., taxes other, State Income, and federal Income) adjustments set forth, together with the details of their calculation;
  - e. include within the brief calculations which are the basis for proposed adjustments, but which are incomplete in the record.
4. Tables showing all proposed rate base and income adjustments, organized as shown in the attached Table I and Table II, shall be submitted with each brief which includes such adjustments.
  - a. The starting point of Table I “Income Summary” shall be the utility’s final pro forma showing at present rates. The ALJS shall specify the starting point to be the most recent update admitted into evidence. The update, admission, and ALJS ruling shall be cited on the table.

- b. The effect of deferred or accrued taxes on the various tax adjustments presented in Table II “Summary of Adjustments” shall be indicated by a footnote.
- 5. The following schedules shall be submitted with each brief.
  - a. A schedule showing the precise derivation of any adjustment to proposed cash working capital allowance.
    - i. The schedule describing an adjustment to a Utility’s claim for Cash Working Capital shall separately list (1) adjustments originating from Table II “Summary of Adjustments” and (2) adjustments resulting from the proposed revenue increase. Any effect on deferred and/or accrued taxes shall be shown in a separate column or footnote.
    - ii. Net Revenue and Expense Lag Days for all Cash Working Capital Adjustments shall be calculated to at least one decimal place.
  - b. A schedule showing all tax and jurisdictional allocation factors utilized (any deviations from standard or obvious factors should be explained on the schedule in the brief).
  - c. A schedule listing, for the party or Parties filing the brief, each exhibit or other document admitted into the record, along with the date the document was identified and the date the document was admitted.
- 6. Rate structure proposals shall be reasonably specific and explicit, shall, as appropriate, refer accurately to record support and shall be summarized at the end of the “Rate Structure” topic heading of each brief.
- 7. Parties shall, as feasible and appropriate, discuss alternative rate design proposals for overall rate increases at and below the requested increase

8. Regarding the filing of exceptions, the following instructions are provided:
  - a. Each exception shall be separately identified and, as necessary, discussed.
  - b. Each exception shall include, before any discussion is provided, the following elements (see examples attached):
    - i. a reference to the relevant part of the Recommended Decision, at least to the relevant pages;
    - ii. a reference to related discussions in the excepting party's brief and, as appropriate, to other briefs; and
    - iii. a concise statement of the exception.
  - c. The exceptions shall follow the order of presentation provided in the table of contents to the Recommended Decision.
  - d. If a party takes exception concerning a topic not included within the Recommended Decision or the table of contents thereto, the appropriate exception shall be included at the end of the appropriate major topic heading (such as "Rate Base" or "Expenses").
  - e. If a party seeks to correct computations associated with the Recommended Decision, replacement computations, with source references to briefs or the record, shall be provided.

Standardized Brief Format for  
General Rate Increase Proceedings

- I. Introduction
- II. Summary of Argument
- III. Rate Base
  - A. Fair Value
  - B. Plant in Service
  - C. Depreciation Reserve
  - D. Additions to Rate Base
  - E. Deductions from Rate Base
  - F. Conclusion
- IV. Revenues
- V. Expenses
- VI. Taxes
- VII. Rate of Return
- VIII. Miscellaneous Issue
- IX. Rate Structure
  - A. Cost of Service
  - B. Revenue Allocation
  - C. Tariff Structure
  - D. Summary and Alternatives
- X. Conclusion

Note: Appropriate modifications may be made. For instance, a party might add “Affiliated Interest Expenses” as a major topic heading or might brief only rate structure and not use other topic headings. A summary and alternatives should be provided under “Rate Structure” but the “Rate Base” and “Rate Structure” formats shown may be modified, as appropriate. Additional subheadings should be used, as appropriate.

TABLE I

INCOME SUMMARY  
(\$000)

	<u>Pro Forma</u> <u>Present</u> <u>Rates</u> \$	<u>Recommended</u> <u>Adjustments</u> \$	<u>Adjusted</u> <u>Present</u> <u>Rates</u> \$	<u>Revenue</u> <u>Adjustment</u> \$	<u>Total</u> <u>Allowable</u> <u>Revenues</u> \$
Operating Revenues	_____	_____	_____	_____	
Deductions:					
O&M Expenses					
Depreciation					
Taxes:					
State					
Federal					
Other	_____	_____	_____	_____	
Total Deductions	_____	_____	_____	_____	
Net Income Available for Return	=====	=====	=====	=====	
Rate Base					
Recommended Rate of Return					



### Examples of Specific Exceptions

1. Staff excepts to the ALJS's rejection of the Staff (and OCA) rate case expense adjustment. See R.D., pp. 31-2; Staff brief, pp. 54-5; OCA brief, pp. 98-9. The \$128,000 adjustment, based on a filing once every four years and on disallowance of certain expenses, should be accepted.
2. The Company excepts to the adoption of the OCA revenue adjustment. See R.D., pp. 28-30; Company brief, pp. 56-9; Company reply brief, p. 12. This adjustment was based on unreasonable projections of industrial consumption (see OCA brief, p. 84). The Company projection, as modified at Company St. 14, pp. 11-12, should be used.
3. OCA excepts to the ALJS's failure to address, and accept, its weather adjustment to revenues. See OCA brief, pp. 21-4; OCA reply brief, p. 12.
4. Corrections to calculations underlying salary increases (R.D., p. 41), force reductions (R.D., pp. 48-9) and tax normalization (R.D., pp. 81-2) are offered and explained at Appendix B.

**R-2024-3052716 - PA PUBLIC UTILITY COMMISSION et al v. UGI UTILITIES INC - GAS DIVISION**

Revised 3/25/2025

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