



Also on February 27, 2025, PGW filed Petition for Waiver Related to the Cap on the Distribution System Improvement Charge (DSIC Waiver Petition), to remove the reconciliation of its Distribution System Improvement Charge (DSIC) from the 7.5% DSIC cap. The Petition was assigned Docket No. P-2025-3053659.

On March 3, 2025, PGW filed a Motion to Consolidate DSIC Petition (Motion to Consolidate), filed at Docket No. P-2025-3053659, with the above captioned rate case proceeding.

By Commission Order entered March 27, 2025, the proposed Tariffs were suspended by operation of law until November 28, 2025. The Commission ordered an investigation into the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the proposed Tariffs. The Commission also ordered an investigation into the reasonableness of PGW's existing rates, rules, and regulations.

A Prehearing Notice was issued, and a Prehearing Conference Order was entered on March 28, 2025, scheduling a telephonic prehearing conference in this matter for Friday, April 4, 2025, at 10:00 a.m.

The prehearing conference was held as scheduled. This order memorializes certain procedural matters addressed at the prehearing conference.

THEREFORE,

IT IS ORDERED:

**Petitions and Motion**

1. That PGW's Motion to Consolidate its DSIC Petition, filed at Docket No. P-2025-3053659, with its rate case proceeding at Docket No. R-2025-3053112 *et al.*

2. That PGW's Petition for Waiver of Statutory Definition of Fully Projected Future Test Year is granted.

3. That the Petition to Intervene filed by the Tenant Union Representative Network (TURN) and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) on March 27, 2025, is granted.

4. That the Petition to Intervene filed by POWER Interfaith, Sierra Club, Physicians for Social Responsibility Pennsylvania, Clean Air Council, Vote Solar, PennEnvironment, and the Pennsylvania Public Interest Research Group (collectively, the Energy Justice Advocates) on April 4, 2025, is granted.

5. That the Petition of PGW for Waiver of Statutory Definition of Fully Projected Future Test Year is granted.

6. That the Motion of Devin McDougall, Esq. for Admission *Pro Hac Vice* of Rebecca Barker, Esq. on behalf of Energy Justice Advocates is granted.

7. That Rebecca Barker, Esq. is admitted *pro hac vice* as co-counsel to Energy Justice Advocates in this matter.

8. That the Motion of Devin McDougall, Esq. for Admission *Pro Hac Vice* of Mychal Ozaera, Esq. on behalf of Energy Justice Advocates is granted.

9. That Mychal Ozaera, Esq. is admitted *pro hac vice* as co-counsel to Energy Justice Advocates in this matter.

10. That the Motion of Devin McDougall, Esq. for Admission *Pro Hac Vice* of Hema Lochan, Esq. on behalf of Energy Justice Advocates is granted.

11. That Hema Lochan, Esq. is admitted *pro hac vice* as co-counsel to Energy Justice Advocates in this matter.

12. That Devin McDougall, Esq., the moving attorney herein, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Energy Justice Advocates.

13. That the parties of record as of this date are PGW, Office of Consumer Advocate (OCA), Office of Small Business Advocate (OSBA), the Commission's Bureau of Investigation and Enforcement (I&E), the Philadelphia Industrial and Commercial Gas Users Group (PICGUG), TURN, CAUSE-PA, and Energy Justice Advocates.

### **Litigation Schedule**

14. That the following litigation schedule is adopted:

Public Input Hearings	May 6, 2025 (in-person) May 7, 2025 (telephonic) (1:00 p.m. and 6:00 p.m. each day)
Non-Company Direct Testimony	May 21, 2025
Rebuttal Testimony	June 20, 2025
Surrebuttal testimony	July 2, 2025
Witness Cross-Examination Matrix	July 11, 2025
Written Rejoinder Outline	July 11, 2025
Evidentiary Hearings and Oral Rejoinder	July 15-17, 2025 (in-person in Philadelphia)
Main Briefs	July 30, 2025
Reply Briefs	August 8, 2025
Commission Public Meeting	November 6, 2025
End of Suspension Period	November 28, 2025

### **Discovery**

15. That 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.

16. Prior to the service of rebuttal testimony, the parties shall exercise their best efforts to comply with the following deadlines:

- 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, but no more than twelve (12) calendar days.
- 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.

17. After rebuttal testimony is served, the parties shall exercise their best efforts to comply with the following deadlines:

- 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

### **Pre-filed Written Testimony**

18. 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.

19. That 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.**

20. That no written testimony will be admitted into evidence unless accompanied by a verification of affidavit of the witness.

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

22. 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.

23. 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.

24. 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.

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

26. 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.

### **Briefs and Reply Briefs**

27. 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. Parties are directed to e-mail me a copy of their 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.

28. That all briefs shall comply with the requirements of 52 Pa. Code §§ 5.501 and 5.502, and in addition to the mandatory contents set forth in 52 Pa. Code § 5.501(a), 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 facts (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.

52 Pa. Code § 5.501(e) requires that "Briefs shall be as concise as possible." Page limitations on briefs will be discussed on or before the last day of hearing.

29. That if a party does not file a reply brief, it will be assumed that the party does not dispute the assertions, contentions or arguments made by the other parties in their main briefs. While it is not necessary in a reply brief to repeat a particular argument or discussion

contained in the main brief, the reply brief should note where the responsive argument is located in the main brief and how it responds to the other parties' assertions, contentions or arguments.

30. That any brief not filed and served on or before the date fixed therefore will not be accepted for filing, except by permission for good cause.

**Settlement and Stipulations**

31. 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 us.

**Modification**

32. That any provision of this prehearing order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa. Code § 5.223(a).

Dated: April 14, 2025

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/s/  
Eranda Vero  
Administrative Law Judge

**R-2025-3053112 - PA PUBLIC UTILITY COMMISSION v. PHILADELPHIA GAS WORKS**

Revised on 4/7/25

MICHAEL ARTUSO DIRECTOR  
PHILADELPHIA GAS WORKS  
800 WEST MONTGOMERY AVENUE  
PHILADELPHIA PA 19122  
**267-249-6880**  
[michael\\_artuso@pgworks.com](mailto:michael_artuso@pgworks.com)  
Served via email

DAN CLEARFIELD ESQUIRE  
BRYCE R BEARD ESQUIRE  
ECKERT SEAMANS CHERIN & MELLOTT LLC  
213 MARKET ST 8TH FL  
HARRISBURG PA 17110  
**717-237-7173**  
[dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)  
[bbeard@eckertseamans.com](mailto:bbeard@eckertseamans.com)  
Accepts eService  
(*Counsel for Philadelphia Gas Works*)

DARRYL A LAWRENCE ESQUIRE  
HARRISON W BREITMAN ESQUIRE  
KATHERINE M KENNEDY ESQUIRE  
RYAN MORDEN ESQUIRE  
OFFICE OF CONSUMER ADVOCATE  
5TH FLOOR FORUM PLACE  
555 WALNUT STREET  
HARRISBURG PA 17101-1923  
**717-783-5048**  
[dlawrence@paoca.org](mailto:dlawrence@paoca.org)  
[hbreitman@paoca.org](mailto:hbreitman@paoca.org)  
[kkennedy@paoca.org](mailto:kkennedy@paoca.org)  
[rmorden@paoca.org](mailto:rmorden@paoca.org)  
[OCA25PGWBRC@paoca.org](mailto:OCA25PGWBRC@paoca.org)  
Accepts eService

CARRIE B WRIGHT ESQUIRE  
MICHAEL PODSKOCH ESQUIRE  
PA PUC BIE LEGAL TECHNICAL  
SECOND FLOOR WEST  
400 NORTH STREET  
HARRISBURG PA 17120  
**717-783-6156**  
[carwright@pa.gov](mailto:carwright@pa.gov)  
[mpodskoch@pa.gov](mailto:mpodskoch@pa.gov)  
Accepts eService

STEVEN C GRAY ESQUIRE  
REBECCA LYTTLE ESQUIRE  
OFFICE OF SMALL BUSINESS ADVOCATE  
555 WALNUT STREET 1ST FLOOR  
HARRISBURG PA 17101  
**717-783-2525**  
[sgray@pa.gov](mailto:sgray@pa.gov)  
[relyttle@pa.gov](mailto:relyttle@pa.gov)  
Served via email

CHARIS MINCAVAGE ESQUIRE  
MCNEES WALLACE & NURICK  
100 PINE STREET  
PO BOX 1166  
HARRISBURG PA 17108  
**717-237-5437**  
[cmincavage@mwn.com](mailto:cmincavage@mwn.com)  
Accepts eService  
*(Counsel to the Philadelphia Industrial and Commercial Gas Users Group)*

BENJAMIN CLARK ESQUIRE  
1424 CHESTNUT STREET  
PHILADELPHIA PA 19102  
**215-227-4794**  
[bclark@clsphila.org](mailto:bclark@clsphila.org)  
Accepts eService  
*(Counsel for TURN and CAUSE-PA)*

RICK KRAJEWSKI  
PENNSYLVANIA STATE REPRESENTATIVE  
4712 BALTIMORE AVENUE  
PHILADELPHIA PA 19143  
**215.724.2227**  
[repkrajewski@pahouse.org](mailto:repkrajewski@pahouse.org)

AARON DAVIS  
CHIEF OF STAFF  
REP BEN WAXMAN 182<sup>ND</sup> DISTRICT  
PENNSYLVANIA HOUSE OF REPRESENTATIVES  
1500 WALNUT STREET  
SUITE # 1050  
PHILADELPHIA PA 19102  
**215.246.1501**  
[Apdavis@pahouse.net](mailto:Apdavis@pahouse.net)