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April 21, 2025

**VIA ELECTRONIC FILING**

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Filing Room  
Harrisburg, PA 17120

Re: Joint Petition for Generic Investigation or Rulemaking Regarding “Gas-On-Gas”  
Competition Between Jurisdictional Natural Gas Distribution Companies; Docket  
No. P-2011-2277868

Generic Investigation Regarding Gas-On-Gas Competition Between Jurisdictional  
Natural Gas Distribution Companies; Docket No. I-2012-2320323

**NFGDC PREHEARING CONFERENCE MEMORANDUM**

Dear Secretary Homsher:

Enclosed for filing you will find National Fuel Gas Distribution Corporation’s Prehearing  
Conference Memorandum in the above-referenced proceedings. Copies have been served on all  
parties to this proceeding as indicated on the attached Certificate of Service.

If you have questions regarding this filing, please contact me.

Very truly yours,

*/s/ Whitney E. Snyder*

Whitney E. Snyder

*Counsel for National Fuel Gas Distribution  
Corporation*

WES/das

Enclosure

cc: Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition for Generic Investigation or :  
Rulemaking Regarding “Gas-On- Gas” :  
Competition Between Jurisdictional Natural : Docket No. P-2011-2277868  
Gas Distribution Companies :  
Generic Investigation Regarding Gas-On- :  
Gas Competition Between Jurisdictional : Docket No. I-2012-2320323  
Natural Gas Distribution Companies :

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**PREHEARING CONFERENCE MEMORANDUM OF  
NATIONAL FUEL GAS DISTRIBUTION CORPORATOIN**

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**TO: ADMINISTRATIVE LAW JUDGE KATRINA L. DUNDERDALE**

Pursuant to the Pennsylvania Public Utility Commission’s (“PUC” or “Commission”) regulations at 52 Pa. Code § 5.222(d)(1), and the April 2, 2025 Prehearing Conference Order, National Fuel Gas Distribution Corporation (“National Fuel”), by and through its counsel in this matter, hereby submits this Prehearing Conference Memorandum in the above-captioned proceeding for the initial telephonic prehearing conference scheduled for April 22, 2025.

**I. REQUEST TO UPDATE SERVICE LIST**

In accordance with the Commission’s Order entered April 2, 2025, e-mail service is acceptable for National Fuel counsel. E-mail service of documents in this proceeding shall be accepted on behalf of National Fuel by the following:

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Should hard copy service become necessary as this proceeding progresses, hard copy service can be sent to the attorneys at the address listed above. For purposes of the prehearing conference, Whitney Snyder will be speaking on behalf of National Fuel.

## **II. PROCEDURAL HISTORY**

On March 28, 2025, the Commission issued a Secretarial Letter in this proceeding setting this matter for evidentiary hearing. The Secretarial Letter advised that an evidentiary hearing was necessary because parties to this proceeding who participated in a collaborative ordered in 2019 did not reach consensus on four issues regarding the continuation of gas-on-gas competition.

The 2019 collaborative was the result of the Commission's June 13, 2019 (2019 Order).<sup>1</sup> The 2019 Order was issued in response to comments and reply comments to the Commission's 2017 Order in this proceeding ("2017 Order").

The 2017 Order permitted gas-on-gas competition under specific conditions and sought comments on appropriate modifications to gas-on-gas flexible rate tariffs.<sup>2</sup> The 2017 Order overturned the June 24, 2014 recommended decision ("2014 RD") in this proceeding, which found gas on gas competition should not continue.<sup>3</sup>

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<sup>1</sup> <https://www.puc.pa.gov/pcdocs/1623771.docx>

<sup>2</sup> <https://www.puc.pa.gov/pcdocs/1519501.docx> (2017 Order).

<sup>3</sup> <https://www.puc.pa.gov/pcdocs/1293496.docx> (2014 RD).

### **III. ISSUES**

The March 28, 2025 Secretarial Letter indicates the following issues remain unresolved regarding the continuation of gas-on-gas competition:

1. The appropriate methodology to calculate the lowest applicable gas-on-gas flex tariff rates available to customers who participate in gas-on-gas competition.
2. The uniform tariff provisions to be utilized by jurisdictional natural gas distribution companies in implementing gas-on-gas flex rates.
3. The circumstances under which the extension of service to a potential gas-on-gas customers at full tariffed rates should be permitted.
4. Whether a separate rate schedule should be established for gas-on-gas flex rate customers.

### **IV. WITNESSES**

National Fuel has not yet identified a witness to testify in this proceeding. If National Fuel intends to present a witness, it will identify such witness to the other parties prior to any direct testimony.

### **V. PROCEDURAL SCHEDULE**

National Fuel will work with the other parties to develop a mutually satisfactory schedule. National Fuel believes a period for discovery and discussion among the parties prior to setting a formal procedural schedule is appropriate here given the passage of time since the most recent litigation and attempted resolution of issues in this matter.

### **VI. PROTECTIVE ORDER**

National Fuel has concerns regarding confidential information that may be sought in this phase of the proceeding. A Protective Order was entered in this proceeding in 2013. However, given the passage of time and changes in parties and counsel, National Fuel believes the parties

should have an opportunity to review the existing Protective Order and determine whether any updates are needed. For example, the Protective Order expressly references an Appendix A list of counsel that are authorized to review certain information. Many parties listed in Appendix A are no longer represented by the counsel listed in Appendix A.

## **VII. DISCOVERY**

National Fuel does not believe any modifications to discovery regulations are necessary.

Respectfully Submitted,

/s/ Whitney E. Snyder

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*Counsel for*

*National Fuel Gas Distribution Company*

Dated: April 21, 2025

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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*Counsel for Exelon Business Services Company*

/s/ Whitney E. Snyder  
Whitney E. Snyder

Dated this 21<sup>st</sup> day of April, 2025