

COMMONWEALTH OF PENNSYLVANIA



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September 8, 2025

**Via Electronic Filing**

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

Re: Application of UGI Utilities, Inc. –  
Gas Division for Approval to Begin  
to Offer, Render, Furnish or Supply  
Natural Gas Distribution Service to  
the Public in Frailey Township,  
Schuylkill County, Docket No. A-  
2025-3056020

Dear Secretary Homsher:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Katherine "Katie" Kennedy  
Katherine "Katie" Kennedy, Esq.  
Assistant Consumer Advocate  
PA Attorney I.D. # 317237  
KKennedy@paoca.org

Enclosures

cc: The Honorable Steven K Haas. (email only: sthaas@pa.gov)  
Certificate of Service

CERTIFICATE OF SERVICE

Application of UGI Utilities, Inc. – Gas Division :  
for Approval to Begin to Offer, Render, Furnish :  
or Supply Natural Gas Distribution Service to : Docket No. A-2025-3056020  
the Public in Frailey Township, Schuylkill :  
County :  
:

I hereby certify that I have this day filed electronically on the Commission’s electronic filing system and served a true copy of the following document, the Office of Consumer Advocate’s Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 8th day of September, 2025.

SERVICE BY E-MAIL ONLY

Michael S. Swerling, Esq.  
Lindsay A. Berkstresser, Esq.  
500 North Gulph Road  
King of Prussia, PA 19406  
swerlingm@ugicorp.com  
berkstresserl@ugicorp.com  
*Counsel for UGI Gas*

SERVICE BY FIRST CLASS MAIL ONLY

Frailey Township Board of Supervisors  
23 Maryland Street  
Donaldson, PA 17981

Schuylkill County Commissioners  
401 North 2<sup>nd</sup> Street, 3<sup>rd</sup> Floor  
Pottsville, PA 17901

Respectfully Submitted,

/s/ Melanie Joy El Atieh  
Melanie Joy El Atieh, Esq.  
Deputy Consumer Advocate  
PA Attorney I.D. # 209323  
Email: MEIAtieh@paoca.org

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Dated: September 8, 2025

Katie Kennedy, Esq.  
Assistant Consumer Advocate  
PA Attorney I.D. # 317237  
Email: OCAUGIFrailey@paoca.org

Counsel for:  
Darryl A. Lawrence  
Consumer Advocate

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of UGI Utilities, Inc. - Gas :  
Division for Approval to Begin to Offer, : Docket No. A-2025-3056020  
Render, Furnish or Supply Natural Gas :  
Distribution Service to the Public in Frailey :  
Township, Schuylkill County, Pennsylvania :

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PREHEARING CONFERENCE MEMORANDUM  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to the Prehearing Conference Order issued on August 22, 2025, in the above-captioned proceeding, by the Honorable Administrative Law Judge (ALJ) Steven K. Haas, of the Office of Administrative Law Judge (OALJ) of the Pennsylvania Public Utility Commission (Commission), and pursuant to Section 333 of the Public Utility Code (Code), 66 Pa. C.S. Section 333, the Commission’s regulations at 52 Pa. Code Sections 5.221-5.224, the Pennsylvania Office of Consumer Advocate (OCA) submits the following Prehearing Conference Memorandum.

**I. INTRODUCTION AND PROCEDURAL HISTORY**

On June 30, 2025, UGI Utilities, Inc. (UGI or the Company) filed an application with the Pennsylvania Public Utility Commission (Commission) seeking approval to expand its certificated service territory to begin to offer, render, furnish, or supply natural gas distribution service in Frailey Township, Schuylkill County, Pennsylvania, specifically to two proposed industrial customers located in Frailey Township (Application).

On July 28, 2025, the OCA filed a Protest, Public Statement. On July 29, 2025, the OCA filed a Notice of Appearance for Attorney Kennedy.

On August 22, 2025, ALJ Haas issued a Prehearing Conference Order, scheduling a call-in telephonic prehearing conference on Tuesday, September 9, 2025, at 10:00 a.m.

## **II. ISSUES**

Based upon a preliminary analysis of UGI's filing, the OCA has compiled a list of issues that it anticipates will be included in its review of the proposed acquisition. It is anticipated that other issues may arise and may be pursued as discovery proceeds, and the OCA reserves the right to pursue such issues in discovery and testimony.

The OCA has identified the following issues that may require further review as follows:

1. The OCA submits that additional information is required to determine if approval of the Application is in fact necessary for the accommodation or convenience of the public.
2. The OCA will review/investigate whether it is reasonable for UGI to charge contributions in aid of construction (CIACs) to the subject customers in order to warrant the Company's investment in facilities as based on the annual base revenue to be derived from the extension.
3. The OCA will review/investigate whether the utility's tariff provisions are just and reasonable and not unduly discriminatory if the provisions give the utility discretion to negotiate with certain customers and not require a CIAC if certain conditions are met in the subjective determination of the utility company.

For the purposes of the Prehearing Conference, Katherine "Katie" Kennedy will be the primary attorney speaking on behalf of the OCA.

## **III. WITNESSES**

The OCA intends to present the direct, rebuttal, and surrebuttal testimonies, as may be necessary, of the witness below.

Regulatory Policy

LeeAnn Wise, Senior Regulatory Analyst  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
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OCAUGIFrailey@paoca.org

The OCA specifically reserves the right to call additional witnesses, as necessary. If the OCA determines that additional witnesses will be necessary for any portion of its case, it will notify all parties of record immediately.

#### IV. PROPOSED SCHEDULE

The OCA continues to work with the Company and the parties on a procedural schedule that is a reasonable compromise of the parties' competing interests within the time afforded for litigation of this matter. The OCA proposes the following schedule:

Deadline	Date
Written Direct Testimony of UGI	Friday, October 10, 2025
Other Parties' Written Direct Testimony	Monday, November 10, 2025
Rebuttal Testimony (all parties and all issues)	Friday, December 5, 2025
Surrebuttal Testimony (all parties and all issues)	Friday, December 19, 2025
Written Rejoinder Outline (by noon)	Tuesday, December 30, 2025
Evidentiary Hearing (in-person in Harrisburg)	Week of January 5, 2026 (one day of hearing to be scheduled on a day this week by ALJ)
Main Briefs	Friday, January 23, 2026
Reply Briefs	Friday, February 6, 2026

The OCA requests that the dates included in any litigation schedule in this matter be considered "in-hand" dates and that electronic service on the due date will satisfy the "in-hand" requirement.

**V. SERVICE ON THE OCA**

The OCA respectfully requests that the Presiding Officer permit electronic service without the requirement of a follow-up hard copy. The OCA will be represented in this case by the attorneys listed below.

Melanie Joy El Atieh, Deputy Consumer Advocate  
Katherine Kennedy, Assistant Consumer Advocate  
555 Walnut Street, 5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
E-Mail: [OCAUGIFrailey@paoca.org](mailto:OCAUGIFrailey@paoca.org)

The OCA has created a group e-mail address provided above. This is the only email address that is required for service on the OCA. The OCA's group email address will provide the emailed materials to all members of the OCA team including the consultants listed above.

**VI. SETTLEMENT**

The OCA will participate in settlement discussions in this matter.

**VII. DISCOVERY**

In conjunction with its proposed schedule, the OCA proposes the following modifications to the Commission's procedural rules regarding discovery. The OCA requests that the Presiding Officers direct that the modifications will take effect when addressed during the on the record prehearing conference and apply to all future discovery requests served on and after the date of the prehearing conference of September 10, 2025. The OCA also requests that any outstanding interrogatories or requests for admissions are due no later than 10 calendar days after the Prehearing Conference to the extent such responses are due later than such date, in accordance with Paragraph A below.

- 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 OCA proposes that the deadlines should 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.

### **VIII. PREHEARING PROCEDURES**

The OCA requests that the ALJs in their Prehearing Conference Order and Evidentiary Hearing Notice clarify that:

- A. An evidentiary hearing exhibit listing a party's inventory of such party's pre-served written testimonies and accompanying exhibits and verifications need not include as attachments all such pre-served testimony, exhibits, and verifications, and such list may be used by the party's counsel to identify the evidence for movement into the record at the hearing.
- B. Evidentiary hearing exhibits may be provided to the ALJs and parties by 10 AM the day before the start of evidentiary hearings with the exception of hearing exhibits related to rejoinder which may be provided by the end of the day on same day.
- C. Written testimony and accompanying exhibits and verifications, cross examination exhibits, and other evidentiary hearing exhibits admitted into evidence, shall be sent to the court reporter electronically by the Party sponsoring the exhibits by the close of business on the last day of hearings, with a copy provided to the Presiding Officer. This is in the interest of the environment and saving ratepayers money from the expenditure of printing voluminous hard copies.

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DATED: September 8, 2025

Respectfully submitted,

/s/ Melanie Joy El Atieh  
Melanie Joy El Atieh  
Deputy Consumer Advocate  
PA Attorney I.D. # 209323

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