



October 7, 2025

VIA E-FILE

David P. Zambito

Direct Phone 717-703-5892

Direct Fax 215-989-4216

dzambito@cozen.com

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor North
Harrisburg, PA 17120

**Re: Pennsylvania Public Utility Commission v. Energy Center Harrisburg LLC;
Docket No. R-2025-3055959**

Prehearing Conference Memorandum of Energy Center Harrisburg LLC

Dear Secretary Homsher:

Enclosed for filing with the Pennsylvania Public Utility Commission is the Prehearing Conference Memorandum of Energy Center Harrisburg LLC. A copy of this filing is being served on the parties in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Cozen O'Connor

David P. Zambito

Counsel for *Energy Center Harrisburg LLC*

DPZ/kmg
Enclosures

cc: Honorable Administrative Law Judge Steven K. Haas
Honorable Administrative Law Judge Charece Z. Collins
Per Certificate of Service

and Verification on August 8, 2025. On August 13, 2025, ECH filed correspondence indicating that it would not file an Answer to the OSBA's Complaint.

On August 11, 2025, Carrie B. Wright, Esq. filed her Notice of Appearance on behalf of the Bureau of Investigation and Enforcement ("I&E").

On August 20, 2025, Christy Appleby, Esq. and Harrison W. Breitman, Esq., filed their Notices of Appearance on behalf of the Office of Consumer Advocate ("OCA"). Also on August 20, 2025, the OCA filed its Formal Complaint and Public Statement. On August 29, 2025, ECH filed correspondence indicating that it would not file an Answer to the OCA's Complaint.

On August 28, 2025, the Commission entered an Order instituting an investigation into the Company's base rate request. The Order suspended ECH's proposed Supplement No. 66 to Tariff Steam – PA PUC No. 4 (the "Original Tariff") until April 16, 2026, unless otherwise directed by Commission Order. ECH filed Supplement No. 67 to Tariff Steam – PA PUC No. 4 (the "Suspension Tariff") on August 29, 2025.

On September 29, 2025, the Commission issued an Initial Telephonic Prehearing Conference Notice.

On September 30, 2025, ECH filed a Petition for Protective Order. ECH represented that its Petition was unopposed.

On October 1, 2025, the ALJs issued their Prehearing Conference Order.

II. COUNSEL

Counsel for ECH are:

David P. Zambito, Esq. (PA ID #80017)
William A. Lesser, Esq. (PA ID #332951)
Jonathan P. Nase, Esq. (PA ID #44003)
Cozen O'Connor
17 North Second St., Suite 1410
Harrisburg, PA 17101
Phone: (717) 703-5892

Fax: (215) 989-4216
E-mail: dzambito@cozen.com
E-mail: wlessner@cozen.com
E-mail: jnase@cozen.com

III. SERVICE OF DOCUMENTS

ECH's attorneys are authorized to accept service on behalf of ECH in this proceeding. ECH agrees to receive service of documents electronically in this proceeding and requests that all listed counsel for ECH receive electronic service.

IV. ISSUES

This case is all about rates. This is the Company's first base rate case since 2013. Although the Company can support a revenue increase of \$1,775,157, ECH is requesting a rate increase of \$894,300 to preserve competitive pricing as much as possible. The Company's proposal would result in an overall rate of return of approximately 3.28% for ECH. Customers would see an increase of approximately 11.6% on a total bill (fuel and non-fuel) basis.

ECH is also proposing to move from a metered usage-based steam distribution charge to a fixed monthly capacity charge based on the equivalent cubic feet of a customer's building. The Steam Cost Rate ("SCR") for variable fuel charges will continue to be based on a customer's metered usage level.

V. WITNESSES AND EXHIBITS

ECH has already filed the following testimony, together with supporting exhibits:

1. Direct Testimony of Mark Schneider, President, East Region.

Mr. Schneider's business address is 111 South Commons Avenue, Pittsburgh, PA 15212. His testimony addressed: (1) the Company's physical assets, customer base, methods of providing service to customers, and corporate organization and governance; (2) the significant decrease in

consumption that necessitated the instant base rate filing; (3) ECH’s efforts to mitigate the need for base rate relief, (4) the competitive nature of the steam services business; and (5) the reasons for ECH’s proposal to move from a usage-based charge to a fixed monthly capacity charge for steam distribution service.

2. Direct Testimony of Keith L. Li, Consultant.

Mr. Li’s business address is 2710 Chadsworth Lane, Southport, NC 28461. Mr. Li prepared the revenue, expense, rate base, and rate of return claims of the Company. He also provided evidence to justify the claimed annual revenue increase as well as evidence to support the proposed rate structure.

ECH reserves the right to introduce the testimony of additional witnesses, based on the issues that arise during the course of this litigation. ECH will notify the other parties and the ALJs if it intends to introduce the testimony of such additional witnesses.

VI. PROCEDURAL SCHEDULE

The Parties have agreed to the following procedural schedule:

Event	Date
Prehearing Conference	Tuesday, October 8, 2025
Non-Company Direct Testimony	Wednesday, October 22, 2025
Rebuttal Testimony	Noon on Monday, November 3, 2025
Surrebuttal Testimony	Friday, November 7, 2025
Outline of oral rejoinder due	Noon on Wednesday, November 12, 2025
Evidentiary Hearings	Thursday, November 13 – Friday, November 14, 2025
Main Briefs Due	Friday, December 5, 2025
Reply Briefs Due	Tuesday, December 23, 2025

ECH does not oppose a public input hearing, but does not see a need for one.

VII. PROTECTIVE ORDER

On September 30, 2025, ECH filed a Petition for Protective Order, which is unopposed. ECH respectfully requests that the ALJs expeditiously issue an order granting this Petition.

VIII. DISCOVERY RULE MODIFICATIONS

The parties have agreed to the following modifications to the Commission's regulations regarding discovery in base rate case:

Until Rebuttal is served:

1. 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.
2. 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.
3. 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.
4. 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.
5. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
6. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.

7. 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 noon 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:

1. 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.
2. 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.
3. 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.
4. 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.
5. Requests for admission shall be deemed admitted unless answered or objected to within three (3) calendar days of service.
6. 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 noon on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.

IX. SETTLEMENT

ECH is open to a reasonable settlement in these proceedings and has already initiated outreach to the other parties regarding settlement discussions.

Respectfully submitted,



David P. Zambito, Esq. (PA ID #80017)
William A. Lesser, Esq. (PA ID #332951)
Jonathan P. Nase, Esq. (PA ID #44003)
Cozen O'Connor
17 North Second St., Suite 1410
Harrisburg, PA 17101
Phone: (717) 773-4191
Fax: (215) 372-2340
E-mail: dzambito@cozen.com
E-mail: wlesser@cozen.com
E-mail: jnase@cozen.com

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