

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	R-2025-3055959
	:	
Energy Center Harrisburg, LLC	:	

PREHEARING ORDER

On July 18, 2025, Energy Center Harrisburg, LLC (ECH or Energy Center Harrisburg) filed proposed Supplement No. 66 to Tariff Steam – PA PUC No. 4, containing proposed changes in rates, rules and regulations calculated to produce \$894,300 (11.6%) in additional annual revenues, an increase in residential customers’ bills using 8 Mlbs. of steam from \$215 to \$243 per month (13.0%), to become effective on September 16, 2025. By Order entered August 28, 2025, the Commission suspended the effective date of the proposed tariff supplement until April 16, 2026, and referred the proceeding to the Office of Administrative Law Judge for investigation into the lawfulness, justness and reasonableness of both Energy Center Harrisburg’s existing and proposed rates, rules and regulations.

On August 7, 2025, a Notice of Appearance of Steven C. Gray, Esquire, was filed on behalf of the Pennsylvania Office of Small Business Advocate (OSBA). On August 8, 2025, the OSBA filed a Complaint and Public Statement. On August 11, 2025, a Notice of Appearance of Carrie B. Wright, Esquire, was filed on behalf of the Commission’s Bureau of Investigation and Enforcement. On August 20, 2025, the Pennsylvania Office of Consumer Advocate (OCA) filed a Notice of Appearance for Christy Appleby, Esquire, and Harrison W. Breitman, Esquire, as well as a Complaint and Public Statement.

By Telephonic Prehearing Conference Notice dated September 29, 2025, the Commission scheduled a Telephonic Prehearing Conference in this proceeding for Wednesday, October 8, 2025, at 10:00 a.m. and assigned the undersigned as the Presiding Officers.

No other complaints or petitions to intervene have been filed to date.

The telephonic prehearing conference was held as scheduled on October 8, 2025.

The participants were:

ECH David P. Zambito, Esquire, William A. Lesser,
Esquire, Jonathan P. Nase, Esquire

I&E Carrie B. Wright, Esquire

OCA Harrison Breitman, Esquire and Christy Appleby,
Esquire

OSBA Steven C. Gray, Esquire

This Order sets forth the procedural matters addressed at the prehearing conference.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the active parties of record as of this date are ECH, I&E, OCA, and OSBA.
2. That the parties will inform us if any future complaints are filed in this matter.

3. That service on ECH shall be made on Mr. Zambito, Mr. Lesser and Mr. Nase; service on I&E shall be made on Ms. Wright; service on OCA shall be made on Mr. Breitman and Ms. Appleby; and service on OSBA shall be made on Mr. Gray. A service list is attached to this Order. Please direct any changes, corrections or additions to us. In the event that future complaints are filed, service on individual complainants shall be made directly.

4. That our e-mail distribution list is in the chart that follows. This email distribution list is important, and any changes or corrections should be communicated to us, via e-mail, as soon as possible.

Party	Counsel	E-mail
ECH	David P. Zambito, Esquire	dzambito@cozen.com
ECH	William A. Lesser, Esquire	wlesser@cozen.com
ECH	Jonathan P. Nase, Esquire	JNase@cozen.com
I&E	Carrie B. Wright, Esquire	carwright@pa.gov
OCA	Harrison Breitman, Esquire	Hbreitman@paoca.org
OCA	Christy Appleby, Esquire	Cappleby@paoca.org
OSBA	Steven C. Gray, Esquire	sgray@pa.gov

From Office of OALJ

Title	Name	E-mail
ALJ	Steve Haas	sthaas@pa.gov
ALJ	Charece Z. Collins	charcollin@pa.gov

5. That parties may arrange service among themselves as they agree. Electronic service of documents is permitted. Pursuant to 52 Pa. Code § 5.154(c), the parties are permitted without further order to limit the service of documents to parties who indicate that they do not wish to be served with such documents.

6. That parties may serve documents electronically by 4:30 p.m. to meet any required due date.

7. That pursuant to 52 Pa. Code § 5.342(d), the Commission's regulations relating to discovery are modified as proposed and agreed upon by the parties as follows:

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 in writing 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) calendar 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 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.

8. That the following procedural schedule is adopted:

Non-Company Direct Testimony	October 22, 2025
Rebuttal Testimony	November 3, 2025 (by 12:00 p.m.)
Public Input Hearing	November 6, 2025
Surrebuttal Testimony	November 7, 2025
Oral Rejoinder Outline	November 12, 2025 (by 12:00 p.m.)
Hearings (two days)	November 13-14, 2025 (10:00 a.m.)
Main Briefs	December 5, 2025
Reply Briefs ¹	December 23, 2025

The due dates included in the schedule will be considered “in-hand” dates, and electronic service on the due date will satisfy the “in-hand” requirement.

¹ Or the submission of a Joint Settlement Petition with accompanying statements in support. We thank the parties for any efforts made to attempt to settle this matter.

9. That the parties comply with the Commission's requirements for the preparation and service of written testimony. 52 Pa. Code § 5.412.

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

11. That the November 13 and 14, 2025 evidentiary hearings will be held in-person, unless any party requests with good reason that they be held virtually. Separate hearing notices have been served and published on the Commission's website. A three-day turnaround for the hearing transcript will be requested.

12. That any party, or anyone that a party plans to call as a witness, who needs an accommodation for a disability in order to participate in the hearings may request one. Please call the scheduling office for the Office of Administrative Law Judge (717) 787-1399 at least five (5) business days prior to the hearing to submit this request. If a party or witness requires an interpreter to participate in the hearing, we will have an interpreter present. Please call the scheduling office (717) 787-1399 at the PUC at least ten (10) business days prior to the hearing to submit a request. Persons who are deaf or hearing-impaired may call a relay operator at 711.

13. 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 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 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.

14. 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 and the Pennsylvania Rules of Evidence as applied to administrative hearings.

15. That the parties must comply with 52 Pa. Code §§ 5.501, *et seq.*, regarding the preparation and filing of briefs. 52 Pa. Code § 5.501(e) requires that “[b]riefs shall be as concise as possible.” **All briefs must be written pursuant to an identical outline.** Service of briefs can be made electronically by no later than 4:30 p.m. on the dates listed. Parties are directed to e-mail us a copy of 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.

16. That 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 fact (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.

17. That the parties are to confer among themselves to attempt to resolve all or some of the issues associated with the Complaints in this proceeding. The parties are commended for their willingness to discuss settlement. The parties are reminded that 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. If a settlement is reached, 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. Any settlement petition should also include proposed findings of

fact with page references to statements of testimony and exhibits, proposed conclusions of law, with legal citations and proposed ordering paragraphs.

18. That the parties shall comply with the procedural rules and regulations discussed herein.

19. 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).

Date: November 5, 2025

/s/
Steven K. Haas
Administrative Law Judge

/s/
Charece Z. Collins
Administrative Law Judge

**R-2025-3055959 - PA PUBLIC UTILITY COMMISSION v. ENERGY CENTER
HARRISBURG LLC**

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