

COMMONWEALTH OF PENNSYLVANIA



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November 6, 2025

Via Electronic Mail Only

Administrative Law Judge Jeffrey Watson
Administrative Law Judge Chad L. Allensworth
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Pa. Public Utility Commission

v.

Columbia Gas of Pennsylvania
Docket Nos. G-2025-3056022;
R-2018-2647577

Dear Your Honors:

Enclosed please find a Motion for Judgment on the Pleadings and Notice to Plead, filed on behalf of the Office of Consumer Advocate (OCA) and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), in this matter.

If you have any questions, please contact the Office of Consumer Advocate.

Respectfully submitted,

/s/ Ryan Morden

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Enclosures

cc: PUC Secretary Matthew L. Homsher
Certificate of Service

CERTIFICATE OF SERVICE

| | | |
|-------------------------------|---|-----------------------------|
| Pa. Public Utility Commission | : | |
| | : | |
| v. | : | Docket Nos. G-2025-3056022; |
| | : | R-2018-2647577 |
| Columbia Gas of Pennsylvania | : | |
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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 Motion for Judgment on the Pleadings and Notice to Plead, filed on behalf of the OCA and CAUSE-PA, 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 6th day of November, 2025.

SERVICE BY E-MAIL ONLY

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Counsel for:
Darryl A. Lawrence
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

| | | |
|--|---|-----------------------------|
| Pennsylvania Public Utility Commission | : | Docket Nos.: G-2025-3056022 |
| | : | |
| v | : | R-2018-2647577 |
| | : | |
| Columbia Gas of Pennsylvania, Inc. | : | |

NOTICE TO PLEAD

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You are hereby notified pursuant to 52 Pa. Code §§ 5.102(a) and 5.103(b) that a responsive pleading must be filed within twenty (20) days of the date of service of the following Joint Motion for Judgment on the Pleadings.

Respectfully submitted,

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Dated: November 6, 2025

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Darryl A. Lawrence
Consumer Advocate

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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| Pennsylvania Public Utility Commission | : | |
| | : | Docket Nos. G-2025-3056022 |
| v. | : | R-2018-2647577 |
| | : | |
| Columbia Gas of Pennsylvania, Inc. | : | |
| | : | |

**JOINT MOTION FOR JUDGMENT ON THE PLEADINGS
OF THE
OFFICE OF CONSUMER ADVOCATE AND THE
COALITION FOR AFFORDABLE UTILITY SERVICES
AND ENERGY EFFICIENCY IN PENNSYLVANIA**

Pursuant to 52 Pa. Code Section 5.102(a), the Office of Consumer Advocate (OCA) and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), by and through its counsel at the Pennsylvania Utility Law Project (PULP), jointly move for judgment on the pleadings and dismissal of the above-captioned proceeding involving Columbia Gas of Pennsylvania, Inc. (Columbia or the Company).

On June 30, 2025, Columbia filed a letter with the Commission under Columbia’s 2018 Rate Case docket to serve as notice of its plan to implement the practice of on-bill billing for Columbia customers. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, Letter (June 30, 2025) (*June 30, 2025 Letter*). Also on June 30, 2025, Columbia filed a letter seeking approval for an Affiliated Interest Agreement (AIA) under Section 2102 of the Public Utility Code. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. G-2025-3056022, Letter (June 30, 2025) (*June*

30, 2025 AIA Letter).

As explained below, the OCA and CAUSE-PA are entitled to judgment in their favor as a matter of law as Columbia's Letter is a deficient and procedurally unlawful filing. Columbia filed its Letter on June 30, 2025, to a rate case docket that concluded December 6, 2018, and for which the record was formally closed on September 17, 2018. Neither the Commission nor the ALJ in Columbia's 2018 base rate case provided an open-ended opportunity to make the June 30, 2025 compliance filing. *Columbia 2018 BRC*, Order (December 6, 2018), Order (August 8, 2019).

Columbia's attempt to implement a *new* "on bill" billing program through what it classifies as a "compliance filing" in a rate case proceeding that concluded nearly seven years ago is contrary to the Public Utility Code and the Commission's regulations. 52 Pa. Code §§ 5.41, 5.61. The OCA and CAUSE-PA respectfully ask that Administrative Law Judge Jeffrey A. Watson and Administrative Law Judge Chad L. Allensworth dismiss Columbia's filing without prejudice, which would allow the Company to properly file an Application or Petition to implement an on-bill billing program pursuant to the Commission's regulations in Sections 5.11, 5.12, 5.41 of the Code for the parties and the Commission to properly evaluate. *Id.*

I. BACKGROUND

1. In Columbia's *June 30, 2025 AIA Letter*, Columbia indicated that it is seeking Commission approval of an affiliate interest agreement with NiSource Dev. Co., whereby Columbia will provide, and be compensated for, certain billing services related to Pivotal, a non-affiliated third-party. *June 30, 2025 AIA Letter*. The *June 30, 2025 AIA Letter* stated that, under an agreement between NiSource Dev. Co. and Pivotal, Pivotal will offer warranty service plans, products, and services to Columbia's customers and that NiSource Dev. Co. will grant a non-exclusive right and license for service marks to be used to market Pivotal's products. *Id.* This agreement would permit NiSource Dev. Co. to receive a revenue share percentage for the purchase

of Pivotal's products by Columbia's customers. *Id.* Columbia's *June 30, AIA 2025 Letter* further indicates that NiSource Corporate Services Company (NiSource Service Co.), on behalf of Columbia, will provide billing services offered by Pivotal to Columbia customers in exchange for Pivotal's payment of certain fees, including annual and monthly service fees. *Id.*

2. In 2018, Columbia was directed to discontinue its practice of on-bill billing or bring its practice into compliance with Sections 1502 and 2203(4) of the Public Utility Code within 60 days of the entry date of the Order. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, Order at 54 (Dec. 6, 2018) (*December 6, 2018 Order*) citing 66 Pa. C.S. §§ 1502, 2203(4). Subsequently, Columbia was directed by the Commission to end on-bill billing in the 2018 Rate Case docket. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, Order (August 8, 2019) (*Columbia 2018 BRC*).

3. In the same Docket (R-2018-2647577), the following relevant activity took place:

A. The Commission found that, as Columbia permitted two third-party entities to participate in "on-bill" billing but disallowed a third entity from participating, Columbia violated the prohibition on discrimination in provision of service under Sections 1502 and 2204 of the Public Utility Code. *December 6, 2018 Order* at 50.

B. On March 18, 2019, Columbia filed a report with the Commission stating that, rather than bring its on-bill billing practice in compliance with Section 1502 and 2203(4) of the Public Utility Code, it would end its practice of "on bill" billing. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, Report (March 18, 2019) (*March 18, 2019 Report*).

C. In its *March 18, 2019 Report*, Columbia stated that, in accord with its plan to discontinue "on bill" billing, Columbia would not renew the contracts for the two entities participating in the practice wherein one contract would end in September 2019, and the second contract would end in January 2023. *Id.*

D. On August 8, 2019, the Commission issued an Order rejecting Columbia's

plan to allow the two third-party contracts to run their course and required Columbia to end its “on-bill” billing practice with the two third party entities within two customer billing cycles. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, Order at 11-12 (Aug. 8, 2019) (*August 8, 2019 Order*).

E. In its *August 8, 2019 Order*, the Commission stated, “the plan presented in Columbia’s Compliance Report does not bring Columbia’s ‘on bill’ billing practice into compliance with the Commission’s December 6 Order or Sections 1502 and 2203(4) of the Public Utility Code in a timely manner.” *Id.* (emphasis added).

F. On November 7, 2019, Columbia filed a report with the Commission stating that the two contracts with the third-party entities had ended in compliance with the August 8, 2019, Order, and that Columbia discontinued its “on-bill” billing practice. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, Report (Nov. 7, 2019).

G. In the *June 30, 2025 Letter*, Columbia stated that it filed the letter “[i]n compliance with the Commission’s December 6, 2018, Order” and that Columbia would permit all entities that wish to participate in “on-bill” billing on a non-discriminatory basis. *See June 30, 2025 Letter*. Columbia provided scant details in its *June 30, 2025 Letter* for how this new on-bill billing program will operate, and it is unclear whether and to what extent entities were notified of the filing.

4. On August 5, 2025, the OCA filed a Protest and Public Statement. On August 25, 2025, Columbia filed an Answer to the OCA’s Protest.

5. On August 29, 2025, CAUSE-PA filed a Protest. On September 18, 2025, Columbia filed an Answer to CAUSE-PA’s Protest.

6. The Office of Administrative Law Judge assigned the matter to the Honorable Jeffrey Watson and Honorable Chad L. Allensworth to preside over this matter. On October 8, 2025, Judges Watson and Allensworth issued a Prehearing Conference Notice and Prehearing

Conference Order, scheduling a telephonic Prehearing Conference on Wednesday, November 12, 2025.

II. STANDARD OF REVIEW

7. Pursuant to Section 5.102 of the Utility Code, "[a]fter the pleadings are closed, but within a time so that the hearing is not delayed, a party may move for judgment on the pleadings or summary judgment. A motion must contain a notice which states that an answer or other responsive pleading shall be filed within 20 days of service of the motion." 52 Pa. Code § 5.102(a).

8. The Presiding Officers are to grant judgment on the pleadings if the applicable pleadings show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law. 52 Pa. Code § 5.102(d)(1).

9. In considering a motion for judgment on the pleadings, the Commission must accept all of the non-movant's well-pled allegations as true and should grant judgment when the pleadings show there are no material facts in dispute so that a hearing is unnecessary. *See Chester Water Auth. v. Pa. PUC*, 822 A.2d 146, 150 (Pa. Cmwlth 2003), rev'd on other grounds, *Chester Water Auth. v. Pa. PUC*, 868 A.2d 384 (2005) ("*Chester Water Auth.*"). When determining whether to grant the motion, only the pleadings and any documents properly attached to them may be considered. *Id.*

10. For the reasons set forth below, it is clear that Columbia has failed to plead facts which, if taken as true, would allow it relief. As such, this Joint Motion for Judgment on the Pleadings should be granted and Columbia's Letter should be dismissed.

III. ARGUMENT

A. Columbia's attempt to implement a new affiliated interest agreement through a 2018 base rate case docket contravenes Commission precedent, regulation, and public policy.

11. In its Answers to the OCA and CAUSE-PA's Protests, Columbia admitted that it

filed what it characterized as a “Notice of Compliance” in docket number R-2018-2647577. Columbia Answer to OCA at 3; Columbia Answer to CAUSE-PA at 4. As a matter of law, Columbia’s filing contravenes the Commission’s orders in the *Columbia 2018 BRC* docket and the Commission’s regulations.

According to the Commission’s regulations on reports of compliance:

(a) A person subject to the jurisdiction of the Commission who is required to do or perform an act by a Commission order, permit or license provision shall file with the Secretary a notice stating that the requirement has or has not been met or complied with.

(b) The notice shall be filed **within 30 days** following the date when the requirement becomes effective, unless the Commission, by regulation, by order or by making specific provision thereof in a license or permit, provides otherwise for compliance or proof of compliance. The notice shall be accompanied by a verification in accordance with § 1.36 (relating to verification and affidavit).

52 Pa. C.S. § 5.591 (emphasis added).

12. Columbia already complied with the obligations related to its on-bill billing practices in the *Columbia 2018 BRC* through its March 18, 2019 letter notifying the Commission that it was discontinuing its on-bill billing program. Columbia’s June 30, 2025 “Compliance Filing” was submitted 2,368 days past the regulatory deadline for compliance filings in this proceeding. 52 Pa. C.S. § 5.591(b). By order, the Commission provided Columbia with 60 days, two-times the default regulatory time frame of 30 days, to submit a notice of compliance with its order. *December 6, 2018 Order* at 50-51 (“As such, we shall require Columbia to report to this Commission’s Bureau of Technical Utility Services, within 60 days of the entry day of this Opinion and Order, its methodology for coming into compliance with Section 1502 of the Code.”). On March 18, 2019, Columbia filed a report with the Commission stating that Columbia opted to discontinue its on-bill billing practice rather than bring it into compliance. *March 18, 2019 Report*. The Commission stated that Columbia failed to bring its “on-bill” billing in Compliance in a

“timely manner.”¹ *August 8, 2019, Order* at 8 (“We reiterate that in the December 6 Order, we directed Columbia to either provide access to the ‘on bill’ billing service to all entities that provide such non-basic services or discontinue the ‘on bill’ billing policy.”). Nothing about Columbia’s *June 30, 2025 Letter* filing could be interpreted as “timely.” Indeed, no reasonable mind could interpret the Commission’s orders in the *Columbia 2018 BRC* to permit or invite a subsequent compliance filing, nearly seven years later, that would disrupt a long-resolved matter.

13. Further, the proposal in Columbia’s filing is an entirely new program. Columbia is not proposing to adjust its previously existing on-bill billing program. Columbia was ordered to discontinue that program nearly seven years ago. As noted, Columbia’s *June 30, 2025 Letter* contains scant details about the mechanics of its newly proposed on-bill billing program, and it is unclear whether entities outside the *Columbia 2018 BRC* were properly informed of Columbia’s new program proposal. The scant details that were provided in Columbia’s *June 30, 2025 Letter* raise substantial questions as to the prudence of the new program, which on its face purports to sell private customer data to third party marketers. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2025-3053499, Recommended Decision at 639-640, 644-645, 647-648 (Oct. 3, 2025). Thus, given the novel issues raised in Columbia’s newly proposed on-bill billing program, OCA and CAUSE-PA submit that Columbia must file a formal request with the Commission to implement the new program. This must be done through either a Petition or an Application. Columbia’s filing does not meet the criteria. 52 Pa. Code §§ 5.11, 5.12, 5.41.

¹ Also in the *August 8, 2019 Order*, the Commission rejected Columbia’s plan to discontinue “on bill” billing. *August 8, 2019 Order*. The *December 6, 2018 Order* provided two options: either discontinue “on bill” billing or bring the practice into compliance. *December 6, 2019 Order*. In its *March 18, 2019 Report*, Columbia elected to discontinue “on bill” billing by letting the remaining contracts for third party services run their course and not renew. *March 18, 2019 Report*. In the *August 8, 2019 Order*, the Commission rejected Columbia’s plan and ordered it to end its contracts immediately. *August 8, 2019 Order*. The 2018 R-Docket was never intended to be an open-ended docket for Columbia to make future compliance filings at a time of its choosing.

14. The Commission's regulations states as follows regarding applications:

§ 5.11. Applications generally.

(a) Applications for authorization or permission filed with the Commission should conform to the requirements of this chapter. To the extent practicable, applications should conform to the requirements of § 3.551 (relating to official forms).

52 Pa C.S. § 5.11 (a).

15. The Commission also requires as follows regarding the content of applications:

§ 5.12. Contents of applications.

(a) Applications must conform to this section unless a form or other specific requirements are provided in Chapter 3 (relating to special provisions). Applications must:

(1) Be in writing.

(2) State clearly and concisely the authorization or permission sought.

(3) Cite by appropriate reference the statutory provisions, regulations or other authority under which the Commission authorization or permission is sought.

(4) Set forth, in the order indicated, the following-unless otherwise provided by this chapter or in Chapter 3 for the specific type of application involved:

(i) The exact legal name of the applicant.

(ii) The jurisdiction under the statutes of which the applicant was created or organized and the location of the principal place of business of the applicant, when the applicant is a corporation, trust, association or other entity.

(iii) The name, title, mailing address, telephone number and electronic mail address, if available, of the person to whom correspondence or communication in regard to the application is to be addressed. The Commission will serve, when required, notices, orders and other papers upon the person named, and service will be deemed to be service upon the applicant.

52 Pa. C.S. § 5.12 (a).

16. Section 5.41 contains similarly prescriptive requirements for a Petition, indicating that "Petitions for relief under the act or other statute that the Commission administers, must be in writing, state clearly and concisely the interest of the petitioner in the subject matter, the facts and law relied upon, and the relief sought." 52 Pa. C.S. § 5.41.

17. Importantly, both the Application and Petition process provide for public notice and the opportunity to be heard regarding the Company’s proposal. 52 Pa. Code §§ 5.14, 5.41. By attempting to introduce its proposal through a letter filed at a closed docket, Columbia is attempting to effectively circumvent the due process rights of its customers and other interested stakeholders.

18. Columbia’s June 30, 2025 Letter not only failed to provide proper notice, it also fails to meet even the most basic requirements of an Application or Petition to state the authorization or permission for the relief sought. In fact, Columbia’s filing seems to assume that it does not need authorization or permission from the Commission to implement a new on-bill billing program. To the contrary, Columbia’s newly proposed on-bill billing program clearly requires Commission authorization, as it requires the Commission to overturn its prior orders and introduces a host of consumer protection concerns, including the program’s compliance with all applicable statutes and Commission regulation.

19. “On-bill” billing is when regulated utility companies provide charges for non-commodity products or services offered by third-party entities on the utility bill. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, RD at 106-107 (Sept. 18, 2018). The Commission required that Columbia bring its “on bill” billing practice into compliance with Section 1502 and 2203(4) of the Public Utility Code. *December 6, 2018 Order*. Section 1502 states as follows:

No public utility shall, as to service, make or grant any unreasonable preference or advantage to any person, corporation, or municipal corporation, or subject any person, corporation, or municipal corporation to any unreasonable prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to service, either as between localities or as between classes of service, but this section does not prohibit the establishment of reasonable classifications of service.

66 Pa. C.S. § 1502.

Section 2203(4) states:

(4) Consistent with the provisions of section 2204, the commission shall require

that a natural gas distribution company that owns or operates jurisdictional distribution facilities shall provide distribution service to all retail gas customers in its service territory and to all natural gas suppliers, affiliated or nonaffiliated, on nondiscriminatory rates, terms of access and other conditions.

66 Pa. C.S. § 2203(4).

20. The Commission found Columbia's on-bill billing practices were discriminatory and in violation of law and gave Columbia just 60 days to bring its practices into compliance.² Neither the Commission nor the Code grants Columbia additional time to demonstrate that it is compliant or permits approval of a new affiliated agreement through the filing of a letter. Columbia affirmatively notified the Commission and the parties that the program was discontinued. Now, nearly seven years after the record was closed, Columbia presumes that it can provide itself a new opportunity for a "compliance filing" in a closed rate case proceeding instead of filing an Application or Petition in accordance with the Commission's regulations. 52 Pa. Code § 5.11. Indeed, the Commission already determined in this docket that Columbia's on-bill billing practices were discriminatory and in violation of the law.

21. Columbia argues that the *December 6, 2018 Order* from the Commission does not prohibit it from ever implementing an "on bill" billing program. *Columbia Answer to OCA* at 3. However, Columbia chose to implement its "on bill" billing practice through a "Notice of Compliance" instead of requesting Commission approval through an Application or Petition as required under Sections 5.11 and 5.41. 52 Pa. Code §§ 5.11, 5.41. This attempted contravention of the Commission's regulations denies the parties reasonable due process to conduct a full investigation into Columbia's proposal and creates an untenable precedent that would permit

² In its *June 30, 2025 AIA Letter*, Columbia confirms that the Commission provided it only two options: "[T]he Commission required Columbia *either* to provide "on bill" billing service for non-commodity goods and service to all parties that request billing for such non basic services *or* to discontinue its then-current policy of providing that service to certain parties only. On November 7, 2019, Columbia filed a Notice of Compliance in which it notified the Commission that it had opted out of providing billing services for entities who provide non-basic services to Columbia's customers. Columbia will be submitting a separate filing with the Commission to re-instate billing services on a non-discriminatory basis to entities that provide non-basic services to its Customers." *June 30, 2025, AIA Letter*, Fn. 2 (emphasis added).

utilities to pursue major policy and programmatic changes at any time through a compliance filing at a long-closed docket and with respect to a long-decided issue.

22. The Honorable Jeffrey A. Watson presided over the *Columbia 2018 BRC* and on September 17, 2018, ALJ Watson issued an Interim Order declaring that “the hearing record in this proceeding is closed.” (*Sept. 19 Interim Order*). Columbia, the OCA, CAUSE-PA, and other parties from the 2018 Rate Case entered into a Partial Settlement, which affirmed that the OCA’s Formal Complaint was deemed satisfied. *Columbia 2018 BRC*, Joint Petition for Partial Settlement at 22 (August 31, 2018). Section 5.24 of the Commission’s regulations state: “the respondent may provide a certified writing to the Commission that it has addressed the complaint and at least one of the following: (1) That the complainant has acknowledged satisfaction to the respondent. (2) That the complainant has acknowledged to the respondent that the complainant no longer wishes to pursue the complaint.” 52 Pa. Code § 5.24(b). Within the ordering paragraphs of the Joint Petition for Partial Settlement, the Settling Parties included the following provision: “That the Commission's investigation at Commission Docket R2018-2647577 and P-2018-2641257, and the Complaints of the OCA (C-2018-3000582), OSBA (C-2018-3000773), PSU (C-2018-3001034), and CII (C-2018-3001047) be marked closed.” *Columbia 2018 BRC*, Joint Petition for Partial Settlement at 22 (August 31, 2018). The partial settlement was then approved by the Commission. *December 6, 2018 Order* at 51-52.

23. The terms and conditions of the rate proceeding’s Partial Settlement were subsequently approved and adopted. *December 6, 2018 Order* at 51-53. The same Order deemed the OCA’s Formal Complaint in that proceeding “satisfied and marked closed.” *Id.* The *December 6, 2018 Order* set the 2018 Rate Case docket for final resolution, but-for the 60 days Columbia was offered to bring its on-bill billing practices into compliance. As noted above, Columbia responded by submitting a compliance filing indicating it “discontinued its on-bill billing practices.” *See* Columbia Notice of Compliance (submitted Nov. 7, 2019).

24. It is improper for Columbia to now, nearly seven years later, attempt to revive that closed record through submission of another “compliance filing” – which includes substantial assertions of fact outside the closed record and, as discussed above, runs contrary to the Commission’s orders with regard to Columbia’s “on bill” billing practices.

Regarding the case closings, Section 5.431 of the Code states:

(a) The record will be closed at the conclusion of the hearing unless otherwise directed by the presiding officer or the Commission.

(b) After the record is closed, additional matter may not be relied upon or accepted into the record unless allowed for good cause shown by the presiding officer or the Commission upon motion.

52 Pa. Code § 5.431.

25. The record in the 2018 rate proceeding is closed. *Columbia 2018 BRC*, R-2018-2647577, Interim Order Addition the Joint Petition for Partial Settlement and Attached Appendices A through M, and Closing the Hearing Record In This Proceeding (Interim Order Sept. 19, 2018) (Sept. 19 Interim Order). Moreover, Columbia did not file a motion requesting that additional matter be entered into the record through a showing of good cause. See 52 Pa. Code § 5.431. The 2018 Rate Case docket is an improper avenue for Columbia to start a new on-bill billing program.

26. With the 2018 matter concluded, Columbia’s June 30 Letter has not only sought to insert new facts into a long-closed record, it has also brought about confusion among parties involved with the *Columbia 2018 BRC* – as well as unnecessary added expense for the parties to this long-closed proceeding. Several parties listed on the Certificate of Service to the *Columbia 2018 BRC* no longer work for or otherwise represent the organizations involved in that proceeding. This confusion was clear when multiple parties to the *Columbia 2018 BRC* docket e-mailed the parties to request that they be removed from service – despite the fact they are still listed as parties of record in the long-closed docket. See Appendix A. One party recently filed a formal motion to withdraw from the *Columbia 2018 BRC* docket, even though their Formal Complaint was deemed

satisfied and formally closed by the Commission nearly 7 years ago. *See* Columbia Industrial Intervenors (CII) Withdrawal of Complaint (Oct. 20, 2025); *see also* Order at Ordering Paragraph 13 (Dec. 6, 2018).

27. Columbia was provided multiple options by the Commission and multiple orders were issued clearly instructing Columbia and all other parties to the proceeding. Instead of filing an Application or Petition to permit “on bill” billing and all necessary paperwork in accordance with the Commission’s regulations, Columbia chose to file a “Notice of Compliance” to introduce a new on-bill billing program over half a decade after its 2018 R-Docket closed. Since then, Columbia has filed six base rate cases. *See Pa. PUC v. Columbia*, Docket Nos. R-2019-3010039, R-2020-3018835, R-2021-3024296, R-2022-3031211, R-2024-3046519, and R-2025-3053499. Columbia’s attempt to implement a new on-bill billing program through a closed 2018 Rate Case docket is deficient as a matter of law.

28. Permitting companies to simply file a “Notice of Compliance” to request the Commission’s authorization to implement a new on-bill billing program in a previously closed rate case docket contradicts the Commission’s previous orders, contravenes the Commission’s regulations, and is contrary to the public interest. Indeed, Columbia’s proposal is brand new, and includes complex program features and factual assertions that require appropriate de novo review to determine the justness and reasonableness of Columbia’s on-bill billing program and its associated affiliated interest agreement.

B. Columbia’s compliance letter lacks a Verification.

29. Columbia’s *June 30, 2025 Letter*, is further defective because it was not accompanied by Verification in accordance with Sections 5.591 and 1.36 (whereas the *March 18 2019 Report* Columbia filed contained a Verification signed by Nicole Paloney, Director of Rates and Regulatory Affairs). 52 Pa. Code §§ 5.591, 1.36.

30. All pleadings containing an averment of fact not appearing of record in the action

or containing a denial of fact must be verified, meaning a signed written statement of fact supported by oath or affirmation or made subject to the penalties relating to unsworn falsification to authorities. 52 Pa. Code § 1.36; 18 Pa. C.S. § 4904. The verification provides a solemn, legally binding oath that the information in a document is true, upholding the integrity of the judicial process and preventing fraud. This process holds the signatory accountable for the accuracy of their statements and is necessary to permit admission of the document into the record. Without verification, the Commission, ALJs, and the parties do not know who is making the factual averments and, in turn, who will be subject to cross examination under oath relative to those averments. The absence of a verification, we do not know whether that person has the requisite knowledge or any foundation for the averments contained within the document.

31. Columbia’s so-called “compliance filing” contains multiple factual averments not appearing of record, without any verification regarding the accuracy of those statements. As explained throughout this Motion, Columbia’s filing is improper, should be rejected as an improper pleading, and is contrary to both the ALJ’s and the Commission’s determinations in the docket in which it was filed.

C. The Commission does not have discretion to waive the procedural defects of Columbia’s compliance filing because waiver would negatively affect the substantive rights of the OCA and PULP..

32. Section 1.2 of the Commission’s regulations allow the presiding officer to “disregard an error or defect of procedure which does not affect the substantive rights of the parties.” 52 Pa. Code § 1.2. In this instance, Columbia’s decision to file its request to implement a new on-bill billing program through a letter filed to a docket closed nearly seven years ago would negatively affect the substantive rights of the parties as well as other potentially interested parties. As noted, since the 2018 rate case, where the Commission struck down Columbia’s on-bill billing program, Columbia has filed six distribution rate cases. The parties to those intervening cases – and the potentially interested parties thereto – have changed. Indeed, the policy landscape has

changed considerably since 2018, and just one of the Commissioners seated at the time of the 2018 proceeding are still seated today. In that time, the interested parties – and those Columbia should have served with an Application or Petition for approval of a new on-bill billing program – may have changed. By filing to a closed docket, Columbia deprived interested parties (beyond those who were party to the 2018 rate case) of the opportunity to intervene or otherwise file a Protest in this matter.

33. As explained above, given the lack of sworn verification, Columbia's procedurally deficient letter also lacks any factual evidence from which to evaluate Columbia's proposal, placing OCA, CAUSE-PA, and other interested parties at a procedural disadvantage – unnecessarily complicating the orderly investigation of Columbia's filing and hampering parties' ability to fairly evaluate Columbia's proposal.

34. This is not a case where the Commission's procedural discretion is warranted. Allowing Columbia's improper filings to move forward would not only prejudice OCA, CAUSE-PA and other potential interested parties, it would also reward obfuscation and set a dangerous precedent – requiring all parties who come before the Commission to monitor long-settled and closed dockets for subsequent filings that may fundamentally change what was once a decided outcome in the case.

IV. CONCLUSION

WHEREFORE, the OCA and CAUSE-PA respectfully request that the Honorable Administrative Law Judge Jeffrey A. Watson and the Honorable Administrative Law Judge Chad L. Allensworth dismiss Columbia's letter styled as a Compliance Filing as a matter of law because it is procedurally deficient, contrary to the ALJ and Commission determinations in the docket, violates public policy, violates the public utility code, and is contrary to the Commission's regulations. As Protestants in this matter, the OCA and CAUSE-PA are entitled to relief as a matter of law.

Respectfully submitted,

/s/ Elizabeth R. Marx

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Counsel for:
Darryl A. Lawrence
Consumer Advocate

Dated: November 6, 2025

From: Dan Clearfield <DClearfield@eckertseamans.com>
Sent: Wednesday, October 1, 2025 1:48 PM
To: Keuper \ Krista \ Anne <KKeuper@nisource.com>; Kaster, Allison C. <akaster@pa.gov>; Lawrence, Darryl A. <DLawrence@paoca.org>; Breitman, Harrison W. <HBreitman@paoca.org>; jlvullo@bvrrlaw.com; Sniscak, Thomas <tjsniscak@hmslegal.com>; cmincavage@mcneeslaw.com; Marx, Elizabeth R <emarxpulp@palegalaid.net>; osba@pa.gov; Stewart, Todd <tsstewart@hmslegal.com>; Diskin, Paul T. <pdiskin@pa.gov>
Cc: Farah \ Emily <efarah@nisource.com>; Tunilo \ Candis \ Annette <ctunilo@nisource.com>
Subject: RE: G-2025-3056022 and R-2018-2647577 responses to data requests OCA Set 1

Hello. I would appreciate it if you and the parties would remove me from this email. Neither I nor Eckert is representing any party in this proceeding. Thanks!



Dan Clearfield
Member
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213 Market Street, 8th Floor | Harrisburg, PA 17101
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From: Keuper \ Krista \ Anne <KKeuper@nisource.com>
Sent: Wednesday, October 1, 2025 12:58 PM
To: akaster@pa.gov; Darryl Lawrence <dlawrence@paoca.org>; Breitman, Harrison W. <hbreitman@paoca.org>; jlvullo@bvrrlaw.com; Thomas J. Sniscak (tjsniscak@hmslegal.com) <tjsniscak@hmslegal.com>; cmincavage@mcneeslaw.com; emarxpulp@palegalaid.net; osba@pa.gov; Todd Stewart <tsstewart@hmslegal.com>; Dan Clearfield <DClearfield@eckertseamans.com>; Diskin, Paul T. <pdiskin@pa.gov>
Cc: Farah \ Emily <efarah@nisource.com>; Tunilo \ Candis \ Annette <ctunilo@nisource.com>
Subject: [EXTERNAL] G-2025-3056022 and R-2018-2647577 responses to data requests OCA Set 1

Today Columbia Gas of Pennsylvania, Inc. is providing their responses to the following data requests in the above referenced proceeding:

Non-Confidential Responses:

OCA Set 1: 001 through 028

Confidential/Highly Confidential/Proprietary Responses:

OCA Set 1: 1-001 Attachment A, 1-002 Attachment A; 1-023 Attachment A

Please note that the Highly Confidential responses will only be made available to parties of record who have executed the appropriate Non-Disclosure Agreement.

From: [Breitman, Harrison W.](#)
To: [Marden, Ryan](#)
Subject: FW: G-2025-3056022 and R-2018-2647577 responses to data requests OCA Set 1
Date: Monday, October 27, 2025 2:25:01 PM
Attachments: [image352832.png](#)
[image963963.png](#)
[image041731.png](#)
[image398069.png](#)
[image673333.png](#)
[image018288.png](#)
[image849574.png](#)
[image077224.png](#)
[image047400.png](#)
[image555331.png](#)
[Outlook-MAIN LOGO](#)

From: Todd Stewart <TSSStewart@hmslegal.com>
Sent: Wednesday, October 1, 2025 2:33 PM
To: Elizabeth Marx <emarx@pautilitylawproject.org>; Clearfield, Daniel <dclearfield@eckertseamans.com>; Keuper \ Krista \ Anne <KKeuper@nisource.com>; Kaster, Allison C. <akaster@pa.gov>; Lawrence, Darryl A. <DLawrence@paoca.org>; Breitman, Harrison W. <HBreitman@paoca.org>; jlvullo@bvrllaw.com <jlvullo@bvrllaw.com>; Sniscak, Thomas <tjsniscak@hmslegal.com>; cmincavage@mcneeslaw.com <cmincavage@mcneeslaw.com>; osba@pa.gov <osba@pa.gov>; Diskin, Paul T. <pdiskin@pa.gov>
Cc: Farah \ Emily <efarah@nisource.com>; Tunilo \ Candis \ Annette <ctunilo@nisource.com>
Subject: Re: G-2025-3056022 and R-2018-2647577 responses to data requests OCA Set 1

Well that is awkward - I guess I will just keep deleting.

Todd S. Stewart | Partner

HMS Legal LLP

Phone : +1.717.236.1300 | Direct: +1.717.703.0806

From: Elizabeth Marx <emarx@pautilitylawproject.org>
Sent: Wednesday, October 1, 2025 2:30 PM
To: Todd Stewart <TSSStewart@hmslegal.com>; Dan Clearfield <DClearfield@eckertseamans.com>; Keuper \ Krista \ Anne <KKeuper@nisource.com>; akaster@pa.gov <akaster@pa.gov>; Lawrence, Darryl A. <DLawrence@paoca.org>; Breitman, Harrison W. <hbreitman@paoca.org>; jlvullo@bvrllaw.com <jlvullo@bvrllaw.com>; Thomas Sniscak <TJSniscak@hmslegal.com>; cmincavage@mcneeslaw.com <cmincavage@mcneeslaw.com>; osba@pa.gov <osba@pa.gov>; Diskin, Paul T. <pdiskin@pa.gov>
Cc: Farah \ Emily <efarah@nisource.com>; Tunilo \ Candis \ Annette <ctunilo@nisource.com>
Subject: Re: G-2025-3056022 and R-2018-2647577 responses to data requests OCA Set 1

Dan, Todd -

I believe you were both counsel for active parties in Columbia's 2018 Rate Case, and the crux of this issue is with a compliance filing Columbia made to that docket. The G docket is related, but the issue spans both the new and old docket. So, unfortunately for your inbox, I don't know that the procedural rules allow us to remove you from the service list unless you were to formally withdraw from the case so you are no longer a party of record.

Best,
Liz

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From: Todd Stewart <TSSStewart@hmslegal.com>
Sent: Wednesday, October 1, 2025 2:00 PM
To: Dan Clearfield <DClearfield@eckertseamans.com>; Keuper \ Krista \ Anne <KKeuper@nisource.com>; akaster@pa.gov <akaster@pa.gov>; Lawrence, Darryl A. <DLawrence@paoca.org>; Breitman, Harrison W. <hbreitman@paoca.org>; jlvullo@bvrllaw.com <jlvullo@bvrllaw.com>; Thomas Sniscak <TJSniscak@hmslegal.com>; cmincavage@mcneeslaw.com <cmincavage@mcneeslaw.com>; Elizabeth Marx <emarx@pautilitylawproject.org>; osba@pa.gov <osba@pa.gov>; Diskin, Paul T. <pdiskin@pa.gov>
Cc: Farah \ Emily <efarah@nisource.com>; Tunilo \ Candis \ Annette <ctunilo@nisource.com>

Subject: Re: G-2025-3056022 and R-2018-2647577 responses to data requests OCA Set 1

same here. I am not in this case

Todd S. Stewart | Partner

HMS Legal LLP

Phone : +1.717.236.1300 | Direct: +1.717.703.0806

From: Dan Clearfield <DClearfield@eckertseamans.com>

Sent: Wednesday, October 1, 2025 1:47 PM

To: Keuper \ Krista \ Anne <KKeuper@nisource.com>; akaster@pa.gov <akaster@pa.gov>; Lawrence, Darryl A. <DLawrence@paoca.org>; Breitman, Harrison W. <hbreitman@paoca.org>; jvullo@bvrllaw.com <jvullo@bvrllaw.com>; Thomas Sniscak <TJSniscak@hmslegal.com>; cmincavage@mcneeslaw.com <cmincavage@mcneeslaw.com>; emarxpulp@palegalaid.net <emarxpulp@palegalaid.net>; osba@pa.gov <osba@pa.gov>; Todd Stewart <TStewart@hmslegal.com>; Diskin, Paul T. <pdiskin@pa.gov>

Cc: Farah \ Emily <efarah@nisource.com>; Tunilo \ Candis \ Annette <ctunilo@nisource.com>

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Cc: Farah \ Emily <efarah@nisource.com>; Tunilo \ Candis \ Annette <ctunilo@nisource.com>

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

| | | |
|--|---|----------------------------|
| Pennsylvania Public Utility Commission | : | Docket Nos. G-2025-3056022 |
| v. | : | R-2018-2647577 |
| Columbia Gas of Pennsylvania, Inc. | : | |

VERIFICATION

I, Darryl A. Lawrence, hereby state that the facts set forth in the Office of Consumer Advocate and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania's Joint Motion for Judgement on the Pleadings, are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: November 6, 2025

Signature: /s/ Darryl A. Lawrence
Darryl A. Lawrence
Consumer Advocate

Address: Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

