



COMMONWEALTH OF PENNSYLVANIA

November 7, 2025

E-FILED

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

Re: Joint Application of National Fuel Gas Distribution Corporation and North East Heat & Light Company, under Sections 1102(a)(1)-(3) of the Public Utility Code, for approval: (1) of the right for North East Heat & Light Company to transfer certain natural National Fuel Gas Distribution Corporation; (2) for North East Heat & Light Company to, abandon the provision of natural gas service to the public in its service territory in the Borough of North East, Erie County, Pennsylvania and North East Township, Erie County, Pennsylvania; and (3) for National Fuel Gas Distribution Corporation to expand its service territory to begin to offer, render, furnish or supply natural gas service to the public in the Borough of North East, Erie County, Pennsylvania / Docket Nos. A-2025-3057864 & A-2025-3057865

Dear Secretary Homsher:

Enclosed please find the Protest, Notice of Intervention, Public Statement, and Verification, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-referenced proceedings.

Copies will be served on all known parties in these proceedings, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399

Enclosures

cc: Jason Hails
Roger Cathcart
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of National Fuel Gas	:	Docket Nos. A-2025-3057864
Distribution Corporation and North East Heat	:	A-2025-3057865
& Light Company, under Sections	:	
1102(a)(1)-(3) of the Public Utility Code, for	:	
approval: (1) of the right for North East Heat	:	
& Light Company to transfer certain natural	:	
National Fuel Gas Distribution Corporation;	:	
(2) for North East Heat & Light Company to,	:	
abandon the provision of natural gas service	:	
to the public in its service territory in the	:	
Borough of North East, Erie County,	:	
Pennsylvania and North East Township, Erie	:	
County, Pennsylvania; and (3) for National	:	
Fuel Gas Distribution Corporation to expand	:	
its service territory to begin to offer, render,	:	
furnish or supply natural gas service to the	:	
public in the Borough of North East, Erie	:	
County, Pennsylvania	:	

**PROTEST OF THE
OFFICE OF SMALL BUSINESS ADVOCATE**

The Office of Small Business Advocate (“OSBA”) files this Protest with respect to the above-captioned Application of National Fuel Gas Distribution Corporation (“National Fuel” or the “Company”) and North East Heat & Light Company (“NEHL”) (collectively, the “Joint Applicants”).

In support of this Protest, the OSBA avers as follows:

1. The OSBA is an agency of the Commonwealth of Pennsylvania authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50) to represent the interests of small business consumers as a party in proceedings before the Pennsylvania Public Utility Commission (“Commission”).

2. Representing the OSBA in this proceeding is:

Rebecca Lyttle, Esq.
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
relyttle@pa.gov

3. The Application was filed on October 7, 2025, pursuant to Sections 1102(a)(1)-(3) of the Public Utility Code, 66 Pa. C.S. §§ 1102(a)(1)-(3), by the National Fuel and NEHL requesting that the Commission issue certificates of public convenience evidencing the Commission’s approval for: (1) National Fuel to acquire certain natural gas distribution facilities and rights from NEHL; (2) NEHL to abandon natural gas service to the public in its service territory in the Borough of North East, Erie County, Pennsylvania and North East Township, Erie County, Pennsylvania; and (3) National Fuel to expand its service territory to begin to offer, render, furnish or supply natural gas service to the public in the Borough of North East, Erie County, Pennsylvania and to serve the customers formerly served by NEHL. The Joint Applicants also seek all other approvals or certificates that are appropriate, customary, or necessary under the Public Utility Code to carry out the transactions contemplated in this Application in a lawful manner.

4. National Fuel is a corporation formed under the laws of the State of New York for the purpose of providing natural gas transmission, distribution, and supplier of last resort services subject to the Commission’s regulatory jurisdiction. National Fuel’s certificate of incorporation was filed April 11, 1973, and National Fuel was qualified to conduct business in Pennsylvania on December 26, 1973. (*App. P. 4 Para 6.*)

5. National Fuel is a “public utility” and a “natural gas distribution company” as those terms are defined in Sections 102 and 2202 of the Public Utility Code, 66 Pa. C.S. §§ 102,

2202. National Fuel provides natural gas service to approximately 214,000 customers throughout its Pennsylvania service territory, which includes all or portions of the following counties:

Armstrong, Butler, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Venango, and Warren.

6. NEHL is a corporation formed under the laws of the Commonwealth of Pennsylvania for the purpose of providing natural gas transmission, distribution, and supplier of last resort services subject to the Commission’s regulatory jurisdiction. (*App. P. 6 Para 12.*)

7. NEHL is a “public utility” and a “natural gas distribution company” as those terms are defined in Sections 102 and 2202 of the Public Utility Code, 66 Pa. C.S. §§ 102, 2202. NEHL provides natural gas service to approximately 2,900 customers, with approximately 2,600 residential customer meters, 200 commercial/public building meters, 70 large commercial meters, two (2) industrial customer meters, and six (6) large industrial customer meters. NEHL also provides transportation service to eight (8) customers. NEHL’s customers are located within the following two municipalities in Erie County: (1) North East Township; and (2) the Borough of North East. (*Id. Para 13.*)

8. Section 1102(a)(1) of the Public Utility Code, 66 Pa. C.S. § 1102(a)(1) requires public utilities in Pennsylvania to obtain a certificate of public convenience from the Commission “to begin to offer, render, furnish or supply within this Commonwealth service of a different nature or to a different territory.”

9. When a certificate of public convenience is required under Section 1102, Section 1103(a) of the Public Utility Code, 66 Pa. C.S. §1103(a), allows the Commission to issue the certificate only upon a finding or determination that the granting of such certificate is “necessary or proper for the service, accommodation, convenience, or safety of the public.” According to the

Pennsylvania Supreme Court, satisfying this standard requires the Commission to find that a proposed acquisition would “affirmatively promote the ‘service, accommodation, convenience, or safety of the public’ in some substantial way.” *City of York v. Pennsylvania Public Utility Commission*, 449 Pa. 136, 141, 295 A.2d 825, 828 (Pa. 1972). In addition, Section 1103(a) allows the Commission to impose “such conditions as it may deem to be just and reasonable” upon its issuance of a certificate of public convenience.

10. The Application raises issues of concern that may require the Commission to reject the proposed transaction or to approve it only after imposing conditions. Of particular concern to the OSBA are the following issues:

- a. Whether the transaction would increase commercial rates.
- b. Whether the base rates would change immediately or over time. (*Direct Testimony of Donald. Koch, Pages. 4-5.*)
- c. Whether the Company has an appropriate process to qualify line upgrades. (*Direct Testimony of William F. Snyder, III, P.9, Lines 6-10.*)
- d. Whether the company will provide payment protections for small business customers.
- e. Whether there will be a customer assistance programs in place for Commercial and/or Small Business customers (CAP, LIURP, Neighbor for Neighbor Head Fund, CARES), and whether small business customers will lose access to NEHL programs. (*Direct Testimony of William F. Snyder, Iii, Page 13, Lines 14-16, Direct Testimony of Elma Bico, Pages 6-8.*)
- f. Whether the small commercial rates will be competitive.

- g. What kind of increases will NEHL customers experience with a move to NFG rates?
- h. How will NFG determine which commercial customers are small vs. large?
(Direct Testimony of Donald N. Koch, Pages 3 And 4.)
- i. How will the DISC application, if approved, affect small business customer rates? *(Direct Testimony of Donald N. Koch, Page 8.)*

11. The OSBA reserves the right to raise additional issues as they arise throughout this proceeding.

WHEREFORE, the OSBA respectfully requests that the Commission reject the Application as filed.

In the alternative, the OSBA respectfully requests that the Commission conduct a full investigation, including evidentiary hearings, into the Application.

Respectfully submitted,

/s/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399

For:
NazAarah Sabree
Small Business Advocate

Commonwealth of Pennsylvania
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101

Date: November 7, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of National Fuel Gas	:	Docket Nos. A-2025-3057864
Distribution Corporation and North East Heat	:	A-2025-3057865
& Light Company, under Sections	:	
1102(a)(1)-(3) of the Public Utility Code, for	:	
approval: (1) of the right for North East Heat	:	
& Light Company to transfer certain natural	:	
National Fuel Gas Distribution Corporation;	:	
(2) for North East Heat & Light Company to,	:	
abandon the provision of natural gas service	:	
to the public in its service territory in the	:	
Borough of North East, Erie County,	:	
Pennsylvania and North East Township, Erie	:	
County, Pennsylvania; and (3) for National	:	
Fuel Gas Distribution Corporation to expand	:	
its service territory to begin to offer, render,	:	
furnish or supply natural gas service to the	:	
public in the Borough of North East, Erie	:	
County, Pennsylvania	:	

**NOTICE OF INTERVENTION
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Office of Small Business Advocate (“OSBA”) files this Notice of Intervention with respect to the October 7, 2025, Application that was filed pursuant to Sections 1102(a)(1)-(3) of the Public Utility Code, 66 Pa. C.S. §§ 1102(a)(1)-(3) by National Fuel Gas Distribution Corporation (“National Fuel” or “Company”) and North East Heat & Light Company (“NEHL”) (collectively, the “Joint Applicants”) requesting that the Pennsylvania Public Utility Commission (“Commission”) issue certificates of public convenience evidencing the Commission’s approval for: (1) National Fuel to acquire certain natural gas distribution facilities and rights from NEHL; (2) NEHL to abandon natural gas service to the public in its service territory in the Borough of North East, Erie County, Pennsylvania and North East Township, Erie County, Pennsylvania; and (3) National Fuel to expand its service territory to begin to offer, render, furnish or supply

natural gas service to the public in the Borough of North East, Erie County, Pennsylvania and to serve the customers formerly served by NEHL (“Application”). The Joint Applicants also seek all other approvals or certificates that are appropriate, customary, or necessary under the Public Utility Code to carry out the transactions contemplated in the Application in a lawful manner. In support of this Notice of Intervention, the OSBA avers as follows:

1. The OSBA is an agency of the Commonwealth of Pennsylvania authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50) to represent the interests of small business consumers as a party in proceedings before the Commission.

2. Representing the OSBA in these proceedings is:

Rebecca Lyttle, Esq.
Assistant Small Business Advocate
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Respectfully submitted,

/s/ Rebecca Lyttle
Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399

For:
NazAarah Sabree
Small Business Advocate

Commonwealth of Pennsylvania
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public in the Borough of North East, Erie	:	
County, Pennsylvania	:	

**PUBLIC STATEMENT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (the “Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by her initiation of or intervention in any proceeding involving those interests before the Public Utility Commission (“Commission”) or any other agency or court. This Public Statement relates to the filing today by the Small Business Advocate of a Protest and Notice of Intervention in the above-captioned Commission proceeding.

On October 7, 2025, Pursuant to Sections 1102(a)(1)-(3) of the Public Utility Code, 66 Pa. C.S. §§ 1102(a)(1)-(3), National Fuel Gas Distribution Corporation (“National Fuel” or the

“Company”) and North East Heat & Light Company (“NEHL”) (collectively, the “Joint Applicants”) filed an Application requesting that the Commission issue certificates of public convenience evidencing the Commission’s approval for: (1) National Fuel to acquire certain natural gas distribution facilities and rights from NEHL; (2) NEHL to abandon natural gas service to the public in its service territory in the Borough of North East, Erie County, Pennsylvania and North East Township, Erie County, Pennsylvania; and (3) National Fuel to expand its service territory to begin to offer, render, furnish or supply natural gas service to the public in the Borough of North East, Erie County, Pennsylvania and to serve the customers formerly served by NEHL. The Joint Applicants also seek all other approvals or certificates that are appropriate, customary, or necessary under the Public Utility Code to carry out the transactions contemplated in the Application in a lawful manner.

The Small Business Advocate is participating in this proceeding to protect the interests of NEHL’s small business customers. A thorough inquiry by the Commission into all elements of the Application is necessary to ascertain whether the transaction proposed by the Joint Applicants conforms to the Public Utility Code and to the Commission’s regulations.

In view of the foregoing, the Small Business Advocate is requesting that the Application be subject to investigation before the Commission. The Small Business Advocate will ask the Commission to deny or modify any aspect of the Application’s proposals that are not proven by National Fuel and NEHL to be just, reasonable, non-discriminatory, and fully in accordance with the Public Utility Code and the Commission’s regulations.

Dated: November 7, 2025

VERIFICATION

I, NazAarah Sabree, hereby state that the facts set forth herein above 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).

Date: November 7, 2025



(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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public in the Borough of North East, Erie	:	
County, Pennsylvania	:	

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Charles E. Rainey, Jr.
Chief Administrative Law Judge
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Date: November 7, 2025

/s/ Rebecca Lyttle
Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399