



November 7, 2025

Via E-Mail Only

Honorable Jeffrey A. Watson
Honorable Chad Allensworth
Pennsylvania Public Utility Commission
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Pittsburgh, PA 15222
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**Re: Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.
G-2025-3056022; R-2018-2647577**

Prehearing Memorandum of CAUSE-PA

Your Honors:

Please find the attached **Prehearing Memorandum of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)** in the above noted proceeding.

As indicated on the attached Certificate of Service, service on the parties was accomplished by email only.

Respectfully Submitted,

A handwritten signature in blue ink that reads "John Sweet". The signature is written in a cursive style with a horizontal line above the name.

John W. Sweet, Esq.
Counsel for CAUSE-PA

CC: *Secretary Matthew Homsher (via E-file)*
Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

**PREHEARING MEMORANDUM
OF THE COALITION FOR AFFORDABLE UTILITY SERVICES
AND ENERGY EFFICIENCY IN PENNSYLVANIA**

PENNSYLVANIA UTILITY LAW PROJECT
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On October 8, 2025, a Prehearing Conference Order was issued by the Honorable Administrative Law Judges (ALJ) Jeffrey A. Watson and Chad Allensworth setting a telephonic prehearing conference for Wednesday, November 12, 2025, beginning at 1:30 p.m. and requiring parties to file a Prehearing Memorandum no later than Friday, November 7, 2025 at 12:00 p.m. In compliance with that Order, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby files this Prehearing Memorandum.

I. Background

During Columbia’s 2018 Rate Case, certain natural gas supplier parties (“NGS Parties”) alleged that Columbia’s practice of providing “on-bill” billing for non-commodity goods and services offered by third parties, while denying the NGS Parties’ request for the same billing option, constitutes discrimination in provision of service violated Section 1502 of the Code. *December 6, 2018 Order* at 34. At the time, Columbia had two separate agreements for the provision of on-bill billing for non-commodity goods and services – both from former affiliates of Columbia and neither of which were natural gas suppliers. *Id.* at 34. The Commission concluded at the time that Columbia’s then-current billing practice of allowing access to its bills to only certain third parties and excluding others was discriminatory and required Columbia to report to this Commission’s Bureau of Technical Utility Services, within 60 days to come into compliance. *Id.* at 48, 51.

On March 18, 2019, Columbia filed a letter indicating that it intended to comply with the Commission’s directive and Sections 1502 and 2203(4) of the Public Utility Code, by discontinuing its ‘on-bill’ billing practice at the expiration of its current contracts. *Report of Columbia Gas of Pennsylvania, Inc. Regarding “On bill” Billing*, Docket No. R-2018-2647577,

filed March 18, 2019. (“March 2019 Compliance Filing”). Columbia’s March 2019 Compliance Filing generated additional litigation at the docket, and the Commission rejected this filing and directed Columbia to immediately end its “on-bill” billing practice. *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2018-2647577, Order at 10 (August 8, 2019) (“August 8, 2019 Order”). On November 7, 2019, Columbia submitted what it titled as a Notice of Compliance, stating that “[a]s of October 28, 2019, the Company has discontinued its ‘on-bill’ billing practice.” *Columbia Gas of Pennsylvania, Inc.’s Notice of Compliance*, Docket No. R-2018-2647577, filed November 6, 2019. (“November 2019 Compliance Filing”).

On June 30, 2025 – more than 68 months after it informed the Commission that it “discontinued its ‘on-bill’ billing practice” – Columbia made two separate filings with the Commission:

- a. A letter, styled as a compliance filing, that purports to serve as notice of Columbia’s plan to re-implement the practice of “on-bill” billing for Columbia customers. This letter was docketed at the 2018 Rate Case Docket at Docket No. R-2018-2647577 (“June 30, 2025 Letter”).
- b. A request for approval of an affiliated interest agreement between Columbia and NiSource Development Company, Inc. (NDC) through which Columbia will provide, and be compensated for, certain services related to Pivotal, a non-affiliated third-party. *Request for Approval of Affiliated Interest Agreement between Columbia Gas of Pennsylvania, Inc., and NiSource Development, Inc.*, Docket No. G-2025-3056022, June 30, 2025 (“June 30, 2025 AIA Filing”)

In the June 30, 2025 Letter, Columbia indicated that it is seeking Commission approval of its affiliate interest agreement with NDC. *Id.*

On July 1, 2025, the Commission issued a Secretarial Letter extending its consideration of the affiliated interested agreement “until further order of the Commission.” *Request for Approval of Affiliated Interest Agreement between Columbia Gas of Pennsylvania, Inc., and NiSource Development, Inc.*, Docket No. G-2025-3056022, Secretarial Letter dated July 1, 2025.

Columbia’s June 30, 2025 AIA Filing cover letter notes the complicated web of arrangements that it seeks approval for in its affiliated interest agreement, and also includes a two-page summary of the arrangement between it and NDC that would allow additional and optional charges on customer bills on behalf of Pivotal. June 30, 2025 AIA Filing, Cover Letter.

On August 29, 2025, CAUSE-PA filed a Protest challenging the ability of Columbia to make a compliance filing to a rate case order 68-months after it indicated that it discontinued on-bill billing practices in its November 2019 Compliance Filing. CAUSE-PA Protest at 7-8, ¶ 28. CAUSE-PA’s Protest explains that Columbia’s June 30, 2025 Letter and affiliated interested agreement raise serious questions of both law and fact regarding Columbia’s intent to implement and operate on-bill billing services for any third parties. *Id.* at ¶ 29. Columbia should have either raised this issue in its currently pending rate case, at *Pa. PUC v. Columbia Gas of Pa. Inc.*, Docket No. R-2025-30534599 (2025 Rate Case), or should file a separate petition or application requesting permission to institute a new on-bill billing program. *Id.* at ¶ 30. CAUSE-PA submits that Columbia’s improper procedural process to institute an on-bill billing program is incurable and should be rejected by the Commission. *Id.* at ¶ 31.

On August 4, 2025, the Office of Consumer Advocate (OCA) filed a Protest to Columbia’s Affiliated Interest Agreement filing and Letter and both dockets. CAUSE-PA agrees with the full list of issues that the OCA raised in Paragraphs 18A-18K of that filing and agrees that those issues must be considered by the Commission in addition to the issues specifically identified by CAUSE-

PA. See *Protest of the Office of Consumer Advocate to the Request for Approval of Affiliated Interest Agreement between Columbia Gas of Pennsylvania, Inc., and NiSource Development, Inc.*, Docket Nos. G-2025-3056022, R-2018-2647577, filed August 4, 2025, at ¶¶ 18A-18K.

On November 6, 2025, CAUSE-PA and OCA filed a Joint Motion for Judgment on the Pleadings. Explaining that Columbia's June 30, 2025 Letter is a procedurally unlawful filing. Columbia filed its Letter on June 30, 2025, at a rate case docket that concluded December 6, 2018, and for which the record was formally closed on September 17, 2018. Joint Motion for Judgment on the Pleadings at 3. The Joint Motion further explains that 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 7 years ago is contrary to the Public Utility Code and the Commission's regulations. 52 Pa. Code §§ 5.41, 5.61. *Id.* The Joint Motion requests that the Honorable ALJs dismiss Columbia's filing without prejudice, allowing Columbia the opportunity – if it so chooses – to properly file an Application or Petition requesting permission to implement an on-bill billing program. *Id.*

II. Issues to be Presented

CAUSE-PA has conducted an initial review of Columbia's filings and opposes Columbia's request on the grounds that its filings are improper, its proposed on-bill billing program could place customers at risk of deceptive marketing schemes, and its proposed on-bill billing and use of its ECL for marketing non-commodity goods and services is improper and inconsistent with the intent of the Commission's ECL regulations and orders. CAUSE-PA identifies the following specific issues of concern, which must be addressed before Columbia is permitted to implement a new on-bill billing program, though it reserves the right to raise additional issues which may arise through the course of this or any subsequent proceeding:

- i. Whether the Commission’s August 8, 2019 Order directing Columbia to end its “on-bill” billing practice within two billing cycles and Columbia’s November 2019 Compliance Filing wherein it stated that “[a]s of October 28, 2019, the Company has discontinued its ‘on-bill’ billing practice” can be unilaterally revived more than 68 months later by Columbia through the simple filing of a letter to the 2018 Rate Case docket.
- ii. What specific fees and charges Columbia intends to collect from third parties to perform on-bill billing, and whether those fees and charges will be the same for all third parties.
- iii. How Columbia intends to segregate nonbasic service charges through its proposed on-bill billing scheme to ensure consumers can easily identify and distinguish the total basic and nonbasic service charges.
- iv. How Columbia intends to ensure consumers are educated about their rights with regard to on-bill billing charges.
- v. How Columbia intends to apply partial payments when a customer is in arrears, and whether Columbia intends to perform any collections activities on behalf of the third party.
- vi. How Columbia intends to ensure that costs associated with the on-bill billing program – including staff time, call center training, collections activities, legal fees, or any number of other potential indirect costs – will not be recovered through rates.
- vii. Whether the ECL can be used to provide customer data and information to third parties who are not licensed NGSs, and if permitted, whether the opt-out consent of the ECL can be used to provide consent to be solicited for non-commodity goods and products.
- viii. Whether it is appropriate for Columbia to profit from the provision of customer data from the ECL to third parties seeking to sell to customers non-commodity goods and services.
- ix. The lack of detail or subsequent procedural review process necessary for the Commission to properly investigate Columbia’s brand new on-bill billing program due to Columbia’s “compliance filing” at a docket that has been closed for nearly six years.
- x. Whether Columbia will provide appropriate notice to customers of its intent to sell customer data to third parties as part of its on-bill billing program, and what form of consent Columbia will use to obtain informed consent from consumers prior to selling their information. Based on Columbia’s actions in the 2025 Rate Case, it appears that Columbia may intend to use the “opt-out” consent method utilized for the ECL as unfettered consent to sell customer data to any third party.

- xii. CAUSE-PA anticipates other issues may arise as it examines Columbia's request that will require further consideration by the Commission and must be resolved prior to Commission approval of Columbia's proposed on-bill billing program and its Affiliated Interest Agreement.

III. Witnesses and Testimony

CAUSE-PA intends to present the following witnesses to testify in this matter, but reserves the right to call additional or substitute witnesses as may be warranted upon proper notice to

Your Honors and the parties:

Patrick Cicero, Esq.
118 Locust Street
Harrisburg, PA 17101
pcicero@pautilitylawproject.org

Mr. Cicero will address the issues identified above, as well as other issues that may arise throughout this proceeding.

CAUSE-PA reserves the right to call additional or substitute witnesses, as may be warranted, upon proper notice to Your Honors and the parties.

IV. Discovery

CAUSE-PA supports the discovery modifications proposed by the Office of Consumer Advocate (OCA). CAUSE-PA further notes that, to the extent that the evidentiary hearings in this proceeding will rely upon live witness testimony, the procedural schedule should be set with adequate time to provide additional time for the parties to notice and conduct depositions prior to the evidentiary hearings. We note here that this proceeding is not subject to a statutory or regulatory timeframe. As such, and as discussed further below the proposed litigation schedule,

CAUSE-PA requests that the ALJs extend the originally contemplated timeframe for hearings and, in turn, extend the period for discovery.

V. Public Input Hearings

CAUSE-PA is not aware of any requests for public input hearings in this matter, but is generally supportive of providing opportunities for the public to participate in proceedings that will have a direct impact on their bill. We note that, as explained in CAUSE-PA and OCA's Joint Motion for Judgment on the Pleadings, Columbia has not provided proper notice of its on-bill billing proposal to the public, so we are unable to conclude whether the absence of specific requests for a public input hearing is an indication of lack of interest. Joint Motion for Judgment on the Pleadings at 9-10, ¶¶ 17-18.

VI. Settlement

CAUSE-PA is willing and ready to engage in settlement discussions in an attempt to resolve or narrow the issues in this proceeding, with any and all parties, and encourages the parties to engage in settlement discussions early in the process.

VII. Service on CAUSE-PA

CAUSE-PA is represented by the attorneys at the Pennsylvania Utility Law Project. All documents should be served on CAUSE-PA as follows:

Elizabeth R. Marx, Esq.
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CAUSE-PA requests that parties agree to electronic service in this proceeding.

VIII. Representation of CAUSE-PA at Prehearing Conference

At the Prehearing Conference, CAUSE-PA will be represented by John W. Sweet, Esq. and Elizabeth R. Marx, Esq.

IX. Litigation Schedule

Preliminarily, CAUSE-PA respectfully requests that the ALJs hold the procedural schedule in abeyance until a determination is made on the Joint Motion of OCA and CAUSE-PA for Judgement on the Pleadings, which was submitted November 6, 2025. A subsequent Prehearing Conference should be held, if necessary, once a determination on the Joint Motion has been made.

Notwithstanding this overarching request, CAUSE-PA is engaged in active discussions with the Company and other parties in an attempt to reach a mutually agreeable litigation schedule.

To the extent that the parties cannot agree upon a procedural schedule prior to the Prehearing Conference, CAUSE-PA proposes the following schedule, which includes a full traditional procedural schedule based on written testimony deadlines.

Prehearing Conference	Wednesday, November 12, 2025 at 1:00 PM
Direct Testimony – Company	Friday, January 16, 2026
Direct Testimony – Other Parties	Tuesday, February 24, 2026
Rebuttal	Friday, March 20, 2026
Surrebuttal	Friday, April 10, 2026
Evidentiary Hearings	Wednesday April 22 - Friday, April 24, 2026
Main Briefs	Tuesday, May 5, 2026
Reply Briefs	Tuesday, May 19, 2026

CAUSE-PA's proposed schedule is generally consistent with the schedule proposed by the OCA in its Prehearing Memorandum.

CAUSE-PA recognizes that the Prehearing Conference Order indicated that the presiding officers are available for evidentiary hearings on dates ranging between January 20-23, February 3-6, and February 17-19, 2026, and anticipates that the parties will present live, oral testimony as opposed to written testimony in this case. CAUSE-PA has several concerns with these procedural constraints and respectfully requests that the ALJs approve the more traditional procedural schedule proposed above.

First, as noted above, this matter is not subject to any statutory or regulatory timeframe for review. The potential evidentiary hearing dates referenced in the Prehearing Conference Order would conflict with the procedural timeline in multiple proceedings that are subject to statutory and regulatory timeframes, including the four Phase V Act 129 Energy Efficiency and Conservation Plan proceedings and the PPL Rate Case. All four of the Phase V Act 129 proceedings are scheduled to be fully litigated within a severely compressed timeframe, with prehearing conferences being held the first week of January and evidentiary hearings anticipated to be held the last week in January and first week in February. *See Energy Efficiency and Conservation Program*, Opinion and Order, at 9, 12 (entered Aug. 28, 2025). The record in these four proceedings must be closed by February 4, 2026. *Id.* Additionally, the evidentiary hearings in the PPL rate case will take place during the week of February 17 through February 19, 2026. *See Pa. PUC v. PPL Electric Utilities Corp.*, R-2025-3057164, Prehearing Memoranda of: CAUSE-PA, OCA, PPL, I&E (individually submitted Oct.31, 2024) (Procedural schedule adopted at Nov. 5, 2025 Prehearing Conference, Prehearing Order not yet entered). CAUSE-PA will be an

active party in each of these proceedings. Scheduling the evidentiary hearings in this matter on the dates listed in the Prehearing Order would present a severe hardship for CAUSE-PA.

Additionally, CAUSE-PA is concerned that the presentation of live witness testimony – as opposed to the advance exchange of written testimony – will be more time and resource intensive. As explained in our Joint Motion for Judgement on the Pleadings, Columbia’s filings to date in this proceeding provide scant details regarding its new on-bill billing program. To aid in the investigation of Columbia’s plans, it is critical that the Company file initial testimony in support of its proposals. Indeed, without any formal Petition or Application from which to fairly investigate Columbia’s filing, the parties are left to prepare for hearings by engaging in a rudimentary game of “20 Questions” to determine whether Columbia’s on-bill billing program and affiliated interest agreement is “larger than a bread box.”

If the ALJs are nevertheless inclined to proceed with live testimony, CAUSE-PA respectfully requests that evidentiary hearings not be scheduled until April, at the earliest, to allow sufficient time for counsel to conduct depositions, exchange discovery, and properly prepare for hearings in this matter. Specifically, if live testimony is required, CAUSE-PA supports the following alternative schedule:

Discovery Deadline	Monday, February 23, 2026
Evidentiary Hearings	Wednesday March 25- Friday, March 27, 2026
Main Briefs	Friday, April 24, 2026
Reply Briefs	Tuesday, May 12, 2026

WHEREFORE, CAUSE-PA respectfully submits this Prehearing Memorandum.

Respectfully submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA

A handwritten signature in blue ink, appearing to read "Elizabeth R. Marx".

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	:	R-2018-2647577
	:	
Columbia Gas of Pennsylvania, Inc.	:	

Certificate of Service

I hereby certify that I have this day served copies of the **Prehearing Memorandum of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania** upon the parties of record in the above captioned proceeding in accordance with the requirements of 52 Pa. Code § 1.54.

Via Email

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Respectfully Submitted,
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Counsel for CAUSE-PA

A handwritten signature in blue ink that reads "John Sweet". The signature is stylized, with the first letter of each name being a large, bold letter.

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