

COMMONWEALTH OF PENNSYLVANIA



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November 7, 2025

Via Electronic Filing

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

Re: Pa. Public Utility Commission
v.
Columbia Gas of Pennsylvania
Docket Nos. G-2025-3056022;
R-2018-2647577

Dear Secretary Homsher:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Harrison W. Breitman
Harrison W. Breitman, Esq.
Assistant Consumer Advocate
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Enclosures

cc: The Honorable Administrative Law Judge Jeffrey Watson (jeffwatson@pa.gov)
The Honorable Administrative Law Judge Chad L. Allensworth (callenswor@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

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

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 Prehearing Memorandum, 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 7th day of November, 2025.

SERVICE BY E-MAIL ONLY

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Dated: November 7, 2025

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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.	:	

PREHEARING CONFERENCE MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to the Prehearing Conference Order issued on October 8, 2025, in the above-captioned proceeding, by the Honorable Administrative Law Judge (ALJ) Jeffrey A. Watson and Honorable ALJ Chad L. Allensworth, of the Office of Administrative Law Judge (OALJ) of the Pennsylvania Public Utility Commission (Commission), and pursuant to Section 333 of the Public Utility Code (Code), 66 Pa. C.S. Section 333, the Commission’s regulations at 52 Pa. Code Sections 5.221-5.224, the Pennsylvania Office of Consumer Advocate (OCA) submits the following Prehearing Conference Memorandum.

I. INTRODUCTION AND PROCEDURAL HISTORY

On June 30, 2025, Columbia Gas of Pennsylvania, Inc., (Columbia or Company) filed a letter with the Commission under Columbia’s 2018 Rate Case docket to serve as notice of its plan to re-implement the practice of “on-bill” billing for Columbia customers. 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. The proposed AIA is between Columbia and NiSource Dev. Co. and would allow Pivotal Home Solutions, LLC (Pivotal) to charge customers for non-commodity products and services on Columbia customer bills.

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.

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

The Office of Administrative Law Judge assigned the matter to the Honorable Jeffrey A. 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.

On October 20, 2025, the Retail Energy Supply Association (RESA) filed a Petition to Intervene.

On Thursday, November 6, 2025, the OCA and CAUSE-PA filed and served a Motion for Judgment on the Pleadings and a Notice to Plead on Columbia notifying it has 20 days to file a responsive pleading.

II. ISSUES

Based upon an analysis of Columbia's June 30, 2025 compliance letter filed on the docket for a long-closed 2018 base rate proceeding stating that it will be restarting "on bill" billing, the OCA found the letter to be procedurally deficient, contrary to the ALJ and Commission determinations in that docket, in violation of public policy, in violation of the public utility code, and contrary to the Commission's regulations. As such, the OCA and CAUSE-PA jointly filed for Motion for Judgment on the Pleadings requesting that the Honorable ALJs in this proceeding dismiss this proceeding. Based on a preliminary analysis of the information from Columbia's proposed Affiliate Interest Agreement also filed on June 30, 2025, the OCA has compiled a list of

issues which it anticipates will be included in its investigation of the Company's AIA request. It is anticipated that other issues may arise and may be pursued once the answers to all the OCA's interrogatories have been received and analyzed. The issues and sub-issues set forth below, and others that may develop during discovery, will be analyzed and presented as appropriate by the OCA with the assistance of its expert witness. The OCA has identified the following areas that require further consideration by the Commission and must be resolved prior to Commission approval of this proposed AIA.

A. Whether consumers will shoulder additional costs through Columbia's operations so that it can facilitate billing for a non-jurisdictional third party.

B. Whether the proposed third party's inclusion on Columbia bill will be clear and easy to understand for consumers.

C. How Columbia, NiSource Dev. Co., NiSource Service Co., and/or Pivotal's non-commodity products and services will be marketed to Columbia consumers.

D. How or whether the third-party's services will be offered on Columbia's website.

E. Whether Columbia has received complaints about third-party organizations and the non-commodity products or services they are charged for on their bill.

F. Whether Columbia's customer service agents have training and procedures in place for consumers who contact them with complaints related to third-party services.

G. Whether the presentation of Pivotal's products and services could be construed as endorsed by Columbia.

H. Whether Columbia customers have the option to decline solicitations by third party services and products through their service agreement with Columbia.

I. Whether Columbia’s “on bill” billing proposal is nondiscriminatory in accordance with the Public Utility Code and Commission Orders.

J. Whether customers will understand that the third-party services and products presented to them on the billing statement of a regulated utility company do not carry the same level of trust due to a lack of regulation, scrutiny, and oversight as non-commodity products and services offered on the utility bill.

K. Whether customers receive any benefit from NiSource Dev. Co.’s proposal to permit Pivotal to charge for non-commodity products and services on customer bills.

L. Whether the agreement is in compliance with the Public Utility Code, the Commission’s regulations, and Commission precedent.

III. WITNESSES

The OCA has retained the expert assistance of Barbara R. Alexander to examine the issues raised by the OCA in this proceeding. The OCA will be ready to present Ms. Alexander’s findings through live witness testimony during evidentiary hearings as anticipated by the ALJs, as described in the October 8, 2025 Prehearing Conference Order.

Customer Service / Tariff / Quality of Service	Barbara R. Alexander 44 Beech St. Hallowell, ME 04347 ColumbiaAIA25@paoca.org
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However, the OCA’s strong preference is to present direct, rebuttal, and surrebuttal testimonies, as may be necessary in written form and to attach various exhibits, documents, and explanatory information to the testimonies, as may be necessary in order to ensure due process.

As stated in the Commission’s regulations, “[u]se of written testimony in Commission proceedings is encouraged, especially in connection with the testimony of expert witnesses. Written direct testimony is required of expert witnesses testifying in rate cases.” 52 Pa. C.S. §

5.412. As Columbia chose to file under an R-Docket rate case, the OCA submits that written direct testimony is required given that the expert testimony is within the context of a rate case. The OCA will be formally requesting during the Prehearing Conference that the Presiding Officers convert the presentation of testimony in this proceeding to written testimony instead of oral testimony.

The OCA requests that copies of all interrogatories, testimony, and answers to interrogatories be emailed directly to the OCA's group email formed particularly for this proceeding.

The OCA specifically reserves the right to call additional witnesses, as necessary, and retains the flexibility to have the witnesses above address other areas of this case as the case proceeds. If the OCA determines that additional witnesses will be necessary for any portion of its case, it will notify all parties of record immediately.

IV. PROPOSED SCHEDULE

The OCA continues to work with the Company and the parties on a procedural schedule that is a reasonable compromise of the parties' competing interests within the time afforded for litigation of this matter. If direct testimony is to be live and presented orally, the OCA proposes the following schedule:

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

If the ALJs grant the OCA's request for written testimony rather than testimony taken live during evidentiary hearings, the OCA proposes the following schedule:

Prehearing Conference	Wednesday, November 12, 2025 at 1:00 PM
Direct Testimony – Company	Friday, January 16, 2026
Direct Testimony – Other Parties	Friday, February 23, 2026
Rebuttal	Friday, March 20, 2026
Surrebuttal	Friday, April 10, 2026
Evidentiary Hearings	Wednesday April 22, 2026 through Friday, April 24, 2026
Main Briefs	Tuesday, May 5, 2026
Reply Briefs	Friday, May 19, 2026

The OCA requests that the dates included in any litigation schedule in this matter be considered “in-hand” dates and that electronic service on the due date will satisfy the “in-hand” requirement.

V. SERVICE ON THE OCA

The OCA respectfully requests that the Presiding Officer permit electronic service without the requirement of a follow-up hard copy. The OCA will be represented in this case by the attorneys listed below.

Harrison W. Breitman, Assistant Consumer Advocate
Ryan Morden, Assistant Consumer Advocate
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The OCA has created a group e-mail address provided above. This is the only email address that is required for service on the OCA. The OCA's group email address will provide the emailed materials to all members of the OCA team including the consultants listed above.

For the purposes of the Prehearing Conference, Harrison W. Breitman will be the primary attorney speaking on behalf of the OCA.

VI. SETTLEMENT

The OCA will participate in settlement discussions in this matter.

VII. DISCOVERY

In conjunction with its proposed schedule, the OCA proposes the following modifications to the Commission's procedural rules regarding discovery. The OCA requests that the Presiding Officers direct that the modifications will take effect when addressed during the on the record prehearing conference and apply to all future discovery requests served on and after the date of the prehearing conference November 12, 2025. The OCA also requests that any outstanding interrogatories or requests for admissions are due no later than 10 calendar days after the Prehearing Conference to the extent such responses are due later than such date, in accordance with Paragraph A below.

- A. 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.
- B. 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.
- C. 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.

- D. 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.
- E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.
- G. 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 1:30 p.m. 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.

If the OCA's request to convert live witness testimony to written testimony is granted, the OCA proposes that the additional deadlines should be reduced as follows:

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. Requests for admission shall be deemed admitted unless answered or objected to within three (3) calendar days of service.
- F. 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 1:30 p.m. on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.

VIII. PUBLIC INPUT HEARINGS

The OCA will not be requesting public input hearings at this time. If, during the course of this proceeding, circumstances demonstrate that public input hearings would be beneficial for developing the record or timely and sufficient requests are made for a public input hearing, the OCA will address the feasibility of holding a hearing at that time.

IX. CONCLUSION

The OCA respectfully requests that the Honorable ALJs Chad L. Allensworth and Jeffrey A. Watson grant the OCA's requests stated herein regarding the submitting written testimony, procedural schedule, and discovery modifications.

Respectfully submitted,

/s/ Ryan Morden

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DATED: November 7, 2025

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