

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	R-2023-3037933
	:	
Philadelphia Gas Works	:	

**PREHEARING ORDER ON REMAND**

By Order dated August 1, 2025, the Commonwealth Court of Pennsylvania vacated the January 18, 2024 order of the Pennsylvania Public Utility Commission (Commission) and remanded the matter to the Commission for further explanation and clarification regarding:

1. Whether treating Philadelphia Industrial Commercial Gas Users Group as technically “Firm” for purposes of **rate allocation** while, at the same time, requiring it to adhere to the obligations of **interruptible** customers under Philadelphia Gas Work’s (PGW) Tariff violates PGW’s Tariff and, thus, Section 1303 of the PUC Code;
2. How, under a cost causation analysis, Rate IT customers **caused** PGW’s distribution mains-related costs to be incurred;
3. Whether the Commission applied a new retrospective benefits or “value of service” principle to conclude that interruptible customers should pay for the benefits that they ultimately received from a utility service for purposes of rate allocation, and if so, whether that principle is consistent with cost causation principles or whether it is a new ratemaking principle that should replace or supplement cost causation as the operative ratemaking rationale in this unique situation, and
4. Whether employing a benefits principle can be squared with the Commission’s duty to impose only “just and reasonable” rates considering the interruptible nature of

rate IT customers and their investment in systems to allow for interruptions in the event that PGW does call for a curtailment.

Philadelphia Indus. & Com. Gas Users Grp. v. Pennsylvania Pub. Util. Comm'n, 342 A.3d 140 (Pa. Commw. Ct. 2025).

On November 24, 2025, the above captioned matter was reassigned to the Commission's Office of Administrative Law Judge (OALJ) for issuance of a Recommended Decision per Commonwealth Court August 1, 2025 Order.

A Prehearing Notice was issued, and a Prehearing Conference Order was entered on December 12, 2025, scheduling a telephonic prehearing conference in this matter for Monday, January 5, 2026, at 10:00 A.M.

At the joint request of the parties, the prehearing conference was rescheduled for January 22, 2026, at 2:00 P.M. The prehearing conference was held as scheduled. This order memorializes certain procedural matters addressed at the prehearing conference.

THEREFORE,

IT IS ORDERED:

**Parties and Legal Counsel**

1. That the following are the official parties and their respective counsel in the present case on remand:

	<b>Party</b>	<b>Legal Counsel</b>
<b>1.</b>	Philadelphia Gas Works (PGW)	Robert Hoaglund, Esq. Daniel Clearfield, Esq. Bryce R. Beard, Esq.

2.	Bureau of Investigation and Enforcement (I&E)	Carrie B. Wright, Esq.
3.	Office of Consumer Advocate (OCA)	Harrison W. Breitman, Esq.
4.	Tenant Union Representative Network (TURN)	Robert W. Ballenger, Esq. Joline R. Price, Esq.
5.	Philadelphia Industrial and Commercial Gas Users Group (PICGUG)	Charis Mincavage, Esq. Adeolu A. Bakare, Esq. Brigid L. Khuri, Esq. Victoria A. Geddis, Esq.
6.	Office of Small Business Advocate (OSBA)	Steven. C. Grey, Esq. Rebecca Lyttle, Esq.
7.	Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)	John W. Sweet, Esq. Elizabeth R. Marx, Esq. Ria M. Pereira, Esq. Lauren Berman, Esq
8.	Grays Ferry Cogeneration Partnership (Grays Ferry) and Vicinity Energy Philadelphia, Inc. (VEPI) (collectively “Vicinity”)	Todd S. Stewart, Esq.

## Litigation Schedule

2. That the following litigation schedule is adopted:

<u>Item</u>	<u>Proposed Schedule</u>
Remand Direct Testimony (All Parties)	Thursday, March 19, 2026
Remand Rebuttal (All Parties)	Thursday, April 16, 2026
Evidentiary Hearings <i>(In-Person in Philadelphia)</i>	May 6-7, 2026
Main Briefs	Wednesday, June 3, 2026
Reply Briefs	Wednesday, June 24, 2026

## Discovery

3. That the parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa.Code § 5.322. If this process fails, the parties have recourse to the Commission's procedures for formal discovery, as herein modified.

4. That after the service of direct testimony, the parties shall exercise their *best efforts* to comply with the following deadlines:

- 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.

### **Pre-filed Written Testimony**

5. That the parties comply with the Commission's requirements for the preparation and service of written testimony. 52 Pa. Code § 5.412. These include, but are not limited to, the requirement that written testimony must be accompanied by all exhibits to which it relates. Written testimony shall be marked with numerical, sequential statement numbers. Oral direct, rebuttal or surrebuttal testimony or witnesses not identified in a party's prehearing memorandum shall not be permitted, except by permission for good cause.

6. That technical terms and concepts are to be clearly defined and explained in the testimonies and briefs. **The parties are to agree on a list of common acronyms and use them consistently in all written testimony and briefs.**

7. That no written testimony will be admitted into evidence unless accompanied by a verification of affidavit of the witness.

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

9. That the parties shall comply with the provisions of 52 Pa. Code § 5.243(e) which prohibit the introduction of evidence during rebuttal which should have been included in the party's case-in-chief or which substantially varies from the party's case-in-chief, unless the party is introducing evidence in support of a proposed settlement.

10. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve precious administrative hearing resources. 52 Pa. Code §§ 5.232 and 5.234. All stipulations entered into by the parties shall be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearings in this case. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

11. That the evidentiary hearings in this matter constitute formal legal proceedings and will be conducted in accordance with the Commission's Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.

12. Friendly cross-examination or cumulative cross-examination during hearings will not be permitted. 52 Pa.Code §§ 5.76; 5.243.

13. That parties serving pre-served testimony in proceedings pending before the Commission pursuant to 52 Pa. Code § 5.412(f) shall be required, within thirty (30) days after the final hearing in an adjudicatory proceeding to either eFile with or provide to the Secretary's Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding.

### **Briefs and Reply Briefs**

14. That the parties must comply with 52 Pa. Code §§5.501, et seq., regarding the preparation and filing of briefs. Service can be made electronically by no later than 4:30 p.m. on the dates listed. Parties are directed to e-mail me a copy of their as-filed briefs in ADOBE or other compatible PDF format in addition to a WORD-formatted document. The format of the briefs served electronically on the parties may be as requested by the parties.

15. That all briefs shall comply with the requirements of 52 Pa. Code §§ 5.501 and 5.502, and in addition to the mandatory contents set forth in 52 Pa. Code § 5.501(a), all main briefs, regardless of length, must contain:

- A. A table of contents;
- B. A history of the proceeding;
- C. A discussion;
- D. Proposed findings of facts (with record citations to transcript pages or exhibits where supporting evidence appears);
- E. Proposed conclusions of law (with citations to supporting statutes, regulations or relevant case law); and
- F. Proposed ordering paragraphs specifically identifying the relief sought.

52 Pa. Code § 5.501(e) requires that "Briefs shall be as concise as possible." Page limitations on briefs will be discussed on or before the last day of hearing.

16. That if a party does not file a reply brief, it will be assumed that the party does not dispute the assertions, contentions or arguments made by the other parties in their main briefs. While it is not necessary in a reply brief to repeat a particular argument or discussion contained in the main brief, the reply brief should note where the responsive argument is located in the main brief and how it responds to the other parties' assertions, contentions or arguments.

17. That any brief not filed and served on or before the date fixed therefore will not be accepted for filing, except by permission for good cause.

### **Settlement and Stipulations**

18. That the parties are to confer among themselves in an attempt to resolve all or some of the issues associated with these Complaints. The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). The parties are strongly urged to seriously explore this possibility. A joint settlement petition executed by representatives of all parties to be bound thereby, together with statements in support of settlement by all signatory parties, must be filed with the Secretary for the Commission and served on the ALJ.

### **Modification**

19. That any provision of this prehearing order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa. Code § 5.223(a).

Dated: February 18, 2026

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/s/  
Eranda Vero  
Administrative Law Judge

**R-2023-3037933 – PENNSYLVANIA PUBLIC UTILITY COMMISSION v.  
PHILADELPHIA GAS WORKS**

*Revised: February 18, 2026*

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