COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

August 24, 2026

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

Re: Pennsylvania Public Utility Commission v.
National Fuel Gas Distribution Corporation
Docket No. R-2025-3059428
I&E Replies to Exceptions

Dear Secretary Homsher:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Replies to Exceptions in the above-captioned proceeding.

Copies are being served on parties per the attached Certificate of Service. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Joanna Toft-Funk

Joanna Toft-Funk
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 84476
(717) 783-6184
jtoftfunk@pa.gov

Scott B. Granger
Senior Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 63641
(717) 425-7593
sgranger@pa.gov

JTF/SBG/ac
Enclosures

cc: Office of Special Assistants (*via email – ra-OSA@pa.gov*)
Administrative Law Judge Katrina L. Dunderdale (*via email – kdunderdal@pa.gov*)
Cadi Eberly, Legal Assistant (*via email – caeberly@pa.gov*)
Per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2025-3059428
	:	
National Fuel Gas Distribution Corporation	:	

THE BUREAU OF INVESTIGATION AND ENFORCEMENT REPLIES TO EXCEPTIONS

Joanna Toft-Funk
Prosecutor
PA Attorney ID No. 84476

Scott B. Granger
Senior Prosecutor
PA Attorney ID No. 63641

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Dated: August 24, 2026

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I. INTRODUCTION

Pursuant to 66 Pa.C.S. § 332(h) of the Public Utility Code and 52 Pa. Code § 5.535 of the Public Utility Commission regulations, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) respectfully submits these Replies to Exceptions filed by National Fuel Gas Distribution Corporation (NFG) in response to the Recommended Decision (RD) of Administrative Law Judge Katrina L. Dunderdale (ALJ or ALJ Dunderdale) issued on July 31, 2026. On January 28, 2026, National Fuel Gas Distribution Corporation (National Fuel or NFG or the Company) filed Supplement No. 294 to National Fuel Gas Distribution Corporation Gas Tariff – PA P.U.C. No. 9 (Supplement No. 294). National Fuel sought a base rate increase pursuant to 66 Pa.C.S. § 1308 of the Public Utility Code of approximately $19.7 million. If the Company's entire request would have been approved, the total bill for a residential customer using 80 ccf per month would have increased from $83.49 to $88.44 per month, or by 5.9%. Supplement No. 294 contained an issue date of January 28, 2026, and an effective date of March 29, 2026.

The Company's filing also included a proposal to reinstate a tariff rider that was designed to provide a refund of Other-Post Employment Benefits (OPEB) funds of approximately $6.2 million to all customers and also to provide a one-time bill credit of $30, totaling approximately $1.025 million, to Customer Assistance Program (CAP), Level 1, and Level 2 customers.

NFG also included a request for approval of two alternative rate mechanisms in accordance with Act 58 of 2018, 66 Pa.C.S. § 1330: (1) a Weather Normalization Adjustment; and (2) an Energy Efficiency pilot program.

The parties to this base rate proceeding are NFG, I&E; the Office of Consumer Advocate (OCA); the Office of Small Business Advocate (OSBA); the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA); and the Pennsylvania Weatherization Providers Task Force (PA Task Force).

By Order entered February 19, 2026, the Commission suspended the rate filings until October 29, 2026, and directed an investigation to determine the lawfulness, justness, and reasonableness of the rates, rules and regulations contained in this rate filing. The matter was assigned to the Office of Administrative Law Judge, Katrina L. Dunderdale presiding, which culminated in the issuance of the July 31, 2026, Recommended Decision.

Pursuant to the established litigation schedule, I&E filed the following pieces of direct, rebuttal and surrebuttal testimony on April 16, 2026, May 12, 2026, and May 27, 2026, respectively:

Christopher Keller
- I&E Statement No. 1 (PROPRIETARY/Non-Proprietary)
- I&E Exhibit No. 1 (PROPRIETARY/Non-Proprietary)
- I&E Statement No. 1-R
- I&E Exhibit No. 1-R
- I&E Statement No. 1-SR
- I&E Exhibit No. 1-SR

Drew Breuning
- I&E Statement No. 2
- I&E Exhibit No. 2
- I&E Statement No. 2-SR

Ethan Cline
I&E Statement No. 3
I&E Exhibit No. 3
I&E Statement No. 3-SR

Jesse Burkett
I&E Statement No. 4 (PROPRIETARY/Non-Proprietary)
I&E Exhibit No. 4
I&E Statement No. 4-SR

On Tuesday, June 2, 2026, at the time and place set for the evidentiary hearing, the parties appeared in-person before ALJ Dunderdale. After the conclusion of the hearing and the closing of the record, the active parties submitted briefs according to the briefing schedule. I&E submitted its Main Brief on June 22, 2026 (I&E MB) as did the other active parties. Then, I&E submitted its Reply Brief on July 1, 2026 (I&E RB) as did the other active parties.

Finally, and as stated previously, on July 31, 2026, ALJ Dunderdale issued her Recommended Decision. Although I&E supports the majority of ALJ Dunderdale's well-reasoned recommendations, I&E requests that the Commission revise the RD in response to the exceptions and arguments raised by I&E as raised in I&E's Exceptions previously filed on August 17, 2026, and as set forth below.

II. I&E REPLIES TO EXCEPTIONS OF NFG

I&E recommends that the Commission affirm the Recommended Decision as modified according to the I&E Exceptions and reject NFG's Exceptions to the extent recommended below. Further, I&E offers no replies to the Exceptions filed by the Office of Consumer Advocate or CAUSE-PA.

A. I&E Reply to NFG Exception No. 1. RD, pp. 220. NFG Exceptions, pp. 5-10. The ALJ properly recommended that the Commission adopt OCA's capital structure of 50% long term debt and 50% equity.

In its Exceptions, NFG erroneously argues that the ALJ's recommendation that the adoption of OCA's proposed hypothetical capital structure of 50% debt and 50% equity is unwarranted because the Company's actual capital structure falls squarely within the range of the proxy group and no consideration was given to I&E's alternative adjustment.[1] In Testimony, I&E proposed a capital structure of 55% equity and 45% debt because the Company's proposed capital structure is unreasonable for ratemaking purposes and falls closest to the highest end range of 2024 capital structures in its proxy group.[2] Limiting a company's capital structure from becoming too equity heavy is reasonable and necessary for a fair ratemaking process.[3] Implementing a capital structure that is closer to 50% long term debt and 50 % common equity is commonly considered optimal when trying to balance the financial integrity of a utility and its impact on ratepayers.[4] While it is not always possible to have a capital structure that is exactly 50/50, implementing a limit helps to strike a balance between rewarding the Company for carrying more equity while also reducing the costs that would be passed over to ratepayers[5]. I&E's position is that the Company's capital structure should not exceed 55%[6].

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1 NFG Exceptions p. 5.
2 I&E St. No. 2, p. 15.
3 I&E St. No. 2, p. 16.
4 *Id.*
5 *Id.*
6 *Id.*

OCA's position is that the Company's proposal for a capital structure of 56.4% common equity and 43.6% debt, which is significantly weighted towards equity and that as a result, will lead to NFG's ratepayers paying even higher rates[7]. I&E supports the ALJ's recommendation of the OCA's position that the Company's capital structure is too high and can accept the Recommended Decision's calculation of 50% equity and 50% debt.

The record supports the ALJ's finding that customers should not be required to fund equity capital that is unnecessarily high.[8] When viewing the testimony and evidence presented as a whole, the ALJ correctly found that NFG did not meet its burden of proving that its actual capital structure should be used. Therefore, the ALJ's recommendation of a 50% equity and 50% debt for a capital structure for ratemaking purposes is acceptable and the Commission should reject NFG's Exception No. 1.

B. I&E Reply to NFG Exception No. 2. RD, pp. 220-222. NFG Exceptions, pp. 11-13. The ALJ properly found that NFG's proposed Return on Equity was too high.

1. The Return on Equity needs clarification.

In its Exceptions, NFG alleges that the ALJ erred in selecting OCA's 9.74 % proposed return on equity or cost of equity.[9] However, the Recommended Decision also includes language appearing to accept I&E's proposed 9.81% return on equity ("ROE") which contradicts this finding.[10]

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7 OCA St. 3 at p. 22.
8 RD p. 214.
9 NFG Exceptions p. 11.
10 RD, p. 220-221.

I&E accepts the ALJ's selection of OCA's 9.74% proposed return on equity, though lower than I&E's position, but requests further clarification from the ALJ as to which percentage the ALJ intended to use for the amount on return on common equity.[11]

2. An ROE of 9.74% is acceptable.

I&E accepts the ALJ's finding that the OCA's recommended 9.74% ROE is fair and just. Based upon the record evidence presented and the positions of the parties, I&E accepts the ALJ's finding in favor of the OCA's ROE of 9.74% because "NFG's claim for 11% ROE is insufficiently supported, excessive and unreasonable, and exceeds the ROEs ordered by the Commission to any other public entity in Pennsylvania."[12] Thus, the Commission should reject NFG's Exception No.2 as it relates to NFG's claims of errors in analysis and unreasonableness.

3. Conclusion.

To the extent that the Commission is inclined to grant NFG a rate increase, the Commission should reject NFG's Exception No. 2 and adopt an ROE of either 9.74% as proposed by OCA or 9.81% as proposed by I&E. The Company's proposed ROE is unreasonable, not supported by the record evidence, and should be rejected.

C. I&E Reply to NFG Exception No. 3. RD, pp. 309-310. NFG Exceptions, p. 13-17. The ALJ correctly found that OCA proved that the Weather Normalization Adjustment (WNA) as proposed by NFG is unfair by design, creates billing problems and should be eliminated or substantially reformed.

In its Exceptions, NFG erroneously argues that the ALJ erred by discontinuing the weather normalization adjustment or WNA. NFG contends that the ALJ did not provide

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11 This discrepancy also affects the Table 1A included on pages i and ii of the RD's Appendix.

12 RD, p. 220.

a reasonable basis to justify this action and that the Recommended Decision's criticisms of the WNA are policy-based arguments that could be against any WNA and are not specific to the Company's proposal. However, there was significant evidence presented by OCA in regard to the shortfalls of NFG's WNA program as it currently exists and its effect on customer billing.

While not outright requesting rejection of NFG's WNA program, I&E recommended modifying the program to eliminate the shoulder month of May and increasing the deadband from 3% to5%.[13] These modifications were challenged by NFG.

OCA requested a more extensive overhaul of the program, including requesting that the Commission reject NFG's request to turn its WNA pilot into a permanent mechanism because in OCA's view NFG did not produce substantial evidence to support a determination that the WNA satisfies the Commission's policy factors regarding alternative ratemaking mechanisms.[14] Beyond policy considerations, OCA provided substantial evidence to show that: (1) The WNA symmetrical design produces inequitable results;[15] (2) NFG's WNA pilot charges customers for distribution service they did not receive;[16] (3) NFG's WNA pilot is fundamentally unfair by design because it shifts a traditional risk in natural gas distribution service from the Company to its customers by "guaranteeing recovery of authorized revenues regardless of actual customer

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[13] RD, p. 279-280.
[14] RD, p. 280.
[15] RD, p. 281.
[16] RD, p. 284.

consumption”;[17] and (4) NFG’s claims about future bill credits are an illusory benefit as exemplified by its confusing billing statements.[18]

Additionally, the OCA contends that the totality of the policy factors that must be considered when determining whether an alternative distribution ratemaking mechanism and rate design is just and reasonable when weighed together outweigh any purported benefit.[19] CAUSE PA likewise argued that NFG failed to meet its burden of demonstrating that its WNA produces just and reasonable rates and that if this program were to continue, the Commission must order substantial reform.[20]

Based upon substantial evidence to support its position, the ALJ correctly found that the OCA proved that “the WNA, as applied, is unfair by design because it results in shifting the traditional risk of natural gas distribution service from NFG to its customers by guaranteeing recovery of authorized revenues to NFG regardless of actual customer consumption. Further, the way the WNA was applied has resulted in billing statements that are not clear, and which residential customers cannot verify for correctness because customers are unable to access the information that explains and verifies the charges each month.”[21]

Moreover, the ALJ correctly found that OCA proved that winter weather has been warming and will continue to warm and that as the weather warms, residential customers will continue to be charged more often at greater amounts with fewer occasions to receive

[17] RD, p. 285.
[18] RD, p. 286.
[19] RD, p. 289.
[20] RD, p. 307.
[21] RD, p. 309-310.

credits.[22] Therefore, I&E supports the ALJ's recommendation regarding the WNA. The Commission should reject NFG's Exception No. 3.

However, to the extent the WNA is continued, the I&E modifications to the WNA should be adopted as well.

D. I&E Reply to NFG's Exception No. 4. RD, pp. 163-168. NFG Exceptions, p. 17-19. The RD's recommendations, while well-reasoned, needs to be clarified.

NFG has proposed moving the customer residential charge for $14.00 to $19.00 a month based upon a customer cost study that it says identified the increased fixed costs incurred to connect and serve every residential customer including meters, service line meters and billing.[23]

In the body of the RD, the ALJ appears to be accepting I&E's position of no more than $15.80. The ALJ recommends the Commission approve the recommendation from I&E for residential rate design and to limit the percent increase in basic service charges.[24] Then Ordering paragraph 7 appears to reflect the current cost of $14.00.[25]

While the RD recognizes I&E's recommendation of no more than $15.80, I&E can accept the RD's conclusion that reflects the current $14.00. However, the customer charge that is actually being adopted should be clarified.

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22 RD, p. 310.
23 NFG RB, pp. 30-31.
24 RD, p. 271.
25 RD, p. 415.

E. I&E Reply to NFG Exception No. 5. RD, pp. 330-331. NFG Exceptions, pp. 20-23. The ALJ did not err by denying recovery of Energy Efficiency (EE) costs.

I&E does not oppose the EE program, but rather recommended that the Company submit an annual report three (3) months after the close of the program year. The ALJ was persuaded by the arguments of the parties and in particular the recommendation of I&E that NFG must report to the Commission within three months of the program information about participation of low income customers.[26] The ALJ's recommendation to deny cost recovery for this program by disallowing Rider D are solely based upon the lack of evidence presented by NFG that the program, as currently designed will place a financial burden on NFG prior to the next base rate case.[27] Thus, in her well-reasoned recommended decision, it is clear that NFG did not meet its burden of proving cost recovery in the amount requested and the Commission should deny NFG's Exception No. 5.

F. I&E Reply to NFG Exception No. 6. RD, pp. 149-151. NFG Exceptions, pp. 23-25. The ALJ properly denied membership dues.

The ALJ properly found that "the Commission should remove all membership dues expenses from rates, because dues in civic and local organizations do not benefit ratepayers sufficiently, or improve the safety and reliability of providing natural gas service sufficiently to justify requiring ratepayers to pay for costs that do not benefit them."[28] While I&E witness, Christopher Keller recommended an allowance of $212,298 for membership, or a reduction of $21,968 from NFG's claimed amount of

[26] RD, p. 330.
[27] RD, p. 331.
[28] RD, p. 151.

$234,266, this recommendation was based on disallowing membership dues for civic and other community organizations and other membership dues where the Company has not provided adequate support that the membership is necessary to provide safe and reliable service to the Company's ratepayers.[29] Similarly, the OCA proposed removing NFG's claim for $17,000 related to dues for membership in economic development organizations form the cost of service because NFG included annual dues for organizations that are not related to employee development, providing service to current ratepayers, and are more aligned with corporate image-building than benefitting ratepayers.[30] Likewise, the OSBA recommended that the Commission deny recovery of dues because the expenses do not directly contribute to the provision of safe, adequate, and reliable utility service.[31]

Thus, there was sufficient testimony from the parties for the disallowance of membership dues where no benefit to the ratepayers has been proven. NFG bears the burden of showing a benefit to the taxpayers and failed to do so. The ALJ properly concluded that these expenses are "a form of employee benefit that produces goodwill for the Company but does not benefit ratepayers."[32] The recommendation to remove all membership dues from rates "because dues in civic and local organizations do not benefit ratepayers sufficiently, or improve the safety and reliability of providing natural gas service sufficiently to justify ratepayers to pay for costs that do not benefit them," is

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29 I&E St. No 1, Exhibit No.1, Schedule 4, p. 3.
30 RD, p. 150.
31 *Id.*
32 RD, p. 151.

supported by the record evidence. NFG did not meet its burden of proving otherwise.[33] The Commission should reject NFG's Exception No. 6.

G. I&E Reply to Exception No. 7. RD, p. 149. NFG Exceptions, pp. 25-26. The ALJ properly adjusted the Company's headcount below its present number.

The ALJ did not err in concluding that a downward adjustment to the revenue requirement, whether it is based on a headcount or by consideration of other factors, is proper. I&E recommended an allowance of $40,212.35 for net labor, or a reduction of $379,731 to NFG's claim, but did not argue headcount.[34] OSBA recommended the adjustment of the Company's salaries and wages to represent the staffing level for which information is available because NFG consistently reported actual employee counts below its budgeted staffing levels.[35] OSBA asserted that this adjustment simply maintains labor expenses to be recovered through a realistic level, rather than a projected future budget, because customers should not be required to pay rates based on an employee count that exceeds the Company's most recent actual experience.[36] Based upon the evidence provided by the parties, the ALJ did not err in concluding that the OSBA's adjustment will bring more consistency and reduce charging ratepayers to pay for speculative thinking by the Company, and that historical data shows what NFG has done and is the best predictor if what NFG will do.[37] Therefore, the Commission should reject NFG's Exception No. 7.

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33 RD, p. 17, FOF 46-50.
34 RD, p. 148.
35 RD, p. 139.
36 RD, p. 139.
37 RD, p. 149.

H. I&E Reply to Exception No. 8. RD, p. 147. NFG Exceptions, pp. 26-29. The ALJ properly excluded the executive performance shares in the incentive compensation.

Based upon the evidence and positions of the parties, the ALJ properly concluded that NFG failed to provide sufficient proof that the executive cash bonuses and executive performance programs, at the amount requested will improve customer service, safety or reliability.[38] I&E's recommended disallowance of $909,281 related to executive performance shares is based on the fact that these costs associated with executive bonuses related to financial goals should be paid for by shareholders, and not ratepayers, as they are directly linked to the benefit of shareholders.[39] The ALJ properly concluded that if the claim is allowed NFG's ratepayers will pay to cover the costs for programs that bring benefits to the stockholders but do not bring benefits to ratepayers.[40] Therefore, the Commission should reject NFG's Exception No. 8.

I. I&E Reply to Exception No. 9. RD, p. 129. NFG Exceptions, pp. 29-32. The ALJ properly recommended that NFG absorb customer payment transaction fees.

I&E took no position on this issue. I&E does not oppose the Recommended Decision and the OCA's position. The OCA recommended that NFG's operating expenses should be adjusted by $930,000 to reflect customer bill payment transaction fees that are absorbed by NFG for customers who pay their bills by credit card, debt card, Venmo and PayPal.[41] I&E does not oppose the Recommended Decision and the Commission should reject NFG's Exception No. 9.

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[38] RD, p. 147.
[39] RD, p. 147.
[40] RD, p. 147.
[41] RD, p. 151.

J. I&E Reply to Exception No. 10. RD, pp. 143-144. NFG Exceptions, p. 33. The ALJ properly normalized the rate case expense over a five-year period.

NFG proposed a three-year normalization period because the Company anticipated filing more frequent base rate cases than it previously filed because of continued inflationary pressures on labor and other operating expenses, couple with accelerated infrastructure replacement and system modernization capital investments.[42] I&E disagreed with NFG's claimed three-year recovery period because it is not supported by the Company's historic filing frequency.[43] The ALJ was correct when she stated that "the Company's claim that it wants to file rate cases more frequently does not carry as much weight as looking at the Company's own history."[44] Similarly, the ALJ's conclusion that, based on NFG's historical data, a normalization period of five years is appropriate[45] and is supported by the record evidence in this case. Therefore, the Commission should reject NFG's Exception No. 10.

K. I&E Reply to Exception No. 11. RD, pp. 158-159. NFG Exceptions, pp. 33-34. The ALJ did not err in failing to account for expected growth in operating expenses.

I&E did not take a position other than to state that a utility is not entitled to recover expenses that are not reasonably and prudently incurred.[46] Moreover, the Company has the burden of showing that the expense requested is just and reasonable.[47] The ALJ was correct in finding that NFG failed to provide sufficient proof that these

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42 RD, p. 86.
43 RD, p. 106.
44 RD, p. 144.
45 *Id.*
46 RD, p. 105.
47 RD, p. 106.

expenses would lead to rates that are just and reasonable and the Commission should reject NFG's Exception No. 11.

L. I&E Reply to Exception 12. RD, pp. 220-221. NFG Exceptions, pp. 34-35. While properly reasoned, the Commission should take this opportunity to clarify certain recommendations in the RD.

As previously stated herein, the Commission should take this opportunity to clarify certain recommendations made in the RD.

III. CONCLUSION

Wherefore, the Bureau of Investigation and Enforcement respectfully requests that the Recommended Decision of Administrative Law Judge Katrina L. Dunderdale be adopted by the Commission pursuant to the I&E exceptions and the I&E Replies to Exceptions set forth above.

Respectfully submitted,

Joanna Toft-Funk

Joanna Toft-Funk
Prosecutor
PA Attorney ID No. 84476

Scott B. Granger
Senior Prosecutor
PA Attorney ID No. 63641

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Dated: August 24, 2026

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2025-3059428
	:	
National Fuel Gas Distribution Corporation	:	

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Replies to Exceptions** dated August 24, 2026, in the manner and upon the persons listed below.

Served via Electronic Mail Only

Michael W. Gang, Esq.
Anthony D. Kanagy, Esq.
Megan E. Rulli, Esq.
Lindsay A. Berkstresser, Esq.
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
mgang@postschell.com
akanagy@postschell.com
mrulli@postschell.com
lberkstresser@postschell.com

Elizabeth R. Marx, Esq.
Ria M. Pereira, Esq.
John W. Sweet, Esq.
Lauren N. Berman, Esq.
Levi Phillips, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org

Joseph L. Vullo, Esq.
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704
jlvullo@bvrrlaw.com

Rebecca Lyttle, Esq.
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101-1923
relyttle@pa.gov

Joel H. Cheskis, Esq.
Harrison W. Breitman, Esq.
Ryan M. Morden, Esq.
Olivia M. Spergel, Esq.
Janna E. Williams, Esq.
Crystal M. Zook, Esq.
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
OCANFGBRC26@paoca.org

Joanna Toft-Funk

Joanna Toft-Funk
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 84476
(717) 783-6184
jtoftfunk@pa.gov