**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of UGI Utilities, Inc. Electric :

Division for Approval of its Energy : M-2010-2210316

Efficiency and Conservation Plan :

**PREHEARING ORDER**

On November 9, 2010, UGI Utilities, Inc. Electric Division (UGI) filed a petition (Petition) seeking approval for its Energy Efficiency and Conservation Plan (EE&C Plan). The cover letter specifies that UGI requests Commission approval on or before September 30, 2011.

On November 29, 2010, answers to the Petition were filed by the Office of Trial Staff (OTS), the Office of Consumer Advocate (OCA), and the Office of Small Business Advocate (OSBA). On December 1, 2010, the Sustainable Energy Fund of Central Eastern Pennsylvania (SEF) filed a Petition to Intervene.

**Please note** that you are being served with this prehearing order because you are listed on the service list of the Petition as an entity which may be interested in this proceeding. You must file the appropriate pleading and be eligible for party status in order to become a party. Following the prehearing conference, you will be removed from the service list if you fail to qualify as a party.

On December 13, 2010, a Notice of Prehearing Conference was issued which set the prehearing conference for January 5, 2010. The parties are directed to comply with the following:

1. **All parties must serve me directly** (electronically at scolwell@state.pa.us and by hard copy) with any document you file in this proceeding**.** If you send me any document or correspondence, you must send a copy to all other parties in the case. The current service list is attached to this order. The correct address is Administrative Law Judge Susan D. Colwell, P.O. Box 3265, Harrisburg PA 17105-3265.

2. Parties shall be limited to those persons or entities who: (1) file a timely petition to intervene pursuant to 52 Pa. Code §5.71-76 (or a notice of intervention for those entities with a statutory right of participation pursuant to 52 Pa. Code §5.72(b)(4)), and (2) attend the initial prehearing conference. After the prehearing conference, intervention is limited to those persons or entities granted party status pursuant to 52 Pa. Code §§5.71-5.76.

3. Pursuant to 52 Pa. Code §1.55, each party shall be limited to one entry on the service list, although there can be more than one name listed. Parties shall provide the name, business address, business telephone number, business fax number (if any), and business e-mail address (if any) of the person they wish to have listed on the service list. Parties may arrange service among themselves as they agree. Parties are permitted without further order to limit the service of documents of parties who indicate that they do not wish to be served with such documents.

4. Pursuant to 52 Pa. Code §§1.21-1.23, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted pro hac vice, represent you. However, if you are a partnership, corporation, trust, association, joint venture, other business organization, trust, trustee, legal representative, receiver, agency, governmental entity, municipality or other political subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted pro hac vice represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall ensure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

5. Absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference shall constitute a waiver of all objections to the agreements reached, and any order or ruling with respect thereto.

6. Please review the regulation pertaining to prehearing conferences, 52 Pa. Code § 5.222. Be prepared to discuss possibilities for settlement, discovery issues, issues relating to the public input and evidentiary hearings that will be held, service among parties and all other procedural issues relevant to this proceeding. In addition, note subsection (d), which provides, in part:

(d) Parties and counsel will be expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. 52 Pa. Code § 5.222.

7. All of the following matters shall be addressed at the prehearing conference:

(a) Establishment of the official service list, and an informal e-mail distribution list.

(b) Modification of the Commission’s rules pertaining to discovery (52 Pa. Code, Subchapter D) and subpoenas (52 Pa. Code §5.421)

(c) Other matters that may aid in the orderly conduct and disposition of the proceeding and the furtherance of justice, including but not limited to the following:

(1) Simplification of the issues;

(2) The obtaining of admissions as to, or stipulations of, facts not in dispute, or the authenticity of documents which might properly shorten the hearing;

(3) Limitations as to the number of witnesses.

(4) Limitations of time and scope for direct and cross-examinations

(d) The need for a protective order.

8. Unless the parties reach an agreement upon a mutually acceptable schedule, the following schedule will be imposed:

Other parties direct testimony March 17, 2011

Company rebuttal April 7, 2011

Other parties rebuttal April 21, 2011

Evidentiary hearing May 5-6, 2011

Initial brief June 2, 2011

Response brief June 11, 2011

Recommended decision July 19, 2011

9. On or before **Thursday, December 30, 2010**, each party shall file and serve a prehearing memorandum which shall include a list of the issues and sub-issues in this proceeding which the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed and briefing schedule, and the names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness’ testimony. If a party is unable to prepare and serve a prehearing memorandum, it must be prepared to state on the record the issues they intend to address and the witnesses to be presented.

10. The parties are directed to cooperate and exchange information, either on an informal or formal basis. In addition, the parties are urged to use alternative means of discovery such as discovery conferences or depositions. The parties are expected to resolve discovery issues among themselves; motions to compel should be filed only after such efforts have failed. If the objections are not resolved, counsel will alert the presiding officer by e-mail of the need for a ruling, and a conference call will be scheduled. The presiding officer will make a ruling over the telephone and not reduce it to writing unless requested to do so. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-5.372.

11. The parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expense 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 warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

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| --- | --- | --- | --- |
| Date: | December 13, 2010 |  |  |
|  |  |  | Susan D. Colwell  Administrative Law Judge |

**M-2010-2210316 – PETITION OF UGI UTILITIES INC - FOR APPROVAL OF ITS ENERGY EFFICIENCY AND CONSERVATION PLAN.**

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NAVIGANT CONSULTING INC

1717 ARCH STREET

SUITE 4800

PHILADELPHIA PA 19103

TONY ERICKSON

ELECTRONIC DATA SYSTEMS LLC

5400 LEGACY DRIVE

PLANO TX 75024

TONY REYNOLDS

ENERTOUCH INC

D/B/A GOODCENTS SOLUTIONS

400 PERIMETER CENTER TERRACES, NE

SUITE 245

ATLANTA GA 30346

TODD ROSSI

FIELD DIAGNOSTIC SERVICES INC

444 OXFORD VALLEY ROAD STE 300

LANGHORNE PA 19047

TOM RUTGLIANO

CPOWER INC

3570 HAMILTON BLVD STE 102

ALLENTOWN PA 18103

VONDA L VAWTER

CORPORATE SYSTEMS LLC

1215 BROOKVILLE WAY

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