**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2013-2350914

Office of Small Business Advocate : C-2013-2354071

Daniel Killmeyer : C-2013-2355180

Office of Consumer Advocate : C-2013-2355226

:

v. :

:

Peoples Natural Gas Company LLC :

**PREHEARING CONFERENCE ORDER**

A Prehearing Conference is scheduled in this case for **Thursday, April 11, 2013, at 1:30 p.m., in Hearing Room #5, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA.** Please be advised that the undersigned presiding officers will preside telephonically from the 2nd Floor Hearing Room, Piatt Place, 301 Fifth Avenue, Pittsburgh, Pennsylvania 15222. Pittsburgh area parties may report to the aforementioned location in Pittsburgh. Harrisburg parties, please report to Hearing Room No. 5, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, Pennsylvania 17120.

The parties are hereby directed to comply with the following requirements:

1. Each party must file and serve, prior to **3:00 p.m.** on **April 9, 2013**, a Prehearing Conference Memorandum which sets forth the history of the proceeding, the issues you intend to present, a proposed plan and schedule of discovery, a listing of your proposed witnesses and the subject of their testimony, and a proposed litigation schedule, agreed to by all parties if possible, which requires the **filing of** **reply briefs by July 2, 2013**.

Each party’s Prehearing Conference Memorandum is to be received by both presiding Administrative Law Judges (ALJs) no later than 3:00 p.m. on April 9, 2013. **52 Pa. Code §5.222(d).** Receipt may be accomplished by either overnight mail or via electronic mail transmission. The email addresses for ALJs Conrad A. Johnson and Jeffrey Watson are [cojohnson@pa.gov](mailto:cojohnson@pa.gov) and [jeffwatson@pa.gov](mailto:jeffwatson@pa.gov), respectively.

1. A request for a change of the scheduled Prehearing Conference date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) days prior to the Prehearing Conference. **52 Pa. Code §1.15(b).** Requests for changes of initial prehearing conferences must be sent to the undersigned Administrative Law Judges, Piatt Place, Suite 220, 301 Fifth Avenue, Pittsburgh, Pennsylvania 15222, with copies to all parties of record. Only the undersigned Administrative Law Judges or Office of Administrative Law Judge Scheduling Unit may grant a request for a change of a prehearing conference. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent Prehearing Conferences or hearings, if any, should also be served directly on the presiding Administrative Law Judges.

In accordance with the foregoing, absent a continuance for good cause, all parties must be prepared to participate in the scheduled Prehearing Conference.

3. Please review the regulations pertaining to prehearing conferences, 52 Pa. Code §5.221-§5.224, and in particular, §5.222(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.

(1) The preparation must include submission of a prehearing memorandum and list:

(i) The presently identified issues.

(ii) The names and addresses of the witnesses.

(iii) The proposed area of testimony of each witness.

(2) The preparation may include:

(i) Development of a proposed procedural schedule.

(ii) Advance study of all relevant materials.

(iii) Advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable.

(Emphasis added.)

4. Parties should review the regulations relating to discovery, specifically 52 Pa. Code §5.331(b), which provides, *inter alia*, that “a party shall endeavor to initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code §5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery, and advise us at the prehearing conference as to discovery problems which have not been resolved. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371‑5.372.

5. Pursuant to 52 Pa. Code §§1.21 & 1.22, 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, or governmental agency or 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 insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1.24(b).

6. All parties intending to participate actively and fully in this proceeding, must appear at and participate in the prehearing conference. Each partymust serve a copy of every document it files in this case, including, but not limited to motions, testimony, and briefs, on the presiding officers and on every other party in accordance with the schedule to be established at the prehearing conference.

7. Failure of a party to attend the prehearing conference, without good cause shown, shall constitute a waiver of all objections to the agreements reached and matters decided at the prehearing conference, including, but not limited to, any special discovery rules and the litigation schedule established for this case. 52 Pa. Code §§5.222(e) & 5.224.

8. All parties, who do not intend to participate actively and fully in this case, are not required to appear at and participate in the prehearing conference.

9. Parties and/or Persons testifying at the Public Input Hearing will not be permitted to also testify at the technical evidentiary hearings.

10. You must serve both presiding officers directly with a copy of any document that you file in this proceeding. If you send the undersigned any correspondence or document, you

must send a copy to all other parties. For your convenience, a copy of the Commission’s current service list of the parties to this proceeding is enclosed with this Order.



Date: April 2, 2013

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Jeffrey Watson

Administrative Law Judge

**R-2013-2350914, C-2013-2354071, C-2013-2355180, & C-2013-2355226 – PUC, ET AL V. PEOPLES NATURAL GAS COMPANY LLC**

***Revised 4/2/13***

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