**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District, Inc. :

:

v. :C-2015-2516051

:

UGI Utilities, Inc. – Gas Division :

City of Reading :

:

v. :C-2016-2530475

:

UGI Utilities, Inc. :

**INTERIM ORDER**

**GRANTING A FURTHER CONTINUANCE**

The genesis of this matter is the complaints filed by the Centre Park Historic District and the City of Reading challenging the placement of meters in the City of Reading by UGI Utilities, Inc. (UGI). The reader is directed to the numerous orders which have already been served regarding these complaints for a full rendition of the procedural history.

Following the Commission’s December 21, 2017 decision denying UGI’s exceptions to my ruling on UGI’s motion for summary judgement, a litigation schedule was established on December 21, 2017, which required the filing of written direct testimony by February 23, 2018, and scheduled evidentiary hearings in Harrisburg for March 27-29, 2018.

On January 12, 2018, counsel for the Complainants withdrew their appearance. Jan D. Krafczek, Esquire entered his appearance on behalf of the City of Reading.[[1]](#footnote-1) On February 12, 2018, I received an Unopposed Motion for 60 Day Stay of Proceedings and Extension of Deadlines filed on behalf of the City of Reading. UGI did not object to the continuance. By interim order dated February 15, 2018, the motion for a continuance was granted to permit the parties additional time to engage in settlement negotiations.

On April 4, 2018, Attorneys Charles E. Thomas, Jr. and Charles E. Thomas, III, entered their appearance on behalf of the City of Reading. On April 17, 2018, the City of Reading filed a request for further continuance in order to permit counsel an opportunity to familiarize themselves with the voluminous record in this case and to schedule further settlement discussions with UGI. The motion also requested a telephonic status conference. The City represented that UGI does not object to the continuance request or the schedule changes proposed in the motion. By interim order dated April 18, 2018, the deadline for the filing of written direct testimony was suspended and a status conference was scheduled for Monday, April 23, 2018.

The status conference convened as scheduled. Counsel for the City of Reading and UGI appeared. The purpose of the status conference was to discuss the status of settlement discussions which have taken place since February 15, 2018, and to schedule further proceedings for the prompt resolution of the complaint of the City of Reading. City Attorney Jan D. Krafczek reported on the City’s efforts to secure new counsel with specialized experience to negotiate and draft an appropriate settlement with UGI, for consideration by the city administration and city council. At least one meeting had been held with UGI since the continuance was granted in February 2018. Attorney Charles Thomas, Jr. also discussed progress which had been made in generating proposals for settlement and was confident in counsel’s ability to work collaboratively. Counsel for UGI, Attorneys Devin Ryan and Mark Morrow, agreed that UGI remained willing to discuss amicable resolution of the complaint. UGI did not object to the procedural schedule proposed by the City of Reading it its April 17, 2018 Motion for Continuance.

In consideration of the representation of the parties and their apparent willingness to engage in good faith discussions in an effort to achieve an agreement in this case, I will grant the request for a continuance and adopt the schedule proposed by the City in its motion. Indeed, Commission policy favors settlements. The parties will have more control over the outcome and have a greater ability to craft a creative resolution which they may find more favorable to any decision the Commission may render based on the requirements of the Public Utility Code and the Commission’s regulations.

That said, if the parties are unable to reach a resolution, the evidentiary hearings in this matter will move forward as scheduled. Absent compelling circumstances it is not likely that further continuances will be granted. These complaints are well over two years old and must be brought to a conclusion. If the parties cannot achieve an agreement, they must be prepared for an outcome by adjudication.

THEREFORE,

IT IS ORDERED:

1. That the request for a continuance of the City of Reading, to which UGI concurs, the request is granted.

2. That the deadlines set forth in the December 21, 2017 Interim Order Setting Litigation Schedule, as modified by the interim orders dated February 15, 2018 and April 18, 2018 are hereby vacated.

3. The evidentiary hearings currently scheduled for May 15-17, 2018 are cancelled.

4. That the parties will convene a formal settlement conference on **May 16, 2018**, at City Hall in Reading. All parties shall have in attendance persons who have the ability to make substantive decisions.

5. That on or before **May 23, 2018**, the parties shall file a status report which sets forth the progress made at the settlement conference(s) and whether a full or partial settlement appears to be likely.

6. That on or before **June 29, 2018**, the Complainants shall prepare and serve an updated Joint Stipulation of Complainants Centre Park Historic District, Inc. and City of Reading, and Respondent UGI Utilities, Inc., including attachments, which shall remove any meter locations which are no longer contested, and includes any additional stipulations of fact that have been reached in settlement conferences. The Updated Joint Stipulation shall be offered for admission into the hearing record as ALJ Exhibit 1. Any objections to the admission of ALJ Exhibit 1 may be made on the first day of the evidentiary hearing. Two copies shall also be prepared by the City for the submission to the court reporter.

7. That the City shall file written direct testimony on or before **June 29, 2018.**

8. That UGI shall file written responsive testimony on or before **July 27, 2018.**

9. That evidentiary hearings shall be held in an available hearing room at the Commission’s offices in Harrisburg, beginning each day at **9:00 a.m.,** **on August 21-24, 2018.**

10. That no further continuances will be granted absent extraordinary circumstances.

Date: April 24, 2018 /s/

Mary D. Long

Administrative Law Judge

**C-2015-2516051 - CENTRE PARK HISTORIC DISTRICT INC v. UGI UTILITIES INC**

**C-2016-2530475 - CITY OF READING v. UGI UTILITIES INC**

*Revised 4/18/18*

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1. To date, no attorney has entered an appearance on behalf of the Centre Park Historic District, Inc. [↑](#footnote-ref-1)