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File #: 193132

August 1, 2022

VIA ELECTRONIC FILING

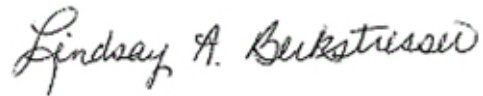
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: PA PUC v. Columbia Gas of Pennsylvania, Inc.
Docket Nos. R-2022-3031211, et al.**

Dear Secretary Chiavetta:

Attached for filing please find the Answer of Columbia Gas of Pennsylvania, Inc. to Richard C. Culbertson's Motion for Reconsideration on Prehearing Order #7 in the above-referenced proceedings. Copies will be provided per the attached Certificate of Service.

Respectfully submitted,



Lindsay A. Berkstresser

LAB/dmc
Attachment

cc: Honorable Christopher P. Pell (*via email; w/att.*)
Honorable John M. Coogan (*via email; w/att.*)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

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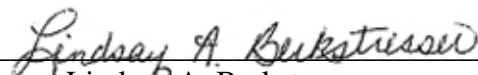
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Date: August 1, 2022


Lindsay A. Berkstresser

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--|---|----------------|
| Pennsylvania Public Utility Commission | : | R-2022-3031211 |
| Office of Small Business Advocate | : | C-2022-3031632 |
| Office of Consumer Advocate | : | C-2022-3031767 |
| Pennsylvania State University | : | C-2022-3031957 |
| Columbia Industrial Intervenors | : | C-2022-3032178 |
| Jose A. Serrano | : | C-2022-3031821 |
| Constance Wile | : | C-2022-3031749 |
| Richard C. Culbertson | : | C-2022-3032203 |
| | : | |
| v. | : | |
| | : | |
| Columbia Gas of Pennsylvania, Inc | : | |

**ANSWER OF COLUMBIA GAS OF PENNSYLVANIA, INC.
TO RICHARD C. CULBERTSON’S MOTION
FOR RECONSIDERATION OF PREHEARING ORDER # 7**

Columbia Gas of Pennsylvania, Inc. (“Columbia”) hereby submits this Answer to Richard C. Culbertson’s Motion to Reconsider Prehearing Order # 7 in the above-captioned proceeding (“Motion to Reconsider”). Mr. Culbertson’s Motion to Reconsider should be denied because Administrative Law Judges Christopher P. Pell and John Coogan (the “ALJs”) correctly denied Mr. Culbertson’s July 20, 2022 Motion to Compel on the basis that it was untimely and did not comply with the modifications to the Commission’s discovery regulations that were agreed to by the parties and established at the April 29, 2022 prehearing conference in this proceeding.

I. BACKGROUND

On July 7, 2022, Mr. Culbertson issued his Sets I, II and III interrogatories.

On July 12, 2022, Columbia served objections to Set 1, Questions 1-20, Set II, Questions 10, 14-18 and 26, and Set III, Questions 1-10.

On July 20, 2022, Mr. Culbertson filed an untimely Motion to Compel Columbia's responses to Set 1, Questions 1-20, Set II, Questions 10, 14-18 and 26, and Set III, Questions 1-10.

On July 25, 2022, Columbia filed an Answer to the Motion to Compel, explaining its position as to why the Motion to Compel should be denied.

On July 27, 2022, the ALJs issued Prehearing Order # 7 denying the Motion to Compel.

II. ARGUMENT

The ALJs correctly determined that Mr. Culbertson's July 20, 2022 Motion to Compel should be denied because it was untimely filed. Although the Commission's regulations at 52 Pa. Code § 5.342(g) provide that motions to compel must be filed within ten days of service of objections to interrogatories, the Commission's regulations also specify that a presiding officer in a proceeding has the authority to "impose reasonable limitations on discovery and to otherwise regulate the course of the proceeding." 52 Pa. Code § 5.483(a). This authority includes modifying the Commission's rules for discovery that are set forth in 52 Pa. Code § 5.321 et seq.

In this case, the parties discussed modifications to the Commission's discovery rules proposed by the Office of Consumer Advocate and the Commission's Bureau of Investigation and Enforcement at the April 29, 2022 telephonic prehearing conference, which Mr. Culbertson attended. Mr. Culbertson did not object to the modifications, and the ALJs approved the modifications. One of the adopted discovery modifications shortened the time period for filing motions to compel to three days after objections are filed. The discovery rule modifications were stated in Prehearing Order # 1, which was issued on May 3, 2022, and served on Mr. Culbertson. Such discovery rule modifications are commonly adopted in rate case proceedings due to the short timeframe for litigating these proceedings.

Columbia filed its objections to Mr. Culbertson's Set I, II and III interrogatories on July 12, 2022, and therefore Mr. Culbertson's Motion to Compel was due on July 15, 2022. However, Mr. Culbertson did not file his Motion to Compel until July 20, 2022. Mr. Culbertson should not be permitted to complain about or fail to adhere to agreed-upon changes to the discovery rules that were adopted in this proceeding, especially when he was aware of those changes and did not object to them.

In Prehearing Order #7, the ALJs stated as follows:

Modifications to the Commission's discovery regulations were agreed upon by all parties participating in the Prehearing Conference and were established so parties could orderly and efficiently dispose of discovery matters ahead of the hearings scheduled for August 2-4, 2022. Addressing the substantive merits of Mr. Culbertson's Motion to Compel would be prejudicial to Columbia because it would entertain an untimely motion while Columbia otherwise responds to timely discovery from multiple parties, propounds discovery, drafts written testimony and exhibits, and prepares for the evidentiary hearings pursuant to a litigation schedule established during the Prehearing Conference. [footnote omitted] The discovery rules modifications must be applied equally to all parties in this proceeding to ensure a fair and orderly process.

Prehearing Order #7, p. 9. As the ALJs observed in Prehearing Order #7, it would be unfair and unduly prejudicial to permit certain parties not to adhere to the agreed-upon discovery modifications. All parties to the proceeding must operate within the agreed upon rules for discovery.

In accordance with the May 3, 2022 Prehearing Order, counsel for Columbia contacted Mr. Culbertson on July 11, 2022, prior to serving the Company's objections, to determine if Columbia and Mr. Culbertson could resolve the discovery dispute informally. See Prehearing Order, ¶ 13. However, counsel for Columbia and Mr. Culbertson were unable to informally resolve the discovery dispute. Counsel for Columbia informed Mr. Culbertson that the Company would be

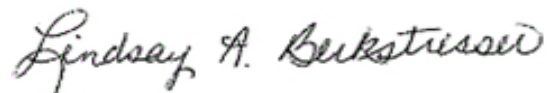
filing its written objections the following day, on July 12, 2022. No agreement was made to extend the due date for objections or motions to compel.

In his Motion for Reconsideration, Mr. Culbertson does not claim that there is any issue or argument that the ALJs overlooked when determining that his Motion to Compel was untimely filed. Mr. Culbertson's Motion does not support reconsideration of Prehearing Order # 7, which correctly determined that his Motion to Compel was untimely and denied it on that basis. For these reasons, Columbia respectfully requests that the Motion for Reconsideration be denied.

III. CONCLUSION

WHEREFORE, Columbia Gas of Pennsylvania, Inc. respectfully requests that the Motion for Reconsideration of Prehearing Order # 7 be denied.

Respectfully submitted,



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Date: August 1, 2022

VERIFICATION

I, Nicole Paloney, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements made herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: August 1, 2022

Nicole Paloney
Nicole Paloney
Director of Rates and Regulatory Affairs
Columbia Gas of Pennsylvania, Inc.