**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 :

**BRIEFING ORDER**

On March 18, 2022, Columbia Gas of Pennsylvania, Inc. (Columbia or Respondent), filed Supplement No. 337 to Tariff Gas Pa. P.U.C. No. 9 to become effective

May 17, 2022, containing proposed changes in rates, rules, and regulations calculated to produce $82.2 million in additional annualrevenues. Columbia’s filing is docketed at R-2022-3031211.

On March 22, 2022, Erika L. McLain, Esq., entered a Notice of Appearance at docket number R-2022-3031211 on behalf of the Commission’s Bureau of Investigation and Enforcement (I&E).

On March 28, 2022, the Office of Small Business Advocate (OSBA) filed a Verification, Public Statement, a Notice of Appearance on behalf of Steven C. Gray, Esq., and a formal Complaint to the proposed rate increase at docket number R-2022-3031211. The Complaint was docketed at C-2022-3031632.

On April 1, 2022, Jose A. Serrano filed a formal Complaint to the proposed rate increase at docket number R-2022-3031211. The Complaint was docketed at C-2022-3031821.

On April 4, 2022, Constance Wile filed a formal Complaint to the proposed rate increase at docket number R-2022-3031211. The Complaint was docketed at C-2022-3031749.

On April 5, 2022, the Office of Consumer Advocate (OCA) filed a Public Statement, a Notice of Appearance on behalf of Aron Beatty, Esq., Barrett C. Sheridan, Esq., Harrison W. Breitman, Esq., and Lauren E. Guerra, Esq., and a formal Complaint to the proposed rate increase at docket number R-2022-3031211. The Complaint was docketed at C-2022-3031767.

On April 8, 2022, the Pennsylvania Weatherization Providers Task Force, Inc. (Task Force) filed a Petition to Intervene at docket number R-2022-3031211.

On April 11, 2022, the Retail Energy Supply Association, Shipley Choice, LLC, and NRG Energy, Inc. (RESA/NGS Parties) filed a Petition to Intervene at docket number R-2022-3031211.

On April 12, 2022, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed a Petition to Intervene at docket number R-2022-3031211.

By Order entered on April 14, 2022, the Pennsylvania Public Utility Commission (Commission) instituted an investigation into the lawfulness, justness, and reasonableness of the proposed rate increase at docket number R-2022-3031211. Pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S.A. § 1308(d), Supplement No. 337 to Tariff Gas Pa. P.U.C. No. 9 was suspended by operation of law until December 17, 2022, unless permitted by Commission Order to become effective at an earlier date. In addition, the Commission ordered that the investigation include consideration of the lawfulness, justness, and reasonableness of Columbia’s existing rates, rules, and regulations. The matter was assigned to the Office of Administrative Law Judge for the prompt scheduling of hearings culminating in the issuance of a Recommended Decision.

In accordance with the Commission’s April 14, 2022 Order, the matter at docket number R-2022-3031211 was assigned to Deputy Chief Administrative Law Judge Christopher P. Pell.

On April 15, 2022, the Pennsylvania State University (PSU) filed a formal Complaint to the proposed rate increase at docket number R-2022-3031211. The Complaint was docketed at C-2022-3031957.

On April 27, 2022, the Columbia Industrial Intervenors (CII) filed a formal Complaint to the proposed rate increase at docket number R-2022-3031211. The Complaint was docketed at C-2022-3032178.

Also on April 27, 2022, The Natural Resources Defense Council (NRDC) filed a Petition to Intervene at docket number R-2022-3031211.

On April 28, 2022, Richard C. Culbertson filed a formal Complaint to the proposed rate increase at docket number R-2022-3031211. The Complaint was docketed at C-2022-3032203.

A Call-in Telephonic Prehearing Conference for the proceeding at docket number R-2022-3031211 was held on April 29, 2022. Counsel for Columbia, I&E, OCA, OSBA, PSU, the Pennsylvania Weatherization Provider’s Task Force, Inc., RESA/NGS Parties, CAUSE-PA, NRDC, CII, and Richard C. Culbertson participated.

On May 2, 2022, Administrative Law Judge John Coogan was assigned to co-preside at the proceeding docketed at R-2022-3031211.

On May 3, 2022, we issued Prehearing Order #1 for the proceeding at docket number R-2022-3031211. Prehearing Order #1 granted the Petitions to Intervene of the Pennsylvania Weatherization Task Force, Inc., the RESA/NGS Parties and CAUSE-PA, and established a schedule for the submission of pre-served testimony and scheduled evidentiary hearings for August 2, 3, and 4, 2022.

On May 6, 2022, Columbia filed a Motion for Protective Order at docket number R-2022-3031211.

On May 11, 2022, we issued Prehearing Order #2 granting Columbia’s Motion for Protective Order at docket number R-2022-3031211.

By Prehearing Order #4 dated May 17, 2022, we granted NRDC’s Petition to Intervene.

On May 31, 2022, a telephonic Public Input Hearing was held at 6:00 p.m. One person registered to provide testimony during that Public Input Hearing but that person failed to call in as scheduled.

On June 1, 2022, a second telephonic Public Input Hearing was held at 6:00 p.m. Two people registered to provide testimony during this Public Input Hearing. Both people called in and provided sworn testimony.

At the request of the parties, the hearing scheduled for August 2, 2022 was cancelled to allow the parties additional time for settlement negotiations.

The evidentiary hearing was held as scheduled on August 3, 2022. During the hearing, RESA/NGS Parties cross-examined one Columbia witness. All other witnesses were excused from appearing at the hearing since no parties requested to cross examine them, and also because we did not have questions for them. Columbia, OCA, I&E, OSBA, RESA/NGS Parties, PSU, the Task Force, CAUSE-PA and CII each moved to have their witnesses’ testimonies and exhibits entered into the record. As there were no objections, all parties’ testimonies and exhibits were admitted into the record during the hearing.

The parties were reminded that briefs must be filed according to the schedule established in our Prehearing Order #1. We also advised the parties that we would subsequently issue a briefing order.

THEREFORE,

IT IS ORDERED:

1. That Main Briefs of the parties are due on or before Tuesday,

August 23, 2022;

1. That Reply Briefs are due on or before Friday, September 2, 2022;
2. That Main Briefs may not exceed 140 pages in length;
3. That Reply Briefs may not exceed 90 pages in length;
4. That the briefs must substantially comply with the Commission's regulations at 52 Pa.Code §§ 5.501, 5.502;
5. That the briefs must contain: (a) a concise statement or counter-statement of the case; (b) an argument, with sufficient citations to record evidence, preceded by a summary; (c) a conclusion with requested relief; (d) proposed Findings of Fact, together with page references to statements of testimony and exhibits; (e) proposed Conclusions of Law, together with legal citations and (f) proposed Ordering Paragraphs;
6. That the parties must use the Rate Case Tables provided via email on

May 19, 2022, if necessary to address unresolved issues in this case;

1. That the parties must provide the Presiding Officers with copies of the Rate Case Tables in Excel;
2. That all parties must use a common outline for Main and Reply Briefs;
3. That the parties shall file the original copy of the Main Brief with the Commission no later than 4:30 p.m. on the date due;
4. That the parties shall file the original copy of the Reply Brief with the Commission no later than 4:30 p.m. on the date due.
5. That any brief not filed and served on or before the dates set forth above will not be accepted except by special permission;
6. That the parties are advised not to include any extra-record evidence in their briefs;
7. That if a brief contains a citation to an unreported decision which is not available on LEXIS or the Commission’s website, a copy of that unreported decision must be appended to the brief; and
8. That the parties are reminded that they are to e-mail us a copy of their as-filed briefs in a WORD-formatted document in addition to ADOBE or other compatible PDF format.

Date: August 4, 2022 /s/

Christopher P. Pell

Deputy Chief Administrative Law Judge

/s/

John Coogan

Administrative Law Judge

Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.

Docket Number R-2022-3031211

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