

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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October 5, 2018

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Petition of UGI Utilities, Inc. – Electric  
Division for Approval of Phase III of its  
Energy Efficiency and Conservation Plan  
Docket No. M-2018-3004144

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

A handwritten signature in cursive script that reads "Christy M. Appleby".

Christy M. Appleby  
Assistant Consumer Advocate  
PA Attorney I.D. # 85824  
E-Mail: [CAappleby@paoca.org](mailto:CAappleby@paoca.org)

Enclosures:

cc: Honorable Benjamin J. Myers  
Certificate of Service  
\*260375

CERTIFICATE OF SERVICE

Re: Petition of UGI Utilities, Inc. – :  
Electric Division for Approval of : Docket No. M-2018-3004144  
Phase III of its Energy Efficiency :  
and Conservation Plan :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 5<sup>th</sup> day of October 2018.

SERVICE BY E-MAIL and INTER-OFFICE MAIL

Richard A. Kanaskie, Esquire  
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Harrisburg, PA 17120

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/s/ Christy M. Appleby  
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Dated: October 5, 2018

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of UGI Utilities Inc. – Electric :  
Division for Approval of Phase III of its : Docket No. M-2018-3004144  
Energy Efficiency and Conservation Plan :

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PREHEARING MEMORANDUM  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. Section 333, and in response to the Prehearing Conference Order in the above-captioned matter, the Office of Consumer Advocate (OCA) provides the following:

**I. INTRODUCTION**

On August 21, 2018, UGI Utilities, Inc. – Electric Division (UGI or Company) filed a Petition with the Public Utility Commission (Commission) seeking approval of a Phase III Energy Efficiency and Conservation Plan for the period of June 1, 2019, through May 31, 2024 (Phase III EE&C Plan). As the Company notes in its Petition, UGI is not formally subject to the energy efficiency requirements of Act 129 of 2008, because it has fewer than 100,000 customers. 66 Pa. C.S. §2806.1(1). The Commission approved the Company’s voluntary Phase I EE&C Plan, with modifications, in its Order entered October 19, 2011. Petition of UGI Utilities Inc. – Electric Division for Approval of its Energy Efficiency and Conservation Plan, Docket No. M-2010-2210316 (Order entered Oct. 19, 2011) (Phase I Order). Subsequently, the Commission approved the Company’s voluntary Phase II EE&C Plan in its Order entered June 9, 2016. Petition of UGI Utilities, Inc. – Electric Division for Approval of Phase II of its Energy Efficiency and Conservation Plan, Docket No. M-2015-2477174 (Order entered June 9, 2016) (Phase II Order).

By Order entered May 4, 2017, the Commission approved a one-year extension to an amended Phase II Plan, until May 31, 2019.

UGI has proposed to modify its program offerings in Phase III. Petition at ¶19. The resulting Plan includes six programs. Petition at ¶27. Of the six programs, four are available to all residential customers, including low-income customers; one program is available to only commercial, industrial, and governmental customers, and one additional program is available to all customers. Petition at ¶27. For the Residential class, the Company proposes to continue its appliance recycling and appliance rebates programs, with updated measures and adjusted qualified equipment and rebates, respectively. The fuel switching program will continue, but will be merged with the appliance rebates program. Petition Exh. 1 at 5. UGI further proposes to continue its energy efficient lighting program and to wind the program down by January 2020. Petition Exh. 1 at 5. The Company also proposes to continue the school energy education program, modified by expanding the program to high schools. Petition Exh. 1 at 5. Finally, UGI proposes to merge its customer education program into an emerging technology and outreach program, which will apply to all customer classes. Petition Exh. 1 at 5. The home energy audit and residential low-income water heater replacement programs are to be ended. Petition Exh. 1 at 5.

On September 7, 2018, the Office of Small Business Advocate (OSBA) filed its Notice of Appearance, Public Statement, and Answer in this proceeding. On September 10, 2018, the Office of Consumer Advocate (OCA) filed its Notice of Intervention, Public Statement, and Answer.

The matter was referred to the Office of Administrative Law Judge, and Administrative Law Judge (ALJ) Benjamin J. Myers was assigned to the proceeding. On September 19, 2018, a Prehearing Conference Notice was issued, and a Prehearing Conference was scheduled for October 10, 2018.

In its Answer, the OCA stated that the OCA does not object to UGI's request to continue its EE&C Plan beyond Phase II. The OCA continues to support the Company's efforts to provide cost-effective energy efficiency and conservation programs and measures to its customers. The OCA will work with the parties to help ensure that the programs offered meet the needs of customers while providing energy and conservation benefits on a system-wide basis.

## **II. ISSUES**

As the OCA stated in its Answer to this proceeding, the OCA supports the continuation of cost-effective programs through Phase III. Upon initial review, the Company's Phase III Plan includes several programs that will benefit residential customers. The OCA will work with the parties to ensure that the programs offered meet the needs of residential customers while providing energy and conservation benefits on a system-wide basis.

## **III. WITNESSES**

The OCA intends to present Direct, Rebuttal, and Surrebuttal testimony, as may be necessary, of Stacy Sherwood in this proceeding. In order to expedite the resolution of this proceeding, the OCA requests that copies of all interrogatories, testimony, and answers to interrogatories be mailed directly to Ms. Sherwood at the following address, as well as mailing copies to counsel for the OCA.

Stacy Sherwood  
Exeter Associates, Inc.10480  
Little Patuxent Parkway  
Suite 300  
Columbia, MD 21044  
Telephone: (410) 992-7500  
E-Mail: [sherwood@exeterassociates.com](mailto:sherwood@exeterassociates.com)

The OCA specifically reserves the right to call additional witnesses, as necessary. As soon as the OCA has determined whether an additional witness or witnesses will be necessary for any portion of its case, the ALJ and all parties of record will be notified.

#### **IV. SERVICE ON THE OCA**

The OCA will be represented in this case by Assistant Consumer Advocate, Christy M. Appleby and Senior Assistant Consumer Advocate, Darryl A. Lawrence. Copies of all documents should be served as follows:

Christy M. Appleby  
Assistant Consumer Advocate  
Darryl A. Lawrence  
Senior Assistant Consumer Advocate  
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[dlawrence@paoca.org](mailto:dlawrence@paoca.org)

#### **V. DISCOVERY**

To date, the OCA has issued one set of formal interrogatories. The OCA will also participate in informal discovery conferences, as may be necessary, in order to expeditiously resolve discovery questions.

In order to effectively investigate and adequately develop a record on these issues in the limited timeframe for this proceeding, the OCA requests a modification of the Commission's procedural rules, as set forth below:

(1) Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service.

(2) Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories; unresolved objections shall be served upon the ALJ within five (5) days of service of the interrogatories.

(3) Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.

(4) Answers to motions to dismiss objections and/or answering of interrogatories shall be filed within three (3) calendar days of service of such motions.

(5) Responses to requests for document production, entry for inspection, or other purposes must be served in-hand within ten (10) calendar days of service.

(6) Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

(7) Answers to on-the-record data requests shall be served in-hand within seven (7) calendar days of the requests.

(8) Interrogatories served after noon on Friday or after noon on the day before a holiday will be due as if served the following business day.

The OCA reiterates that all time periods established in the foregoing discovery schedule should be calculated using calendar days.

## **VI. PROCEDURAL SCHEDULE**

It is the OCA's understanding that the Company will include a proposed procedural schedule in its Prehearing Memorandum. The OCA has had the opportunity to review the Company's proposed procedural schedule, and the OCA has no objection to the Company's proposed procedural schedule.

**VII. SETTLEMENT**

The OCA will participate in settlement discussions with the parties.

Respectfully Submitted,

/s/ Christy M. Appleby

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DATE: October 5, 2018

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