



PHILADELPHIA GAS COMMISSION

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August 30, 2024

Commissioner James Leonard, Esq.
Department of Records
City Hall Room 156
Philadelphia, PA 19107

RE: Regulation on Policies for Proceedings Before the Gas Commission

Dear Commissioner Leonard,

Please find attached the Philadelphia Gas Commission's "Regulation on Policies for Proceedings Before the Gas Commission," promulgated pursuant to Sections 3-100(f), 3-909, and 8-407 of the Philadelphia Home Rule Charter and authorized by majority vote of the Gas Commission at a public meeting on August 29, 2024.

Sincerely,

Gemela McClendon
Executive Director
Philadelphia Gas Commission
1515 Arch Street, 9th Floor
Philadelphia, PA 19102

**City of Philadelphia
Law Department**

MEMORANDUM

TO: Royal Brown, Curtis Jones, Jr., Evan Urbania, Mike Driscoll, Christy Brady, Commissioners

Cc: Commission Staff

FROM: James Kellett, Divisional Deputy City Solicitor

DATE: August 30, 2022

RE: Regulation on Policies for Proceedings Before the Gas Commission

I have Reviewed the attached Regulation on Policies for Proceedings Before the Gas Commission and find it to be legal and in proper form In accordance with Section 8-407(a) of the Philadelphia Home Rule Charter, you may now forward the regulation to the Department of Records where it will be made available for public inspection.'

James C. Kellett
Divisional Deputy City Solicitor

CITY OF PHILADELPHIA
GAS COMMISSION

REGULATION ON POLICIES FOR PROCEEDINGS BEFORE THE PHILADELPHIA GAS COMMISSION

Pursuant to its powers as set forth at Sections 3-100(f), 3-909, and 8-407 of the Philadelphia Home Rule Charter, the Philadelphia Gas Commission ("Commission") hereby adopts the following regulations ("Regulations").

These regulations are promulgated in order to ensure transparency and efficient processes for Proceedings before the Commission. To the extent that a conflict may exist between these Regulations and the Amended and Restated City-PFMC Management Agreement (the "Management Agreement"), the terms of the Agreement shall take precedence.

SECTION 1. The Commission hereby sets forth these Standard Rules and Procedures for Proceedings, which shall govern any Proceedings as defined by Section 1(A)(11), below:

A. Definitions

1. **Commissioner** – A member of the Gas Commission appointed pursuant to Section VI of the Management Agreement.
2. **Informal Discovery** – The exchange of information and data that may be relevant to any Proceeding before the Commission by way of questions and responses between the Procedural Parties and/or Hearing Examiners.
3. **Hearing Examiners** – Attorney members of the Commission's professional staff charged with overseeing the conduct of all Proceedings before the Commission.
4. **Procedural Parties** – PGW, as represented by its designated legal counsel, the Public Advocate, and Gas Works Employees' Union Local 686.
5. **Procedural Schedule** – A schedule established by the Hearing Examiners setting forth relevant dates and milestones necessary for the conduct of a Proceeding before the Commission.
6. **Proceeding** – Any matter related to PGW's operations brought before the Commission pursuant to the authority granted to the Commission under the Management Agreement which requires final action by the Commission.
7. **Public Advocate** – a law firm or legal services organization contracted by the Commission to serve as a "Public Advocate" in Gas Commission Proceedings, to ensure that the views and interests of PGW's customer base are represented. The Public Advocate has automatic Procedural Party status in Proceedings before the Commission. The Public Advocate is responsible for providing professional services (including the participation of experts it retains as subcontractors) in order to adequately represent rate payers.

8. Gas Works Employees' Union Local 686-representing PGW employees who are members of Gas Works Employees' Union Local 686, Utility Workers Union of America.
9. Public Hearing – a hearing conducted by the Commission's Hearing Examiners in which evidence and/or arguments shall be presented by the Procedural Parties, as well as testimony from both Procedural Parties and members of the public shall be taken, for consideration by the Commission in rendering its final decision on a Proceeding pending before it.
10. Public Meeting – Any meeting conducted by the Commission in which the Commission takes final action on a Proceeding brought before it, and that requires an opportunity for public attendance and participation, as set forth by the Pennsylvania Sunshine Act and any other relevant law. Also referred to as "Commission Meeting" Or "Meeting."
11. Public Participants – Any member of the public acting on their own behalf or on behalf of an organization who either wishes to offer comments or testimony at a Commission Public Hearing or Meeting at which public comment or testimony is accepted, or who wishes to simply observe Commission proceedings.
12. Telecommunications Technology – Any interactive technology used to facilitate virtual or distance meetings, including telephone and internet communication.

B. Proceedings before the Commission In General

1. A Proceeding before the Commission shall commence upon PGW's submission of a request for Commission action on those areas of PGW's operations over which the Commission has authority, including but not limited to the review and approval of PGW's fiscal year budgets.
2. For all Proceedings, the Hearing Examiners shall establish a Procedural Schedule within ten (10) business days of the Commission's receipt of PGW's request for Commission action.
3. Proceedings related to the purchase, lease or sale of real property by PGW or the procurement of goods or services, including the purchase of natural gas shall include:
 - a) the conduct of Informal Discovery with the Procedural Parties;
 - b) the submission of written comments by the Procedural Parties (if there remain areas of disagreement between PGW and the Advocate);
 - c) the issuance of a Recommended Decision by the Hearing Examiners;
 - d) the submission of Comments or Exceptions by the Procedural Parties to the Recommended Decision, if any; and
 - e) a final vote to be taken at a Public Meeting by the Commissioners based upon the record developed during the Proceeding.

4. Transcripts from all Commission Meetings shall be published by the Commission on its website and conveyed to any person, entity, or governmental body prescribed by Law.

C. Conduct of Proceedings Relating to PGW's Fiscal Year Budgets

1. A Proceeding related to PGW's fiscal year budgets shall commence upon the filing of proposed capital and/or operating budgets in accordance with the provisions of Section IV2 of the Management Agreement.
2. Fiscal year budget Proceedings shall include:
 - a) Written Testimony by PGW, which shall be included with its budget filing;
 - b) Informal Discovery with the Procedural Parties. A stenographer shall be engaged at the Commission's cost and expense to accurately document all Informal Discovery sessions;
 - c) Written Testimony by the Public Advocate and its Expert Witness;
 - d) A Public Hearing where Procedural Parties as well as Public Participants may offer comments and or testimony related to the Proceeding;
 - e) Written comments/briefs by the Procedural Parties detailing any arguments in support of or against any outstanding issues upon which an agreement has not been reached at the conclusion of the Public Hearing, or as otherwise directed by the Hearing Examiners;
 - f) A Recommended Decision issued by the Hearing Examiners;
 - g) Comments or Exceptions by the Procedural Parties to the Recommended Decision, if any; and
 - h) A final vote to be taken at a Public Meeting by the Commissioners based upon the record developed during the Proceeding.
3. All expert testimony submitted by Procedural Parties must be accompanied by credentials/evidence which establishes the expertise of the witness proffering the testimony. Such credentials shall constitute a presumption of expertise that a Procedural Party or Hearing Examiner may challenge, and that the Commission may approve based upon all evidence presented.
4. Copies of PGW's budget filings, materials developed during Informal Discovery, including all questions and responses and written testimony provided by the Procedural Parties, and the Hearing Examiners' recommended decision shall be made available to members of the public via download at the Commission's website, www.phlgc.net. Such material will be published on the Commission's website within two (2) business days of its receipt/issuance by the Commission.
5. Public Participants intending to offer oral testimony or comment during a Public Hearing shall register with the Commission, in the manner prescribed by the Hearing Examiner(s) when notice of such Public Hearing is published. The Hearing Examiner(s) may set such reasonable time limits on oral testimony and comment as it may see fit, in its discretion.

6. Public Participants wishing to offer written testimony prior to a Public Hearing shall be required to submit such written testimony prior to the published start time of the Public Hearing. Such written testimony from Public Participants shall be acknowledged by the Hearing Examiner(s) at the appropriate time during the Public Hearing by identifying the person submitting the testimony, and acknowledging that the testimony shall be made a part of the Procedural record and considered by the Commission when rendering its final decision.
7. If needed, Public Participants shall inform the Commission at least ten (10) days before the scheduled hearing, if the primary language of the Public Participant is not the English language, to enable the Commission to provide an interpreter to orally translate the proceedings. If the Hearing Examiners do not receive notice of the need for an interpreter in time to arrange for an interpreter to be provided, the Commission may reschedule the Public Hearing at its discretion. Official interpretation of Commission proceedings may only be conducted by a certified interpreter that is approved or provided by the Commission.

SECTION 2. The Commission hereby promulgates the following rules for participation and conduct during Public Hearing and Commission Meetings.

1. All Procedural Parties and Public Participants wishing to offer testimony or comments during a Public Hearing or Commission Meeting shall identify themselves to the Commission at the commencement of their testimony or comment.
 - a. If a Meeting is conducted utilizing Telecommunications Technology, each Procedural Party and Public Participant shall state their name prior to speaking, and activate their video camera if the Telecommunications Technology enables it.
2. When not speaking, each Hearing Party, Public Participant, and member of the public simply wishing to observe the Public Hearing or Meeting shall remain silent, and if participating via Telecommunications Technology remain on mute.
3. Commissioners or the Hearing Examiners may mute or remove a Procedural Party, Public Participant or general member of the public for failing to conduct themselves in a manner befitting a Public Hearing or Meeting, including but not limited to:
 - a. Failure to adhere to the rules set forth in this Regulation;
 - b. Failure to remain silent during a time not allotted to the Procedural Party or Public Participant for testimony or examination;
 - c. Engagement in conduct that disrupts, disturbs, or impedes the orderly conduct of the proceeding.
4. The Commission may, in its discretion, limit a Participant's oral testimony, or restrict a Participant to written testimony, if a Participant exhibits a pattern or practice of violating the above rules of conduct in any Proceeding. Any conduct that constitutes a danger to public health, safety, or welfare, or the health, safety, or welfare of any Commissioner, Hearing Examiner, Procedural Party, or Participant may, at the discretion of the Commission, result in ejection from any Proceeding.

SECTION 4. Effective Date. This regulation shall be made effective in accordance with Section 8-407 of the Philadelphia Home Rule Charter.