



COMMONWEALTH OF PENNSYLVANIA

November 9, 2018

**E-FILED**

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

**Re: Pennsylvania Public Utility Commission v. UGI Utilities, Inc. – Electric Division /  
Docket No. R-2017-2640058**

Dear Secretary Chiavetta:

Earlier today, on November 9, 2018, Counsel for UGI Utilities, Inc. – Electric Division (“UGI-E” or the “Company”) filed a letter with the Commission asking that the November 8, 2018, compliance filing exceptions of the Office of Small Business Advocate (“OSBA”) be rejected as untimely. UGI-E counsel, in that November 9<sup>th</sup> letter, cited to parts of 52 Pa. Code § 1.56. However, UGI-E counsel did not cite to 52 Pa. Code § 5.592(a), which is set forth below:

(When the Commission makes a final decision concerning a rate filing and permits or requires the adoption of rates other than the rates originally filed, the public utility affected shall file, within 20 days of entry of the final order, a tariff revision consistent with the Commission's decision together with a proof of revenues and supporting calculations. The utility shall *simultaneously serve* copies of the tariff revision, along with the proof of revenues and supporting calculations, on the parties in the proceeding. A utility may also be required to provide an electronic, red-lined copy of any filing made to assist the parties in promptly identifying and analyzing the filing.

Section 5.592(a) (emphasis added).

UGI-E counsel, in its November 9<sup>th</sup> letter, acknowledged that UGI-E served its compliance filing upon the OSBA via email on Friday, October 26, 2018, at 5:07 pm – well after the 4:30 pm deadline. 52 Pa. Code § 1.56(a)(5).

UGI-E counsel attached a copy of the compliance filing FedEx receipt to its November 9<sup>th</sup> letter. The FedEx tracking number is 773576900590. Entering that tracking number into the [www.FedEx.com](http://www.FedEx.com) website reveals several significant things. The FedEx tracking history documents that UGI-E requested FedEx pick-up of the hardcopy compliance filing at 11:09 am on Friday, October 26<sup>th</sup>. Thus, the compliance filing was ready to be shipped to the OSBA at 11:09 am on Friday, October 26<sup>th</sup>. UGI-E then chose to wait nearly six hours, well after the close-of-business on a Friday, to email the OSBA a copy of its compliance filing. The OSBA respectfully submits that the actions taken by UGI-E violated the simultaneous service requirements of Section 5.592(a). Furthermore, the compliance filing was left at the door of the OSBA at 12:30 pm on Monday, October 29, 2018. Thus, UGI-E's hardcopy service of its compliance filing cost the OSBA two and a half calendar days of its ten-day review period. 52 Pa. Code § 5.592(c).<sup>1</sup>

The OSBA appreciates the gamesmanship of UGI-E counsel, but does not appreciate the cleverly calculated service of its compliance filing. First, by shipping the hardcopy compliance filing via FedEx on a Friday before a two-day weekend, UGI guaranteed that the OSBA would

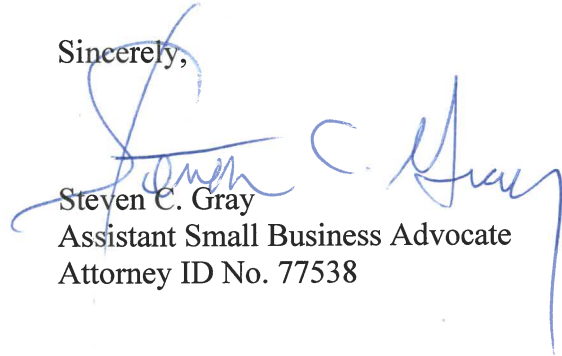
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<sup>1</sup> The review of the UGI-E compliance filing was not easily accomplished. The Company did not provide supporting calculations for the proportional scaleback, at either an interclass revenue allocation level or at the rate design level. The OSBA only identified the fact that the Company had apparently directly assigned the stipulation revenue reduction entirely to the residential class because of informal discussions with the Company. In addition, the tariff filing involved more than a simple scaleback of rates to each rate class. For example, in its rebuttal, the Company agreed with the OSBA's directional rate design proposals for the GS-4 class and posited a specific tariff design to which OSBA did not object. However, in the Compliance Filing, the Company needed to develop a method for increasing the rates for that class to reflect the overall rate reduction. This is obviously not a simple scaleback. The Company provided no explanation or calculations for its proposal, leaving OSBA to sort it out as well as it could. While OSBA eventually agreed that the Company's proposal was not unreasonable, this was not a simple matter to be hastily evaluated.

not receive the hardcopy until sometime on Monday. Second, by sending the compliance filing via email at 5:07 pm on a Friday afternoon, UGI-E guaranteed that email service was past the 4:30 pm close-of-business before a weekend. Third, after perfecting service on Monday, October 29, 2018, UGI-E counsel today requested that the Commission reject the OSBA's November 8, 2018, as "untimely."

The OSBA filed its compliance filing exceptions 10 calendar days after Monday, October 29, 2018. The OSBA complied with the requirements of 52 Pa. Code § 5.592(c). Therefore, the Commission should deny UGI-E's request to reject the OSBA's compliance filing exceptions.

Sincerely,



Steven C. Gray  
Assistant Small Business Advocate  
Attorney ID No. 77538

*Enclosures*

cc: Robert D. Knecht  
Parties of Record



TRACK ANOTHER SHIPMENT

773576900590 



Delivered  
Monday 10/29/2018 at 12:30 pm



DELIVERED

Signature release on file

GET STATUS UPDATES

OBTAIN PROOF OF DELIVERY

FROM

Reading, PA US

TO

HARRISBURG, PA US

Travel History

Shipment Facts

Local Scan Time



Monday, 10/29/2018

12:30 pm

HARRISBURG, PA

Delivered

**FROM**  
Reading, PA US

**TO**  
HARRISBURG, PA US

Travel History

Shipment Facts

Local Scan Time

Monday, 10/29/2018

12:30 pm

HARRISBURG, PA

Delivered

Left at front door. Package delivered to recipient address - release authorized

8:20 am

MIDDLETOWN, PA

On FedEx vehicle for delivery

6:49 am

MIDDLETOWN, PA

At local FedEx facility

Saturday, 10/27/2018

7:44 am

MIDDLETOWN, PA

At local FedEx facility

Package not due for delivery

7:44 am

MIDDLETOWN, PA

At local FedEx facility

6:38 am

MIDDLETOWN, PA

At destination sort facility

3:57 am

MEMPHIS, TN

Departed FedEx location

Friday, 10/26/2018

11:10 pm

MEMPHIS, TN

Arrived at FedEx location

7:26 pm

READING, PA

Left FedEx origin facility

5:19 pm

READING, PA

Picked up

11:09 am

Shipment information sent to FedEx

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Pennsylvania Public Utility Commission** :  
 :  
 v. : **Docket No. R-2017-2640058**  
 : **Docket No. C-2018-2647268**  
**UGI Utilities, Inc. – Electric Division** :

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email and/or First-Class mail (*unless other noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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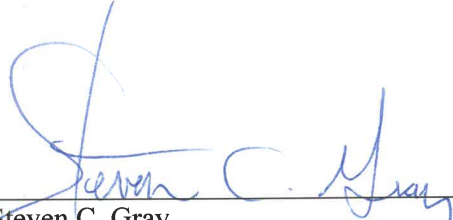
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DATE: November 9, 2018



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