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File #: 170952

October 16, 2017

***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: Petition of UGI Utilities, Inc. - Gas Division to Establish a Schedule for the Installation of Daily Metering Facilities on All Rate IS (Interruptible Service) and Rate DS (Delivery Service) Accounts; to Thereafter Transfer All Rate IS and DS Customer Accounts from Intra-Month to Calendar Month Billing and Balancing Pools; and to Recover Associated Costs Pursuant to 66 Pa.C.S. § 2205(c)(7)  
Docket No. P-2017-2607269**

Dear Secretary Chiavetta:

Enclosed for filing is the Unopposed Petition of UGI Utilities, Inc. for Leave to Withdraw the Above-Captioned Petition. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Christopher T. Wright

CTW/jl  
Enclosures

cc: Honorable Elizabeth Barnes  
Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

### VIA E-MAIL & FIRST CLASS MAIL

Darryl Lawrence, Esquire  
Lauren M. Burge, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
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Harrisburg, PA 17101-1923

Scott B. Granger, Esquire  
Bureau of Investigation & Enforcement  
Commonwealth Keystone Building  
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PO Box 3265  
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Steven C. Gray, Esquire  
Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101

Date: October 16, 2017

  
\_\_\_\_\_  
Christopher T. Wright

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of UGI Utilities, Inc. – Gas :  
Division to Establish a Schedule for the :  
Installation of Daily Metering Facilities on :  
All Rate IS (Interruptible Service) and Rate :  
DS (Delivery Service) Accounts; to : Docket No. P-2017-2607269  
Thereafter Transfer All Rate IS and DS :  
Customer Accounts from Intra-Month to :  
Calendar Month Billing and Balancing :  
Pools; and to Recover Associated Costs :  
Pursuant to 66 Pa. C.S. § 2205(c)(7) :

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**UNOPPOSED PETITION OF UGI UTILITIES, INC. FOR  
LEAVE TO WITHDRAW THE ABOVE-CAPTIONED PETITION**

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**TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:**

Pursuant to 52 Pa. Code §§ 5.41 and 5.94, UGI Utilities, Inc. – Gas Division (“UGI” or the “Company”), hereby respectfully submits the instant Petition for Leave to Withdraw the above-captioned Petition (“Daily Metering Petition”). As explained herein, UGI respectfully requests that Administrative Law Judge Elizabeth H. Barnes (the “ALJ”) grant the instant Petition, permit the Company to withdraw the Daily Meter Petition, and close the docket at Docket No. P-2017-2607269 without prejudice for UGI to submit a similar proposal at a later date and/or for any of the parties to address similar issues in a subsequent filing or proceeding. UGI has conferred with the other active parties in this proceeding and is authorized to represent that none of the parties oppose UGI’s proposal to withdraw of the Daily Metering Petition in its entirety and without prejudice. In support thereof, UGI states as follows:

**I. BACKGROUND**

1. On May 31, 2017, UGI filed the Daily Metering Petition seeking: (1) to establish a schedule for the installation of daily metering facilities on all Rate IS (Interruptible Service) and Rate DS (Delivery Service) accounts; (2) to thereafter transfer all Rate IS and DS customer accounts from intra-month to calendar month billing and balancing pools; and (3) to recover the associated costs through a proposed Section 1307 surcharge mechanism, termed the “Retail Markets Rider,” pursuant to 66 Pa. C.S. § 2205(c)(7).

2. The pending Daily Metering Petition arose from the Pennsylvania Public Utility Commission (“Commission”) approved settlement in UGI’s 2016 base rate case proceeding (“2016 Base Rate Case Settlement”).

3. During the 2016 base rate case, the Retail Energy Supplier Association (“RESA”) proposed that UGI be required to install daily metering facilities for all Rate IS and Rate DS accounts. RESA was the only party to the 2016 Base Rate Case that supported this proposal.

4. Because there was not sufficient time and data to fully consider RESA’s proposal in the context of the rate case, and in an effort to reach a full settlement, the parties to the 2016 base rate case agreed to defer the issue and address it in a future proceeding. Specifically, the Commission-approved 2016 Base Rate Case Settlement provides as follows:

By no later than June 1, 2017, UGI Gas shall make a filing with the Commission that proposes a requirement for all transportation customers under Rates DS and IS to have installed operable AMR/Metretek equipment by a date certain. As part of that proposal, UGI Gas will include: (i) an estimate of the cost of such installed equipment; (ii) a proposed means of recovering the costs of such installations; and (iii) a provision to transfer all Rate DS and IS customers to calendar month billing and balancing pools when all such customers have installed operable AMR/Metretek equipment in a manner consistent with the transfer of Rate XD, LFD, and IL customers described in Paragraph 87(a) above. *All*

*Parties reserve the right to participate in and challenge the filing contemplated by this subparagraph.* UGI Gas agrees to serve the Parties to this proceeding with a copy of the filing contemplated by this subparagraph at the time of its filing with the Commission.

*See Pa. PUC v. UGI Utilities, Inc. – Gas Division*, Docket No. R-2015-2518438, *et al*, pp. 22-23, 43 (Order entered Oct. 14, 2016) (emphasis added).

5. On June 2, 2017, the Company filed an amended Daily Metering Petition to primarily clarify the rate schedules to which the Retail Markets Rider would apply. On June 15, 2017, UGI filed its proposed *pro forma* tariff language along with a *pro forma* rate calculation for the Retail Markets Rider.

6. All parties in the 2016 Base Rate Case, including RESA, were served with the Daily Metering Petition filed on May 31, 2017, the amended Daily Metering Petition filed on June 2, 2017, and the *pro forma* tariff language and rate calculation filed on June 15, 2017.

7. On June 22, 2017, the Office of Consumer Advocate (“OCA”) filed an Answer to the Daily Metering Petition, as amended.

8. On June 29, 2017, the Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention, Public Statement, and Verification.

9. On August 24, 2017, the Commission’s Bureau of Investigation and Enforcement (“I&E”) filed a Notice of Appearance.

10. No other parties intervened in this proceeding.

11. On August 28, 2017, the Commission issued a Prehearing Conference Notice scheduling a prehearing conference for September 28, 2017, before the ALJ. The Prehearing Conference Notice was served on all parties to the 2016 Base Rate Case.

12. On August 30, 2017, a Prehearing Conference Order was issued by the ALJ setting forth certain rules and requirements for the prehearing conference and the proceeding

generally. The Prehearing Conference Order also directed the parties to submit prehearing memoranda on or before September 26, 2017. The Prehearing Conference Order was served on all parties to the 2016 Base Rate Case.

13. On September 26, 2017, the active parties filed their prehearing memoranda.

14. A prehearing conference was held on September 28, 2017. UGI, I&E, OCA, and OSBA were the only parties to appear and participate at the prehearing conference.

15. On September 29, 2017, the ALJ issued a Procedural Order, which, among other things, established the procedural schedule, set forth rules for the proceeding, and established the formal service list.

16. On October 3, 2017, a Hearing Notice was issued for the evidentiary hearing scheduled for February 21, 2018.

## **II. PETITION FOR LEAVE TO WITHDRAW**

17. UGI respectfully requests that the ALJ grant the Company leave to withdraw the Daily Metering Petition in its entirety and to close the instant proceeding without prejudice for the Company to submit a similar proposal at a later date and/or for any of the parties to address similar issues in a subsequent filing or proceeding.

18. Pursuant to the Commission-approved 2016 Base Rate Case Settlement, UGI filed the pending Daily Metering Petition and served all parties to the 2016 Base Rate Case. Importantly, the 2016 Base Rate Case Settlement reserved the rights of all parties to the 2016 base rate case to participate in and challenge the Daily Metering Petition.

19. In their answers to the Daily Metering Petition and their prehearing memoranda, I&E, OCA, and OSBA all opposed and identified several concerns with the proposals set forth in

the Daily Metering Petition, including the need for the daily metering facilities, the costs of the facilities, and the manner in which those costs would be recovered.

20. RESA was the only party that supported the daily metering proposal in UGI's 2016 Base Rate Case. RESA was properly served with the Daily Metering Petition and subsequent notices and orders. However, RESA elected not to intervene in this proceeding or otherwise support the proposals set forth in the Daily Metering Petition. Further, on October 11, 2017, counsel for UGI contacted counsel for RESA, who confirmed that RESA was served with the Daily Metering Petition and advised that RESA did not intend to intervene or otherwise participate in the instant proceeding if RESA did not intervene by October 13, 2017. RESA did not intervene on October 13, 2017.

21. Given the lack of support by the active parties and the numerous issues and concerns raised by I&E, OCA, and OSBA, the Company has determined it would be prudent at this time to withdraw the Daily Metering Petition without prejudice for the Company to submit a similar proposal at a later date and/or for any of the parties to address similar issues in a subsequent filing or proceeding.

22. UGI submits that withdrawing the Daily Metering Petition at this time will allow the Company and other parties to further evaluate and consider whether it is reasonable and prudent to install daily meters for Rate IS and DS accounts, including issues related to the associated costs and cost recovery.

23. The withdrawal of the current Daily Metering Petition will prevent the parties and the Commission from incurring substantial time and expense to litigate issues that are currently unsupported by any of the active parties.

24. UGI also submits that withdrawing the Daily Metering Petition without prejudice will allow the parties to revisit these issues at a later date and/or a subsequent proceeding if appropriate.

25. UGI has discussed the proposed withdrawal of the Daily Metering Petition with I&E, OCA, and OSBA. UGI is authorized to represent that none of these active parties oppose the Company's proposed withdrawal of the Daily Metering Petition.

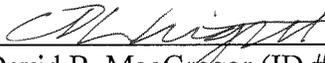
26. For these reasons, UGI maintains it would be prudent to withdraw the Daily Metering Petition in its entirety and without prejudice as set forth above.

**III. CONCLUSION**

WHEREFORE, UGI Utilities, Inc. respectfully requests that Administrative Law Judge Elizabeth H. Barnes (i) grant leave to withdraw the above-captioned Petition in its entirety and without prejudice for the Company to submit a similar proposal at a later date and/or for any of the parties to address similar issues in a subsequent filing or proceeding, (ii) suspend the procedural schedule adopted in the Procedural Order issued September 29, 2017, and (iii) mark the matter at Docket No. P-2017-2607269 closed.

Respectfully submitted,

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Dated: October 16, 2017

*Attorneys for UGI Utilities, Inc. – Gas Division*