



COMMONWEALTH OF PENNSYLVANIA

November 7, 2017

E-FILED

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

**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:

I am delivering for filing today the Response of the Office of Small Business Advocate to the Retail Energy Supply Association's Petition to Intervene in the above-captioned proceeding.

Copies will be served on all known parties, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,


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

Enclosures

cc: The Honorable Elizabeth H. Barnes
Mr. Robert D. Knecht
Parties of Record

**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 : Docket No. P-2017-2607269
Service) Accounts; to thereafter Transfer all Rate IS and DS :
Customer Accounts from Intra-Month Calendar Month :
Billing and Balancing Pools; and to Recover Associated :
Costs pursuant to 66 Pa.C.S §2205(c)(7) :**

**RESPONSE OF THE OFFICE OF SMALL BUSINESS ADVOCATE
TO THE RETAIL ENERGY SUPPLY ASSOCIATION PETITION TO INTERVENE**

Introduction

On October 25, 2017, Administrative Law Judge (“ALJ”) Elizabeth H. Barnes issued her Amended Interim Order (“*Interim Order*”) in the above-captioned proceeding.

Paragraph 3 of the *Interim Order* requires a party to respond to the Retail Energy Supply Association (“RESA”) October 19, 2017, Petition to Intervene Out of Time and Opposition to Petition for Leave to Withdrawal (“*RESA Petition*”) by November 8, 2017.

The Office of Small Business Advocate (“OSBA”) submits this response as required by the *Interim Order*.

Response to the RESA Petition

The genesis of this case can be found in the joint settlement document submitted in *PUC v. UGI Gas*, Docket No. R-2015-2518438, at 24, Paragraph 87(b). RESA was a main proponent of Paragraph 87(b).

On May 31, 2017, UGI Utilities, Inc. – Gas Division (“UGI Gas” or the “Company”) filed a Petition to Establish a Schedule for 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 Calendar Month Billing and Balancing Pools; and to Recover Associated Costs pursuant to 66 Pa. C.S. § 2205(c)(7).

On June 2, 2017, the Company filed an amended version of its Petition ("*UGI Gas Amended Petition*").

Both UGI Gas filings were in compliance with Paragraph 87(b) of the aforementioned joint settlement.

On October 16, 2017, the Company filed a petition to withdraw the *UGI Gas Amended Petition* as it appeared that RESA would not be participating in this proceeding. The OSBA did not oppose the Company's petition to withdraw: RESA's lack of participation would be fatal to any litigation of the underlying issues if, in fact, the Company had no intention of supporting its own petition, as evidenced by the petition to withdraw.

However, on October 19, 2017, the *RESA Petition* was filed.

The OSBA does not oppose RESA's late intervention, and believes that the proceeding should immediately resume.

The OSBA's reasoning is threefold.

First, the Commission not only supports settlements, but in approving them as in the public interest, has a duty to also enforce settlements. Not providing RESA with due process in this instance, arguably contradicts the Commission's position on settlements. Moreover, even if the strict rules of the Commission imply that RESA has been provided due process, the Commission is often flexible in permitting late interventions when it serves the public interest. In this case, the OSBA respectfully submits that there is some public interest benefit in enforcing settlements.

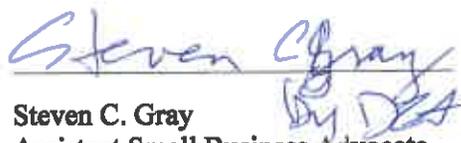
Second, the UGI Gas petition to withdraw was “without prejudice.” This implies that the Company is prepared and acknowledges its obligation under the settlement to address the issues raised by Paragraph 87(b) at any appropriate time in the future. The “without prejudice” aspect of the withdrawal implies that any party can raise this issue at any time. As RESA has, however belatedly, expressed interest in resolving this issue, the Company’s approach would appear to be an “open door” to addressing this issue in litigation. It is not clear that addressing the issue in this proceeding is in any way inferior to taking on this matter in a separate proceeding.

Third, the Company has filed the required Petition; the statutory advocates have entered their appearances; ALJ Barnes has been assigned the case; initial research into the proposal has been conducted by the parties (or at least the OSBA); pre-hearing memos have been drafted; and RESA has (finally) petitioned to intervene. Judicial economy would therefore appear to require that the proceeding go forth.

Conclusion

Therefore, the OSBA respectfully states that it does not oppose the RESA Petition, and recommends that the procedural schedule resume without delay.

Respectfully submitted,


Steven C. Gray
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Attorney I.D. No. 77538

For:
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Small Business Advocate

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Date: November 7, 2017

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of UGI Utilities, Inc. – Gas Division To Establish a :
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Billing and Balancing Pools; and to Recover Associated :
Costs pursuant to 66 Pa.C.S §2205(c)(7) :**

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).

The Honorable Elizabeth H. Barnes
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