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ELECTRONICALLY FILED

October 17, 2018

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

Re: Jennifer Potora v. UGI Penn Natural Gas, Inc.
Complaint Docket No. C-2018-3003485

Dear Ms. Chiavetta:

Enclosed is an electronically filed copy of UGI Penn Natural Gas, Inc's Reply to Exceptions to Initial Decision in the referenced Formal Complaint. A copy of the document has been served on the Complainant.

Sincerely,


Larry R. Crayne

cc: Jennifer Potora
53 Academy Street
Plymouth, PA 18651

Office of Special Assistants
ra-OSA@pa.gov

Commonwealth of Pennsylvania

Before the Pennsylvania Public Utility Commission

In the Matter of:

Jennifer Patora,
Complainant,

Complaint Docket
No. C-2018-3003485

VS.

UGI Penn Natural Gas, Inc.,
Respondent.

Reply to Exceptions to Initial Decision

AND NOW comes Respondent, UGI Penn Natural Gas, Inc., (PNG), and replies to exceptions filed by Complainant in the above proceeding. Complainant has filed exceptions to the Initial Decision of Deputy Chief Administrative Law Judge Joel H. Cheskis dated August 9, 2018 dismissing her complaint. The Exceptions were filed with the Commission sometime after December 10, 2018.

Complainant raises no new or valid issues in her Exceptions to the Initial Decision. Complainant merely asserts that she did not received a copy of the Initial decision by “email or by certified mail”. Complainant is requesting additional time to be provided a copy by mail in order to file exceptions to the Initial Decision. In reply, PNG wishes to note that Complainant has agreed to accept E-Service of documents. See Order Granting Continuance dated August 9, 2018.

Regardless of Complainant’s assertion that she never received an email or certified copy of the Initial decision, PNG objects to any further continuances regarding the disposition of this complaint. Obviously, Complainant knew of the Initial Decision and the requirement to file timely Exceptions; otherwise Complainant would not have known to file these Exceptions. Requesting a “certified mail receipt requested” elevates form over substance and is another indication of the dilatory tactics employed by Complainant.

As stated by Judge Cheskis in the Initial Decision, “Here, Ms. Patora’s complaint will be dismissed because she has abused the process. Section 5.63 (b) of the Commission regulations provides that ‘failure to file a timely reply to new matter may be deemed to be in default, and relevant facts stated in the new matter may be deemed to be admitted.’ Section 5.63 (b). As such, UGI’s averments in its new matter regarding Ms. Patora’s prior complaint are admitted as true because Ms. Patora did not rebut them. Furthermore, a simple search of the Commission’s case management system reveals that Ms. Patora has filed approximately ten formal complaints at the Commission in the past two years. Undoubtedly these cases are the ‘multiple continuances

in other formal and informal proceedings at the Commission' that UGI references. Ms. Potora did not rebut that averment and, therefore, it is accepted as true." Initial Decision, pages 8 and 9.

These Exception are yet another tactic by Complainant to delay the enforcement of payment of the arrearage on her gas service account. As stated in the Motion for Judgment on the Pleadings in Paragraph 8, "The dilatory tactics employed by Complainant are an obvious attempt to delay regulatory action to require the payment of monthly bills for natural gas service. This additional duplicative Complaint is consistent with the demonstrated pattern of Complainant to file informal and formal complaints for the obvious purpose of delaying action by Penn Natural to force Complaint to pay monthly bills for natural gas service in full and on a timely basis. If Complainant is successful in delaying enforcement action before the implementation of the 2018/2019 winter moratorium on termination of service to residential customers, Complainant will have achieved almost another year of not having to pay bills for gas service. This is a clear abuse of the regulatory process that contributes to the creation of a larger arrearage that may never be able to be collected from Complainant. Complainant should not be allowed to engage in such conduct to the detriment of customers who pay their bills on a regular basis."

Wherefore, UGI requests that Complainant's exceptions be expeditiously denied by the Commission adopting without modification the Initial Decision of Administrative Law Judge Joel H. Cheskis dismissing this complaint. In the event that a Final Order cannot be issued before the Winter Moratorium, PNG requests to be allowed to proceed with termination of Complainant's natural gas service without further proceedings in order that Complainant may either be forced to pay the substantial arrearage on her account or UGI may be able to proceed with the termination of her natural gas service.

Respectfully submitted,

UGI Penn Natural Gas, Inc.

By:

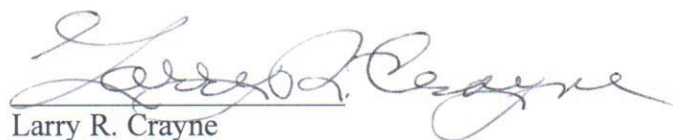

Larry R. Crayne, Esq.

Certificate of Service

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the participants, listed below, in accordance with the requirements of Sec. 1.54 (b) (1) (relating to service by a participant).

Jennifer Patora
53 Academy Street
Plymouth, PA 18651

Dated this 17th day of Oct, 2018



Larry R. Crayne
238 Johnston Road
Pittsburgh, PA 15241

Counsel for
UGI Penn Natural Gas, Inc.