
Peter J. Kramer

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File #: 204040

December 21, 2023

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: Donald Roseberry v. UGI Utilities, Inc. – Gas Division
Docket No. C-2023-3044708**

Dear Secretary Chiavetta:

Attached for filing are the Preliminary Objections of UGI Utilities, Inc. – Gas Division to the Complaint of Donald Roseberry in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Peter J. Kramer

PJK/dmc
Attachments

cc: Certificate of Service

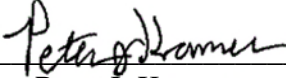
CERTIFICATE OF SERVICE

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 EMAIL AND FIRST-CLASS MAIL

Donald Roseberry
1315 W Union Blvd
Bethlehem, PA 18018
Don_roseberry@yahoo.com

Date: December 21, 2023


Peter J. Kramer

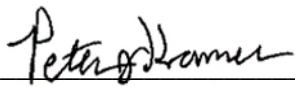
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Donald Roseberry,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2023-3044708
	:	
UGI Utilities, Inc. – Gas Division,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTIONS WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTIONS MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Dated: December 21, 2023

Counsel for UGI Utilities, Inc. – Gas Division

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Donald Roseberry,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2023-3044708
	:	
UGI Utilities, Inc. – Gas Division,	:	
	:	
Respondent.	:	

**PRELIMINARY OBJECTIONS OF
UGI UTILITIES, INC. – GAS DIVISION TO THE
COMPLAINT OF DONALD ROSEBERRY**

AND NOW, comes UGI Utilities, Inc. – Gas Division (“UGI Gas” or “Company”) and hereby files these Preliminary Objections, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Complaint filed by Donald Roseberry (“Complainant”) be dismissed in its entirety as against UGI Gas. In support thereof, UGI Gas states as follows:

I. BACKGROUND

1. UGI Gas is a “public utility” and a “natural gas distribution company” as those terms are defined under the Public Utility Code, 66 Pa. C.S. §§ 102 and 2202, subject to the regulatory jurisdiction of the Commission.

2. UGI Gas provides natural gas distribution service to approximately 650,000 customers, located primarily in south, central, and northeastern Pennsylvania.

3. By Secretarial Letter dated December 7, 2023, UGI Gas was served with the above-captioned Complaint. In his Complaint, the Complainant alleges that UGI Gas should have fulfilled the Complainant's December 2023 request to switch to an alternative natural gas supplier ("NGS") prior to the Company's scheduled switch date of January 23, 2024. (See Complaint ¶¶ 4-5.)

4. UGI Gas herein files these Preliminary Objections to the Complaint. For the reasons explained below, UGI Gas respectfully requests that the Complaint be dismissed in its entirety and with prejudice as against UGI Gas for legal insufficiency pursuant to Section 5.101(a)(4) of the Commission's regulations, 52 Pa. Code § 5.101(a)(4).

II. STANDARD OF REVIEW

5. Pursuant to the Commission's regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a) (emphasis added).

6. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwlth.*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (citing *Dep't of Gen. Serv. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005)); accord *Complaint of Nat'l Fuel Gas Distrib. Corp. and Petition for an Order to Show Cause*, Docket No. P-00072343 (December 26, 2007). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2007). For preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery, and any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

7. In addition, the Presiding Officer must determine whether, based on the factual pleadings, if recovery is possible. See *Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlth. 1987). Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. See *Stilp*, at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998).

III. PRELIMINARY OBJECTIONS

A. PRELIMINARY OBJECTION NO. 1 - THE COMPLAINT IS LEGALLY INSUFFICIENT AND SHOULD BE DISMISSED WITH PREJUDICE BECAUSE UGI GAS CANNOT BE HELD LIABLE FOR ADHERING TO ITS COMMISSION-APPROVED TARIFF

8. UGI Gas incorporates by reference Paragraphs 1 through 7 as if fully set forth herein.

9. The Complaint is legally insufficient and should be dismissed with prejudice because UGI Gas cannot be held liable for adhering to its Commission-approved tariff.

10. As a matter of law, the Complainant must show that the named utility is responsible or accountable for the problem described in the Complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa PUC 196, 1990 Pa. PUC LEXIS 19, at *8 (Order entered Feb. 8, 1990) (citing *Feinstein v. Phila. Suburban Water Co.*, 50 Pa. PUC 300 (1976)).

11. When “the Complaint fails to state a claim against the named respondent upon which the Commission may grant relief,” the Complaint is “insufficient as to substance,” and the “Respondent is entitled to judgment as a matter of law.” *Stabley v. Phila. Gas Works*, Docket No. F-2010-2186368, 2010 Pa. PUC LEXIS 231, at *6 (July 29, 2010) (Initial Decision), *adopted without modification*, (Order entered Oct. 1, 2010); *see Coggins v. UGI Cent. Penn Gas Inc.*, Docket No. C-2012-2312796, 2012 Pa. PUC LEXIS 1497 (Sept. 10, 2012) (Initial Decision), *adopted without modification*, (Order entered Nov. 9, 2012).

12. Additionally, under Section 3303(a) of the Public Utility Code, “No public utility, nor any officer, agent or employee thereof, shall be liable for any penalty or forfeiture, or be subject to any prosecution, on account of demanding, collecting, or receiving any rate for any service, or for enforcing any regulation, or practice when such rate, regulation, or practice is contained in a tariff properly filed with the commission, and posted or published as herein provided, and is applicable by the terms thereof at the time to such service although such rate, regulation, method or practice may be found by the commission to be unjust or unreasonable.” 66 Pa. C.S. § 3303(a) (emphasis added).

13. On November 29, 2023, UGI Gas received notice that the Complainant had elected to drop natural gas supply service from an NGS, Shipley Energy Company (“Shipley Energy”), and switch service back to UGI Gas’s default service. On December 4, 2023, UGI Gas received

notice that the Complainant had elected to change his natural gas supplier service from Shipley Energy to City Power and Gas LLC (“City Power”).

14. UGI Gas notified the Complainant by letter dated December 4, 2023, that the Complainant would begin receiving natural gas supply service from City Power on January 23, 2023.

15. The provision of the Company’s tariff that governs NGS enrollment states that “for enrollments received and processed before the 15th of any calendar month, the customer will be switched to Rate Schedule RT and NT,” which are the residential and small commercial rates schedules for shopping customers, “where the customer does not respond within 5 days from the Company’s mailing of a letter confirming the election to be served by the Choice Supplier, on the Customer’s regularly scheduled meter reading date in the calendar month immediately following the month the enrollment information was received and processed.” *See* Supp. No. 37 to UGI Gas – Pa. P.U.C. No. 7S, Second Revised Page No. 125.

16. The Company received notice of the Complainant’s election to switch service to City Power on December 4, 2023.

17. The calendar month immediately following the month the Company received and processed the Complainant’s enrollment information is January 2024.

18. January 23, 2024 is the Complainant’s regularly scheduled meter reading date for January 2024.

19. Thus, by planning to switch the Complainant from Shipley Energy’s natural gas supply service to City Power on the Complainant’s January 2024 scheduled meter reading date, UGI Gas has complied with its Commission-approved tariff.

20. UGI Gas cannot be found liable for adhering to practices contained in its Commission-approved tariff, *i.e.*, executing the Complainant’s switch to UGI Gas’s default service on January 23, 2024. *See id.*

21. The sole allegation contained in the Complaint is that UGI Gas should have carried out the Complainant’s switch date to City Power prior to January 23, 2024. (*See* Complaint ¶¶ 4-5.) The Complainant alleges alternatively throughout his Complaint that UGI Gas should have switched his NGS “on December 22nd” and “why is this taking two billing cycles.” (Complaint ¶¶ 4-5.)

22. However, UGI Gas’s planned switch date of January 23, 2024 complies with the applicable provisions of its Commission-approved tariff. *See* Supp. No. 37 to UGI Gas – Pa. P.U.C. No. 7S, Second Revised Page No. 125.

23. As noted previously, UGI Gas cannot be held liable for complying with its Commission-approved tariff. *See* 66 Pa. C.S. § 3303(a).

24. Therefore, the Complainant has failed to state a claim against UGI Gas upon which the Commission may grant relief. *See Rok*, 527 A.2d at 214; *Stilp*, 910 A.2d at 781.

25. Accordingly, the Complaint should be dismissed in its entirety and with prejudice as against UGI Gas.

B. PRELIMINARY OBJECTION NO. 2 - THE COMPLAINT IS LEGALLY INSUFFICIENT AND SHOULD BE DISMISSED WITH PREJUDICE BECAUSE UGI GAS’S ACTIONS COMPLIED WITH THE COMMISSION’S SWITCHING REQUIREMENTS

26. UGI Gas incorporates by reference Paragraphs 1 through 25, *supra*, as if fully set forth herein.

27. The Complaint is legally insufficient and should be dismissed with prejudice because the Company's actions complied with the Commission's requirements governing switching customers' natural gas supply service.

28. Section 59.93(2) of the Commission's regulations imposes a 10-day waiting period between a customer's request to switch to a new NGS and the date a natural gas distribution company ("NGDC") may execute the switch to the new NGS. *See id.*

29. Relatedly, Section 59.94 of the Commission's regulation provides that "[w]hen a customer has provided the NGS with oral confirmation or written authorization to change NGSs, the NGDC shall make the change at the beginning of the first feasible period following the 10-day waiting period . . ." *See Id.* § 59.94.

30. The Commission has since modified the switching timeframe requirements set forth in those regulations.

31. Effective September 7, 2021, the Commission extended its waiver of Sections 59.93(2) and 59.94 of the Commission's regulations until October 25, 2024. *Investigation of Pennsylvania's Retail Natural Gas Supply Market – Interim Guidelines Regarding Standards For Changing a Customer's Natural Gas Supplier*, Docket No. I-2013-2381742 (Tentative Order entered Aug. 26, 2021) ("*Tentative Order*"), *became final without further action*, Docket No. I-2013-2381742 (Secretarial Letter dated Oct. 19, 2021).

32. Under those waivers, the Commission shortened the 10-day waiting period to a 5-day waiting period. *See Tentative Order*, Appendix A.

33. The Commission also modified the switching time frame of 52 Pa. Code § 59.94, stating that "[w]hen a customer has provided the NGS with oral confirmation or written

authorization to change NGSs, the NGDC shall make the change at the beginning of the first feasible billing period following the 5-day waiting period . . .” *Id.* (emphasis added).

34. Accordingly, the Commission currently requires that NGDCs provide a 5-day waiting period for customers requesting to switch to an NGS and that NGDCs make the requested switch at the beginning of the first feasible billing period after the 5-day waiting period.

35. The Company received notice of the Complainant’s election to drop Shipley Energy on November 29, 2023 and mailed a letter confirming the Complainant’s selection on November 30, 2023. The Company received notice of the Complainant’s election to switch to City Power on December 4, 2023 and mailed a letter confirming the Complainant’s selection on December 4, 2023.

36. The Complainant’s 5-day waiting period lasted until December 9, 2023.

37. UGI Gas plans to switch the Complainant to City Power on January 23, 2024, which is the beginning of the first feasible billing period following December 9, 2023.

38. The Company’s planned switch complies with the Commission’s current requirements for changing a customer’s NGS, *i.e.*, the *Tentative Order*.

39. The sole allegation contained in the Complaint is that UGI Gas should have carried out the Complainant’s switch date to UGI Gas’s default service prior to January 23, 2024. (*See* Complaint ¶¶ 4-5.)

40. Even assuming, *arguendo*, that UGI Gas could have switched the Complainant to his desired NGS prior to January 23, 2024, UGI Gas’s failure to do so would not constitute a violation of the Public Utility Code, the Commission’s regulations, or the Company’s Commission-approved tariff.

41. In fact, if the Company complied with the Complainant's demands, UGI Gas would have violated the Commission's *Tentative Order*.

42. Therefore, the Complaint fails to establish that UGI Gas violated the Public Utility Code, the Commission's regulations, a Commission order, or the Company's Commission-approved tariff.

43. Only the amendment or repeal of the Commission's *Tentative Order* or the Commission's regulations at 52 Pa. Code §§ 59.93(2) and 59.94 could provide Complainant with the relief he seeks, because, in essence, he seeks amendment of the Commission's time frame standards for changing a customer's natural gas supplier.

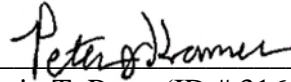
44. A customer cannot amend or repeal a Commission regulation or order through the Commission's formal complaint process outlined at 52 Pa. Code §§ 5.21 and 5.22.

45. Accordingly, the Complaint should be dismissed in its entirety and with prejudice as against UGI Gas, for failure to state a claim upon which relief can be granted.

IV. CONCLUSION

WHEREFORE, UGI Utilities, Inc. – Gas Division respectfully requests that the above-captioned Formal Complaint filed by Donald Roseberry be dismissed in its entirety pursuant 52 Pa. Code § 5.101(a)(4).

Respectfully submitted,



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Dated: December 21, 2023

Counsel for UGI Utilities, Inc. – Gas Division

APPENDIX A

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held August 26, 2021

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
David W. Sweet, Vice Chairman
John F. Coleman, Jr.
Ralph V. Yanora

Investigation of Pennsylvania's Retail Natural Gas
Supply Market – Interim Guidelines Regarding
Standards For Changing a Customer's Natural Gas
Supplier

I-2013-2381742

TENTATIVE ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) is a recommendation from the Commission's Office of Competitive Market Oversight (OCMO) to continue the five-day waiting period when a customer chooses a natural gas supplier (NGS) or returns to natural gas distribution company (NGDC) service and, therefore, to maintain the waiver of the Commission's regulations at 52 Pa. Code §§ 59.93(2) (relating to customer contacts with NGSs) and 59.94 (relating to time frames for switching), to the extent necessary. Specifically, OCMO recommends that the Commission waive its Regulations at 52 Pa. Code §§ 59.93(2) and 59.94 for an additional three years, starting October 26, 2021, and ending October 25, 2024.

BACKGROUND

Based on electric customer complaints and supplier concerns, as well as a review of laws, regulations and electric distribution company (EDC) and electric generation supplier (EGS) procedures, in October of 2012, this Commission determined that interim guidelines were necessary to facilitate the timely transfer of a customer's account from

EDC default service to an EGS, from one EGS to another, or from an EGS back to EDC default service.¹ Specifically, we found that the 16- to 45-day timeframe to switch a customer's account led to customer frustration, disappointment and a negative opinion of electric competition.² Based on these concerns, we established interim guidelines to reduce the confirmation period for customers to a five-day waiting period beginning no later than the next business day upon an EDC's receipt of a switch request.³ We found that the interim guidelines would provide temporary relief of customer dissatisfaction with switching timeframes while maintaining due regard for the Commonwealth Documents Law. *See* 45 P.S. §§ 1102 *et seq.* We recognized in the Guidelines Final Order that more substantial actions should be reserved for a rulemaking process; therefore, we narrowed the application of the interim guidelines to a three-year period.⁴

Furthermore, in the Guidelines Final Order, we addressed the applicability of the interim guidelines to the natural gas market.⁵ We noted the value in maintaining similar rules between the electric and natural gas industries in an effort to reduce confusion and frustration between the customer, supplier and utility, especially in instances where a utility provides both natural gas and electricity services.⁶ Accordingly, we implemented a waiver of 52 Pa. Code §§ 59.93(2) and 59.94, to the extent necessary, to provide for a five-day waiting period for customers switching from an NGDC's service to an NGS, from one NGS to another, or from an NGS to NGDC service. The Regulation, 52 Pa. Code § 59.93(2), states:

Upon receipt of this notification, the NGDC shall send the NGDC ratepayer of record a confirmation letter noting the proposed change of NGS. This letter shall include notice of a 10-day waiting period in which the order

¹ *See Interim Guidelines Regarding Standards for Changing a Customer's Electricity Generation Supplier* Final Order, Docket No. M-2011-2270442 (Order entered Oct. 25, 2012) (hereinafter Guidelines Final Order).

² *Id.* at 3.

³ *Id.* at 47.

⁴ *Id.*

⁵ *See* Guidelines Final Order at 48-49.

⁶ *Id.* at 49.

may be canceled before the change of the NGS takes place. The notice shall include the date service with the new NGS will begin unless the customer contacts the NGDC to cancel the change. The 10-day waiting period shall begin on the day the letter is mailed. The letter shall be mailed by the end of the next business day following the receipt of the notification of the customer's selection of a NGS.

Additionally, 52 Pa. Code § 59.94 states:

When a customer has provided the NGS with oral confirmation or written authorization to change NGSs, the NGDC shall make the change at the beginning of the first feasible billing period following the 10-day waiting period, as prescribed in § 59.93 (relating to customer contacts with NGSs).

In waiving these Regulations, the Commission's interim guidelines provided the following:

Upon receipt of the notification required by 52 Pa. Code § 59.93(1), the NGDC shall send the NGDC ratepayer of record a confirmation letter noting the proposed change of NGS. This letter should include notice of a 5-day waiting period in which the order may be canceled before the change of the NGS takes place. The notice shall include the date service with the new NGS will begin unless the customer contacts the NGDC to cancel the change. The 5-day waiting period shall begin on the day the letter is mailed. The letter shall be mailed by the end of the next business day following the receipt of the notification of the customer's selection of an NGS.

Guidelines Final Order at 49.

With a September 17, 2015 Tentative Order,⁷ the Commission sought to extend the waivers of its Regulations at 52 Pa. Code §§ 59.93(2) and 59.94, to the extent necessary, and to maintain and continue the five-day waiting period for a duration of

⁷ See *Investigation of Pennsylvania's Retail Natural Gas Supply Market - Interim Guidelines Regarding Standards For Changing a Customer's Natural Gas Supplier*, Docket No. I-2013-2381742 (Order Entered September 17, 2015).

three years through the end of October 2018. Parties were provided ten days to file any adverse comments to the Commission's proposal. No adverse comments were filed, and a Final Order⁸ was entered on October 5, 2015, extending the guidelines through October 2018.

On December 22, 2016, the Commission adopted an Advanced Notice of Proposed Rulemaking (ANOPR) to solicit comments about amending and adding to the provisions of 52 Pa. Code §§ 59.91 - 59.99 regarding standards for changing a customer's natural gas supplier.⁹ These regulations address the process for transferring a customer's account from a supplier of last resort (SOLR) provider to a competitive natural gas supplier (NGS or supplier), from one supplier to another supplier and from a supplier to SOLR service. The ANOPR was followed by an April 20, 2017 Order (April 2017 Order) seeking additional comment,¹⁰ then by a March 29, 2018 in-person Technical Conference (March 2018 Technical Conference).¹¹

On October 25, 2018, the Commission entered a Tentative Order which proposed, subject to public comments, to tentatively extend, through the end of October 2021, the waivers of its Regulations at 52 Pa. Code §§ 59.93(2) and 59.94 to maintain the five-day waiting period during which an NGS switch request may be canceled before the switch takes place.¹² The Order provided that if no adverse comments were filed within ten days

⁸ See *Final Order re Investigation of Pennsylvania's Retail Natural Gas Supply Market - Interim Guidelines Regarding Standards For Changing a Customer's Natural Gas Supplier*, Docket No. I-2013-2381742 (Order Entered October 5, 2015).

⁹ See *Advanced Notice of Proposed Rulemaking to Amend the Provisions of 52 Pa. Code Chapter 59 Regulations Regarding Standards for changing a Customer's Natural Gas Supplier*, Docket L-2016-2577413 (Order entered December 22, 2016).

¹⁰ See *Order re Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 59 Regulations Regarding Standards For Changing a Customer's Natural Gas Supplier*. Docket L-2016-2577413 (Order entered April 20, 2017).

¹¹ See the February 27, 2018 Secretarial Letter announcing the Natural Gas Technical Conference at Docket Nos. L-2016-2577413 and L-2017-2619223.

¹² See *Investigation of Pennsylvania's Retail Natural Gas Supply Market - Interim Guidelines Regarding Standards For Changing a Customer's Natural Gas Supplier*. Docket No. I-2013-2381742 (Order Entered October 25, 2018).

from the entry date of the Order, the Order would become final without further action by the Commission. No adverse comments were filed, and a Secretarial Letter was issued on November 16, 2018, confirming that the Commission's waivers of its Regulations at 52 Pa. Code §§ 59.93(2) and 59.94 would extend through October 25, 2021.¹³

DISCUSSION

The Commission's existing waiver of 52 Pa. Code §§ 59.93(2) and 59.94 and extension of the interim guidelines pursuant to its October 25, 2018 Tentative Order at this docket sunsets on October 25, 2021. We deem that an extension of the interim guidelines as set forth in Appendix A is warranted during the pendency of the NGS switching rulemaking at Docket No. I-2013-2381742. We stress the need to move forward with improving customer switching timeframes by shortening them. In our opinion, reverting back to the ten-day period in our current regulations from the five-day timeframe permitted under the existing waiver would be counterproductive and - confusing for customers, potentially leading to renewed customer frustration with the natural gas supply market. Additionally, to date, we have not received any adverse comments, complaints, concerns, or suggestions of problems with the five-day waiting period.

Therefore, we propose to waive 52 Pa. Code §§ 59.93(2) and 59.94 and adopt the interim guidelines in Appendix A to continue the five-day waiting period for an additional three years through October 25, 2024. The Commission finds that it is appropriate to maintain the interim guidelines while the NGS switching rulemaking proceeds. This three-year period, beginning October 26, 2021, and ending October 25, 2024, will allow the Commission additional time to address the pending rulemaking that may revise our

¹³ See *Secretarial Letter re Investigation of Pennsylvania's Retail Natural Gas Supply Market – Interim Guidelines Regarding Standards for Changing a Customer's Natural Gas Supplier*. Docket No. I-2013-2381742 (Served November 16, 2018).

Regulations at 52 Pa. Code §§ 59.91-59.99 to permanently change the switching waiting period.

CONCLUSION

With this Tentative Order, the Commission seeks to extend the waivers of its Regulations at 52 Pa. Code §§ 59.93(2) and 59.94, to the extent necessary, and to maintain and continue the five-day waiting period for a duration of three years through October 25, 2024. Parties may provide comments within ten days of the entry date of this Tentative Order. In the absence of any adverse comments, this Tentative Order will become final without further Commission action.

THEREFORE,

IT IS ORDERED:

1. That this Tentative Order shall be served on all jurisdictional Natural Gas Distribution Companies, all licensed Natural Gas Suppliers, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.

2. That interested parties shall have 10 days from the entry date of this Tentative Order to file written comments referencing Docket Number I-2013-2381742. Comments must be e-filed at this docket number by opening and using an e-filing account through the Commission's website.

3. That, absent any adverse comments, this Order shall become final without further Commission action.

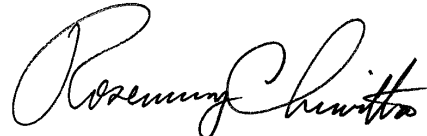
4. That, absent any adverse comments, the Pennsylvania Public Utility Commission hereby waives Sections 59.93(2) and 59.94 of its Regulations in Title 52 of the Pennsylvania Code, 52 Pa. Code §§ 59.93(2) and 59.94, as set forth in this Order and Appendix A, for three years, beginning October 26, 2021 until October 25, 2024.

5. That a copy of this Tentative Order shall be posted on the Pennsylvania Public Utility Commission's website at the Office of Competitive Market Oversight's web page.

6. That the Office of Competitive Market Oversight shall electronically serve a copy of this Tentative Opinion and Order on all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity.

7. That the contact person for technical issues related to this Tentative Order is Daniel Mumford, 717-525-2084 or dmumford@pa.gov. That the contact person for legal issues related to this Tentative Order is Melanie J. El Atieh, 717-783-2811 or melatieh@pa.gov.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: August 26, 2021

ORDER ENTERED: August 26, 2021

APPENDIX A

A. Customer contacts with NGSs.

When a contact occurs between a customer and an NGS to request a change of the NGS, upon receiving direct oral confirmation or written authorization from the customer to change the NGS, the customer's new NGS shall:

(1) Notify the NGDC of the customer's NGS selection by the end of the next business day following completion of the application process. The NGDC shall verify the accuracy of the information provided by the NGS by matching at least two data elements such as name and account number, or address and account number, with NGDC records.

(2) Upon receipt of this notification, the NGDC shall send the NGDC ratepayer of record a confirmation letter noting the proposed change of NGS. This letter should include notice of a 5-day waiting period in which the order may be canceled before the change of the NGS takes place. The notice shall include the date service with the new NGS will begin unless the customer contacts the NGDC to cancel the change. The 5-day waiting period shall begin on the day the letter is mailed. The letter shall be mailed by the end of the next business day following the receipt of the notification of the customer's selection of a NGS.

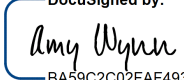
B. Time-frame requirement.

When a customer has provided the NGS with oral confirmation or written authorization to change NGSs, the NGDC shall make the change at the beginning of the first feasible billing period following the 5-day waiting period, as prescribed in A(2) (relating to customer contacts with NGSs).

VERIFICATION

I, Amy L. Wynn, Senior Compliance Representative of UGI Utilities, Inc., hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: December 21, 2023

DocuSigned by:

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Amy L. Wynn