



COMMONWEALTH OF PENNSYLVANIA

May 3, 2024

**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 for Approval of Phase II of its  
Energy Efficiency and Conservation Plan / Docket No. M-2024-3048418**

Dear Secretary Chiavetta:

Enclosed please find the Answer, Notice of Intervention, Public Statement, and Verification on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding.

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

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

Sincerely,

*/s/ Steven C. Gray*

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

*Enclosures*

cc: Angela Vitulli  
Mark Ewen  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of UGI Utilities, Inc. – Gas** : **Docket No. M-2024-3048418**  
**Division for Approval of Phase II of its** :  
**Energy Efficiency and Conservation** :  
**Plan** :

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**ANSWER OF THE  
OFFICE OF SMALL BUSINESS ADVOCATE**

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Pursuant to 52 Pa. Code § 5.61 (relating to answers to petitions), the Office of Small Business Advocate (“OSBA”) submits this Answer to the Petition of UGI Utilities, Inc. – Gas Division (“UGI” or the “Company”) for Approval of Phase II of its Energy Efficiency and Conservation (“EE&C”) Plan (“*Petition*”) that was filed with the Pennsylvania Public Utility Commission (“Commission”) on April 15, 2024.

Responses to the *Petition*’s Numbered Paragraphs.

**I. Introduction**

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted.

16. The averments of Paragraph 16 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 16, that Phase I was a "success," are denied, and strict proof thereof is demanded.

17. The averments of Paragraph 17 contain summaries of UGI's request for relief to which no response is required.

## **II. Legal Requirements**

18. The averments of Paragraph 18 contain conclusions of law to which no response is required. By way of further response, Act 129 speaks for itself.

19. The averments of Paragraph 19 contain summaries of UGI's request for relief and conclusions of law to which no response is required. To the extent a response is required, the averments of Paragraph 19 are denied, and strict proof thereof is demanded.

20. The averments of Paragraph 20 contain conclusions of law to which no response is required. By way of further response, the Commission's December 23, 2009, Secretarial Letter speaks for itself.

21. The averments of Paragraph 21 contain conclusions of law to which no response is required. By way of further response, Act 129 speaks for itself.

22. The averments of Paragraph 22 contain summaries of UGI's request for relief and conclusions of law to which no response is required. To the extent a response is required, the averments of Paragraph 19 are denied, and strict proof thereof is demanded. Furthermore, the Commission's *Phase IV Implementation Order* speaks for itself.

### **III. UGI Gas's Proposed Phase II EE&C Plan**

#### **A. Overview of UGI Gas's Phase II Plan**

23. The averments of Paragraph 23 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 23 are denied, and strict proof thereof is demanded.

24. The averments of Paragraph 24 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 24 are denied, and strict proof thereof is demanded.

25. The averments of Paragraph 25 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 25 are denied, and strict proof thereof is demanded.

26. The averments of Paragraph 26 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 26 are denied, and strict proof thereof is demanded.

27. The averments of Paragraph 27 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 27 are denied, and strict proof thereof is demanded.

28. The averments of Paragraph 28 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 28 are denied, and strict proof thereof is demanded.

29. The averments of Paragraph 29 contain summaries of UGI's request for relief to which no response is required. By way of further response, the OSBA admits that the Company included two multi-page documents titled "UGI Gas Statement No. 1" and "UGI Gas Statement No. 2" with the *Petition*. To the extent a response is required, the averments regarding "Statement No. 1" and "Statement No. 2" are denied, and strict proof thereof is demanded.

30. The averments of Paragraph 30 contain summaries of UGI's request for relief to which no response is required. By way of further response, the OSBA admits that the Company included a multi-page page document titled "UGI Gas Exhibit 2" with the *Petition*. To the extent a response is required, the averments regarding "Exhibit 2" are denied, and strict proof thereof is demanded.

31. The averments of Paragraph 31 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 31 are denied, and strict proof thereof is demanded.

**B. EE&C Plan Development Process**

32. The averments of Paragraph 32 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 32 are denied, and strict proof thereof is demanded.

33. The averments of Paragraph 33 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 33 are denied, and strict proof thereof is demanded.

34. The averments of Paragraph 34 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 34 are denied, and strict proof thereof is demanded.

35. The averments of Paragraph 35 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 35 are denied, and strict proof thereof is demanded.

36. The averments of Paragraph 36 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 36 are denied, and strict proof thereof is demanded.

37. The averments of Paragraph 37 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 37 are denied, and strict proof thereof is demanded.

**C. Description of the Phase II EE&C Plan**

38. The averments of Paragraph 38 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 38 are denied, and strict proof thereof is demanded.

39. The averments of Paragraph 39 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 39 are denied, and strict proof thereof is demanded.

40. The averments of Paragraph 40 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 40 are denied, and strict proof thereof is demanded.

41. The averments of Paragraph 41 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 41 are denied, and strict proof thereof is demanded.

42. The averments of Paragraph 42 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 42 are denied, and strict proof thereof is demanded.

43. The averments of Paragraph 43 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 43 are denied, and strict proof thereof is demanded.

44. The averments of Paragraph 44 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 44 are denied, and strict proof thereof is demanded.

45. The averments of Paragraph 45 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 45 are denied, and strict proof thereof is demanded.

46. The averments of Paragraph 46 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 46 are denied, and strict proof thereof is demanded.

47. The averments of Paragraph 47 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 47 are denied, and strict proof thereof is demanded.

48. The averments of Paragraph 48 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 48 are denied, and strict proof thereof is demanded.

49. The averments of Paragraph 49 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 49 are denied, and strict proof thereof is demanded.

**D. Implementation Strategy**

50. The averments of Paragraph 50 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 50 are denied, and strict proof thereof is demanded.

51. The averments of Paragraph 51 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 51 are denied, and strict proof thereof is demanded.

**E. Public Interest Determination and Request for Relief**

52. The averments of Paragraph 52 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 52 are denied, and strict proof thereof is demanded.

53. The averments of Paragraph 53 contain summaries of UGI's request for relief to which no response is required. To the extent a response is required, the averments of Paragraph 53 are denied, and strict proof thereof is demanded.

54. The averments of Paragraph 54 are requests for relief to which no response is required.

**IV. Conclusion**

In view of the foregoing, the Office of Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Direct the Office of Administrative Law Judge to hold hearings on the *Petition* and prepare an initial decision; and
- B. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

/s/ Steven C. Gray  
Steven C. Gray  
Senior Attorney  
Assistant Small Business Advocate  
Attorney ID No. 77538  
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For:

NazAarah Sabree  
Small Business Advocate

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(717) 783-2525

Dated: May 3, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of UGI Utilities, Inc. – Gas           :   Docket No. M-2024-3048418**  
**Division for Approval of Phase II of        :**  
**its   :**  
**Energy Efficiency and Conservation        :**  
**Plan**

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**NOTICE OF INTERVENTION  
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

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The Office of Small Business Advocate (“OSBA”) files this Notice of Intervention with respect to the Petition of UGI Utilities, Inc. – Gas Division (“UGI” or the “Company”) for Approval of Phase II of its Energy Efficiency and Conservation (“EE&C”) Plan (“Petition”) that was filed with the Pennsylvania Public Utility Commission (“Commission”) on April 15, 2024. In support of this Notice of Intervention, the OSBA avers as follows:

1. The OSBA is an agency of the Commonwealth of Pennsylvania authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50) to represent the interest of small business consumers as a party in proceedings before the Commission.

2. Representing the OSBA in this proceeding is:

Steven C. Gray, Esq.  
Senior Attorney  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, Pennsylvania 17101  
(717) 783-2525  
[sgray@pa.gov](mailto:sgray@pa.gov)

Respectfully submitted,

*/s/ Steven C. Gray*

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Steven C. Gray  
Senior Attorney  
Assistant Small Business Advocate  
Attorney I.D. No. 77538

For:

NazAarah Sabree  
Small Business Advocate

Commonwealth of Pennsylvania  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, Pennsylvania 17101

Date: May 3, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of UGI Utilities, Inc. – Gas** : **Docket No. M-2024-3048418**  
**Division for Approval of Phase II of its** :  
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**PUBLIC STATEMENT OF  
THE OFFICE OF SMALL BUSINESS ADVOCATE**

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The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (the “Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by her initiation of or intervention in any proceeding involving those interests before the Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of an Answer and Notice of Intervention in the above-captioned Commission proceeding.

On April 15, 2024, UGI Utilities, Inc. –Gas Division (“UGI” or the “Company”) filed with the Commission a Petition for Approval of Phase II of the Company’s Energy Efficiency and Conversation (“EE&C”) Plan.

The Small Business Advocate is intervening in this proceeding to protect the interests of the Company’s small business customers. A thorough inquiry by the Commission into all the elements of the petition is necessary to ascertain whether UGI’s proposal for a Phase II EE&C Plan is just and reasonable.

In view of the foregoing, the Small Business Advocate is requesting that the petition be subject to investigation and evidentiary hearings before the Commission. The Small Business Advocate will ask the Commission to deny or modify the Company's petition if it is not proven by UGI to be in accordance with the Public Utility Code and with the Commission's regulations.

Dated: May 3, 2024

**VERIFICATION**

I, NazAarah Sabree, hereby state that the facts set forth herein above 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: May 3, 2024

  
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(Signature)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of UGI Utilities, Inc. – Gas** : **Docket No. M-2024-3048418**  
**Division for Approval of Phase II of its** :  
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**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise 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 Charles E. Rainey Jr.  
Chief Administrative Law Judge  
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DATE: May 3, 2024

*/s/ Steven C. Gray* \_\_\_\_\_  
Steven C. Gray  
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Assistant Small Business Advocate  
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