

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2024-3048828
Office of Consumer Advocate	:	C-2024-3049086
Office of Small Business Advocate	:	C-2024-3049499
	:	
v.	:	
	:	
UGI Utilities, Inc. – Gas Division	:	
1307(f) Proceeding	:	

ORDER CONSOLIDATING PROCEEDINGS

This Order is issued pursuant to the authority given to Administrative Law Judges under the Commission’s regulations at 52 Pa. Code § 5.483 and 52 Pa. Code § 5.81(a) and consolidates the above captioned cases. The consolidation of these cases is for the purpose of efficient case resolution and for administrative efficiency.¹

SUMMARY HISTORY OF THE PROCEEDING

On May 1, 2024, UGI Utilities, Inc. – Gas Division (UGI) filed preliminary supporting information for its 2024 Purchased Gas Cost (PGC) Filing. UGI’s proposed purchased gas cost tariff and all required supporting information, including Direct Testimony, was filed May 31, 2024.

¹ The following customer Complaints, while not actively litigated, will be addressed and resolved in the Recommended Decision with respect to the Joint Settlement: Brian Dugas, C-2024-3049100; Jean Suitch, C-2024-3049239; Paula Mercuri, C-2024-3049667; Juan Ramos, C-2024-3049558; Louis Kern, C-2024-3049789; Anthony Debellis, C-2024-3049790, and David Beedlemann, C-2024-3049797. Each customer will, by separate Order, receive a copy of the proposed Joint Settlement when filed, and will be afforded an opportunity to comment or object to the proposed Joint Settlement:

On May 17, 2024, the Office of Consumer Advocate (OCA) filed a Formal Complaint and Public Statement in this matter. This was accompanied by a Notice of Appearance for Melanie J. El Atieh, Esquire, and Emily A. Farren, Esquire.

On May 22, 2024, Steven C. Gray, Esquire, filed a Notice of Appearance on behalf of the Office of Small Business Advocate (OSBA).

On June 4, 2024, Scott C. Granger, Esquire, filed a Notice of Appearance on behalf of the Commission's Bureau of Investigation and Enforcement (I&E).

On June 10, 2024, OSBA filed a Formal Complaint and Public Statement in this matter.

Also on June 10, 2024, a Notice was served establishing a telephonic prehearing conference for this matter for June 28, 2024, and assigning Administrative Law Judges (ALJs) Dennis J. Buckley and Alphonso Arnold III as the presiding officers to this proceeding.

On June 12, 2024, a Notice was served rescheduling the telephonic prehearing conference to June 14, 2024, at 11:00 a.m.

Also on June 12, 2024, an initial Prehearing Order was served, setting forth the scope of the conference. The Order directed the parties to file prehearing memoranda by June 13, 2024.

On June 13, 2024, UGI, OCA, OSBA, and I&E filed prehearing memoranda.

On June 14, 2024, a telephonic prehearing conference was held. Counsel for UGI, OCA, OSBA, and I&E were present for the conference. Brain Dugas, a customer Complainant, appeared at the conference representing himself. Several procedural matters were discussed during the conference, and a litigation schedule was established.

On June 26, 2024, a Post Conference Order was served, adopting the litigation schedule and modifications to the Commission's discovery regulations agreed upon by the parties.

On June 27, 2024, a Notice was served scheduling a telephonic evidentiary hearing in this matter for July 25, 2024.

On July 24, 2024, the active parties in this case advised the presiding officers that a settlement in principle had been reached and requested suspension of the litigation schedule.

On July 25, 2024, the active parties in this case advised the presiding officers that they had no objection to the consolidation of cases for decision.

DISCUSSION

The Commission's regulation pertaining to consolidation appears at 52 Pa. Code § 5.81, and states in relevant part:

§ 5.81. Consolidation

(a) The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

52 Pa. Code § 5.81(a).

The question of consolidation is clearly left to the sound discretion of the Commission or the presiding officer.

Cases have been consolidated for adjudication; *Re Middletown Taxi Co.*, 50 Pa. PUC 263 (1976), for hearing; *City of York v. York Telephone and Telegraph Co.*, 43 Pa. PUC 240 (1967), for briefing; *Clepper Farms, Inc. v. Grantham Water Co.*, 41 Pa. PUC 749 (1965),

and have been refused consolidation for any purpose; *Dopp v. Williamsburg Borough Dep't of Water and Sewer*, 59 Pa. PUC 25 (1984).

In considering the consolidation of cases, the first criteria (set forth in the Commission's regulations) is that the proceedings must involve, "a common question of law or fact." An examination of Commission precedent in such cases as *Applications of Philadelphia Electric Co.*, 43 Pa. PUC 781 (1968), *Pa. Public Utility Comm'n v. Bell Telephone Co. of Pennsylvania*, 46 Pa. PUC 568 (1973), and *Pa. Public Utility Comm'n v. Butler Twp. Water Co.*, 52 Pa. PUC 442 (1978), as well as those cited above, establishes that considerations in addition to the presence of common questions of law or fact must also be evaluated in ruling on a consolidation. These other considerations (and the answers thereto) are:

1. Will the presence of additional issues cloud a determination of the common issues? Answer: There is an identity of issues.
2. Will consolidation result in reduced costs of litigation and decision-making for the parties and the Commission? Answer: Yes.
3. Do issues in one proceeding go to the heart of an issue in the other proceeding? Answer: Yes.
4. Will consolidation unduly protract the hearing, or produce a disorderly and unwieldy record? Answer: No.
5. Will different statutory and legal issues be involved? Answer: No.
6. Does the party with the burden of proof differ in the proceedings? Answer: No.
7. Will consolidation unduly delay the resolution of one of the proceedings? Answer: No.
8. Will supporting data in all proceedings be repetitive? Answer: Not in any sense that would detract from the efficient resolution of the consolidated proceeding.

No single consideration, nor group of these considerations, is dispositive of a consolidation, any more so than the presence of a common question of law or fact. Rather, the

evaluation of all of them and a balancing of those favoring and disfavoring consolidation is required.

In the cases now before us, the above-captioned proceedings are interrelated and raise common issues of law and fact.

CONCLUSION

Because the disposition of each of these matters is interrelated, the consolidation of these proceedings will promote the efficient use of the time and resources of the parties and the Commission. Consolidation of these cases will not unduly delay the resolution of either of them. In sum, a consolidation for hearing, briefing, and adjudication of these cases is warranted and is in the public interest, the interest of the parties and the interest of the Commission.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the above-captioned cases, bearing Docket Numbers R-2024-3048828, C-2024-3049086, and C-2024-3049499, are consolidated for resolution.

Date: July 26, 2024

/s/
Dennis J. Buckley
Administrative Law Judge

/s/
Alphonso Arnold III
Administrative Law Judge

R-2024-3048828 et al. - PENNSYLVANIA PUBLIC UTILITY COMMISSION v. UGI UTILITIES INC - GAS DIVISION

Revised: June 27, 2024

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