

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jennifer Potora	:	
	:	C-2024-3050151
v.	:	
	:	
UGI Utilities, Inc. – Gas Division	:	

ORDER
GRANTING EXTENSION OF TIME TO FILE RESPONSE TO
UGI UTILITIES, INC. – GAS DIVISION PRELIMINARY OBJECTIONS

On July 17, 2024, Jennifer Potora (Ms. Potora or Complainant) filed a Formal Complaint against UGI Utilities, Inc. – Gas Division (UGI Gas or Company). The Formal Complaint was served on UGI Gas on July 18, 2024. The Complainant alleges that Met-Ed is threatening to shut off her service or has already shut off her service; that she would like a payment arrangement; that there are incorrect charges on her bill; and that her meter was never changed.

On August 7, 2024, UGI Gas filed an answer and new matter to the Formal Complaint. In its answer, UGI Gas admitted that it issued a termination notice to the Complainant on July 12, 2024, but states Ms. Potora’s gas service was not terminated. UGI Gas denies there are incorrect charges on Ms. Potora’s bill. UGI Gas denies that Complainant contacted the Company to request a meter change related to the disputed billing. UGI Gas also states that this is Complainant’s fifth complaint in which she has disputed her arrearages with UGI Gas or its former wholly owned subsidiaries, and that the Commission has barred the Complainant from pursuing additional complaints against UGI Gas until her arrearages are paid in full. In its new matter, UGI Gas states that the Complaint is barred by 66 Pa.C.S. § 316, the doctrines of *res judicata* and collateral estoppel, and the Commission’s August 8, 2019 Order barring the Complainant from initiating any further Commission complaints against UGI Gas regarding her arrearages until all of Complainant’s arrearages are paid in full. UGI Gas’s answer and new matter included a notice to plead within 20 days. Ms. Potora did not file a response to UGI Gas’s new matter.

Also on August 7, 2024, UGI Gas filed preliminary objections to the Formal Complaint. UGI Gas avers that Ms. Potora's Formal Complaint is legally insufficient pursuant to 52 Pa. Code § 5.101(a)(4). UGI Gas's preliminary objections included a notice to plead within 10 days.

On August 19, 2024, Ms. Potora filed a motion, requesting an extension of time by 10 days to respond to UGI Gas's preliminary objections because she needs time to review the preliminary objections and that she is seeking counsel. On August 23, 2024, UGI Gas filed a letter, stating that it did not oppose Ms. Potora's request to file a response to its preliminary objections by August 29, 2024. On August 23, 2024, Ms. Potora filed an amended motion, requesting an extension of time by 10 days to respond to UGI Gas's preliminary objections. Ms. Potora stated that the reason for her amended motion was because the August 19, 2024 motion mistakenly indicated that Complainant was represented by counsel.

On August 27, 2024, the Commission issued a motion judge assignment notice, assigning me to this proceeding. By e-mail sent August 28, 2024, I requested that UGI Gas state whether the Company opposes Ms. Potora's amended motion requesting an extension of time to file a response to UGI Gas's preliminary objections. Because the amended motion was filed on August 23, 2024, I stated that I would expect a response to UGI Gas's preliminary objections to be filed by Complainant by September 3, 2024 if the motion was granted. By e-mail sent August 28, 2024, counsel for UGI Gas stated that the Company did not object to the request, but would object to further requests. By e-mail sent August 28, 2024, I stated to both Ms. Potora and counsel for UGI Gas that Ms. Potora's motion was granted, and that a response should be filed by September 3, 2024, and a ruling on the preliminary objections would thereafter be issued. The purpose of this order is to formally grant Ms. Potora's amended motion filed on August 23, 2024.

Section 5.483 of the Commission's regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa.Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa.Code § 5.485(a). Furthermore, the Commission's regulations are to be liberally construed to secure the just,

speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a). Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests. 52 Pa.Code § 1.15(b). Only for good cause shown will requests for continuance be considered. *Id.* The Commission has recognized the Pennsylvania Supreme Court’s definition of good cause as “conduct which is reasonable under all the circumstances, thereby justifying the [c]laimant’s actions.” *Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered November 4, 2020); *In re Application of Penn Access Corporation and Digital Direct of Pittsburgh, Inc.*, 1992 Pa. PUC LEXIS 56 (Pa. P.U.C. 1992) (citing *Frumento v. Unemployment Comp. Bd. of Review*, 351 A.2d 631 (Pa. 1976)).

In this case, there is good cause to grant Ms. Patora an extension of time to respond to UGI Gas’s preliminary objections. Ms. Patora indicates that she needs time to review the preliminary objections and that she is seeking counsel. Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm’n.*, 479 A.2d 10 (Pa. Cmwlth. 1984). This is Ms. Patora’s first request for an extension of time, and UGI Gas does not object to the request for an extension of time. Therefore, good cause exists to grant the continuance. Therefore, as communicated to Ms. Patora by e-mail on August 28, 2024, her request for an extension of time is granted, and the due date for a response to UGI Gas’s preliminary objections filed on August 7, 2024 is September 3, 2024.

In the interim, the parties are encouraged to pursue settlement discussions. Commission policy promotes settlements. Even if the parties are unable to settle this case, they may still resolve some of the questions or issues during their discussions. If the parties reach an agreement on all issues, a formal hearing will not be necessary. The parties are also reminded that the presiding officer may participate in settlement discussions upon agreement of all parties. 52 Pa.Code § 5.223(c); *see also*, 52 Pa.Code § 5.231(c).

THEREFORE,

IT IS ORDERED:

1. That Jennifer Patora's Amended Motion for Extension of Time to Respond to UGI Utilities, Inc. – Gas Division's Preliminary Objections is granted;

2. That the due date for filing a response to UGI Gas's preliminary objections filed on August 7, 2024 is September 3, 2024.

Date: August 30, 2024

/s/
John M. Coogan
Administrative Law Judge

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JENNIFER POTORA
53 ACADEMY STREET
PLYMOUTH PA 18651
570.817.2175

Jpotora@icloud.com

Accepts eService

MEGAN E RULLI ESQUIRE
POST & SCHELL
17 NORTH SECOND STREET
12TH FLOOR
HARRISBURG PA 17101
717-612-6012
717-472-0466

mrulli@postschell.com

Accepts eService

(Counsel for UGI Utilities, Inc.)

DEVIN T RYAN ESQUIRE
POST AND SCHELL PC
ONE OXFORD CENTRE
301 GRANT STREET SUITE 3010
PITTSBURGH PA 15219
717.612.6052

dryan@postschell.com

Accepts eService

(Counsel for UGI Utilities, Inc.)