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File #: 208192

November 27, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: George H. Whaley, Jr. v. UGI Utilities, Inc. - Gas Division
Docket No. C-2024-3051003

Dear Secretary Chiavetta:

Attached for filing, please find a Motion for Continuance on behalf of UGI Utilities, Inc. – Gas Division in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Alice A. Wade

AAW/dmc
Attachment

cc: The Honorable John M. Coogan (*via email; w/attachment*)
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 E-MAIL AND FIRST-CLASS MAIL

George H. Whaley, Jr.
677 Campbell Street
Williamsport, PA 17701
wmpt.homes@comcast.net

Dated: November 27, 2024



Alice Wade

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

George H. Whaley, Jr.,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3051003
	:	
UGI Utilities, Inc. – Gas Division,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. **IN THE INSTANT MOTION, THE COMPANY REQUESTS AN EXPEDITED RESPONSE PERIOD OF 7 CALENDAR DAYS TO FACILITATE A RULING ON THE MOTION IN SUFFICIENT TIME BEFORE THE HEARING.** YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Respectfully submitted,

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Date: November 27, 2024

Counsel for UGI Utilities, Inc. – Gas Division

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

George H. Whaley, Jr.,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3051003
	:	
UGI Utilities, Inc. – Gas Division,	:	
	:	
Respondent.	:	

**MOTION FOR CONTINUANCE
OF UGI UTILITIES, INC. – GAS DIVISION**

TO ADMINISTRATIVE LAW JUDGE MARTA GUHL:

UGI Utilities, Inc. – Gas Division (“UGI Gas” or “Company”) hereby files this Motion For Continuance pursuant to Section 5.103 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.103, and requests that the evidentiary hearing scheduled for December 9, 2024 at 10:00 a.m., in the above-captioned Complaint proceeding be continued.

Good cause exists to grant a continuance because: (1) Counsel for UGI Gas (“Counsel”) currently has three other hearings currently scheduled the week of December 9, 2024, in other matters before the Commission; on December 10, 2024 at 1:00 p.m.; on December 12, 2024 at 10:00 p.m.; and on December 13, 2024 at 1:00 p.m., and (2) it would allow the parties additional time to attempt to resolve all or some of the issues raised in the Complaint in a non-adversarial setting.

In support of the Motion for Continuance, UGI Gas avers as follows:

I. BACKGROUND

1. UGI Utilities, Inc. (“UGI Utilities”) is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and a wholly owned subsidiary of UGI Corporation.

2. UGI Utilities has two divisions – the Gas Division (“UGI Gas”) and the Electric Division (“UGI Electric”).

3. 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.

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

5. UGI Electric is a “public utility” and an “electric distribution company” as those terms are defined under the Public Utility Code, 66 Pa. C.S. §§ 102 and 2803.

6. UGI Electric primarily provides electric distribution services to approximately 62,000 customers in Luzerne and Wyoming counties in Northeastern Pennsylvania.

7. On September 4, 2024, the Company was served with the above-captioned Complaint.

8. In the Complaint, the Complainant alleges, among other things, that his service was terminated and not restored in a timely manner after payment. (Complaint ¶ 4). As relief, the Complainant requests that his gas service be restored, however, service was restored to the Complainant’s service address on September 3, 2024. (Answer ¶ 4).

9. On September 12, 2024, Counsel attempted to contact the Complainant by phone, leaving him a voicemail.

10. On September 16, 2024, Counsel attempted to contact the Complainant by phone again, leaving a voicemail. The same day, Counsel attempted to follow up with the Complainant by email to see if there was a time he would be available to discuss his Complaint.

11. On September 24, 2024, UGI Gas filed an Answer to the Complaint, admitting in part and denying in part the factual basis of the Complainant's allegations.

12. On October 2, 2024, the Commission issued an Initial Call-In Telephonic Hearing Notice, scheduling an evidentiary hearing for 10:00 AM on December 9, 2024, before Administrative Law Judge John M. Coogan (the "ALJ").

13. On October 2, 2024, the ALJ issued a Prehearing Order confirming the date and time of the evidentiary hearing.

14. On November 22, 2024, Counsel again attempted to reach the Complainant, first by phone, leaving a voicemail, and again by email. The Complainant was unresponsive to both of those attempted contacts.

15. Because Counsel has been unable to reach the Complainant, UGI Gas does not know whether the Complainant agrees to this continuance request.

16. Counsel for UGI Gas currently has three additional hearings scheduled the week of December 9, 2024 in other Commission proceedings; on December 10, 2024 at 1:00 p.m.; on December 12, 2024 at 10:00 p.m.; and on December 13, 2024 at 1:00 p.m.

II. REQUEST FOR CONTINUANCE

17. UGI Gas respectfully requests a continuance of the December 9, 2024, Evidentiary Hearing in this matter because (1) Counsel for UGI Gas currently has three additional hearings scheduled the week of December 9, 2024 in other Commission proceedings; on December 10, 2024 at 1:00 p.m.; on December 12, 2024 at 10:00 p.m.; and on December 13, 2024 at 1:00 p.m., and (2) it would allow the parties additional time to attempt to resolve all or some of the issues

raised in the Complaint in a non-adversarial setting, thereby potentially forgoing the need to conduct an evidentiary hearing in its entirety, or focusing the issues to be presented at the Evidentiary Hearing.

18. Section 1.15(b) of the Commission's regulations states:

(b) 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 the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date.

52 Pa. Code § 1.15(b).

19. In addition, the Prehearing Order issued on September 10, 2024, provides the following:

You may request a continuance of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must submit a written request to me and every other party (a "motion") at least five (5) days before the hearing. Your motion should be served pursuant to paragraph 5 below. Your motion should include:

- (1) The case name, case number, and hearing date;
- (2) The reason you are requesting a continuance; and
- (3) State whether the other party(s) agrees to the request. If you do not know whether the other party(ies) agrees to the request, state that you do not know.

Prehearing Order, p. 2 (October 2, 2024).

20. Good cause exists to grant a continuance in this matter as it would give the parties additional time prior to a hearing to discuss settlement of some or all of the issues raised in the

Complaint, and due to Counsel's current schedule of Commission hearings the week of December 9, 2024.

21. As stated in the Prehearing Order, "The PUC's policy is to encourage settlements." *Id* at 5. Allowing the parties additional time to attempt to coordinate settlement of some or all of the issues raised in the Complaint with the Complainant could allow the parties to move toward resolution outside the adversarial process and forego the need for an evidentiary hearing altogether, or narrow the issues to be presented at the Evidentiary Hearing.

22. The Complainant requests as relief in the Complaint that service be restored to his service address (Complaint ¶ 5)., however, service was already restored to the Complainant's service address on September 3, 2024. (Answer ¶ 4).

23. Granting this continuance will give the Company additional time to try to work cooperatively with the Complainant to attempt to resolve the Complaint.

24. Additionally, Counsel for UGI Gas currently has three additional hearings scheduled the week of December 9, 2024 in other Commission matters; on December 10, 2024 at 1:00 p.m.; on December 12, 2024 at 10:00 p.m.; and on December 13, 2024 at 1:00 p.m.

25. Granting a continuance will ensure that Counsel has adequate time to prepare for each of these matters.

26. Finally, the Company notes that this is the first continuance requested in this matter.

27. Thus, good cause exists to continue the hearing given Counsel's schedule of hearings the week of December 9, 2024, and the Company's desire to work with the Complainant toward a non-adversarial resolution of the case, in full or in part.

28. The Complainant will not be prejudiced by a continuance of the currently scheduled Evidentiary Hearing because his requested relief, *i.e.*, reconnection of service at the service address, was met on September 3, 2024.

29. Should the Company's continuance request be granted, UGI Gas will endeavor to work with the Complainant to present several dates of mutual-availability between the Complainant and the Company to reschedule the hearing for the ALJ's review.

30. Because Counsel has been unable to reach the Complainant, it is unknown whether the Complainant agrees to this request.


31. For these reasons, UGI Gas respectfully requests a continuance of the hearing and for this matter.

CONCLUSION

WHEREFORE, UGI Utilities, Inc. – Gas Division respectfully requests that a continuance of the hearing be granted in the above-captioned proceeding. Further, the Company respectfully requests that the due date for any Answer to the instant Motion be due within seven (7) calendar days of its filing, i.e., by December 4, 2024, and that the ruling on the instant Motion be issued by December 6, 2024, considering the hearing is scheduled for December 9, 2024.

Respectfully submitted,

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Date: November 27, 2024

Counsel for UGI Utilities, Inc. – Gas Division