
Alice A. Wade

alice.wade@postschell.com
412-506-6364 Direct
412-227-9065 Direct Fax
File #: 211083

February 13, 2025

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: **Derrick L. Tyler, Sr. v. UGI Utilities Inc. - Gas Division**
Docket No. C-2024-3052617

Dear Secretary Chiavetta:

Attached for filing, please find the Motion to File Answer Nunc Pro Tunc of UGI Utilities Inc. - Gas Division to the Complaint of Derrick L. Tyler, Sr. in the above-referenced proceeding. Copies will be provided per the Certificate of Service.

Respectfully submitted,



Alice A. Wade
Associate

AAW/sa
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

Derrick L. Tyler Sr.
44 Ketchum St,
Wilkes Barre, PA 18702
tylerderrick@yahoo.com

Date: February 13, 2025



Alice A. Wade

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Derrick L. Tyler, Sr.,	:
	:
Complainant,	:
	:
v.	: Docket No. C-2024-3052617
	:
UGI Utilities, Inc. – Gas Division	:
	:
Respondent.	:

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), ANSWERS TO MOTIONS ARE DUE WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWERS SHOULD 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.

Michael Swerling (ID # 94748)
Lindsay Berkstresser (ID # 318370)
UGI Corporation
500 North Gulph Road
King of Prussia, PA 19406
Phone: 610-992-3763
Phone: (610) 768-6799
E-mail: SwerlingM@ugicorp.com
E-mail: BerkstresserL@ugicorp.com



Devin T. Ryan (ID # 316602)
Alice A. Wade (ID # 335228)
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: 717-612-6052
Fax: 717-731-1985
E-mail: dryan@postschell.com
alice.wade@postschell.com
Megan Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second St., 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-612-6012
Fax: 717-731-1985
E-mail: mrulli@postschell.com

Date: February 13, 2025

Counsel for UGI Utilities, Inc. – Gas Division

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Derrick L. Tyler, Sr.,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3052617
	:	
UGI Utilities, Inc. – Gas Division	:	
	:	
Respondent.	:	

**UGI GAS’S MOTION FOR LEAVE TO FILE ANSWER
TO COMPLAINANT’S FORMAL COMPLAINT NUNC PRO TUNC**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

UGI Utilities, Inc. – Gas Division (“UGI Gas” or “Company”) hereby files this Motion for Leave to File an Answer to the Complaint of Derrick L. Tyler, Sr. (“Complainant”) *nunc pro tunc* pursuant to Sections 1.2 and 5.103 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code §§ 1.2 and 5.103, and respectfully petitions the Commission to accept the Answer to the above-captioned Formal Complaint *nunc pro tunc*. UGI Gas is filing an Answer *nunc pro tunc* concurrently with the instant Motion.

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

1. On December 19, 2024, UGI Gas was served with the above-captioned Complaint.
2. Pursuant to 52 Pa. Code § 5.61(a), UGI Gas’s Answer to the Formal Complaint was due for filing on or before January 8, 2025.

3. Due to an administrative oversight on the part of UGI Gas and its Counsel, UGI Gas is filing the Answer *nunc pro tunc* thirty-six (36) days beyond the regulatory deadline for filing of a responsive pleading.

4. UGI Gas respectfully requests that the Commission accept the filing of UGI Gas's Answer *nunc pro tunc*.

5. 52 Pa. Code § 1.1 *et seq.* governs the rules of administrative practice and procedure before the Commission.

6. 52 Pa. Code § 1.2(a) states that the Commission's procedural rules in Title 52 shall be "liberally construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable." Further, the Commission's regulations state that the "Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedures which does not affect the substantive rights of the parties." *Id.*

7. Additionally, 52 Pa. Code § 1.2(c) states that the "Commission or presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party."¹

8. Here, the Complainant's substantive rights have not been affected in this ability to pay dispute.²

9. On January 24, 2025 an Initial Call-In Telephonic Hearing was served on all parties setting an evidentiary hearing in the case for March 18, 2025, thirty-three (33) days after the filing of this Answer.

¹ See *Info. Connections v. Pa. Pub. Util. Comm'n*, 630 A.2d 498, 501 (Pa. Cmwlth. 1993).

² The Commission has recognized and accepted a utility's Answer *nunc pro tunc* where it did not affect the substantive rights of the Complainant, as is the case here. See *Roberts v. PECO Energy Co.*, 2020 PA. PUC LEXIS 361, Docket No. F-2018-3001072 (Order Entered Jan. 16, 2020); See also *Cobaugh v. Columbia Gas of Pa., Inc.* 2011 Pa. PUC LEXIS 282, Docket No. C-2009-2146579 (Initial Decision issued Oct. 21, 2011) *adopted without further Commission action* (Final Order entered Dec. 12, 2011).

10. As of the date of this Motion and concurrent Answer *nunc pro tunc*, the Complainant's gas service is not active with the Company. The Complainant's gas service was terminated on September 4, 2024, one-hundred and six (106) days before the Formal Complaint was filed.

11. The Commission's acceptance of the Company's Answer *nunc pro tunc* would not unnecessarily delay the resolution of the Formal Complaint as a hearing as already been scheduled in the matter and the Complainant's substantive rights will not be affected as he will have more than thirty days from the date of this Answer to prepare for the scheduled hearing.

12. Accordingly, UGI Gas respectfully requests that UGI Gas's Answer be accepted for filing *nunc pro tunc* to allow for this proceeding to be decided on the merits.

WHEREFORE, UGI Utilities, Inc. – Gas Division respectfully requests that UGI Gas’s Answer to the Formal Complaint of Derrick L. Tyler, Sr. be accepted for filing *nunc pro tunc*.

Respectfully submitted,



Michael Swerling (ID # 94748)
Lindsay Berkstresser (ID # 318370)
UGI Corporation
500 North Gulph Road
King of Prussia, PA 19406
Phone: 610-992-3763
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One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: 717-612-6052
Fax: 717-731-1985
E-mail: dryan@postschell.com
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Megan Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second St., 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-612-6012
Fax: 717-731-1985
E-mail: mrulli@ postschell.com

Date: February 13, 2025

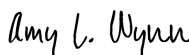
Counsel for UGI Utilities, Inc. – Gas Division

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: February 13, 2025

Signed by:



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Amy L. Wynn