
Nicholas A. Stobbe

nstobbe@postschell.com
717-612-6033 Direct
717-731-1985 Direct Fax
File #: 126894

February 14, 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: **Mathew Streeter v. UGI Utilities Inc. - Gas Division**
Docket No. C-2024-3052707

Dear Secretary Chiavetta:

Attached for filing is the Motion to File Answer Nunc Pro Tunc of UGI Utilities Inc. - Gas Division to the Complaint of Mathew Streeter in the above-referenced proceeding. Copies will be provided per the Certificate of Service.

Respectfully submitted,



Nicholas A. Stobbe
Associate

NAS/sa
Attachments

cc: Administrative Law Judge, Emily I. DeVoe (*via email w/attachments*)
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

Mathew Streeter
215 E. Third St
Corning, NY 14830
mathewstreeter100@gmail.com

Date: February 14, 2025



Nicholas A. Stobbe

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Matthew Streeter,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3052707
	:	
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
BerkstresserL@ugicorp.com

Nicholas A. Stobbe (ID # 329583)
Megan E. Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101
Phone: 717-731-1970
E-mail: nstobbe@postschell.com
E-mail: mrulli@postschell.com

Dated: February 14, 2025

Counsel for UGI Utilities, Inc. – Gas Division

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Matthew Streeter,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3052707
	:	
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 Matthew Streeter (“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 26, 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 15, 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* twenty nine (29) 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. Indeed, the Complainant is not a current customer of UGI Gas at the address subject to the Complaint.

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. Additionally, while an Evidentiary Hearing has been scheduled in this proceeding for March 18, 2025, the acceptance of an Answer *nunc pro tunc* does not affect the Complainant's substantive rights because: (1) the Complainant will have more than 30-days before the Evidentiary Hearing upon receipt of the Answer *nunc pro tunc*, and (2) the Complainant does not currently have gas service at the address subject to the Complaint as of the date of this Motion and Answer *nunc pro tunc*.

11. As of the date of this Motion and concurrent Answer *nunc pro tunc*, the Complainant's applied-for gas service is not active with the Company.

12. The Commission's acceptance of the Company's Answer *nunc pro tunc* would not unnecessarily delay the resolution of the Formal Complaint.

13. 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 Matthew Streeter 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
Phone: 610-768-6799
E-mail: SwerlingM@ugicorp.com
BerkstresserL@ugicorp.com

Nicholas A. Stobbe (ID # 329583)
Megan E. Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101
Phone: 717-731-1970
E-mail: nstobbe@postschell.com
E-mail: mrulli@postschell.com

Dated: February 14, 2025

Counsel for UGI Utilities, Inc. – Gas Division

VERIFICATION

I, Donald A. Brominski, Senior Manager at 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 14, 2025

DocuSigned by:
Don Brominski
22EADTC3964F488...
Donald A. Brominski