

February 22, 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: Matthew Streeter v. UGI Utilities Inc. - Gas Division
Docket No. C-2024-3052707

Dear Secretary Chiavetta:

Attached for filing is complainant's Objection to Respondent's motion for leave to file Answer Nunc Pro Tunc in the above-referenced proceeding. Copies will be provided per the Certificate of Service.

Respectfully submitted,



Matthew Streeter

Complainant

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

Post & Schell P.C. Attorneys at Law
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Harrisburg, PA 17101-1601
Nicholas A. Stobbe
nstobbe@postschell.com
717-612-6033 Direct

Date: February 22, 2025



Matthew Streeter

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Matthew Streeter,
Complainant,

v.

UGI Utilities, Inc. – Gas Division,
Respondent.

Docket No. C-2024-3052707

COMPLAINANT'S OBJECTION TO RESPONDENT'S MOTION FOR LEAVE TO FILE
ANSWER NUNC PRO TUNC

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Complainant, Matthew Streeter, respectfully submits this objection to UGI Utilities, Inc. – Gas Division's ("UGI Gas" or "Respondent") Motion for Leave to File Answer Nunc Pro Tunc, and in support thereof states as follows:

I. INTRODUCTION

1. UGI Gas was required to file its Answer to Complainant's Formal Complaint no later than January 15, 2025, pursuant to 52 Pa. Code § 5.61(a).
2. UGI Gas failed to meet this deadline and filed its Answer 29 days late on February 14, 2025.
3. UGI Gas seeks nunc pro tunc relief, citing administrative oversight as the reason for its failure to timely file.
4. Pennsylvania law is clear that mere administrative oversight does not constitute extraordinary circumstances warranting nunc pro tunc relief.
5. Permitting UGI Gas to file its Answer nunc pro tunc would undermine procedural fairness, prejudice the Complainant, and set a dangerous precedent allowing utilities to disregard filing deadlines without proper justification.

II. LEGAL STANDARD FOR NUNC PRO TUNC RELIEF

6. Nunc pro tunc relief is an extraordinary remedy that is to be granted when a delay is caused by fraud, a court-related breakdown, or non-negligent circumstances beyond the party's control. *Bass v. Commonwealth*, 485 Pa. 256 (1979).
7. Negligence, mistake, or oversight by a party or its counsel is not a valid basis for nunc pro tunc relief. *Criss v. Wise*, 566 Pa. 437 (2001).
8. The burden is on UGI Gas to demonstrate extraordinary circumstances, which it has failed to do.

III. ARGUMENT

A. UGI Gas's Failure to Timely File Was Due to Its Own Negligence

9. UGI Gas admits that its failure to file was due to an administrative oversight.

10. An internal mistake within UGI Gas's control does not constitute the type of extraordinary circumstances necessary to justify nunc pro tunc relief.

11. Attorneys for Post & Schell representing UGI Gas have demonstrated tardiness to file on time on numerous occasions. In the Pa. PUC case of *Todd Elliott Koger, Sr. and Elliot-Todd Koger v. Duquesne Light Company* Docket No. C-2024-3049627 The nunc pro tunc filing was 13 days late due to an "administrative error" (filed by Megan E. Rulli). In the Pa. PUC case of *Michael W. Snook v. PPL Electric Utilities Corporation*, Docket No. F-2023-3043517 the nunc pro tunc filing was 15 days late due to an "administrative oversight" (filed by Nicholas A. Stobbe). Given this track record, I can only assume their administrative errors are intentional to disadvantage complainants by giving them less time to respond to their arguments. Or, they have a blatant disregard for deadlines. Accepting a filing of 29 days late will only embolden and encourage Post & Schell attorneys reinforcing that regulatory deadlines set by the PUC are not strict and need not be adhered to.

12. Pennsylvania courts have repeatedly held that mere neglect or oversight does not excuse a failure to meet a statutory deadline. *Bass v. Commonwealth*, 485 Pa. 256 (1979).

B. Allowing Nunc Pro Tunc Relief Would Prejudice the Complainant

13. UGI Gas's delay deprived Complainant of a timely response and disrupted the procedural timeline of this case.

14. Had UGI Gas filed its Answer on time, Complainant would have had additional time to prepare arguments, file necessary motions, or seek other remedies.

15. Granting UGI Gas's request would place an unfair burden on Complainant, who has adhered to all deadlines and procedural rules.

16. Delaying a hearing, or resolution due to Post & Schell's inability to file on time would only continue to harm the complainant, as he must bear the burden of increasing costs of materials and labor to construct his home. Without resolution, the complainant is unable to secure pricing for materials and labor due to the fuel source being unknown. This has the potential to additionally harm the complainant by delaying permitting, construction, inspections and occupancy.

C. Granting Nunc Pro Tunc Relief Would Set a Harmful Precedent

17. If the Commission grants UGI Gas's Motion, it would weaken enforcement of regulatory deadlines and encourage utilities to delay filings without consequence.

18. This would undermine the integrity and efficiency of the Pennsylvania Public Utility Commission's administrative process.

19. Regulatory deadlines must be strictly enforced to ensure fairness, predictability, and due process for all parties.

IV. CONCLUSION

20. UGI Gas failed to meet the legal standard for nunc pro tunc relief.

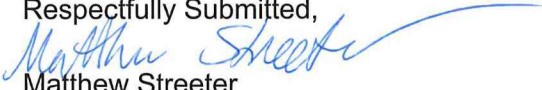
21. The delay was caused by negligence and oversight, not extraordinary circumstances beyond UGI Gas's control.

22. Granting nunc pro tunc relief would prejudice the Complainant and set a harmful precedent.

WHEREFORE, Complainant, Matthew Streeter, respectfully requests that the Pennsylvania Public Utility Commission:

- A. DENY UGI Gas's Motion for Leave to File Answer Nunc Pro Tunc; and
- B. GRANT any other relief deemed appropriate and just.

Respectfully Submitted,



Matthew Streeter

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Corning, NY 14830

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Dated: 2/22/25