

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Matthew Streeter	:	
	:	
v.	:	<u>C-2024-3052707</u>
	:	
UGI Utilities, Inc. – Gas Division	:	

**CORRECTED INTERIM ORDER  
GRANTING UGI’S MOTION TO FILE ANSWER *NUNC PRO TUNC***

**The previous docket number was incorrect. The above docket number has been corrected.**

On December 26, 2024, Matthew Streeter (Complainant or Mr. Streeter) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission), against UGI Utilities, Inc. (UGI, Company, or Respondent) regarding an application for service to 1213 Boom Station Road, Lawrenceville, PA (service location). Complainant checked the “other” box on the Formal Complaint form, writing,

UGI doubled an original verbal quote to obtain gas service for our new construction home. The massive difference in price came after UGI decided they wanted us to pay for hundreds of extra feet of main extension for UGI’s future expansion – well beyond what is needed for our own gas service.

Complaint, pg. 2.

As relief, Complainant wants the Commission to honor its original proposal to extend service to the service location for \$10,000 - \$11,000. He also avers that UGI’s response to his informal complaint at BCS No. 4034413 is a “blatant lie” and he has written proof that UGI’s decision to change the length of main extension for service to the service location was due to UGI’s plans for future expansion. Regarding service by the Commission, Mr. Streeter opted to be served by eService, checking the box next to this option.

The Complaint was served on UGI by the Commission's Secretary's Bureau on December 26, 2024. The deadline for UGI to file its answer was January 15, 2025. 52 Pa Code § 5.61(a). By January 29, 2025, UGI had not filed an answer.

On January 29, 2025, the Commission issued a Hearing Notice, scheduling this matter for an evidentiary hearing on March 18, 2025.

On January 31, 2025, I issued a Prehearing Order.

On February 14, 2025, UGI filed an Answer as well as a Motion to File Answer *Nunc Pro Tunc* (Motion). In its Motion, UGI explains that while it was served by the Commission with the Complaint on December 26, 2024, due to administrative oversight, UGI is filing its Answer 29 days after the deadline.

In its Answer, UGI admits that Complainant contacted the Company to request that residential gas service be instituted at the service location. UGI further admits that it provided a quote to Complainant regarding the Complainant's requested connection of residential gas service to the service location (Project). UGI denies that its formal quote provided to Complainant has changed from what was initially formally relayed to him. Further, UGI denies that its conduct violated the Public Utility Code, the Commission's regulations, a Commission Order, or the Company's Commission-approved Tariff. Specifically, UGI denies that it requested that Complainant pay for "hundreds of extra feet of main extension for UGI Gas's future expansion." UGI avers that after investigating the applied-for connection, it determined that a six-hundred and seventy-five (675) main extension would be required in order to connect the Complainant to UGI Gas's system in order to build the main extension in a practical, operationally sound, safe, and Tariff-consistent way.

The Motion contained a Notice to Plead, directing Complainant to file a Complaint within 20 days of service.

On February 20, 2025, I emailed Complainant, directing him to submit a response to the Motion, if any, by 4:30 p.m. on February 26, 2025.

Complainant filed a response to the Motion on February 24, 2025, arguing that UGI should not be permitted to file its Answer *nunc pro tunc*.

It is now appropriate to rule on the Motion.

### Discussion

Pursuant to 52 Pa. Code § 5.61, the Company's Answer to the Formal Complaint was due for filing on or before January 15, 2025. On February 14, 2025, the Company filed its Answer, twenty-nine days late.

Complainant argues that UGI should not be permitted to file its Answer *nunc pro tunc* because it would “undermine procedural fairness, prejudice Complainant, and set a dangerous precedent allowing utilities to disregard filing deadlines without proper justification.” Complainant argues that negligence, mistake, or oversight of a party or its counsel is not a valid basis for *nunc pro tunc* relief. *See Criss v. Wise*, 566 Pa. 437 (2001). He submits that UGI has the burden to demonstrate extraordinary circumstances, which it has failed to do. He argues PPL has failed to file timely in other proceedings before the Commission, and if it is allowed to file its Answer *nunc pro tunc* in the instant matter, it will only “embolden and encourage” its counsel to not strictly adhere to regulatory deadlines.

Further, Complainant argues that allowing UGI to file its Answer *nunc pro tunc* will prejudice Complainant because UGI's delay has “deprived Complainant of a timely response and disrupted the procedural timeline of the case.” Complainant posits that if UGI had filed its Answer timely, Complainant would have “had additional time to prepare arguments, file necessary motions, or seek other remedies.” Finally, Complainant argues that delaying the hearing or resolution of this matter would cause harm to Complainant in that Complainant must bear the burden of increasing costs of materials and labor to construct him home and such a

delay prevents Complainant from securing pricing for materials and labor due to the fuel source being unknown. He argues the delay has the potential to cause harm by delaying the permitting, construction, inspections, and occupancy of the residence.

Commission regulations at 52 Pa. Code § 1.1 *et seq.* govern rules of administrative practice and procedure before the Public Utility Commission. The Commission's rules provide that the procedural rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. 52 Pa. Code § 1.2. Furthermore, the Pennsylvania Commonwealth Court has held that the Commission has authority to waive procedural defects when they do not affect the substantive rights of the parties. *Info. Connections, Inc. v. Pennsylvania Public Utility Commission*, 630 A. 2d 498 (Pa. Cmwlth. 1993).

In this matter, the late filing of the Answer was due to an administrative oversight. An evidentiary hearing has been scheduled in this proceeding for March 18, 2025. This date was set *before* UGI filed its Answer, and granting UGI's motion will not delay the evidentiary hearing (or subsequent issuance of an initial decision). UGI served its Answer on Complainant on February 14, 2025, more than 30 days before the scheduled hearing. Complainant should have adequate time to review the Answer and adequately prepare for the hearing, and if he requires additional time, he may request a continuance, consistent with the procedure outlined in the Prehearing Order. Complainant's argument that allowing UGI to file its Answer *numc pro tunc* would substantively affect his due process rights is speculative and unsupported.

Further, due to the nature of the claims in the Complaint, it is in the interest of both parties (as well as the public interest) that this matter be heard fully on the merits.

Therefore, UGI's Answer filed on February 14, 2025, shall be treated as if it was filed timely on January 15, 2025. **That said, in light of the additional cases identified by Complainant where UGI has failed to make timely filings with the Commission, I am strongly encouraging UGI to review its internal processes to ensure it is efficiently and effectively identifying and responding to service of complaints from the Commission.**

Further, the parties should be advised that at the evidentiary hearing, Complainant will bear the burden to present substantial evidence the Company violated a statute which the Commission has jurisdiction to administer, a tariff provision, or a regulation or order of the Commission. 52 Pa. Code § 5.12(a). If the Commission finds that UGI did violate a statute, regulation, order, or tariff provision, per Commission regulations, the Commission may impose a fine, but that fine would be payable to the Commission, not Complainant. Regarding other forms of relief, Complainant will bear the burden of proving he is entitled to it and the Commission has the authority to grant it.

THEREFORE,

IT IS ORDERED:

1. That the Motion of UGI Utilities, Inc. – Gas Division to File Answer *nunc pro tunc* at C-2025-3052707 is granted.
2. That the parties shall participate in the evidentiary hearing scheduled for March 18, 2025.

February 27, 2025  
Date

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/s/  
Emily I. DeVoe  
Administrative Law Judge

**C-2024-3052707 - MATTHEW STREETER v. UGI UTILITIES INC GAS DIVISION**

MATTHEW STREETER

215 EAST THIRD ST

CORNING NY 14830

**814.367.8185**

[matthewstreeter100@gmail.com](mailto:matthewstreeter100@gmail.com)

Served via eService February 27, 2025

MICHAEL SWERLING SENIOR COUNSEL

UGIGAS

460 NORTH GULPH ROAD

PO BOX 858

VALLEY FORGE PA 19482-0858

**215.629.6776**

**610.992.3763**

[swerlingm@oneugi.com](mailto:swerlingm@oneugi.com)

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