

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jeniqua Bradley	:	
	:	
v.	:	F-2024-3052211
	:	
UGI Utilities, Inc. – Gas Division	:	

POST HEARING ORDER
Complainant’s Post Hearing
Request to Reconsider Evidentiary
Rulings During Hearing

Background

On November 14, 2024, Jeniqua Bradley (Complainant or Ms. Bradley) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against UGI Utilities, Inc. – Gas Division (UGI Gas or Respondent) alleging there were incorrect charges on her bills from UGI Gas. Complainant requested the Commission order UGI Gas to issue a credit to her account because UGI Gas has been unjustly enriched when it breached its fiduciary duties and violated her consumer rights pursuant to the United State Code, at 15 U.S.C. § 1666 et seq.¹

On December 10, 2024, UGI Gas filed its Answer in response to the complaint. UGI Gas generally denied the allegations and specifically denied its billing statements were incorrect. UGI Gas noted Complainant twice provided letters purporting to be payments on her unpaid balances, but her letters were not legitimate forms of payments.

¹ In her Complaint, Complainant requested to receive documents via First Class Mail to the address she provided, which is the service address.

On the same day, December 10, 2024, UGI Gas filed its Preliminary Objections, pursuant to 52 Pa. Code § 5.101(a)(1). UGI Gas requested the Commission dismiss all portions of the Complaint alleging a violation of the United States Code, specifically 15 U.S.C. § 1666 (relating to the regulation of credit reports). UGI Gas argued the Commission lacks subject matter jurisdiction over the federal claims cited by Complainant.

On December 16, 2024, Complainant filed her Answer to UGI Gas' Preliminary Objections. Complainant asserted UGI Gas is an "Issuer along with the US Bank National Association as a trustee, registrar and paying agent," and argued UGI Gas, as a creditor, was required to follow Truth in Lending regulations when using the credit of customers. Complainant further asserted the laws of the "Commonwealth of Pennsylvania, and the PA Public Utility Commission are derivatives the United States Code and Code of Federal Regulations."

By Initial Call-In Telephone Hearing Notice dated January 2, 2025, the Office of Administrative Law Judge (OALJ) notified the parties an initial telephonic hearing in this case was scheduled for March 27, 2025. Also, on January 2, 2025, the presiding officer issued a Prehearing Order setting forth the date and time of the scheduled hearing.

On March 20, 2025, Complainant sent an email entitled "FOIA Request" to the presiding officer, with a copy sent to Respondent's attorneys. The body of the email stated, "Please provide form or let this serve as my formal request for your Oath of Office and Surety Bond details for our upcoming hearing."

Also, on March 20, 2025, Respondent served on the presiding officer and on Complainant copies of six proposed exhibits via email.

On March 21, 2025, Complainant served on the presiding officer and on Respondent, via email, a 12-page document purporting to be proposed exhibits to be used in the hearing, including her BCS complaint #4008755, a copy of IRS Form 3949 and an updated copy of her POA [Power of Attorney].

On March 27, 2025, the presiding officer convened the initial telephonic hearing at which appeared Complainant who represented herself and UGI Gas which was represented by Alice Wade, Esquire. Complainant testified on her own behalf and UGI Gas presented Amy Wynn, a Senior Compliance Representative for UGI Gas, to testify on its behalf. The presiding officer admitted six exhibits into the hearing record, consisting of UGI Exhibits 1 through 6.

During the initial hearing, Complainant argued the presiding officer and the Commission should apply the Uniform Commercial Code (UCC), and specifically 13 Pa.C.S. § 3104. That section of the UCC defines negotiated instruments as:

“an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

- (1) is payable to bearer or to order at the time it is issued or first comes into possession of a holder;
- (2) is payable on demand or at a definite time; and
- (3) does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain:

- (i) an undertaking or power to give, maintain or protect collateral to secure payment;
- (ii) an authorization or power to the holder to confess judgment or realize on or dispose of collateral; or

(iii) a waiver of the benefit of any law intended for the advantage or protection of an obligor.”²

The presiding officer ruled at the initial hearing that the provisions of the UCC were not applicable to the instant proceeding and the Commission had not been given the authority to adjudicate disputes involving the interpretation of the UCC as it might apply to a public utility, such as UGI Gas.³ Complainant did not state an objection to the presiding officer’s ruling but did state her disagreement on the record.

On April 3, 2025, Complainant filed with the Commission’s Secretary’s Bureau a document entitled “Exceptions or Proposed Findings and Conclusions” (4/3/2025 Exceptions). The document was not served on the presiding officer and did not comply with the instructions provided by the presiding officer to Complainant in the Prehearing Order dated January 2, 2025. The document did purport to be served on the Commission’s offices in Harrisburg and on the attorney for UGI – Gas, although the date of service was not provided.

On April 16, 2025, the Commission received the transcript from the initial hearing on March 27, 2025. The transcript consists of 73 pages and includes the six exhibits admitted into the hearing record during the initial hearing.

On April 17, 2025, UGI Gas sent an email to the presiding officer with a copy to Complainant. In the email, UGI Gas noted it received a document from Complainant entitled “Exceptions or Proposed Findings and Conclusions” on April 7, 2025. UGI Gas characterized the document as challenging the presiding officer’s description of the jurisdictional limits of the Commission’s powers, and UGI Gas requested the “Exceptions” should be denied. UGI Gas also noted that Exceptions may only be filed after the Commission issues a decision and, because no decision has been issued yet, the Exceptions

² 13 Pa. C.S. § 3104(a).

³ See discussion at Tr. at 50-60.

filed by Complainant are premature. Also, on April 17, 2025, UGI Gas filed a letter with the Secretary's Bureau which mirrored substantially the statements made in the email.

Later, on the same day, April 17, 2025, Complainant sent an email to the presiding officer and UGI Gas. Complainant's email asserted that the presiding officer's refusal to recognize Title 66 was a direct violation of 52 Pa. Code § 5.484 and that Title 66 335b⁴ permits the filing of an Exception before a decision is issued. Complainant contended she would request punitive damages against UGI Gas if it made any further attempts to violate her rights as a complainant by filing any frivolous filings. Lastly, Complainant argued the transcript would reflect that the presiding officer made decisions to allow irrelevant testimony and prevented proper cross-examination.

“Exceptions” Filed on April 3, 2025

Complainant filed a document after the presiding officer concluded the initial hearing. The document is entitled as “Exceptions or Proposed Findings and Conclusions.” However, the document appears to be a request that the presiding officer reconsider rulings made during the initial hearing. Those rulings limited or precluded Complainant's ability to enter evidence and ask questions concerning federal law and the UCC. For clarity, the body of the document appears below in verbatim:

“Pursuant to PA Title 66 § 335(b) I would like to enter an exception to decision/conclusion that the Commission can not make a determination on PA Title 13 issues pertaining to Negotiable Instruments, 15 USC 1601-1666/12

⁴ The presiding officer presumes Complainant is referencing 66 Pa. C.S. § 335(b), which is part the section of the Public Utility Code entitled, “Initial Decisions and Release of Documents. Under that section of the Public Utility Code, subsection b states: **“Exceptions or proposed findings and conclusions.**--Before a recommended, initial or tentative decision issued under this section, or a decision on commission review of the decision of subordinate employees, the parties are entitled to a reasonable opportunity to submit for the consideration of the commission:

- (1)
 - (i) proposed findings and conclusions; or
 - (ii) exceptions to the decisions or recommended decisions of subordinate employees or to tentative commission decisions; and
- (2) supporting reason for the exceptions or proposed findings or conclusions.”

CFR 1026 pertaining to consumer credit transactions and the Federal Reserve Act Section 16/31 CFR 5103 in reference to legal tender. On cross examination and throughout the hearing issues were raised by the Complainant on the following:

1. Security Interest
2. Applications as security collateral
3. Negotiable Instruments
4. Discharge of refused instrument
5. Fiduciary duties of UGI to conduct business lawfully and in good faith.

Complainant was advised that the Commission was not allowed to address State and Federal law. Pursuant to Title 66 § 313(a)⁵ and 314⁶ the Commission has the power and authority to rule on matters pertaining to State and Federal law when a public utility is involved in an investigation or a hearing.

During the hearing this ruling prevented Complainant from cross examination of the witness and allowed the witness to provide information not relevant to the complaint. A ruling or decision without consideration of the law of the Commonwealth and Federal law is allowing UGI to conduct business outside of the law and is discriminatory to the Complainant.”

Given Ms. Bradley’s status as an unrepresented litigant, the presiding officer elected to treat these “Exceptions” as a request or motion to reconsider the evidentiary rulings made during the Initial Hearing, specifically the decision to forestall continued questioning and testifying by Complainant during the cross-examination of the utility’s witness.

Disposition

⁵ This subsection, at 66 Pa. C.S. § 313, references joint investigations and hearings involving interstate commerce and motor carriers.

⁶ This subsection, at 66 Pa. C.S. § 314, references the investigation of interstate rates, facilities and services.

As stated by Complainant in her Complaint, she complained there were incorrect charges on her bills from UGI Gas. She requested money be credited to her account *nunc pro tunc* from the time she opened the account because UGI Gas had been enriched unjustly, had breached its fiduciary duties and had violated her rights as a consumer pursuant to 16 U.S.C. § 1666.

Complainant restated her issue at the start of her testimony at the initial hearing. Complainant stated UGI Gas was incorrect to send “bills in exchange” after she opened the natural gas account with UGI Gas in 2017, instead of using the security interest from those “bills of exchange” to cover the costs incurred in the natural gas account. Complainant testified she wanted to use the interest from those bills to pay the natural gas service costs and she had provided a Power of Attorney to UGI Gas which revoked any authority UGI Gas had on the account and/or account payable. Complainant stated her “principal” owns this account, and UGI Gas should use her principal’s security interest to cover all debts and obligations owed to UGI Gas. Complainant testified her initial application (for natural gas service from UGI Gas) was the security collateral needed to pay the balance.⁷

Complainant testified UGI Gas was supposed to use the security collateral to pay the account costs, and UGI Gas was wrong to ask her to pay through her income. Lastly, Complainant testified she provided UGI Gas with a tender of payment, but UGI Gas refused to accept it. During her testimony, Complainant referenced legal support for her case stemmed from: 66 Pa. C.S. § 102 (“Rates”); the Code of Federal Regulations at § 5103 (“Currency”); 66 Pa. C.S. § 1305 (“Advance Payment of Rates”) and § 1904; 18 U.S. C. § 473; § 1962 and § 894.

⁷ See Tr. at 11-12.

During the proceeding, the presiding officer noted the Commission lacks jurisdiction over federal law and regulations, an assertion with which Complainant disagreed. Specifically, the presiding officer advised Complainant that the Commission does not have jurisdiction to make determinations based in Title 13 of the Pennsylvania statutes, pertaining to the Uniform Commercial Code and negotiable instruments.⁸ Complainant also made reference to federal provisions concerning consumer credit transactions⁹ and the Federal Reserve Act.¹⁰

During cross-examination of UGI Gas' witness, Amy Wynn, the presiding officer stopped Complainant from inquiring at length about negotiated instruments, security collateral, securitized documents, verified checks or certified checks, and acceptable forms of payment. The presiding officer advised Complainant that the Commission was limited to making decisions about matters that are dealt with under the Public Utility Code, and the Commission is not empowered to render decisions about matters that fall under the purview of other departments within the Commonwealth.

Ms. Bradley's "Exceptions" appear to contest the decision of the presiding officer during the initial hearing to cut off an area of inquiry Ms. Bradley used during cross-examination of the utility's witness. Pursuant to 52 Pa. Code §5.483 and 66 Pa. C.S. §331(d) and §332, the presiding officer has various powers to preside over the taking of evidence and to regulate the course of proceedings, including the receipt of evidence. The presiding officer has all authority needed to control the receipt of evidence. The presiding officer's authority includes the power to rule on the admissibility of evidence. In addition, the presiding officer is charged with actively using those powers to direct and focus the

⁸ Complainant specifically made reference to Chapters 31 through 36.

⁹ Complainant referred to 15 U.S.C. §§ 1601 to 1666, and 12 C.F.R. § 1026.

¹⁰ Complainant referred to 16/31 D.F.R. § 5103.

proceedings consistent with due process.¹¹ Furthermore, only “relevant and material evidence is admissible subject to objections on other grounds.”¹²

The presiding officer precluded Complainant from pursuing a line of cross-examination questions which did not pertain to the Public Utility Code, or the corresponding public utility regulations. Complainant was permitted to present her case to the extent the evidence she provided, or sought to secure, was relevant and material to the proceeding. She was permitted to make a final statement on the record, in lieu of filing a brief. Accordingly, the Commission provided Complainant with due process and the opportunity to be heard. An Initial Decision will be entered and served upon the parties within ninety (90) days of the date of the Interim Order that closes the hearing record.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Complainant’s request, for the presiding officer to reconsider the evidentiary rulings during the Initial Hearing, is granted.
2. That Complainant’s request, for the presiding officer to overturn or revise the evidentiary rulings during the Initial Hearing, is denied.

¹¹ 52 Pa.Code § 5.403(a) and (b).

¹² 52 Pa.Code § 5.401(a).

3. That this matter will proceed with the closure of the hearing record and an Initial Decision which will be issued within ninety (90) days of the date of the Interim Order that closes the hearing record.

Date: April 28, 2025

Katrina L. Dunderdale
Administrative Law Judge

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Revised 3/27/2025

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