

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held April 24, 2025

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair, Concurring in result only
Kathryn L. Zerfuss
John F. Coleman, Jr.
Ralph V. Yanora

Jennifer Patora

C-2024-3050151

v.

UGI Utilities, Inc. – Gas Division

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the Exceptions¹ filed by Jennifer Patora (Complainant

¹ On November 5, 2024, UGI Utilities, Inc. – Gas Division (UGI, Respondent, or Company) filed a letter stating that it was not served with the Complainant’s Exceptions, which contained a Certificate of Service that included an incorrect and undeliverable email address for its Counsel of record in this case. UGI noted that it became aware of the Exceptions through a review of the Commission’s electronic docket for this proceeding after the due date to submit Replies to the Exceptions, and it requested that the deadline for the filing of Replies to the Exceptions be extended to November 14, 2024. On November 8, 2024, the Commission issued a

or Ms. Potora) on October 16, 2024, to the Initial Decision (I.D.) of Administrative Law Judge (ALJ) John M. Coogan, issued on September 26, 2024. UGI filed Replies to Exceptions on November 18, 2024. For the reasons stated below, we will deny the Complainant's Exceptions, adopt the ALJ's Initial Decision, and dismiss the Complaint, with prejudice, consistent with this Opinion and Order. Additionally, we shall also direct the Commission's Secretary's Bureau to establish internal processes and procedures to ensure that customers who have previously been barred by the Commission from filing complaints due to a finding that they have abused the complaint process are unable to have their additional complaints accepted by the Commission, except in certain situations, as discussed further below.

I. History of the Proceeding

On July 17, 2024, the Complainant filed a Formal Complaint (Complaint) against UGI, alleging that UGI was threatening to shut off her service, or had already shut off her service; that she would like a payment arrangement; that there were incorrect charges on her bill; and that her meter was never changed. Complaint at 2. The Complaint was served on UGI on July 18, 2024.

On August 7, 2024, UGI filed an Answer and New Matter to the Complaint, in which it stated that Ms. Potora was previously barred from filing further complaints because she had been found to have abused the Commission's administrative process in a prior proceeding.² In its Answer, UGI admitted that it issued a termination notice to the Complainant on July 12, 2024, but stated that the Complainant's gas service was not terminated. UGI denied that there were incorrect charges on the Complainant's

Secretarial Letter extending the period for the filing of Replies to the Exceptions until November 18, 2024, for good cause shown and pursuant to 52 Pa. Code § 1.15.

² See *Potora v. UGI Penn Natural Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered August 8, 2019) (*Potora III*).

bill, and averred that the Complainant contacted the Company to request a meter change related to the disputed billing. UGI further stated that this is the Complainant's fifth complaint in which she has disputed her arrearages with UGI or its former wholly owned subsidiaries, and that the Commission has barred the Complainant from pursuing additional complaints against UGI until her arrearages are paid in full. Answer at 3-4.

In its New Matter, UGI stated that the Complaint is barred by 66 Pa.C.S. § 316, the doctrines of *res judicata* and collateral estoppel, and the Commission's August 8, 2019 Order barring the Complainant from initiating any further Commission complaints against UGI regarding her arrearages until all of the Complainant's arrearages are paid in full. UGI asserted that the Complainant has not paid her arrearages in full and that as of the date of its Answer and New Matter, the Complainant had a balance in arrears with UGI of \$6,218.93, and nothing in the Complaint establishes that the Complainant has paid, in full, the arrears on her account with UGI. Answer at 6-13.

UGI's Answer and New Matter included a Notice to Plead within twenty (20) days. Answer at 1. The Complainant did not file a response to UGI's New Matter. I.D. at 2.

On August 7, 2024, UGI also filed Preliminary Objections (PO) to the Complaint. UGI averred that the Complaint is legally insufficient pursuant to 52 Pa. Code § 5.101(a)(4), because the Complainant is barred from initiating informal or formal complaints against UGI regarding the arrearages on her natural gas service account until those arrearages are paid in full. PO at 7-8. UGI's Preliminary Objections included a Notice to Plead within ten (10) days.

Following several extensions of the deadline for the Complainant to respond to the Preliminary Objections, and an email from the Complainant requesting a

payment arrangement with UGI, the ALJ determined that UGI's Preliminary Objections were procedurally ready to be ruled upon. I.D. at 2-3.

In the Initial Decision served on September 26, 2024, the ALJ denied UGI's Preliminary Objections on the basis of legal insufficiency of the Complaint. However, the ALJ determined that it would be more appropriate to treat the Preliminary Objections as a Motion for Judgment on the Pleadings, and, therefore, granted UGI's Motion for Judgment on the Pleadings and dismissed the Complaint. I.D. at 1, 3, 8, 11, 13-14.

As noted, *supra*, the Complainant filed Exceptions on October 16, 2024, and UGI filed Replies to Exceptions on November 18, 2024.

II. Discussion

A. Legal Standards

1. Preliminary Objections

Section 5.101 of our Rules of Administrative Practice and Procedure, 52 Pa. Code § 5.101, provides for the filing of preliminary objections, which must include a notice to plead and state the legal and factual grounds supporting the objections. 52 Pa. Code § 5.1010 (a). Preliminary objections are limited to the following grounds:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.

- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a).

Commission preliminary objection practice is comparable to Pennsylvania civil practice regarding preliminary objections. *Equitable Small Transportation Intervenors v. Equitable Gas Co.*, Docket No. C-00935435 (Opinion and Order entered July 18, 1994) (*Equitable*); *Montague v. Phila. Elec. Co.*, 66 Pa. P.U.C. 24 (1988). Preliminary objections seeking dismissal of a pleading for legal sufficiency will be granted only in cases where dismissal is clearly warranted by the record and free and clear of doubt. *Interstate Traveller Servs., Inc. v. Pa. Dep't of Env't Res.*, 406 A.2d 1020 (Pa. 1979) (*Interstate*); *Rivera v. Phila. Theological Seminary of St. Charles Borromeo, Inc.*, 595 A.2d 172 (Pa. Super. 1991). Any doubt must be resolved in favor of overruling a preliminary objection. *Id.*

For the purpose of disposing of preliminary objections, the Commission may not rely upon the factual assertions of the moving party but must accept as true all well-pleaded, material facts of the nonmoving party, as well as every reasonable inference from those facts. *Cnty. of Allegheny v. Commonwealth*, 490 A.2d 402 (Pa. 1985); *Commonwealth of Pa. v. Bell Tel. Co. of Pa.*, 551 A.2d 602 (Pa. Cmwlth. 1988). In ruling on a preliminary objection, the Commission must assume the factual allegations included in the Complaint are true and resolve any doubt in favor of the non-moving party by rejecting the preliminary objections. The Commission must view the Complaint in this case in the light most favorable to the Complainant and should dismiss the Complaint only if it appears that the Complainant would not be entitled to relief under any circumstances as a matter of law. *Equitable*; *see also, Interstate*.

2. Motion for Judgment on the Pleadings

Motions for summary judgment and judgment on the pleadings are governed by Section 5.102 of our Regulations, 52 Pa. Code § 5.102. The Commission will grant a motion for judgment on the pleadings only if the pleadings show that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. 52 Pa. Code § 5.102(d)(1). Section 5.102 of the Commission's Rules provides, in relevant part:

§ 5.102. Motions for summary judgment and judgment on the pleadings.

- (a) *Generally.* After the pleadings are closed, but within a time so that the hearing is not delayed, a party may move for judgment on the pleadings or summary judgment. A motion must contain a notice which states that an answer or other responsive pleading shall be filed within 20 days of service of the motion.
- (b) *Answers.* An answer to a motion for judgment on the pleadings or summary judgment, including an opposing affidavit or verification to a motion for summary judgment, may be filed within 20 days of the date of service of the motion. The answer to a motion for summary judgment may be supplemented by depositions, answers to interrogatories or further affidavits and admissions.

(d) *Decisions on motions.*

- (1) *Standard for grant or denial on all counts.* The presiding officer will grant or deny a motion for judgment on the pleadings or a motion for summary judgment, as appropriate. The judgment sought will be rendered if the applicable pleadings, depositions, answers to interrogatories and admissions, together with

affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law.

- (3) *Form of decision.* The presiding officer will grant, in whole or in part, the motion in the form of an initial or recommended decision which shall be subject to exceptions as set forth in § 5.533 (relating to exceptions). Denial of a motion will be in the form of a written order.

52 Pa. Code § 5.102.

Judgment on the pleadings should only be granted when the right to relief is clear and free from doubt. In determining the absence of a genuine issue of material fact, the Commission must take the view of the evidence most favorable to the non-moving party and resolve any doubts against the entry of the judgment. *Day v. Volkswagenwerk Aktiengesellschaft*, 464 A.2d 1313, 1316 (Pa. Super. 1983). All of the non-moving party's well-pleaded allegations must be viewed as true for purposes of deciding the motion, and only those facts specifically admitted may be considered against the non-moving party. *Simon v. Commonwealth*, 659 A.2d 631 (Pa. Cmwlth. 1995). Only in a case where the moving party's right to prevail is so clear that a trial would be a fruitless exercise should judgment on the pleadings be granted. *Id.* Any doubt must be resolved in favor of the non-moving party by refusing to sustain the motion. *Reuben v. O'Brien*, 496 A.2d 913 (Pa. Super 1985).

3. Other

The Commission treats pleadings by what is reflected in their content instead of what they are labelled, including treating preliminary objections as a motion

for judgment on the pleadings. *Mattu v. West Penn Power Co.*, C-2016-2547322 (Opinion and Order entered July 14, 2017). As long as the parties' rights are not negatively affected and due process has been provided, there is no bar to changing the designation of a document to more accurately reflect its content and purpose. *Id.* (citing 52 Pa. Code § 1.2).

When there are no disputed questions of fact and the case to be decided is purely one of law or policy, a case may be disposed of without resort to an evidentiary hearing. *Dee-Dee Cab, Inc. v. Pa. PUC*, 817 A.2d 593 (Pa. Cmwlth. 2003); *Diamond Energy, Inc. v. Pa. PUC*, 653 A.2d 1360 (Pa. Cmwlth. 1995); *Lehigh Valley Power Comm. v. Pa. PUC*, 563 A.2d 557 (Pa. Cmwlth. 1989). The Commission may dismiss a complaint without a hearing if it is not necessary in the public interest. 66 Pa.C.S. § 703(b); 52 Pa. Code § 5.21(d).

B. The ALJ's Initial Decision

In the Initial Decision, ALJ Coogan made sixteen (16) Findings of Fact and reached ten (10) Conclusions of Law. I.D. at 3-5, 12-13. We shall adopt and incorporate herein by reference the ALJ's Findings of Fact and Conclusions of Law unless they are either expressly or by necessary implication overruled or modified by this Opinion and Order.

The ALJ denied UGI's Preliminary Objections on the basis of legal insufficiency of the Complaint. The ALJ explained that in order to grant UGI's Preliminary Objections, he would need to accept that, even if all the facts set forth in the Complaint are true, the Complainant fails to set forth a claim for which the Commission can grant relief as a matter of law. I.D. at 7 (citing *Scott v. Metro. Edison Co.*, C-2009-2083345 (Initial Decision issued March 20, 2009)). However, the ALJ noted that UGI argues that the Complaint is legally insufficient because the Commission has barred

the Complainant from initiating informal or formal complaints against UGI regarding the arrearages on her natural gas service account until those arrearages are paid in full rather than argue that the Complainant's claims are legally insufficient in and of themselves. I.D. at 7.

The ALJ noted UGI, in its New Matter, argued that the Complainant has not paid her arrearages in full and that as of the date of UGI's Answer and New Matter, the Complainant had a balance in arrears with UGI of \$6,218.93. I.D. at 10. The ALJ further stated that the Complainant's failure to respond to UGI's New Matter may be deemed to be in default and provide for the relevant facts included in the New Matter to be admitted. I.D. at 9 (citing 52 Pa. Code § 5.63(b)). However, the ALJ clarified that under the legal standards for preliminary objections, he must accept the allegations in the Complaint as true, rather than look to the basis of UGI's New Matter. I.D. at 6-7 (citing *Cnty. of Allegheny v. Commonwealth*, 490 A.2d 402 (Pa. 1985); *Scott v. Metro. Edison Co.*, C-2009-2083345 (Initial Decision issued March 20, 2009)).

The ALJ concluded that in viewing the Complaint under the standards for evaluating preliminary objections, he must look to the Complaint rather than UGI's pleading, and the Complainant's claims regarding her billing and service issues have a legal basis by which the Commission could grant her relief if her claims are true. I.D. at 8 (omitting example statutory citations). The ALJ determined that the Complaint does not indicate whether or not the Complainant has paid her arrearages in full in order to be eligible to file informal or formal complaints against UGI. Therefore, the ALJ denied the Preliminary Objections on the basis of any alleged legal insufficiency of the Complaint. I.D. at 8.

Although UGI filed Preliminary Objections against the Complaint, the ALJ found that it would be more appropriate to treat the Preliminary Objections as a Motion for Judgment on the Pleadings. I.D. at 8-9. The ALJ stated that UGI raised unopposed

factual allegations in its New Matter that implicate the Commission's decision in *Potora III*³ that bar the Complainant from filing further complaints against UGI regarding arrearages. Moreover, given that the Complainant failed to timely respond to UGI's New Matter, after having a full and fair opportunity to do so, the ALJ accepted as fact UGI's unopposed allegation in its New Matter that, as of August 7, 2024, the Complainant has not paid her arrearages in full and has a balance in arrears with UGI of \$6,218.93. Therefore, the ALJ concluded that the Complainant's allegations in this matter again concern her arrears with UGI. I.D. at 9-10.

Furthermore, the ALJ found that, in her response to UGI's Preliminary Objections, the Complainant confirmed that the purpose of her Complaint was to address her arrears because she is requesting a payment arrangement to resolve an unpaid balance, thereby admitting that she owes those arrears. Based on these facts, the ALJ concluded that the Complainant remains barred from filing new informal or formal complaints with the Commission regarding arrearages on her gas service account until all arrearages are fully paid. Accordingly, the ALJ found that the Commission's decision in *Potora III*, barring the Complainant from filing further complaints regarding her arrearages with UGI, remains in effect and applicable to this proceeding, and there is no reason that allowing the Complaint to proceed would be in the public interest. Therefore, the ALJ granted UGI's Motion for Judgment on the Pleadings and dismissed the Complaint. I.D. at 11.

³ Although the Commission's decision in *Potora III* refers to UGI Penn Natural Gas (UGI Penn), UGI Penn was merged into UGI on October 1, 2018. *See Joint Application of UGI Utils., UGI Penn Natural Gas, Inc., and UGI Central Penn Gas, Inc.*, Docket No. A-2018-3000381 (Opinion and Order entered September 20, 2018).

C. Exceptions and Replies

In her Exceptions,⁴ the Complainant states, as follows:

1. The Plaintiff objects to this as I was never issued a hearing to hear my case all that came about was this decision. I should be allowed to have a hearing with the Judge to discuss my issues.
2. The Plaintiff also objects to the UGI's preliminary objections and Findings of Fact.
3. Plaintiff has been in contact with opposing counsel [v]ia e-mail and has yet to ever receive an answer.
4. Plaintiff also objects as the meter has not been tested and every time I do not get a hearing and just get brushed off with an initial decision without actually having a phone hearing, I will take this case further if I do not get a hearing like everyone else gets my side of my complaint are never addressed by anyone just ends in decision.

Exc. at 1. As relief, the Complainant requests a hearing in this matter. *Id.* at 2.

In its Replies to the Exceptions, UGI describes the numerous Formal Complaints filed by the Complainant regarding her arrears with UGI and explains that the Complainant has been barred by the Commission from filing further informal or formal complaints regarding the arrearages on her natural gas service account until all her arrearages with UGI are paid in full. R. Exc. at 1-2 (citing *Potora III*). UGI submits that

⁴ We acknowledge that the Complainant's Exceptions do not strictly comply with 52 Pa. Code § 5.533(b), which requires that Exceptions be numbered, identify the finding of fact or conclusion of law to which exception is taken, and cite to the relevant pages of the decision. Nevertheless, we will consider the Complainant's Exceptions in order to secure a just, speedy, and inexpensive determination in this proceeding consistent with 52 Pa. Code § 1.2, particularly since the Complainant is appearing *pro se*.

the instant Complaint is barred by *Potora III* and should be dismissed without further proceedings. R. Exc. at 2. With respect to the Complainant's specific Exceptions, UGI responds, as described below.

In reply to the Complainant's Exception No. 1, UGI contends that the ALJ properly held that the Complaint is barred by Commission order. UGI agrees with the ALJ's evaluation of the Complaint. Specifically, UGI states that the ALJ properly found that there remain no disputed questions of fact and that the Company's Motion for Judgment on the Pleadings should be granted. Furthermore, UGI avers that the ALJ properly granted the Company's Motion for Judgment on the Pleadings and dismissed the Complaint because: (1) the Complainant conceded that she has not fully paid the arrearages on her UGI account; (2) the instant Complaint concerns her balance in arrears with UGI; (3) the Commission's Order in *Potora III* has not been set aside, which bars the Complainant from filing additional complaints related to her arrearage; and (4) there exists no reason to allow the Complaint to proceed that is in the public interest. R. Exc. at 4-6.

Next, in reply to the Complainant's Exception No. 2, UGI argues that the Complainant's opposition to UGI's Preliminary Objections and the Initial Decision's Findings of Fact lacks merit. UGI submits that the Complainant provides no support for her objections beyond her statement that she takes issue with the Preliminary Objections and Findings of Fact. Furthermore, UGI avers that the Complainant's objections lack merit and should be denied. UGI states that the Complainant was provided additional time to respond to the Preliminary Objections but never responded to the claims, and doing so now is untimely because those objections have been waived and should be denied. UGI also notes that the Complainant has not provided any basis for her objections to the Findings of Fact. Therefore, UGI contends that no reasonable basis exists to challenge the Initial Decision's undisputed Findings of Fact, and the Complainant's objections should be denied. R. Exc. at 6-7.

Finally, UGI argues that the Complainant's issues related to Counsel for UGI and meter testing are immaterial and should be rejected. UGI avers that the timing of the Complainant's correspondence with Counsel for UGI does not have any impact on the outcome of the Complaint because the ALJ did not rely upon it in the Initial Decision. Furthermore, UGI submits that correspondence between UGI and the Complainant is not part of the record, and new evidence and arguments cannot be introduced for the first time during the Exceptions stage of the proceeding. R. Exc. 8 (citations omitted). In addition, UGI submits that dismissal of the Complaint does not prevent the Complainant from having her meter tested because she, like all UGI customers, can request and pay for a meter test at any time pursuant to the Company's Commission-approved tariff. R. Exc. at 8 (citing UGI Tariff Gas – Pa. P.U.C. No. 7 (UGI Tariff) at First Revised Page No. 41, effective July 25, 2021).

D. Disposition

Before addressing the Exceptions, we note that any issue or Exception that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. It is well settled that we are not required to consider, expressly or at length, each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

Initially, we note that our decision will be based on the Parties' pleadings and the ALJ's ruling on UGI's Motion for Judgment on the Pleadings. Upon review, we will deny the Complainant's Exceptions, adopt the Initial Decision, and dismiss the Complaint, with prejudice. We note that barring a consumer from filing a complaint against a utility is a significant measure that has only been used by the Commission in certain limited circumstances. Nonetheless, we agree with the ALJ's Initial Decision that

dismisses Ms. Potora's Complaint on a preliminary basis by granting UGI's Motion for Judgment on the Pleadings.

The instant proceeding concerns the fifth Formal Complaint filed by the Complainant against UGI disputing the usage and charges for gas service at her service address. The Complainant's four nearly identical formal complaints were all previously dismissed by the Commission.⁵ The first and second complaints were dismissed, with prejudice, by the Commission for failure of the Complainant to appear for the hearings and prosecute the complaints, after the Complainant was granted continuances at both dockets. *See Potora v. UGI Penn Natural Gas, Inc.*, Docket No. C-2016-2574107 (Final Order entered July 7, 2017) (*Potora I*); *Potora v. UGI Penn Natural Gas, Inc.*, Docket No. C-2018-3000028 (Final Order entered August 14, 2018) (*Potora II*).

In her third complaint, the Complainant raised the same concerns over termination, usage, and charges, but also requested a new payment arrangement due to an alleged decrease in income because she stopped receiving child support payments. The third complaint was dismissed on the merits, with prejudice, after the Commission concluded that there were no disputed issues of fact because the alleged loss of child support, taken as true, did not constitute a change in income warranting a new payment arrangement. *Potora III* at 8-9. Moreover, upon dismissal of the third complaint, the Commission adopted the presiding ALJ's determination that the Complainant had "a history of abusing the Commission's process" and precluded her from filing informal or formal complaints against UGI regarding arrearages on her natural gas service account until her existing arrearages are paid in full. The Commission further directed that any complaint pertaining to such arrearages shall be dismissed without further proceedings.

⁵ As discussed herein, these previously filed complaints consisted of three formal complaints against UGI Penn Natural Gas, Inc., which has been merged into UGI, and one formal complaint against UGI, disputing the arrearages on her natural gas service account.

Id. at 9-11. Specifically, the Commission, in *Potora III*, included the following Ordering Paragraph in its Opinion and Order:

IT IS ORDERED:

5. That [the Complainant] is precluded from filing further complaints with the Commission, whether of an informal or formal nature, regarding the arrearages on her account for gas service rendered by [UGI] until all arrearages are paid in full and that the filing of any complaint pertaining to such arrearages shall be dismissed without further proceedings.

Potora III at 11.

The fourth complaint was dismissed by the Commission because it was the same as the prior three formal complaints and the Complainant was barred by the Commission from filing such complaints. *See Potora v. UGI Utilities, Inc. - Gas Division*, Docket No. C-2022-3036399 (Order entered September 21, 2023) (*Potora IV*).

Here, the ALJ concluded that the instant Complaint raises the same billing and service issues as the previous four complaints regarding the Complainant's account and arrearages with UGI. In addition, the Complainant has not paid her arrearages in full and continues to have a balance in arrears with UGI of \$6,218.93, as of August 7, 2024, and nothing in the Complaint established that the Complainant has paid, in full, the arrears on her account with UGI. *See I.D.* at 5, 7-8, 10. Moreover, we agree that the ALJ, pursuant to 52 Pa. Code § 5.63(b), properly admitted and accepted UGI's unopposed allegations as a result of the Complainant's failure to dispute or respond to the New Matter raised by UGI that she has not paid her arrearages in full and has an existing balance with UGI; rather, by requesting a Commission-issued payment arrangement, the Complainant admitted that she owes those arrears. *Id.* at 11. Therefore, we agree with

the ALJ that the Commission's directive in *Potora III*, precluding the Complainant from filing new informal or formal complaints with the Commission regarding arrearages on her gas service account until all arrearages are paid in full, remains in effect and is applicable to the instant case, and proceeding otherwise here would not be in the public interest.

We find that the Complainant, in the present proceeding, has once again raised issues concerning the arrearages on her natural gas service account with UGI by refileing the same complaint as she has filed on four prior occasions, despite the Commission's clear bar with respect to the filing of further complaints in this regard; therefore, the Complaint can be resolved without the need for an evidentiary hearing. Accordingly, we agree that UGI's Motion for Judgment on the Pleadings should be granted, and the Complaint should be dismissed. This outcome is consistent with the Commission's directive in *Potora III* and the Commission's determination in *Potora IV* (Preliminary Objection sustained and Formal Complaint dismissed with prejudice, and without hearing, because the Formal Complaint was legally insufficient as it was identical to three previous complaints filed by the Complainant who was barred by the Commission from filing further identical complaints).⁶

In addition, we have examined the ALJ's decision in light of the fact that Ms. Potora is a *pro se* Complainant. In *Carlock v. The United Telephone Company of Pennsylvania*, Docket No. F-00163617 (Order entered July 14, 1993) (*Carlock*), the Commission held that in the normal course, we would not dismiss a *pro se* complaint

⁶ We note that UGI argued in its New Matter that the Complainant's claims and issues are also barred by the doctrines of *res judicata* and collateral estoppel because such claims and issues related to the Complainant's arrearages with UGI, including disputed billed charges and gas usage amounts, were or could have been raised and ruled on in the *Potora III* proceeding. Answer at 11-13. The ALJ did not address these arguments in the Initial Decision. Since we are granting UGI's Motion for Judgment on the Pleadings and dismissing the Complaint on the basis described *infra*, we find that it is not necessary to consider or address these additional arguments at this time.

without first providing a hearing during which the *pro se* complainant could further explain his or her position and the factual basis for the complaint. The Commission's concern was that in general, *pro se* complainants may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe their basic issue and supporting facts. Nevertheless, there are some cases, such as this one, where we find that a hearing would not enable the Complainant to better explain her position or provide additional facts that would alter the inevitable conclusion that the requested relief should be denied because the instant matter concerns the same issues which were raised by the Complainant and dismissed by the Commission on four separate, previous occasions, and the Complainant is barred from filing any further complaints regarding these issues until her account arrearages with UGI are satisfied. On this basis, we distinguish the Commission's decision in *Carlock* from the case now before us. We also note that the Complainant had an opportunity to be heard on her general request for a payment arrangement and on her claims regarding her meter in previous complaint proceedings before the Commission. *See Patora I, Patora II, Patora III, and Patora IV.*

As a result, Ms. Patora's Exceptions in this proceeding shall be denied and the Initial Decision shall be adopted.⁷ Specifically, we shall deny the Complainant's Exception Nos. 1 and 4. We will also deny the Complainant's Exception Nos. 2 and 3 because they are without merit, as the Complainant only makes general statements of objections without any additional support or basis for those objections. Inasmuch as we are denying the Complainant's Exceptions, we shall adopt the ALJ's Initial Decision, thereby affirming the granting of UGI's Motion for Judgment on the Pleadings and the dismissal of the Complaint by the ALJ.

⁷ We note that Ms. Patora has also filed multiple complaints against Pennsylvania-American Water Company (PAWC) with regard to her water service, including after having also been barred by an ALJ from filing further complaints against PAWC on the grounds that she has abused the Commission's processes. *See Letter from Nicholas Stobbe, Stevens & Lee, to Rosemary Chiavetta, Docket No. C-2025-3054299 (dated April 3, 2025).*

Furthermore, based on prior Commission decisions and our records of the other complaint proceedings in which the Complainant has been involved, we note that it appears that Ms. Potora has a continued history of attempting to abuse the Commission's administrative process. The Complainant has filed numerous complaints with the Commission, requested multiple continuances, and failed to appear at the scheduled hearings in several of these cases. *See Potora III* at 9. Also, as noted, *supra*, the Complainant has accumulated a significant balance in arrears with UGI of \$6,218.93, as of August 7, 2024. I.D. at 10. These facts demonstrate the Complainant's use of the administrative process to repeatedly raise the same issues which have been previously decided against her, while continuing not to satisfy the arrearages owed to UGI. UGI, and the Commission, have expended substantial resources to address the Complainant's claims, which have been previously decided.

The Commission has previously found that the abuse of process is the basis for dismissal of a matter, with prejudice. *See Grossman v. Bell Tel. Co. of Pa.*, 67 Pa. PUC 714, 717 (1988). The Commission has recognized that the public interest is prejudiced by the wasteful use of the agency's, and a respondent's, time and resources in addressing a complaint. *See Jefferson v. UGI Utilities, Inc.*, Docket No. Z-00269892 (Order entered December 26, 1995); *see also, e.g., Charles Nichols III v. Bell-Atlantic-Pennsylvania*, Docket No. C-00956667 (Order entered August 4, 1995). Accordingly, in these circumstances, in view of the substantial wasteful use of the Commission's and UGI's time, energy, and resources, we conclude that dismissal of the instant Complaint, with prejudice, is appropriate.

We are compelled to remind the Complainant that a public utility is entitled to full payment for service provided to customers, and there is an obligation for all customers to pay for the utility service provided to them. Otherwise, unpaid customer bills are included in the utility's uncollectibles expense and, ultimately, paid for by the other remaining utility customers. *Mill v. Pa. PUC*, 447 A.2d (Pa. Cmwlth. 1982);

Scaccia v. West Penn Power Co., 55 Pa. PUC 637 (1982). The Complainant is strongly encouraged to satisfactorily address her large outstanding account balance with UGI immediately.

Furthermore, we remind UGI that utilities are obligated to protect all customers from those that refuse to pay, with the tools provided by the Code and the Commission's Regulations, including terminating overdue unpaid accounts. *See Pa. PUC v. North Heidelberg Sewer Co.*, Docket No. M-2018-2645983 (Order entered February 9, 2018). We encourage UGI to take the necessary steps and actions under the Code and our Regulations to mitigate the negative effects on its overall customer base from the actions of individual customers who accumulate large and unreasonable outstanding balances.

Finally, in order to prevent similar abuse of the Commission's processes in the future, we shall also direct the Secretary's Bureau to establish internal processes and procedures that ensure that those few customers who have previously been barred by the Commission from filing complaints due to their determined abuse of the complaint process are indeed unable to have their complaint accepted by the Commission, unless any future complaint is accompanied by evidence showing compliance with the requirements necessary to alleviate such complainants of their barred status. Such requirements would be outlined in any underlying Commission Order establishing the barred status. The Secretary's Bureau shall work in conjunction with the Office of Executive Director and other relevant Commission bureaus, as necessary, to establish these processes and procedures.

We find that establishing such processes and procedures is important. There is time and expense associated with, among other things, docketing the complaint, the respondent utility answering the complaint, a dispositive preliminary motion being filed, and both the presiding officer and the Commission addressing that preliminary

motion, as necessary. Such a process requires substantial Commission resources to hear complaints that should not have been accepted by the Commission.

We strongly encourage all consumers who feel they have been aggrieved by a utility to raise those grievances with the Commission, either formally or informally, to ensure they have notice and opportunity to be heard regarding their vital utility services. At the same time, however, we stress that consumers cannot use the Commission's administrative process to avoid paying for utility services that they have consumed.

III. Conclusion

Based on our review of the Parties' pleadings, the ALJ's Initial Decision, and the applicable law, we shall deny the Complainant's Exceptions, adopt the ALJ's Initial Decision, and dismiss the instant Complaint, with prejudice, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Exceptions filed by Jennifer Potora on October 16, 2024, at Docket No. C-2024-3050151, are denied.
2. That the Initial Decision of Administrative Law Judge John M. Coogan, issued on September 26, 2024, at Docket No. C-2024-3050151, is adopted, consistent with this Opinion and Order.
3. That the Motion for Judgment on the Pleadings filed by UGI Utilities, Inc. – Gas Division on August 7, 2024, at Docket No. C-2024-3050151, is granted for the reasons set forth in this Opinion and Order.

4. That the Formal Complaint filed by Jennifer Patora on July 17, 2024, against UGI Utilities, Inc. – Gas Division, at Docket Number C-2024-3050151, is dismissed, with prejudice.

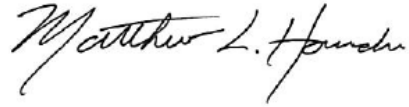
5. That Jennifer Patora is precluded from filing further complaints with the Commission, whether of an informal or formal nature, regarding the arrearages on her account for gas service rendered by UGI Utilities, Inc. – Gas Division until all arrearages are paid in full, and that the filing of any complaint pertaining to such arrearages shall be dismissed without further proceedings.

6. That, within ninety (90) days of the entry of this Opinion and Order, the Secretary's Bureau shall develop internal Commission processes and procedures in which any complaint received from a complainant who was previously barred from filing a complaint after having been found to abuse the Commission's administrative procedures will not be accepted or docketed by the Secretary's Bureau unless accompanied by proof documenting satisfactory compliance with the requirements established by the Commission for the complainant to be relieved of their barred status.

7. That a copy of this Opinion and Order shall be provided to the Commission's Bureau of Consumer Services.

8. That this case shall be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Matthew L. Homsher". The signature is written in a cursive style with a large initial "M".

Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: April 24, 2025

ORDER ENTERED: April 30, 2025