
Megan E. Rulli

mrulli@postschell.com
717-612-6012 Direct
717-731-1985 Direct Fax
File #: 207367

May 29, 2025

VIA ELECTRONIC FILING

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Jennifer Potora v. UGI Utilities, Inc. – Gas Division
Docket No. C-2024-3050151**

Dear Secretary Homsher:

Attached for filing is the Answer of UGI Utilities, Inc. – Gas Division to the Complainant's Petition for Reconsideration in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/dmc
Attachment

cc: The Honorable John M. Coogan (*via email; w/attachment*)
Certificate of Service

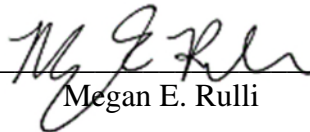
CERTIFICATE OF SERVICE

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

Jennifer Potora
53 Academy Street
Plymouth, PA 18651
jpotora@icloud.com

Date: May 29, 2025



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jennifer Potora,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3050151
	:	
UGI Utilities, Inc. – Gas Division,	:	
	:	
Respondent.	:	

**ANSWER OF UGI UTILITIES INC. – GAS DIVISION
TO THE COMPLAINANT’S
PETITION FOR RECONSIDERATION**

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
E-mail: BerkstresserL@ugicorp.com



Devin T. Ryan (ID # 316602)
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: 717-612-6052
Fax: 717-731-1985
E-mail: dryan@postschell.com

Megan E. Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second St., 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-612-6012
Fax: 717-731-1985
E-mail: mrulli@postschell.com

Counsel for UGI Utilities, Inc. – Gas Division

Dated: May 29, 2025

I. INTRODUCTION

Pursuant to 52 Pa. Code § 5.61, UGI Utilities, Inc. – Gas Division (“UGI Gas” or the “Company”) hereby files this Answer to the Petition for Reconsideration (“Petition”) filed by Jennifer Patora (“Complainant”). In her Petition, the Complainant seeks reconsideration of the Opinion and Order of the Pennsylvania Public Utility Commission (“Commission”) entered in the above-captioned proceeding on April 30, 2025 (“Order”).

As explained below, the Petition should be denied because it fails to meet the well-established standard for granting reconsideration set forth in Section 703(f) and (g) of the Public Utility Code, 66 Pa.C.S. § 703(f)-(g), and *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553, 559 (1982). The Petition simply re-raises arguments that were already considered and rejected by the Commission. For these reasons, and as more fully explained below, UGI Gas respectfully requests that the Commission deny the Complainant’s Petition for Reconsideration.

II. BACKGROUND

1. The procedural history pertinent to this Answer is set forth below. The full procedural history in this case is fully set forth on pages 1-3 of UGI Gas’s Replies to the Complainant’s Exceptions.

2. By Secretarial Letter dated July 18, 2024, UGI Gas was served with the above-captioned Complaint. In the Complaint, the Complainant disputes the arrearages on her natural gas service account and the Company’s issuance of a termination notice due to her failure to pay the amounts owed on that account. This Formal Complaint is the fifth that the Complainant has filed against UGI Gas regarding the outstanding balance for her natural gas service account.

3. On August 7, 2024, UGI Gas filed its Answer and New Matter to the Complaint along with a Preliminary Objection to the Complaint.

4. On September 26, 2024, Administrative Law Judge John M. Coogan (the “ALJ”) issued the Initial Decision (“ID”), treating the Company’s Preliminary Objections as a Motion for Judgment on the Pleadings, granting the Motion for Judgment on the Pleadings, and dismissing the Complaint.

5. On or about October 16, 2024, the Complainant filed Exceptions to the ID. UGI Gas was not served with the Complainant’s Exceptions.

6. On November 5, 2024, after UGI Gas became aware that the Complainant had filed Exceptions, the Company filed a letter with the Commission requesting additional time to respond to the Complainant’s Exceptions.

7. On November 8, 2024, the Commission issued a Secretarial Letter granting the Company’s request for an extension and setting the deadline for submitting Replies to Exceptions for 10 days from the date of the Secretarial Letter, *i.e.*, until November 18, 2024.

8. On November 18, 2024, the Company filed Replies to the Complainant’s Exceptions.

9. On April 30, 2025, the Commission entered an Opinion and Order adopting the Initial Decision, consistent with the Opinion and Order, and denying the Complainant’s Exceptions.

10. On May 15, 2025, the Complainant filed a Petition for Reconsideration of the Commission’s Order. The Complainant did not serve her Petition for Reconsideration on the Company.

11. The Company was served with the Complainant’s Petition for Reconsideration via Secretarial Letter dated May 16, 2025. On May 17, 2025, the Commission issued a corrected

Secretarial Letter, setting the deadline for the Company's Answer to the Petition for Reconsideration for May 29, 2025.

12. For the reasons explained below, as well as those more fully explained in the Commission's Order, the Complainant's Petition for Reconsideration should be denied.

III. LEGAL STANDARDS

13. The requirements for petitions for reconsideration of a Commission order are set forth in the Commission regulations at 52 Pa. Code § 5.572.

14. The Commission's standard for granting reconsideration following final orders is set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553, 559 (1982) (emphasis added):

A petition for reconsideration, under the provisions of 66 Pa.C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard we agree with the Court in the Pennsylvania Railroad Company case, wherein it was said that “[p]arties ..., cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them....” What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.

Consequently, for a petition to warrant reconsideration by the Commission, it must demonstrate new and novel arguments that were raised by the petitioner, but not previously considered by the Commission. The Commission has cautioned that the last portion of the operative language of the *Duick* standard (*i.e.*, “by the Commission”) focuses on the deliberations of the Commission, not the arguments of the parties. *See Pa. PUC v. PPL Elec. Utils. Corp.*, Docket No. R-2012-2290597, p. 3 (Order entered May 22, 2014). Therefore, a petition for reconsideration cannot be used to raise new arguments or issues that should have been, but were not, previously raised.

15. A petition seeking relief under the *Duick* standard may properly raise any matter designed to convince the Commission that it should exercise its discretion to rescind or amend a prior order in whole or part. Importantly, however, the *Duick* standard does not permit a petitioner to raise issues and arguments considered and decided below such that the petitioner obtains a second opportunity to argue properly resolved matters. *Id.* Further, as explained by the Pennsylvania Supreme Court, petitions for reconsideration of a final agency order may only be granted judiciously and under appropriate circumstances because such action results in the disturbance of final agency orders. *City of Pittsburgh v. Pa. Dep't of Transp.*, 416 A.2d 461, 465 (Pa. 1980).

16. As explained below, the Complainant's Petition clearly fails to satisfy the standards for granting reconsideration.

IV. THE COMPLAINANT'S REQUEST FOR RECONSIDERATION SHOULD BE DENIED BECAUSE IT FAILS TO SATISFY THE *DUICK* STANDARD.

17. The sole argument raised by the Complainant in her Petition, *i.e.*, her renewed request for a hearing to be held in this matter, was previously raised before the Commission in the Complainant's Exceptions to the ID. As explained herein and in the Commission's Order, this request is not new and was previously considered and rejected by the Commission in its Order. Therefore, the Petition fails to meet the *Duick* standard for reconsideration.

18. The Commission specifically considered and rejected the Complainant's arguments regarding the necessity of holding a hearing in this matter. Petition, p. 1. The Commission properly determined that the instant Complainant is barred by the Commission's Order in *Potora III*¹ from filing new informal or formal complaints with the Commission regarding arrearages on

¹ See *Potora v. UGI Penn Natural Gas, Inc.*, Docket No. C-2018-3003485 (Opinion and Order entered August 8, 2019) ("*Potora III*").

her natural gas service account until all arrearages are fully paid. Order, p. 16. The relevant portion of the Commission's Order states:

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 refiling 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).

Id.

19. Further, the Commission specifically considered whether this outcome was appropriate in light of the Complainant's *pro se* status, determining:

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 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.*

Id., pp. 16-17.

20. For the Complainant to meet the *Duick* standard for granting reconsideration, she cannot simply re-raise the same arguments that were considered and rejected by the Commission. As explained herein, the Commission previously considered and rejected the argument raised in the Complainant's Petition for Reconsideration.

21. For these reasons, the Complainant has failed to show that she is entitled to the relief requested, *i.e.*, reconsideration of the Commission's Order, and the Petition should be denied in its entirety.

V. CONCLUSION

WHEREFORE, UGI Utilities, Inc. – Gas Division respectfully requests that the Pennsylvania Public Utility Commission deny the Petition for Reconsideration filed by Jennifer Patora in its entirety.

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
E-mail: BerkstresserL@ugicorp.com


Devin T. Ryan (ID # 316602)
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: 717-612-6052
Fax: 717-731-1985
E-mail: dryan@postschell.com

Megan E. Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second St., 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-612-6012
Fax: 717-731-1985
E-mail: mrulli@postschell.com

Counsel for UGI Utilities, Inc. – Gas Division

Dated: May 29, 2025