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File #: 199975

June 13, 2025

VIA ELECTRONIC FILING

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

**Re: Bhavin Patel v. UGI Utilities, Inc. - Gas Division
Docket No. C-2023-3038563**

Dear Secretary Homsher:

Attached for filing are the Replies of UGI Utilities, Inc. – Gas Divisions to the Complainant’s Petition for Recission 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 Marta Guhl (*via email; w/attachment*)
Certificate of Service

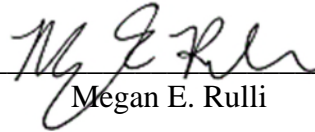
CERTIFICATE OF SERVICE

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

Bhavin Patel
8572 Mayfair Court
Breiningsville, PA 18031
BhavinTheGR8One@gmail.com

Date: June 13, 2025

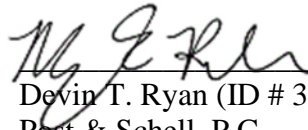


Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bhavin Patel,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2023-3038563
	:	
UGI Utilities, Inc. – Gas Division,	:	
	:	
Respondent.	:	
	:	

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



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Dated: June 13, 2025

Counsel for UGI Utilities, Inc. – Gas Division

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 Rescission (“Petition”) filed by Bhavin Patel (“Complainant”).¹ In his Petition, the Complainant seeks rescission of the Opinion and Order of the Pennsylvania Public Utility Commission (“Commission”) entered in the above-captioned proceeding on March 13, 2025 (“Order”).

As explained below, the Petition should be denied because it fails to meet the well-established standard for rescission or amendment 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 various 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 Rescission.

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 2-5 of UGI Gas’s Replies to the Complainant’s Exceptions to the Initial Decision (“ID”).

2. By Secretarial Letter dated February 28, 2023, UGI Gas was served with the above-captioned Complaint. In the Complaint, the Complainant challenges the Company’s Commission-approved Weather Normalization Adjustment (“WNA”). (Complaint ¶¶ 4-5).

3. On March 20, 2023, UGI Gas filed an Answer with New Matter to the Complaint.

¹ The Complainant has styled his filing as an “Exception to (PUC’s BS) Opinion and Order.” However, the Commission’s regulations do not provide for the filing of Exceptions to Commission decisions. Because the Complainant appears to argue that the Commission’s Opinion and Order should be set aside entirely, the Company is treating the filing as a Petition for Rescission.

4. On May 11, 2023, a prehearing conference was held as scheduled. The parties discussed the Complaint, discovery deadlines, and the litigation schedule. The parties also agreed to participate in a formal mediation session with the Commission's Mediation Unit.

5. On June 20, 2023, the formal mediation session was held as scheduled, with both UGI Gas and the Complainant in attendance. Although the parties participated in mediation, the Complaint remained unresolved following the mediation session.

6. On May 29, 2024, the evidentiary hearing was held as scheduled.

7. On October 17, 2024, the ALJ issued the ID dismissing the Complaint, finding the Complainant failed to meet his burden of proof to demonstrate that the Company's WNA is unjust or unreasonable.

8. Also on October 17, 2024, the Complainant filed a one page letter containing exceptions to the ID.

9. On November 18, 2024, the Company filed Reply Exceptions.

10. On March 13, 2025, the Commission entered an Opinion and Order adopting the Initial Decision, consistent with the Opinion and Order, and denying the Complainant's Exceptions.

11. June 3, 2025, the Complainant filed a Petition for Rescission of the Commission's Order. For the reasons explained below, as well as those more fully explained in the Commission's Order, the Complainant's Petition for Rescission should be denied.

III. LEGAL STANDARDS

12. The Commission's standard for reviewing petitions for rescission or amendment following final orders was set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553, 559, 1982 Pa. PUC LEXIS 4 (Order dated Dec. 17, 1982) ("*Duick*") (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.

See Petition of Elite Energy Solutions, LLC for Rescission of the Pa. PUC’s Final Order entered Aug. 25, 2020 and Reinstatement of Its License to Operate as a Broker/Marketer of Elec. Gen. Supplier Servs., 2021 Pa. PUC LEXIS 226, at *4-5 (Order entered June 17, 2021) (stating that the *Duick* standards govern petitions for rescission or amendment).

13. 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. *Duick*, 56 Pa. P.U.C. 553, 559.

14. In addition, for petitions for rescission specifically, the Commission has stated that “[t]o establish a proper basis for rescission, a petitioner must first establish the existence of newly discovered evidence, a substantial change in circumstances, or an error of fact or law.” *Feleccia v. PPL Elec. Utils. Corp.*, Docket No. C-20016210 (Order entered Mar. 7, 2003) (citing *Duick* at 559).

15. Further, the Commonwealth Court has held that “because the relief of rescission or amendment under Section 703(g) may result in the disturbance of final orders,” a petition for rescission or amendment “should be granted judiciously and only under appropriate circumstances.” *W. Penn Power Co. v. Pa. PUC*, 659 A.2d 1055, 1065 (Pa. Cmwlth. 1995) (emphasis added) (citing *City of Pittsburgh v. Pa. Dep’t of Transp.*, 416 A.2d 461 (Pa. 1980)).

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

IV. THE COMPLAINANT'S PETITION SHOULD BE DENIED BECAUSE IT DOES NOT MEET THE COMMISSION'S STANDARD FOR RESCISSION OR AMENDMENT

17. As explained herein and in the Commission's Order, the arguments raised in the Petition are not new and were previously considered and rejected by the Commission in its Order. Therefore, the Petition fails to meet the Commission's standard for rescission or amendment.

18. The Commission specifically considered and rejected the Complainant's arguments that the WNA is more likely to charge customers than it is to provide them with a credit and is, therefore, unjust and unreasonable. In the Petition, the Complainant restates his arguments that the WNA is "WRONG" because "WNA Charges have increased Year Over Year" and "There are a lot more WNA Charges than WNA Credits." Petition, p. 2. However, the Commission already considered and rejected the Complainant's arguments that the WNA is unjust and unreasonable merely because it results in distribution revenues for the Company. The relevant portion of the Commission's Order states:

We find that the Complainant has failed to satisfy his burden of proving, by a preponderance of the evidence, that the existing rates and charges of the WNA pursuant to UGI's Rider C are no longer reasonable. Simply noting that the application of the WNA has recently resulted in significant distribution revenue for the Company is insufficient to establish that the approved WNA is now unreasonable, unjust, or in violation of a Commission regulation or order. In contrast, it is plausible that the application of the WNA is operating as intended when factoring in normal weather conditions in relation to actual usage and present weather conditions.

Order, p. 16.

19. The Commission also specifically considered and rejected the Complainant's arguments that the instant proceeding has been biased against him. The Petition consists nearly

entirely of unsupported accusations that the Commission is biased and inappropriate commentary on the Complainant's views of the Commission. *See generally* Petition, pp. 1-3. However, simply because the Complainant does not agree with the Commission's decision does not mean that the Commission is biased against him or that its Order is unjust. The Commission considered the Complainant's claims of bias and rejected them as unfounded and impertinent. The relevant portion of the Commission's Order states:

Furthermore, we find that the Complainant has failed to set forth any evidence of bias or improper action by the ALJ or the Commission. Upon review of the record, it is evident that the ALJ properly afforded the Complainant due process throughout the course of this proceeding. Therefore, the Complainant's claims that he was not afforded due process in this proceeding are denied. To the extent the Complainant's Exceptions include additional commentary alleging bias or improper motivations by the ALJ or the Commission without any foundation, such commentary is deemed to be immaterial, impertinent, and otherwise irrelevant to the disposition of this matter and will not be further considered. See 52 Pa. Code § 1.4(e).

Order, p. 17.

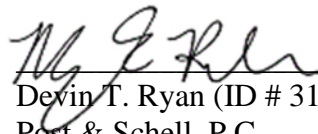
20. For the Complainant to meet the *Duick* standard for granting rescission or amendment, he cannot simply re-raise the same arguments that were considered and rejected by the Commission. As explained herein, the Commission previously considered and rejected the arguments raised in the Complainant's Petition for Rescission. Thus, the Petition should be denied.

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

V. **CONCLUSION**

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

Respectfully submitted,



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Dated: June 13, 2025

Counsel for UGI Utilities, Inc. – Gas Division