

COMMONWEALTH OF PENNSYLVANIA



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June 18, 2025

**Via Electronic Filing**

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission.  
Bureau of Investigation and Enforcement  
v.  
UGI Utilities, Inc. – Gas Division  
Docket No. M-2025-3032708

Dear Secretary Homsher:

Enclosed please find enclosed the Office of Consumer Advocate's Comments in the above-referenced case.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Melanie Joy El Atieh

Melanie Joy El Atieh  
Deputy Consumer Advocate  
PA Attorney I.D. # 209323  
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Enclosures

cc: Certificate of Service

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission. :  
: Docket No. M-2025-3032708  
Bureau of Investigation and Enforcement :  
: v. :  
: UGI Utilities, Inc. – Gas Division :

I hereby certify that I have this day served a true copy of the following documents, the Office of Consumer Advocate’s Comments, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 18th day of June 2025.

SERVICE BY E-MAIL ONLY

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Dated: June 18, 2025

/s/ Melanie Joy El Atieh  
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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement	:	
	:	
	:	Docket No. M-2025-3032708
v.	:	
	:	
UGI Utilities, Inc. – Gas Division	:	
	:	

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COMMENTS OF THE  
OFFICE OF CONSUMER ADVOCATE

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On May 24, 2025, the Pennsylvania Public Utility Commission’s (Commission’s) Opinion and Order entered May 8, 2025 (Order) was published in the *Pennsylvania Bulletin*<sup>1</sup>, establishing a deadline for comments to the Joint Petition for Approval of Settlement (Settlement), at Docket No. M-2025-3032708, filed by the Bureau of Investigation and Enforcement (I&E) and UGI Utilities, Inc. – Gas Division (UGI) relating to UGI’s alleged violations of Chapter 56, specifically the requirement to attempt personal contact with a customer in receipt of a notice of termination of service. In the Order, the Commission stated that it would consider any comments that are filed to the proposed Settlement before it issues a decision on the merits. Order at 14.

The OCA appreciates this opportunity to provide these comments to the proposed Settlement for the Commission’s consideration.

As a result of I&E’s investigation, I&E determined that UGI’s automated call system to affected customers did not properly operate to ensure that calls were made on two different days and that no calls were made after 9 pm. The proposed Settlement addresses this specific type of violation and describes actions taken by UGI to respond to those customers affected by the

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<sup>1</sup> 55 Pa.B. 3703.

improper operation of the auto-dialer scheduled by UGI's third party contractor. The proposed Settlement does not require UGI to admit to any violations. However, the proposed Settlement would require UGI to pay a civil penalty of \$90,000 to the Commonwealth of Pennsylvania.

The OCA respectfully submits that the Commission should further inquire as to the underlying cause of the violations described in the Settlement and Order, before reaching any final determination on the proposed Settlement. The basis for this recommendation is reflected in the Commission's description of the facts that led to the proposed Settlement and the lack of any audit or evaluation undertaken by UGI of the potential for more significant management failures related to the alleged behavior.

I&E initiated an informal investigation into UGI on June 1, 2022, based on information submitted by the Bureau of Consumer Services (BCS). BCS had identified a pattern of potential violations based on its analysis of consumer informal complaints received by the BCS. Specifically, the compliance issues occurred in late March 2022, and during the Settlement discussions it was discovered that additional "lapses" of the vendor dialer system occurred in April 2023. However, the reason for the additional lapses in April 2023 was not identified.

Given that BCS only handles complaints after the customer has submitted their concerns to the utility and the utility's response was unsatisfactory to the customer, it is reasonable to assume that UGI had in its possession customer disputes and communications that could have revealed the violations documented by the BCS had the Company routinely evaluated customer disputes and complaints to identify facts and trends that reflected non-compliance. There is no evidence that I&E investigated why UGI did not find these violations prior to being notified of the investigation in June 2022.

Based on the facts presented in the Order, the OCA suggests that there are significant underlying concerns not otherwise identified or reflected in the proposed Settlement. The following questions seem relevant and crucial to the final resolution of the failure of the auto-dialer system:

1. Why did UGI not identify the non-compliance and failure of the auto-dialer system as a result of its own review of the volume of customer complaints either before or at the time of their review of the complaint records to BCS?
2. What internal practices exist to track and evaluate customer disputes and complaints prior to relying on BCS's review of complaint resolutions and the BCS's analysis of the content of the complaint records?
3. Does UGI properly audit and evaluate the performance of its third party call center contractors that are located out of state as well as its own internal call center employees?
4. Does UGI's management require regular reports and analysis of customer disputes and complaints with the obligation to conduct a regular root cause analysis of complaints that reflect common themes or threads?
5. Does UGI's management reward employees who bring forth indicators or evidence of non-compliance with Chapter 56?
6. Does UGI's management conduct proactive audits and evaluation of call center resolution of customer calls to ensure compliance with Chapter 56?
7. What is the management structure of UGI to ensure a proactive culture and chain of command for compliance with Chapter 56 and other relevant consumer protections?

In sum, the probative questions above are intended to determine whether UGI's failure to find and fix the non-compliance with the auto dialer a system was an indication of UGI's lack of management oversight of compliance with Chapter 56.

In conclusion, the OCA urges the Commission to require I&E to expand the nature of the investigation to consider the potential for broader concerns and determine whether this failure to find and fix this particular violation is a symptom of a broader management failure to properly monitor and evaluate customer complaints and customer allegations. Should this investigation result in a larger scale issue beyond the narrow focus of the proper software used for the auto-dialer, a different civil penalty may be appropriate.

The OCA's comments were prepared in consultation with, and with the assistance of, Barbara R. Alexander of Barbara Alexander Consulting LLC.

Respectfully Submitted,

/s/ Melanie Joy El Atieh  
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