

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

Public Meeting held July 24, 2025

Commissioners Present:

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

Bhavin Patel

C-2023-3038563

v.

UGI Utilities, Inc. – Gas Division

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Rescission (Petition), filed by Bhavin Patel (Mr. Patel or Complainant) on June 3, 2025, relative to the Commission's Opinion and Order entered March 13, 2025, in the above-captioned proceeding

(*March 2025 Order*).^{1,2} On June 13, 2025, UGI Utilities, Inc. – Gas Division (UGI or Company) filed an Answer to the Petition (Answer). For the reasons stated below, we will deny the Petition, consistent with this Opinion and Order.

I. Background and Procedural History

This matter pertains to the Weather Normalization Adjustment (WNA) charges applied by UGI to the Complainant’s bills. The Commission approved UGI’s WNA rider as a five-year pilot program as part of the Company’s most recent base rate case in *Pa. PUC, et al. v. UGI Utilities, Inc. – Gas Division*, Docket Nos. R-2021-3030218, *et al.* (Final Order entered September 15, 2022) with an effective date of October 29, 2022. UGI St. 2R at 5-6; UGI Exh. KMB-2R at 1-2 (citing Supplement No. 37 to UGI Gas – Pa. P.U.C. No. 7, Third Revised Page No. 53 and Sixth Revised Page No. 54, effective October 29, 2022. (Rider C at 1-2)).

¹ Mr. Patel titled his filing as “Exception to (PUC’s BS) Opinion and Order.” Section 5.533 of our Regulations, 52 Pa. Code § 5.533, addresses the procedure to except to initial, tentative and recommended decisions of the presiding officer. As discussed below, Mr. Patel previously filed Exceptions to the Initial Decision of Administrative Law Judge (ALJ) Marta Guhl, issued on October 17, 2024, in the above-captioned proceeding. The Commission denied Mr. Patel’s Exceptions in the *March 2025 Order*. It is evident that Mr. Patel’s latest filing pertains to the *March 2025 Order* and that it should have been filed pursuant to Section 5.572 of Regulations, 52 Pa. Code § 5.572, pertaining to petitions for relief. Recognizing that Mr. Patel is appearing *pro se* in this proceeding, we will, pursuant to Section 1.2(a) of our Regulations, 52 Pa. Code § 1.2(a), deem Mr. Patel’s filing as a Petition for Rescission, as such petitions may be filed at any time under Section 5.572(d) of our Regulations, 52 Pa. Code § 5.572(d), and consider the merits therein.

² Mr. Patel’s Petition did not contain a Certificate of Service or any other indication that the parties of record to the case were served. Therefore, on June 3, 2025, the Commission’s Secretary’s Bureau served a copy of the Petition on the parties of record.

On February 28, 2023, Mr. Patel filed a Complaint against UGI alleging that the WNA charges on his bills were unjust and unreasonable. Mr. Patel requested a refund of the amount he paid towards the WNA and stated that the WNA should be abolished. Additionally, the Complainant requested a monetary award to replace the gas-supplied equipment in his home with electric equipment.

On March 20, 2023, UGI filed an Answer and New Matter (Complaint Answer), denying the material allegations of the Complaint and requesting that the Complaint be dismissed. In its Answer, UGI summarized the WNA as follows:

[T]he WNA is a billing adjustment that is only applied to customer bills issued from October through May each year. [UGI's] natural gas distribution rates are established in base rate proceedings based on a determination of expected demand, or sales, during normal weather conditions. Accordingly, the WNA affects only the "Distribution Charges" portion of a customer's bill and not the gas cost or commodity charge portion of a customer's bill. The WNA adjusts the Company's distribution charges on customer bills during variations from normal weather in order to have the bill reflect normal weather conditions for each billing period and to make bills more predictable during periods of warmer or colder than normal temperatures. For the Company, the ratemaking effect of the WNA is to establish more predictable and stable revenues aligned with the projected sales permitted and approved in base rate case proceedings. The WNA is applied to bills when the weather is more than three percent warmer or three percent colder than normal, reflecting the application of a three percent "deadband" as part of the WNA operation. If the weather is more than three percent colder than normal, customers will see a WNA credit on their bill. If the weather is more than three percent warmer than normal, customers will see a WNA charge on their bill. In months where weather is within three percent of normal patterns, bills will not have a WNA charge. [UGI] calculates normal weather conditions using a 15-year average and utilizes this

15-year average for ratemaking purposes in base rate proceedings.

Complaint Answer at 3-4.

On March 24, 2023, Mr. Patel filed a response to the New Matter denying that the Complaint should be dismissed.

On August 31, 2023, UGI filed a Motion for Summary Judgment (Motion) indicating that the Complainant had not stated grounds on which the Commission has jurisdiction to provide him with relief.

By Interim Order dated January 4, 2024, ALJ Guhl granted the Motion with respect to the Complainant's request for monetary damages, because the Commission does not have jurisdiction in such cases. However, the ALJ denied the Motion's request to dismiss the Complaint completely, as there were legal issues about which the Parties disagreed.

The hearing convened as scheduled on May 29, 2024, at which the Complainant represented himself and testified on his own behalf. The Complainant also presented six exhibits at the hearing, which were entered into the record, with the exception of Complainant Exhibit A. UGI was represented by counsel who presented the testimony of two witnesses, Mr. John Taylor and Ms. Kimberly Bassininsky, and offered six exhibits, which were entered into the record.

On July 22, 2024, the ALJ closed the record, which consisted of a 109-page transcript, five exhibits sponsored by the Complainant, and six exhibits sponsored by the Company.

In her Initial Decision issued on October 17, 2024, the ALJ found that the Complainant failed to meet his burden of proof that the WNA is unjust or unreasonable and dismissed the Complaint.

On October 17, 2024, Mr. Patel filed Exceptions, which were served by a Secretarial Letter issued on October 18, 2024. The Company filed Reply Exceptions on November 18, 2024. On March 13, 2025, the Commission entered its *March 2025 Order*, denying Mr. Patel's Exceptions and the Complaint and adopting the ALJ's Initial Decision.

As noted above, Mr. Patel filed his Petition on June 3, 2025. The Company filed its Answer on June 13, 2025.

II. Discussion

A. Legal Standards

With respect to petitions for rehearing, reconsideration, rescission and amendment of Commission orders, the Public Utility Code (Code) establishes a party's right to seek relief within fifteen days following the service of a Commission order pursuant to Subsection 703(f). 66 Pa.C.S. § 703(f) (relating to rehearing).³ Upon the filing of a petition for relief pursuant to Section 703(f), the Commission may affirm, rescind, or modify its original order. 66 Pa.C.S. § 703(f). The Code further provides that the Commission may, at any time, after notice and opportunity to be heard by all affected parties, rescind, or amend any order made by the Commission, pursuant to

³ Petitions under this section which do not allege new evidence are typically treated as petitions for reconsideration. Petitions for rehearing pursuant to Section 703(f) of the Code typically include an allegation of new evidence. 66 Pa.C.S. § 703(f); see *West Penn Power Co. v. Pa. PUC*, 659 A.2d 1055 (Pa. Cmwlth. 1995) (*West Penn Power*).

Section 703(g). 66 Pa.C.S. § 703(g) (relating to rescission and amendment of orders). A request for relief pursuant to Section 703(f) or Section 703(g) must be brought as a petition for relief consistent with Section 5.572 of the Commission’s Regulations. 52 Pa. Code § 5.572 (relating to petitions for relief).

Petitions for relief predicated upon Sections 703(f) and 703(g) of the Code, whether brought under Section 5.572(c) of Commission Regulations as a petition for reconsideration, rehearing, reargument, clarification, supersedeas or others within fifteen days of the service of a Commission order, or under Section 5.572(d) as a petition for rescission or amendment filed at any time following service of a Commission order, are reviewed by the Commission under the same standard. *See e.g. Judith Hendin v. Metropolitan Edison Company*, Docket No. C-2018-3003324 (Opinion and Order entered April 18, 2024).

In exercising Commission authority to amend or rescind an order pursuant to Section 703(g) of the Code, the Supreme Court of Pennsylvania has stated: “Because such relief may result in disturbance of final orders, it must be granted judiciously and only under appropriate circumstances.” *See City of Pittsburgh v. Pennsylvania Department of Transportation*, 416 A.2d 461 (Pa. 1980); *see also West Penn Power*, 659 A.2d at 1055, 1056; *see also Richard Feleccia v. PPL Electric Utilities Corporation, d/b/a PPL Utilities and Barbara A. Lima*, Docket No. C-20016210 (Opinion and Order entered March 7, 2003) (*Feleccia*).

The Commission’s application of the standard for granting a petition for amendment, reconsideration, or rescission is set forth in *Philip Duick, et al. v.*

Pennsylvania Gas and Water Company, 56 Pa. P.U.C. 553 (Order entered December 17, 1982) (*Duick*) as follows:

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 on the grounds that the decision or ruling of the Commission on a matter or issue was either unwise or in error.

In this regard we agree with the Court in the *Pennsylvania Railroad Company* case, wherein the Court said,

[b]ut the grounds for reconsideration should be restricted to the new matters and new or changed conditions set up in the joint petition, which had arisen since and were not presented in the several petitions of these appellants ... and dismissed by the Commission ... and not appealed from. Parties, ..., cannot be permitted, by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them and not appealed from. ...

Pennsylvania Railroad Co. v. Public Service Commission, [179 A. 850, 854 (Pa. Super. 1935)].

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. Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issue was either unwise or in error.

Duick at 559; see also *AT&T v. Pa. PUC*, 568 A.2d 1362 (Pa. Cmwlth. 1990).

The Commission utilizes a two-step analysis in determining whether to exercise its discretion to grant relief under *Duick*. See e.g., *SBG Management Services, Inc./Colonial Garden Realty Co., L.P. v. Philadelphia Gas Works*, Docket No. C-2012-2304183 (Opinion and Order entered May 9, 2019)⁴ (discussing *Application of La Mexicana Express Service, LLC, to transport persons in paratransit service, between points within Berks County*, Docket No. A-2012-2329717; A-6415209 (Opinion and Order entered September 11, 2014)). The first step is to determine whether a party has offered any basis to persuade the Commission to exercise its discretion, including but not limited to, new and novel arguments or identified considerations that appear to have been overlooked or not addressed by the Commission in its previous order. This initial step examines whether a party raises the same questions which were specifically considered and decided against them by a prior Order of the Commission. If so, it is unlikely that the Commission will be persuaded to exercise its discretion to grant relief. *Duick* at 559 (citing *Pennsylvania Railroad Co. v. Public Service Commission*, 179 A. 850 (Pa. Super. 1935)). The second step of the *Duick* analysis is to evaluate any matter the Commission has deemed worthy of consideration, to determine whether to grant any relief.

With respect to petitions for rescission, specifically, we have stated that in order “[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* at 3 (citing *Duick* at 559).

A Commission decision to deny a petition for rescission or amendment is a matter squarely within its discretion, subject to being overturned only where a reviewing court finds “the agency’s decision demonstrates evidence of bad faith, fraud, capricious action or abuse of power.” *West Penn Power*, 659 A.2d at 1065.

⁴ *Affirmed, Phila. Gas Works v. Pa. PUC*, 249 A.3d 963 (Pa. 2021); *remand granted, in part*, 256 A.3d 1092 (Pa. 2021) (Table).

Lastly, we note that any issue not specifically addressed herein has been duly considered and will be 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 Corporation 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).

B. *March 2025 Order*

In his Exceptions to the Initial Decision, Mr. Patel made two general arguments. First, he contended that the WNA charge calculations are so variable that they are akin to gambling and rolling dice. Exc. at 1. Next, he argued that the calculations always result in charges to customers rather than credits. *Id.* Upon review of the record, we found that the Company provided sufficient evidentiary support to rebut these general allegations and denied the Exceptions. *March 2025 Order* at 13.

We explained that the Company provided specific testimony to show how the WNA is calculated in general and how the charges specific to Mr. Patel were prepared. Although we acknowledged that the WNA calculation is arguably complex, we determined that the Company provided sufficient testimony to establish that it calculated Mr. Patel's WNA charges in conformity with its Commission-approved tariff provision. *March 2025 Order* at 14 (citing UGI St. 2R at 11-17).

Additionally, we reasoned that, in contrast to Mr. Patel's assertions that the calculations are randomized and uncertain, it is evident that the WNA is based on customer-specific inputs applied to monthly billing cycles during the months of October through May. For example, we referenced the testimony of UGI's witness, Ms. Bassininsky, who provided calculation verification worksheets of how the WNA was applied to Mr. Patel's bills for the billing periods of October 2023 through May 2024.

March 2025 Order at 14 (citing Tr. at 39-40; UGI Exh. 2). We also cited Ms. Bassininsky's testimony in the form of WNA calculation verifications for the billing periods of November 2022 through April 2023. *March 2025 Order* at 14 (citing UGI St. 2R at 13-17; UGI Exh. KMB-5R).

In the *March 2025 Order*, we explained that Ms. Bassininsky provided step-by-step explanations of the WNA, as required under Rider C, including the calculation of the 3% monthly deadband, the monthly baseload using the customer's non-temperature sensitive usage, and the adjustment of the temperature sensitive usage. *March 2025 Order* at 14 (citing UGI St. 2R at 13-14). Additionally, we noted the explanation of the calculation of the Weather Normalized Billing amount, which represents the volume of gas expected under normal weather conditions, and factored in the calculations pertaining to actual consumption. Further, we cited to Ms. Bassininsky's discussion of the calculation of the WNA charge in relation to the applicable distribution rate. *March 2025 Order* at 14 (citing UGI St. 2R at 15-16).

In response to Mr. Patel's allegation in his Exceptions that the WNA is unrelated to his actual usage of natural gas, we cited the testimony of Ms. Bassininsky as follows:

Mr. Patel's actual usage of natural gas is used in the WNA calculation. Actual usage for the current bill period as well as historical average daily baseload are two inputs used in the WNA calculation. The calculation is performed for each customer based on their usage and weather. The WNA adjusts distribution charges for the period based on experienced weather. For clarification, the WNA does not impact the commodity costs a customer pays. Commodity charges are based on actual usage.

March 2025 Order at 15 (citing UGI St. 2R at 17).

We determined that the Complainant provided no evidence to rebut UGI's testimony pertaining to the calculation of the WNA as applied to his bills. *March 2025 Order* at 15.

Regarding Mr. Patel's argument that the WNA is a profit-making mechanism, we acknowledged that the amount of WNA charges over the past two years was significant: \$75 million in distribution charges during the 2022-2023 and 2023-2024 seasons. However, we noted that the WNA mechanism provides an opportunity for credits, as evidenced by the provision of at least \$700,000 in credits since the approval of the WNA. *March 2025 Order* at 15 (citing Tr. at 48). Moreover, we referenced the Company's argument that the disparity between the amounts of the WNA charges as compared with the credits provided was due to the warm winters over the past two years, which the Company described as "being amongst the warmest in Company history when measured against the Company's 15[-]year weather normal." *March 2025 Order* at 15-16 (citing UGI Exh. 4 at 1).

In the *March 2025 Order*, we found that the Complainant 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. We rejected Mr. Patel's general contention that the recent increase in distribution revenue for the Company established that the approved WNA was now unreasonable, unjust, or in violation of a Commission regulation or order. In contrast, we reasoned that it was 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. *March 2025 Order* at 16.

We further discussed the Company's assertion that the WNA is designed to address situations where actual weather deviates from the normal weather used to design the volumetric distribution rates and which the utility will either under or over recover the

level of distribution revenues approved by the Commission, thereby resulting in customers either over or under paying for these services. *March 2025 Order* at 16 (citing UGI St. 1R at 6). In our rationale, we discussed how the evidence in this proceeding indicated that the WNA adjustments to the Complainant's bills were due to such variations from normal weather. Specifically, for the billing periods at issue in this proceeding, we referenced the evidence that the weather was warmer than usual in comparison to a 15-year average, resulting in surcharges to some of the Complainants bills under the WNA calculations. We explained that absent from the record was any evidence to show that the application of the WNA, as applied to the Complainant, violated the approved tariff language in Rider C or that it otherwise violated a Commission regulation or order. *March 2025 Order* at 16-17.

Furthermore, we found that the Complainant failed to set forth any evidence of bias or improper action by the ALJ or the Commission. Upon review of the record, we determined that the ALJ properly afforded the Complainant due process throughout the course of this proceeding. Therefore, we denied the Complainant's claims that he was not afforded due process in this proceeding. To the extent the Complainant's Exceptions included additional commentary alleging bias or improper motivations by the ALJ or the Commission without any foundation, we deemed such commentary to be immaterial, impertinent, and otherwise irrelevant to the disposition of this matter and did not further consider it. *March 2025 Order* at 17 (citing 52 Pa. Code § 1.4(e)).

C. Petition and Answer

In his Petition, Mr. Patel makes two general arguments. First, he contends that it is undisputed that WNA charges have increased year over year. Second, he asserts that it is a fact that there have been a lot more WNA charges than WNA credits over the past three years. Petition at 2.

In the remainder of the Petition, Mr. Patel makes a variety of disparaging statements about the Commission and the individual Commissioners and accuses the Commission of being biased in favor of the Company. *See* Petition at 1-3.⁵

In its Answer, UGI argues that, with respect to the Complainant's two general arguments, the Commission already rejected these contentions that the WNA is unjust and unreasonable merely because it results in distribution revenues for the Company. Here, the Company cites to the portion of the *March 2025 Order* describing how the Complainant 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. UGI highlights our rejection of Mr. Patel's contention that the recent increase in distribution revenue for the Company established that the approved WNA was now unreasonable, unjust, or in violation of a Commission regulation or order. The Company further emphasizes our discussion that it was 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. Answer at 4 (citing *March 2025 Order* at 16).

UGI also argues that the Petition contains allegations of bias consisting entirely of unsupported allegations and inappropriate commentary on the Complainant's views of the Commission. Answer at 4-5. The Company contends that the Commission already considered Mr. Patel's claims of bias and rejected them as unfounded and impertinent. *Id.* at 5 (citing *March 2025 Order* at 17).

⁵ For example, Mr. Patel states that the Commission is "a big circus and biggest joke, and these 5 Clowns/Criminals/Commissioners, they brought down the entire PUC, making PUC INVALID and TAINTE." Petition at 1. He further alleges that the Commission is biased in favor of UGI and concludes that the Commission is "PURE EVIL and has 0 credibility." Petition at 3.

The Company asserts that through the Petition, Mr. Patel simply re-raises the same arguments that were considered and rejected. According to the Company, the Petition fails to meet the *Duick* standard for granting rescission or amendment and requests that it be denied in its entirety. Answer at 5.

D. Disposition

Upon review, it is evident that Mr. Patel's two general assertions pertaining to the distribution revenue applicable to the WNA charges and credits were previously addressed and rejected in the *March 2025 Order*. As summarized above, we determined that the Complainant 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. See *March 2025 Order* at 13-17. Mr. Patel offers no additional arguments in his Petition that would persuade us to exercise our discretion to rescind or amend the *March 2025 Order* or this determination.

Regarding Mr. Patel's additional allegations of bias and improper motives of the Commission, without any foundation, such commentary is deemed to be immaterial, impertinent or otherwise irrelevant to the disposition of this matter and will not be further considered. See 52 Pa. Code § 1.4(e).

Accordingly, we shall deny the Petition.

III. Conclusion

Based upon our review of the record and the applicable law, we shall deny the Petition, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Rescission of Bhavin Patel, filed on June 3, 2025, of the Opinion and Order, entered March 13, 2025, at Docket No. C-2023-3038563, is denied, consistent with this Opinion and Order.
2. That this proceeding at Docket No. C-2023-3038563 be marked closed.

BY THE COMMISSION



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: July 24, 2025

ORDER ENTERED: July 24, 2025