

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA PUBLIC UTILITY COMMISSION

JENIQUA BRADLEY, Complainant,
v.
UGI UTILITIES, INC., Respondent.

DATE OF DEPOSIT,

OCT 09 2025

Docket No. F-2024-3052211

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

**MOTION FOR RECONSIDERATION AND RESPONSE TO
FINAL ORDER**

Complainant Jeniqua Bradley, pro se, respectfully moves this Honorable Commission for reconsideration and clarification of its determination and for an order staying all collection and enforcement activity pending review, pursuant to 52 Pa. Code § 5.572. In support, Complainant avers as follows:

A. Jurisdiction and Timeliness

1. The Commission issued its Order on September 25, 2025. This Motion is filed within the fifteen-day period allowed under 52 Pa. Code § 5.572(b).
2. The Commission has jurisdiction under 66 Pa.C.S. §§ 501 and 701.
3. In the alternative, should the Commission determine that any portion of this complaint or motion lies outside its jurisdiction under Title 66, Complainant respectfully requests that such matters be dismissed without prejudice. This preserves the right to re-file the claims in a court of competent jurisdiction pursuant to 42 Pa.C.S. § 5103, which allows refiling of actions initially brought before a tribunal lacking jurisdiction.

B. Omission of Title 66 Evidence and Errors of Law

4. Complainant's filings cited controlling provisions of Title 66, including §§ 102, 1303, 1305, 1501, 1509, 1701, 1901, and 3302–3309, establishing the Commission's duty to ensure just and reasonable rates, lawful billing practices, proper tariff filing, and enforcement of violations.

5. The Final Order incorrectly concludes that Complainant failed to meet her burden of proof under Title 66 § 332(a). The record contains substantial evidence—including documentary exhibits and written instructions accompanying the lawful instrument—demonstrating that payment was tendered and that UGI failed to comply with Title 52 §56.94 and §56.57. The Commission’s omission of this evidence constitutes a misapplication of the burden of proof standard and a denial of due process under Title 66 §703(e)
 6. Despite these citations and supporting exhibits, the Commission’s decision contains no reasoned findings or conclusions addressing these authorities, constituting manifest error and denial of due process. See **Carpentertown Coal & Coke Co. v. Laird, 360 Pa.94 (1948)** (holding that an administrative agency commits reversible error when it fails to consider evidence and law material to the controversy.)
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C. Application for Service as Monetary Deposit and Security Collateral

7. Under Section 16 of the Federal Reserve Act (12 U.S.C. § 411), lawful payments and deposits represent obligations of the United States redeemable in lawful money.
8. When a public utility requires an application for service, the application itself constitutes a lawful payment instrument when accompanied by written instructions directing credit to the account. The application functions as the monetary deposit and secured credit — security collateral evidencing value already tendered toward service obligations. It does not require an additional monetary payment to be effective.
9. Pursuant to 66 Pa.C.S. § 1305, any required prepayment or deposit forms part of the rate structure and must be just, reasonable, and set forth in the approved tariff.

D. Failure to Recognize Tendered Instrument Under Title 13 and Improper Restriction of Lawful Payment Methods

10. UGI represented that customer payments may be made by cash, check, money order, or credit card but failed to acknowledge that Complainant’s tendered instrument — drawn, endorsed, and delivered with written instructions for credit — is itself a lawful check and negotiable instrument under 13 Pa.C.S. § 3104 and related provisions.
 11. Complainant’s instrument was endorsed in accordance with 13 Pa.C.S. § 3204 and § 3603(a), tendered for value, and accompanied by written direction that it be applied as credit to the account. Under 12 U.S.C. § 411, such lawful instruments represent monetary obligations of the United States and, once tendered, discharge obligations to the extent of the amount.
 12. UGI’s refusal to honor or process the instrument, while continuing to demand payment through its limited methods, constitutes dishonor of a lawful instrument and violates both the Uniform Commercial Code and due process.
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E. Violation of 66 Pa.C.S. § 1701 — Failure to File and Disclose Tariff Covering Payment, Deposits, and Credits

13. Under 66 Pa.C.S. § 1701, every public utility must file tariffs showing all rates and the rules, regulations, and practices affecting those rates. No rate, charge, or practice affecting a rate may be enforced unless contained in a filed and approved tariff.
 14. UGI failed to produce its current tariff provisions showing how customer deposits, application payments, forms of payment, credits, and refunds are administered, credited, or refunded. The record contains no tariff evidence establishing that UGI's accepted payment methods — cash, check, money order, or credit card — are properly authorized or filed in accordance with § 1701.
 15. The Commission's conclusion that UGI complied with its tariff is unsupported because no verified tariff provisions were produced in evidence identifying which forms of payment were authorized. Without the current tariff provision in the record, the Commission could not lawfully determine that UGI's limitation of payment methods complied with Title 66 § 1701(b) or Title 52 § 56.94
 16. Under Title 13 of the Pennsylvania Consolidated Statutes, specifically § 3104, an instrument meeting statutory requirements is by law a check, regardless of form or issuance method. By law, UGI functions as a financial institution with respect to its billing instruments and acts as the issuer of the payment document in the transaction. UGI's refusal to honor or process that lawful instrument constitutes dishonor of its own issued instrument, violating § 1701(b) and the Uniform Commercial Code.
 17. Although § 1701 does not expressly use the word "credit," its mandate to file rules and practices affecting any rate encompasses how utilities apply customer credits, overpayments, deposits, and refunds. UGI's failure to disclose or file these provisions prevents the Commission from verifying compliance with § 1701(b) and related consumer protections under 52 Pa. Code §§ 56.57–56.58. See **Philadelphia Suburban Water Co. v. Pa. PUC, 808 A 2d 1044 (Pa. Cmwlth 2002)** (The PUC must ensure every rule, regulation and billing practice affecting rates is just and reasonable.)
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F. Interest and Refund Obligations — 52 Pa. Code §§ 56.57–56.58

18. Under 52 Pa. Code § 56.57, utilities must pay interest on all customer deposits at the annual rate set by the Secretary of Revenue and return the deposit plus interest within 60 days of service termination or final billing.
 19. Under 52 Pa. Code § 56.58, utilities must refund or credit any credit balance in excess of \$1.00 within 60 days after service termination or a final determination of refund due.
 20. UGI has not demonstrated compliance with these provisions or provided accounting for any deposits or balances. Reconsideration is necessary to require a full accounting of all deposits, prepayments, and overpayments since account opening, to credit all interest under § 56.57, and refund or apply balances under § 56.58.
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G. Dishonor of Lawful Instrument — 52 Pa. Code § 56.94

21. Under 52 Pa. Code § 56.94, when a payment instrument is dishonored or disputed, the utility must treat the issue as a billing dispute and suspend all collection or termination activity pending resolution.
 22. UGI dishonored Complainant's lawful payment instrument and failed to initiate the required dispute process, instead continuing to treat the account as delinquent. Such conduct violates § 56.94 and deprived Complainant of due process.
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H. Continued Collection During Active Dispute — 52 Pa. Code § 56.94; 66 Pa.C.S. § 1509

23. Complainant filed both informal and formal complaints regarding UGI's billing and payment practices, and these proceedings remained pending until the Commission's final order issued on September 25, 2025. UGI did not actively participate in or pursue collection efforts during the pendency of the dispute; however, following the issuance of the final order, UGI resumed or initiated collection activity based on amounts still in controversy.
24. UGI Utilities, Inc. is not the legal owner of the subject account but acts only as the managing entity under the direction of the account's owner. A duly executed Power of Attorney (POA) was provided to UGI, containing explicit instructions for the management and crediting of the account. As a managing party, UGI has a fiduciary duty to uphold and implement those instructions faithfully. Any deviation from the owner's instructions or refusal to apply credits and lawful instruments as directed constitutes a breach of duty and results in improper account administration.
25. Because the disputed payment and lawful instrument remain under review, any collection or enforcement activity undertaken after September 25, 2025, is premature and violates 52 Pa. Code § 56.94 and 66 Pa.C.S. § 1509. All collection activity must therefore be stayed pending final resolution of this Motion for Reconsideration and Clarification.

I. Civil and Criminal Liability — 66 Pa.C.S. §§ 3302–3309

26. UGI's continued disregard of lawful instruments, failure to comply with Title 66 obligations, and potential misuse of deposits constitute acts subject to enforcement under §§ 3302–3309.
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J. Failure to Consider Submitted Title 66 Evidence

27. Complainant provided statutory and evidentiary materials in November 2024 and March 2025 demonstrating these violations, yet they were not considered in the Commission's final decision, constituting procedural error.

K. Commission's Duty to Evaluate the Full Legal Framework

28. The Commission cannot render a lawful judgment without evaluating the complete legal framework — Titles 13, 52, and 66, together with 12 U.S.C. § 411 — and must reconcile these authorities before reaffirming or modifying its order. See **West Penn Power Co. v Pa. PUC, 174A.2d 648 (Pa. Super. Ct 1961)** (Due process before the PUC requires full and fair consideration of all evidence submitted.)
29. The Commission's omission of the interrelationship between these statutes leaves ambiguity in how lawful instruments, credits, and rates are to be treated, warranting clarification under 52 Pa. Code § 5.572(d).
30. The federal law obligations under 12 U.S.C. § 411 must be harmonized with Pennsylvania's Titles 13 and 66 to ensure no party is deprived of property or credit without due process of law.
31. The record shows Complainant acted in full compliance by tendering a lawful instrument with instructions, and such tender should have been recognized as satisfaction of payment obligations.
32. Complainant acknowledges that the Commission's adjudicatory authority arises under Title 66 of the Pennsylvania Consolidated Statutes; however, the provisions of Title 13 (Uniform Commercial Code) and applicable federal monetary statutes are offered a persuasive and contextual evidence to assist the Commission in interpreting what constitutes "reasonable and lawful practices" under the Public Utility Code. These references clarify the legal framework of the tendered instrument and are presented to inform, rather than expand the Commission's jurisdiction, while preserving all related rights for judicial review.
33. The final Order's finding that UGI provided reasonable and adequate service disregards controlling provisions of Title 66, Chapter 56 of the Pennsylvania Code and Title 13 § 3104. Complainants tendered instrument, accompanied by written directions satisfied the definition of a lawful check. By refusing to process or recognize that payment, UGI failed to comply with the Commission's own regulations governing disputed payments and reasonable service obligations. Reconsideration is necessary to correct this legal and factual error.

L. Prayer for Relief

34. For the reasons stated herein, Complainant requests reconsideration and clarification to include previously omitted statutory evidence and findings.
35. Complainant further requests that the Commission direct UGI to produce its current tariff detailing rate composition, deposit procedures, interest on deposits, refund timelines, and acceptable payment instruments.
36. Complainant requests that the Commission order UGI to provide a full accounting of all credits, overpayments, deposits, and accrued interest from the inception of service.

37. Complainant requests a stay of all collection, reporting, or enforcement actions during the pendency of this proceeding in compliance with 52 Pa. Code § 56.94.
38. Complainant requests that UGI honor the lawful payment instrument already tendered, apply it as credit, and cease attempts to collect amounts discharged by operation of law.
39. Complainant requests that the Commission issue findings clarifying the legal recognition of application deposits, lawful instruments, and credits as monetary satisfaction under state and federal law.
40. Complainant requests such further relief as the Commission deems just and proper, including sanctions if warranted for violations of Title 66 and Commission regulations.
41. The public interest supports granting reconsideration and clarification to uphold lawful billing practices, due process, and consumer protections under Titles 13, 52, and 66.

Respectfully submitted,
Jeniqua Bradley, Pro Se
650 Cornell Court #204
Harrisburg, Pennsylvania
Date: October 9, 2025

Jeniqua Bradley
A.B.L.
10/9/25

VERIFICATION

I verify that the statements made in this Motion are true and correct to the best of my knowledge, information, and belief.

I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Jeniqua Bradley, Pro Se

Jeniqua Bradley
A.K.A.

10/9/25

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Motion for Reconsideration and Response to Final Order* was served this 9th day of October, 2025, upon the following by first-class mail and electronic service:

Counsel for Respondent

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Counsel for UGI Utilities, Inc.

Pennsylvania Public Utility Commission

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Joyce M. Reay
J.M.R.
10/9/25

Jeriqua Bradley
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Harrisburg, Pennsylvania



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RECEIVED

OCT 10 2025

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SECRETARY'S BUREAU

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