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File #: 209801

October 24, 2025

***VIA ELECTRONIC FILING***

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17120

**Re: Jeniqua Bradley v. UGI Utilities Inc. - Gas Division**  
**Docket No. F-2024-3052211**

Dear Secretary Homsher:

UGI Utilities, Inc. – Gas Division (“UGI Gas” or the “Company”) respectfully submits this Letter in Lieu of an Answer *Nunc Pro Tunc* to Jeniqua Bradley’s (“Complainant”) “Motion for Reconsideration and Response to Final Order” (“Petition for Reconsideration” or “Petition”), which was filed with the Pennsylvania Public Utility Commission (“Commission”) via first class mail on October 9, 2025.<sup>1</sup>

The Commission should deny the Complainant’s Petition and uphold its well-reasoned Opinion and Order entered September 25, 2025 (“Order”) dismissing the Complainant’s Formal Complaint.

Foremost, the Complainant’s Petition fails to meet the *Duick*<sup>2</sup> standard for reconsideration because she fails to raise “new and novel arguments, not previously heard, or considerations which appear

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<sup>1</sup> UGI Gas respectfully requests that the Commission accept this Letter *nunc pro tunc*. The Complainant served her filing on the Company via first class mail on October 9, 2025, making any Answer to the Petition due by October 22, 2025. See 52 Pa. Code §§ 1.56(b), 5.572(e). However, due to an administrative oversight with the mailing, UGI Gas’s Letter in lieu of an Answer was not filed by October 22, 2025. Upon discovery of this oversight, UGI Gas’s counsel moved expeditiously to prepare and file this Letter. Moreover, the Complainant is not prejudiced by UGI Gas’s request for leave to file this Letter *nunc pro tunc*. UGI Gas is filing the Letter two days after the October 22, 2025 deadline, and on October 23, 2025, the Commission granted the Complainant’s Petition pending further review of the merits. Thus, the Company herein requests leave to file this Letter *nunc pro tunc*.

<sup>2</sup> See *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553, 559, 1982 Pa. PUC LEXIS 4, at \*11-13 (Order entered Dec. 17, 1982) (“*Duick*”).

to have been overlooked or not addressed by the Commission.”<sup>3</sup> Instead, the Complainant reiterates arguments that, among other things: (1) she met her burden of proof; (2) she was incorrectly billed because her application for service constituted some form of “deposit” or “payment” under state and federal law; and (3) the Company should have accepted her alleged forms of payment.<sup>4</sup> However, the Commission reviewed the evidentiary record, the Initial Decision, the Complainant’s Exceptions, and UGI Gas’s Replies to Exceptions, which adequately covered all of Complainant’s above-stated arguments, and ultimately denied the Exceptions and dismissed the Complaint.<sup>5</sup> Nothing raised in the Complainant’s Petition warrants disturbing the Commission’s *Order*.

In addition, 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.<sup>6</sup> Moreover, parties waive any arguments that they failed to raise in their Exceptions.<sup>7</sup> Here, the Complainant makes arguments based on additional state and federal legal authorities to support her claims, such as 12 U.S.C. § 411 and 13 Pa. C.S. §§ 3104, 3204, and 3603(a).<sup>8</sup> Aside from not being within the Commission’s subject matter jurisdiction to interpret and apply, these arguments should have been raised, if at all, in her Exceptions. Likewise, the Complainant raises other new arguments for the first time in her Petition, including that UGI Gas failed to show its tariff is on file with the Commission as required by 66 Pa. C.S. § 1701 and that the Company should be subject to civil and criminal penalties under 66 Pa. C.S. §§ 3302-3309. The Commission should reject any arguments in the Complainant’s Petition that were not preserved in her Exceptions as waived.<sup>9</sup>

Finally, nothing supports the Complainant’s request for a stay of all collection, reporting, or enforcement actions while her Petition is pending.<sup>10</sup> A stay of a Commission Order is only appropriate and necessary where a party demonstrates that: (1) it is likely to prevail on the merits; (2) it will suffer irreparable injury without the requested relief; (3) issuance of a stay will not substantially harm interested parties in the proceedings; and (4) issuance of the stay will not adversely affect the public interest.<sup>11</sup> Further, the Commission has observed that “in deciding whether to stay one of our orders pending appeal, this Commission should not indulge in a further

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<sup>3</sup> *Id.*

<sup>4</sup> *See* Petition, pp. 1-6.

<sup>5</sup> *See Order*, pp. 10-29.

<sup>6</sup> *See Duick*, 1982 Pa. PUC LEXIS 4, at \*11-13; *Pa. PUC v. PPL Elec. Utils. Corp.*, Docket No. R-2012-2290597, p. 3 (Order entered May 22, 2014).

<sup>7</sup> *See, e.g., Merritt v. Duquesne Light Co.*, 2011 Pa. PUC LEXIS 1197, at \*9-10 (Order entered Mar. 31, 2011) (finding that “the Complainant waived his arguments by failing to raise them in Exceptions”).

<sup>8</sup> *See* Petition, pp. 2-3, 5-6.

<sup>9</sup> Furthermore, it is incontrovertible that UGI Gas’s tariff is on file with the Commission, especially since the Commission reviewed and applied that tariff as part of its *Order*. *See Order*, pp. 26-27. Additionally, nothing in the record justifies the imposition of civil or criminal penalties under Chapter 33 of the Public Utility Code, especially since the Commission rejected the Complainant’s arguments that UGI Gas violated the Public Utility Code and the Commission’s regulations. *See id.* at 10-29.

<sup>10</sup> *See* Petition, pp. 4, 6.

<sup>11</sup> *See Pa. PUC v. Process Gas Consumers Grp.*, 467 A.2d 805, 808-09 (Pa. 1983) (citations omitted).

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review of the case”; rather, “this Commission should concentrate solely on the effect [its] order will have pending appeal.”<sup>12</sup> The Complainant fails to address any of the *Process Gas* factors in her Petition. Instead, she claims that she is entitled to an automatic stay of any collection or enforcement activity under 52 Pa. Code § 56.94 and 66 Pa. C.S. § 1509. Nothing in the referenced regulation or statute prohibits collection or enforcement activity after the issuance of a Final Order.<sup>13</sup> To the extent that the Complainant intended to reference Section 56.164 of the Commission’s regulations, which governs termination of service pending resolution of the dispute, the Commission issued its *Order* on September 25, 2025. By the Complainant’s own admission in her Petition, UGI Gas’s collection activity occurred “following the issuance of the final order.”<sup>14</sup> Thus, the Complainant’s argument has no merit, and no stay of the Commission’s *Order* should be granted.

For these reasons, the Commission should deny the Complainant’s Petition and affirm its well-reasoned *Order* dismissing the Complaint.

Respectfully submitted,



Devin Ryan

DR/bfc  
Attachments

cc: The Honorable Katrina L. Dunderdale (*via email; w/attachment*)  
The Office of Special Assistants (*via email; w/attachment*)  
Certificate of Service

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<sup>12</sup> *Pa. PUC v. Makovsky Brothers, Inc.*, 53 Pa. P.U.C. 510, 511 (1979).

<sup>13</sup> See 52 Pa. Code § 56.94; 66 Pa. C.S. § 1509.

<sup>14</sup> Petition, p. 4.

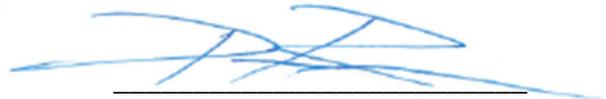
**CERTIFICATE OF SERVICE**

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**

Jeniqua Bradley  
650 Cornell Court  
Unit 204  
Harrisburg, PA 17111  
[auqinejb@yahoo.com](mailto:auqinejb@yahoo.com)

Date: October 24, 2025



Devin T. Ryan