
Hayley E. Wilburn

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File #: 215399

December 15, 2025

VIA ELECTRONIC FILING

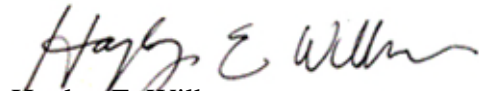
Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Farmers Pride, Inc. v. UGI Utilities, Inc. – Gas Division
Docket No. C-2025-3057769**

Dear Secretary Homsher:

Attached for filing is the Answer in Opposition of PPL Electric Utilities Corporation to the Motion for Leave to File Reply to New Matter of Farmers Pride, Inc. in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Hayley E. Wilburn

HEW
Attachment

cc: Certificate of Service

CERTIFICATE OF SERVICE

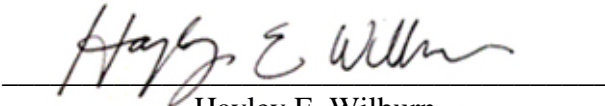
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA EMAIL AND FIRST-CLASS MAIL

Matthew M. Hennesy, Esquire
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mhennesy@barley.com

Stephen K. Gardner, Esquire
Kalbian Hagerty LLP
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Washington, DC 20006
sgardner@kalbianhagerty.com
Counsel Farmer's Pride Inc.

Date: December 15, 2025



Hayley E. Wilburn

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Farmer’s Pride, Inc.,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2025-3057769
	:	
UGI Utilities, Inc. – Gas Division,	:	
	:	
Respondent.	:	

**ANSWER OF UGI UTILITIES, INC – GAS DIVISION IN OPPOSITION TO
FARMER’S PRIDE, INC.’S MOTION FOR LEAVE TO FILE REPLY TO NEW
MATTER**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, come UGI Utilities, Inc. – Gas Division (“UGI Gas” or the “Company”) and hereby submits this Answer in Opposition pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code §§ 5.61 and 5.65(a), and respectfully requests that Farmer’s Pride, Inc.’s (“Complainant”) Motion for Leave to File Reply to New Matter (“Motion”) be denied in its entirety.

In support thereof, UGI Gas states as follows:

I. BACKGROUND

1. UGI is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and a wholly owned subsidiary of UGI Corporation.

2. UGI has two divisions – the Gas Division (“UGI Gas”) and the Electric Division (“UGI Electric”).

3. UGI Gas is a “public utility” and a “natural gas distribution company” as those terms are defined under the Public Utility Code, 66 Pa. C.S. §§ 102 and 2202, subject to the regulatory jurisdiction of the Commission.

4. UGI Gas provides natural gas distribution service to approximately 650,000 customers, located primarily in south, central, and northeastern Pennsylvania.

5. The Complainant is a commercial customer of UGI Gas.

6. On October 2, UGI Gas was electronically served with the Complaint at C-2025-3057769.

7. The primary issues in the Complaint involve UGI Gas’s provision of notification regarding Critical Days, and UGI Gas’s assessment of penalty fees set forth in its Commission-approved tariff.

8. On October 22, 2025, UGI Gas timely filed and served its Answer and New Matter to the Complaint. UGI Gas included a Notice to Plead in its Answer and New Matter.

9. The deadline for the Complainant to serve a reply to UGI Gas’s New Matter was November 12, 2025.

10. On November 14, 2025, two days after the deadline had passed, Counsel for Farmer’s Pride reached out to Counsel for UGI Gas to request a “short extension to the time for Farmer’s Pride to respond . . . to the New Matter until November 24, 2025.”¹

11. Counsel for UGI Gas responded, clarifying if the Complainant was asking whether UGI Gas would object to the late filing of the Complainant *nunc pro tunc* by November 24, 2025, and, if so, on what grounds the Complainant would cite to justify the late filing.

¹ The relevant email communications between Counsel for Farmer’s Pride and Counsel for UGI Gas are attached to this Answer in Opposition as Appendix A.

12. Counsel for Farmer’s Pride replied with their understanding that UGI Gas was not willing to stipulate an extension of the time for filing a Reply to UGI Gas’s New Matter (“Reply”).

13. Counsel for UGI Gas replied, clarifying that the Company was not in a position to answer yet, as it first wanted to understand why the late filing was being requested. Counsel for Farmer’s Pride did not reply to this email.

14. On November 24, 2025, at 4:51 PM, UGI Gas was electronically served with the Complainant’s Motion and Brief in Support of Motion for Leave to File Reply (“Brief”).²

15. On November 26, 2025, the Complainant electronically served PPL Electric with a Notice to Plead.

16. The Complainant states in its Motion that UGI Gas “was not agreeable” to the requested extension of time. Complainant’s Motion ¶ 4.

17. In its Motion, the Complainant argues that principles of equity and state law support granting leave for it to file its Reply, and that leave to file the Reply can be liberally granted because of the non-jurisdictional nature of the Reply.

18. Specifically, the Complainant argues that 52 Pa. Code § 5.63(b) does not *mandate* that failure to timely file a Reply results in the facts stated in the New Matter being admitted, and that a pleading may be untimely filed where “the opposite party is not prejudiced and justice requires.” *See* Complainant’s Motion ¶¶ 7, 10, and 11.

19. The Complainant puts forth that UGI Gas would not be prejudiced by a granting of the Complainant’s Motion, because “no evidence has been lost, no witnesses have become available, and memories have not faded in this short period of time.” Complainant’s Motion ¶16.

² Because the electronic service was after 4:30 PM Eastern, the service is deemed to have been made on the following day, i.e., November 27, 2025. *See* 52 Pa. Code § 1.56(a)(4).

20. The Complainant also argues that, because the proposed Reply would be a “non-jurisdictional” filing, the Commission should not apply the *nunc pro tunc* standard to its Motion but should apply the standard used in instances of withdrawals of deemed admissions, set forth in the Pennsylvania Rules of Civil Procedure. *See* Complainant’s Motion ¶¶ 19-24.

21. The Brief contains, substantively, very similar arguments and facts to the Motion. *See* Complainant’s Brief.

II. LEGAL STANDARDS

22. Pursuant to the Commission’s regulations, replies to new matters must be filed and served within 20 days of the date of service of the new matter. 52 Pa. Code § 5.63(a).

23. A party’s failure to file a reply to new matter within 20 days of the date of service of the new matter “may be deemed in default, and relevant facts stated in the new matter may be deemed to be admitted.” 52 Pa. Code § 5.63(b).

24. However, Section 1.15(a)(1) of the Commission’s regulations provides that, when:

“[A]n act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed by the Commission, the presiding officer or other authorized person, for good cause be extended upon motion made before expiration of the period originally prescribed or as previously extended. Upon motion made after the expiration of the specified period, the act may be permitted to be done where reasonable grounds are shown for the failure to act.”

52 Pa. Code § 1.15(a)(1) (emphasis added).

25. The Commission has stated, therefore, that its consideration of motions requesting extensions of time after the expiration of the period originally prescribed will be based on the existence of reasonable grounds. *See Knox Township v. Buffalo & Pittsburgh Railroad, Inc.*, Docket No. C-2019-3009358, 2024 Pa. PUC LEXIS 238, at *3 (Order entered Aug. 1, 2024) (“*Knox*”).

26. In addition, Section 1.15(b) of the Commission’s regulations provides that requests for extensions of time in which to perform an act “shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests.” 52 Pa. Code § 1.15(b) (emphasis added).

27. The Commission has provided the guidance that, generally, *nunc pro tunc* relief will be granted where there are “extraordinary circumstances involving fraud or a breakdown in the operations of the court or administrative agency involved.” *Knox* 2024 Pa. PUC LEXIS 238, at *3 (citations omitted).

28. Alternatively, *nunc pro tunc* relief may be granted where a filing delay is caused by an “unforeseeable and unavoidable event,” where the document is then filed as soon as possible after the event, and the opposing party would not be prejudiced. *Id.*

III. THE COMPLAINANT’S MOTION SHOULD BE DENIED IN ITS ENTIRETY

A. THE COMPLAINANT FAILED TO SAITSFY THE COMMISSION’S STANDARD FOR GRANTING LEAVE TO LATE-FILE A REPLY

29. UGI Gas incorporates by reference Paragraphs 1 through 28 as if fully set forth herein.

30. The Complainant’s Motion should be denied because the Complainant failed to meet the Commission’s standard for granting leave to file a late Reply.

31. The Complainant filed its Motion after the deadline for its Reply. Because of this, the Complainant must show reasonable grounds for its failure to act within the originally prescribed time period. 52 Pa. Code § 1.15(a)(1).

32. The Complainant failed to provide factual reasons in its Motion and Brief as to why it failed to act within the 20-day timeframe laid forth in 52 Pa. Code § 5.63.

33. In addition, the Complainant failed to provide facts in its Motion and Brief to support the basis for the Motion. To UGI Gas' information and knowledge, the Complainant has given no reason at all for its request for additional time to file the Reply.

34. This inaction directly conflicts with the provisions of Section 1.15(b) of the Commission's regulations, which directs that motions for extensions of time must contain a statement of facts on which the application rests.

35. Here, the Complainant's Motion does not conform with the Commission's regulations.

36. In addition to a failure to comply with the Commission's regulations in this area, the Complainant has also failed to meet the standard laid out by the Commission through well-established precedent.

37. Historically, the Commission's standard by which to grant or deny *nunc pro tunc* relief revolves around whether there have been extraordinary circumstances present, or whether the filing delay has been caused by an unforeseeable and unavoidable event, where the document is then filed as soon as possible and the opposing party would not be prejudiced. *See Knox 2024 Pa. PUC LEXIS 238, *3 n.1* (Order entered Aug. 1, 2024) (citing *White Haven Borough v. Reading, Blue Mountain and Northern Railroad Company*, Docket No. C-00004204 (Order entered February 8, 2002)); *Kenneth McLean v. Phila. Gas Works*, Docket No. C-2016-2539492, 2018 Pa. PUC LEXIS 445, *8 n.4 (Order entered Dec. 20, 2018) (citing *Gloria Scarnati v. Pennsylvania-American Water Co.*, Docket No. C-00015273 (Order entered Jan. 10, 2002)).

38. The Complainant here has failed to make a showing of any extraordinary circumstances or unforeseeable and unavoidable events.

39. Thus, the Complainant's Motion fails to meet the Commission's standard for *nunc pro tunc* filings and should be denied accordingly.

B. THE COMPLAINANT CANNOT DEFINITELY SAY THAT UGI GAS WOULD NOT BE PREJUDICED BY ITS FILING OF A REPLY

40. As alleged support for its Motion, the Complainant asserts that UGI Gas would not be prejudiced by its late filing of a Reply to New Matter.

41. UGI Gas disagrees with this sentiment.

42. Upon failure to file a timely reply to new matter, relevant facts contained within the new matter may be deemed admitted. 52 Pa. Code § 5.63(b).

43. If the Complainant is granted leave to file a Reply, this would affect whether assertions contained within UGI Gas's New Matter may be deemed admitted.

44. Whether the averments contained in UGI Gas's New Matter are deemed admitted is very important to UGI Gas's case here, and preparation for the same, because it will have an impact on how UGI Gas proceeds with obtaining evidence, and what issues will be material in further hearings or discussions in the instant matter.

45. UGI Gas could become prejudiced upon a granting of the Complainant's Motion.

C. THE COMPLAINANT MISREPRESENTED COMMUNICATIONS WITH UGI GAS

46. In its Motion, the Complainant claimed that UGI Gas "was not agreeable," to its requested extension of time. Motion ¶ 4.

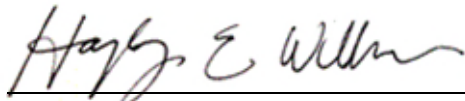
47. However, the record of communication between Counsel for each party, attached here as Appendix A, shows that UGI Gas did not indicate to the Complainant, at that time, that it opposed the requested extension of time.

48. Rather, consistent with the Commission's standard for *nunc pro tunc* filings, UGI Gas sought clarity from the Complainant on its reasonings for requesting additional time.

IV. CONCLUSION

WHEREFORE, UGI Utilities, Inc. – Gas Division respectfully requests that the Pennsylvania Public Utility Commission deny the Motion for Leave to File Reply to New Matter filed by Farmer’s Pride, Inc.

Respectfully submitted,



Michael Swerling (ID # 94748)
Lindsay Berkstresser (ID # 318370)
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Date: December 15, 2025

Counsel for UGI Utilities, Inc. – Gas Division

**UGI GAS
APPENDIX A**

Wilburn, Hayley

From: Ryan, Devin
Sent: Monday, November 17, 2025 11:59 AM
To: 'Hennesy, Matthew M.'
Cc: Swerling, Michael; Berkstresser, Lindsay; Wilburn, Hayley
Subject: RE: Farmer's Pride, Inc. v. UGI Utilities, Inc. - Gas Division

Matt,

Right now, my client just wants to know why the late filing is being requested (e.g., administrative oversight, complexity of the issues raised in the New Matter).

Once my client knows the reason(s), I believe we will be in a position to state whether the Company agrees or not.

Thank you.

Devin T. Ryan
Principal
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: (717) 612-6052
Email: dryan@postschell.com

From: Hennesy, Matthew M. <mhennesy@barley.com>
Sent: Monday, November 17, 2025 11:54 AM
To: Ryan, Devin <DRyan@PostSchell.com>
Subject: RE: Farmer's Pride, Inc. v. UGI Utilities, Inc. - Gas Division

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Devin,

I take from your email below that UGI is not willing to stipulate to an extension of time to file the Reply as a courtesy.

Thanks,
Matt

Matthew M. Hennesy, Esquire
126 East King Street
Lancaster, PA 17602
T: 717-399-1579 | x3579 | C: 717-875-7115 | F: 717-291-4660
[Bio](#)

Barley Snyder

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BARLEY.COM

From: Ryan, Devin <DRyan@PostSchell.com>
Sent: Monday, November 17, 2025 9:13 AM
To: Hennesy, Matthew M. <mhennesy@barley.com>
Cc: Stephen Gardner <sgardner@kalbianhagerty.com>; Swerling, Michael <swerlingm@ugicorp.com>; Berkstresser, Lindsay <berkstresserl@ugicorp.com>; Wilburn, Hayley <HWilburn@PostSchell.com>
Subject: RE: Farmer's Pride, Inc. v. UGI Utilities, Inc. - Gas Division

Good morning, Matt,

The deadline for Farmer's Pride's Answer to UGI's New Matter was November 12th (i.e., 20 days after the service of the Answer and New Matter on October 22nd, not counting November 11th because it was Veteran's Day).

Therefore, when you all are requesting an extension until November 24th, are you asking if UGI would object to Farmer's Pride filing an Answer *Nunc Pro Tunc* by that date? If so, what grounds would Farmer's Pride cite to justify the late filing?

Thank you.

Devin T. Ryan
Principal
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: (717) 612-6052
Email: dryan@postschell.com

From: Hennesy, Matthew M. <mhennesy@barley.com>
Sent: Friday, November 14, 2025 12:08 PM
To: Ryan, Devin <DRyan@PostSchell.com>
Cc: 'sgardner@kalbianhagerty.com'
Subject: Farmer's Pride, Inc. v. UGI Utilities, Inc. - Gas Division

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Ryan,

I'm reaching out relating to Farmer's Pride's Reply to New Matter and request that UGI provide a short extension to the time for Farmer's Pride to respond to the New Matter until November 24, 2025. If UGI is agreeable, I would be happy to put together a stipulation extending the Reply date to November 24, 2025. Please let me know.

Thanks,
Matt

Matthew M. Hennesy, Esquire
126 East King Street
Lancaster, PA 17602
T: 717-399-1579 | x3579 | C: 717-875-7115 | F: 717-291-4660
[Bio](#)

Barley Snyder

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VERIFICATION

I, Craig Blume, Relationship Manager – Major Accounts, of UGI Utilities, Inc., hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: December 15, 2025

DocuSigned by:
Craig Blume
5271D8E5D18B4C3...
Craig Blume