

**BEFORE THE
PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

Pennsylvania Public
Utility Commission

R-2025-3059523, et al.

v.

UGI Utilities, Inc. – Gas
Division

eFiled

REPLY TO NEW MATTER

1. Complainant Shannon Brown, *pro se*, hereby replies pursuant to 52 Pa. Code § 5.63 to new matter raised in *Answer of UGI Utilities, Inc – Gas Division in Opposition to Shannon Brown’s Objections and Motion to Amend Protective Order* (hereinafter, *Answer*) served on April 9, 2026.
2. To the extent this filing is deemed procedurally improper, Complainant respectfully requests that it be accepted under the Commission’s liberal construction authority, see 52 Pa. Code § 1.2.

I. Procedural Status in Brief

3. Defendant, UGI Utilities (UGI) served, on April 9, 2026,¹ answer to Complainant's, *Objections and Motion to Amend Protective Order* (filed 20 March 2026).
4. Defendant raised new-matter: *inter alia*, an affirmative defense of "mootness" and facts (e.g., citing Complainant's April 6, 2026, *Motion to Dismiss* and non-prejudicial procedural errors) without the mandatory "New Matter" heading required by 52 Pa. Code § 5.62(b).
5. Accordingly, such defenses and materials are procedurally defective and should be deemed waived or disregarded. However, to the extent this Court considers these averments, Complainant concisely replies/answers. 52 Pa. Code § 5.63.

1 In Complainant's separate *Petition to Withdraw Motion to Dismiss* served on 21 April 2026, Complainant admits error in citing the date as 10 April therein. The correct service date is 9 April 2026 and corrected herein.

II. Defendant's Affirmative Defense of Mootness Fails.

6. Defendant's reliance on *Pagnotta v. Pa.*

Interscholastic Ath. Ass'n, 681 A.2d 235, 237 (Pa. Cmwlth. 1996) is misplaced. That decision addresses mootness in the context of appellate review (“an actual case or controversy must exist at all stages of **appellate review**”)(emphasis added). The instant matter is before the Administrative Law Judges at the agency level—not on appeal.

7. While justiciability doctrines such as ripeness and mootness apply in PUC proceedings, Defendant failed to show that a future, un-granted *Motion to Dismiss* renders the current *Motion to Amend* moot. See, e.g., *Util. Workers Union of Am., Local 69 v. Pa. Pub. Util. Comm'n*, 859 A.2d 847, ¶4 (Pa. Cmwlth. 2004)(“hiring of contractor as an employee prior to ALJ prehearing conference rendered challenge moot”).

8. Mootness applies to the actual conditions at the time of review that render relief impossible. See, e.g., *id.*² The *Protective Order* in controversy and subject of instant proceeding can still be amended regardless of the speculative procedural state of the *Motion to Dismiss*—a motion subject to an active *Petition to Withdraw Motion to Dismiss Formal Complaint* served on all parties on 21 April 2026.

III. New-matter Facts

9. With deepest respect to the Office of Consumer Counsel (OCA), Complainant denies that OCA fully represents Complainant or necessarily addresses the issues raised in Complainant's *Formal Complaint*.

10. Otherwise, Defendant raises facts largely about “procedural defects.”

2 Even if Pagnotta applied, Pagnotta agrees: in Pagnotta, no one preserved adequate record of the court-below and the sporting event complained-of was long over making re-creating a record impossible at the time of review. See Pagnotta at 237.

11. This Commission has long held some leniency in procedural application to *pro se* parties when no substantive prejudice occurs. See, e.g., 52 Pa. Code § 1.2(d) (“These liberal construction provisions apply with particularity in proceedings involving *pro se* litigants.”) (emphasis added); *Springfield Twp. v. Pa. PUC*, 676 A.2d 304 (Pa. Cmwlth. 1996) (“PUC regulations permit PUC or ALJ to disregard any procedural error or defect at any stage of a proceeding.”).
12. Defendant apparently pleaded no such substantive prejudice from the defects and thus waives such.
13. Except defects in service, Complainant otherwise admits to the procedural defects.

IV. Reasonable Reliance on Commission Guidance on Service..

14. However, regarding service, Complainant reasonably relied on the Commission’s guidance to *pro se* parties. With deepest respect to the

Commission, the guidance may unintentionally cause confusion about service by plainly stating that the PUC's eFile System affects service electronically.

15. The PUC's *Consumer Complaints Procedure Guide* states: "eFiling is the PUC's system that receives and stores documents in electronic form. It allows you to create an account **and to deliver or 'serve' documents on other parties electronically rather than by mail.**"

Pennsylvania Public Utility Commission Consumer Complaint Procedures Guide, 6, (undated)

available at

https://www.puc.pa.gov/General/publications_reports/pdf/Consumer_Complaints_Procedure_Booklet.pdf (emphasis added)(same in a 2021 version).

16. Similarly, the eFile Terms-of-Service (mandatory) recite: "I agree that I will accept electronic service in the Commission proceeding in which I am a

party of record. By creating this account, notification of filings via electronic mail shall constitute valid service of Commission documents. I understand that such electronic service of any and all documents will be substituted for service by mail. I agree to be served via email with all subsequent filings.” Individual Account [Website], PUC eFiling System, at <https://efiling.puc.pa.gov/Accounts/Create?accountType=I> .

17. Complainant reasonably relied on the Commission’s written guidance in serving early filings—and such reasonable understanding and reliance does not necessarily conflict with the rules which specify only that service must occur and specifying acceptable methods, but does not preclude the eFile System from sending service by email or requiring that all parties be served at the same time.

V. Cure of Complainant's Own Procedural Defects

18. On best information and ability, Complainant cured the known, procedural defects (service, Notice to Plead, verification) raised by Defendant about the *Objections and Motion to Amend* and served all parties by email.

VI. Reservation of Rights and Claims

19. Complainant reserves all legal rights and arguments and does not waive any objections, exceptions, or otherwise by filing this *Reply*.

VII. Relief Requested

20. WHEREFORE, Complainant respectfully requests that the Commission:

- A. disregard or deem waived any improperly pleaded new matter;
- B. reject UGI's defense of mootness;
- C. act to require further brief/argument and/or support a petition by Complainant for interlocutory appeal on the questions of a) so-

called active/inactive status and b) actions taken before the stated *Formal Complaint* filing deadline because the questions affect material, substantive prejudice, e.g., denial of cross examination and denial of discovery; and

D. grant Complainant's *Motion to Amend the Protective Order*.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'S. B.', with a long horizontal line extending to the right.

Shannon Brown

Date 24 April 2026

52 Pa. Code § 1.36

Verification

I, SHANNON BROWN, hereby state that the facts above set forth are true and correct (or 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: 24 April 2026

Signature:

A handwritten signature in black ink, appearing to be 'S B' with a long horizontal line extending to the right.

Shannon Brown

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

This Reply was filed electronically with the Pennsylvania Public Utility Commission on April 24, 2026, via the eFiling system.

List of Parties Served

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Dated this 24th day of April, 2026.

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