
Alice A. Wade

alice.wade@postschell.com
412-506-6364 Direct
412-227-9065 Direct Fax
File #: 215708

April 27, 2026

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: Pennsylvania Public Utility Commission v. UGI Utilities, Inc. – Gas Division
Docket No. R-2025-3059523 et al.**

Dear Secretary Homsher:

Enclosed for filing is an Answer of UGI Utilities, Inc. – Gas Division to Shannon Brown’s Motion to Dismiss and Objection to Shannon Brown’s Petition for Leave to Withdraw Complainant’s Motion to Dismiss.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Alice A. Wade

AAW/bfc
Enclosures

cc: Legal Assistant Eric Ball (via email w/ enclosure)
Legal Assistant Pamela McNeal (via email w/ enclosure)
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

Michael A. Podskoch, Jr, Esquire
Joanna Toft-Funk, Esquire
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265
mpodskoch@pa.gov
jtoftfunk@pa.gov

Christy M. Appleby, Esquire
Jacob D. Guthrie, Esquire
Katherine M. Kennedy, Esquire
Johnathan M. Longhurst, Esquire
Crystal M. Zook, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
cappleby@paoca.org
OCAUGIGas26BRC@paoca.org

Steven C. Gray
Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov

John W. Sweet, Esq.
Ria M. Pereira, Esq.
Elizabeth R. Marx, Esq.
Lauren N. Berman, Esq.
Levi A. Phillips, Esq.
Pennsylvania Utility Law Project 118
Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org

Todd S. Stewart, Esq.
HMS Legal LLP
501 Corporate Circle, Suite 302 Harrisburg,
PA 17110
Phone: (717) 236-1300
Fax: (717) 236-4841
tsstewart@hmslegal.com
*Counsel for The Retail Energy Supply
Association*

VIA EMAIL AND FIRST-CLASS MAIL

Shannon Brown
406 Highland Ave.
Clarks Summit, PA 18411
papuc@abbacan.com

Date: April 27, 2026



Alice A. Wade

Case”). The filing was made in compliance with the Commission’s regulations and contains all supporting data and testimony required to be submitted in conjunction with a tariff change seeking a general rate increase.

2. On February 3, 2026, the Commission’s Bureau of Investigation and Enforcement (“I&E”) filed its Notice of Appearance.

3. On February 6, 2026, the Office of Small Business Advocate (“OSBA”) filed a Notice of Appearance and a Formal Complaint.

4. On February 6, 2026, the Office of Consumer Advocate (“OCA”) filed its Notice of Appearance, a Public Statement, and a Formal Complaint in the 2026 Base Rate Case, which was docketed at Docket No. C-2026-3060342.

5. On February 9, 2026, the OSBA filed a Public Statement, a Formal Complaint, and a Verification in the 2026 Base Rate Case, which was docketed at Docket No. C-2026-3060353.

6. On February 10, 2026, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”) filed a Notice of Appearance Formal Complaint, and Verification in the 2026 Base Rate Case, which was docketed at Docket No. C-2026-3060448.

7. On February 19, 2026, the Commission issued an Order suspending Supplement No. 63 until October 29, 2026, unless permitted by Commission Order to become effective at an earlier date.

8. On February 19, 2026, the Commission issued a Call-In Telephonic Prehearing Conference Notice. This issuance scheduled a Telephonic Prehearing Conference to occur on March 6, 2026.

9. On February 20, 2026, Administrative Law Judge (“ALJ”) F. Joseph Brady and ALJ Alphonso Arnold III (collectively, “the ALJs”) issued a Prehearing Conference Order. It noted,

If you do nothing after receiving this Prehearing Conference Order, you will be treated as an inactive party to this proceeding. Inactive parties will receive the Presiding Officers’ written orders, notices of hearings, the Recommended Decision and any Commission decisions and orders. Inactive parties will not participate in discovery, testify at the evidentiary hearing, or cross-examine witnesses. Inactive parties will not receive copies of the hearing exhibits or briefs filed by the active participants. You may still attend and testify at a public input hearing as explained in the next paragraph.¹

10. Also on February 20, 2026, The Retail Energy Supply Association (“RESA”) filed a Petition to Intervene.

11. On March 6, 2026, the Prehearing Conference was convened as scheduled. The Complainant did not attend this hearing.

12. On March 9, 2026, Complainant filed a formal complaint relevant to the 2026 Base Rate Case at C-2026-3060342. In Section 3 of the Complaint, the Complainant indicated that the docket number for the 2026 Base Rate Case was R-2025-3059523. However, the Company was not served with the Complaint at this time.

13. On March 13, 2026, following the Prehearing Conference, the ALJs issued a Prehearing Order which listed the active parties to the proceeding as: UGI, OCA, OSBA, I&E, CAUSE-PA, and RESA. Prehearing Order, ¶ 2.

14. Also on March 13, 2026, UGI Gas filed a Motion for Protective Order, and served the same upon the active parties to the proceeding. In this Motion, UGI Gas represented:

UGI Gas has consulted with the active parties and intervenors in this proceeding: the Commission’s Bureau of Investigation and

¹ Prehearing Conference Order, ¶ 6a.

Enforcement (“I&E”), the Office of Consumer Advocate (“OCA”), the Office of Small Business Advocate (“OSBA”), the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), and The Retail Energy Supply Association (“RESA”). UGI Gas is authorized to represent that I&E, OCA, and CAUSE-PA do not object to the proposed Protective Order. OSBA and RESA have not indicated a position.

Motion for Protective Order, ¶ 8.

15. On March 18, 2026, the Motion for Protective Order was granted.

16. On or about March 20, 2026, the Complainant filed a Motion to Amend the Protective Order.² The certificate of service accompanying the Motion to Amend purports the Complainant effectuated service upon the active parties by way of efilng, presumably indicating the Complainant was not required to serve the motion on the active parties through any other method (e.g., email, first class mail, Federal Express mail, etc.).

17. On March 23, 2026, UGI Gas’s in-house counsel received a series of discovery requests from the Complainant by email. UGI Gas’s outside counsel was not served with these requests.

18. On March 24, 2026, Complainant filed a procedurally deficient certificate of service for these interrogatories in Docket No. R-2025-3059523 as it did not indicate service on the other parties.

19. On March 24, 2026, UGI Gas received service of the Complainant’s Formal Complaint (“Complaint”) against the rate case.

20. On April 6, 2026, Complainant filed a Motion to Dismiss Formal Complaint in Docket No. R-2025-3059523, et. al. This request was styled not as a Petition to Withdraw, but as a Motion to Dismiss.

² The electronic docket for this matter indicates a “received on date” of March 20, 2026, and a “post on date” of March 24, 2026.

21. On April 20, 2026, UGI Gas received the Complainant's Amended Motion to Amend. This was the first time the Company received service of the Motion to Amend the Protective Order in any form.

22. On April 21, 2026, the Complainant filed a Petition for Leave to Withdraw Complainant's Motion to Dismiss.

23. On April 24, 2026, the Complainant filed a "Reply to New Matter" to UGI Gas's Answer to the Complainant's Motion to Amend the Protective Order.

II. LEGAL STANDARDS

24. Withdrawal of a pleading in a contested proceeding is permitted under Commission regulations. 52 Pa. Code § 5.94.

25. After considering a Petition to Withdraw, any objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted. 52 Pa. Code § 5.94(a).

26. If the Commission or the presiding officer finds, after notice and opportunity for hearing, that the actions of a party, including an intervenor, in a proceeding obstruct the orderly conduct of the proceeding and are inimical to the public interest, the Commission or the presiding officer may take appropriate action, including dismissal of the complaint, application or petition, if the action is that of complainant, applicant or petitioner. 52 Pa. Code § 5.245(c); *Finberg v. Aqua Pa., Inc.*, Docket No. F-2017-2588064 (Opinion and Order entered Oct. 25, 2018); *Nippes v. PECO Energy Co.*, Docket No. C-2013-2363324 (Final Order entered Sept. 30, 2013).

III. THE COMPLAINANT'S MOTION TO DISMISS SHOULD BE GRANTED

A. RESPONSE TO COMPLAINANT'S MOTION TO DISMISS THE COMPLAINT

27. UGI Gas incorporates by reference Paragraphs 1 through 26 as if fully set forth herein.

28. The ultimate relief requested in the Complainant's Motion to Dismiss their Complaint – that is, dismissal of the Complaint – should be granted.

29. While UGI Gas does not agree with the argument contained in the Motion,³ no party will be prejudiced by the dismissal of the Complainant's Complaint. This Motion was filed by the Complainant, to which, notwithstanding the Complainant's own subsequent Petition for Leave to Withdraw the Motion to Dismiss, no party has objected to Complainant's request to dismiss their Complaint.

30. UGI Gas requests that the Complaint be dismissed with prejudice, notwithstanding the multiple contradictory filings and motions the Complainant has already filed and/or served in this proceeding, as discussed, *infra*, in Section III.B.

31. Thus, the Complainant's Motion to Dismiss their Complaint and terminate their party status should be granted and the Complaint should be dismissed with prejudice.

B. THE COMPLAINANT'S VARIOUS FILINGS ARE PROCEDURALLY DEFECTIVE, AND SERVE TO COMPOUND THE COMPLEXITY OF THIS PROCEEDING

32. UGI Gas incorporates by reference Paragraphs 1 through 31 as if fully set forth herein.

³ The Complainant alleges improper notice for proceedings. (Motion to Dismiss, pp. 1-2.) As discussed in the Answer to the Motion to Amend to the Protective Order, the Complainant did not participate in the prehearing conference in this matter, is not an active party to the case, and has not, to UGI Gas's knowledge, requested to become an active party. The Complainant has been properly given the due process afforded to inactive parties.

33. In UGI Gas’s Answer to the Complainant’s Motion to Amend the Protective Order in this proceeding, the Company noted a number of procedural defects in the Complainant’s filings up to that point. Answer to Motion to Amend, ¶¶35-44.

34. While the Complainant has tried recently to cure some of these procedural defects, those efforts have only obscured the relief sought and the arguments in support thereof. Complainant’s contradictory pleadings disregard the Commission’s procedural requirements which ensure an orderly regulatory process. With a Complaint filed, a request that it be dismissed, then an additional filing for withdrawal of the motion for dismissal, and finally a Reply to UGI Gas’s Answer to the Complainant’s Motion to Amend the Protective Order, the Complainant has already injected into this rate case considerable confusion. While complainants are permitted to participate in the proceeding as active parties if they follow the requirements to become active parties set forth by the ALJs and follow the rules and regulations of the Commission,⁴ the Complainant here has not done so.

35. The Complainant’s behavior burdening the docket with improper and contradictory filings shows no sign of abating. UGI Gas notes that the Complainant’s most recent filing, styled as a “Reply to New Matter” is actually a procedurally improper response to the argument contained in UGI Gas’s Answer to the Complainant’s Motion to Amend the Protective Order. This improper Reply to New Matter was filed as recently as April 24, 2026.

36. It also appears that the Complainant has a pattern of joining and attempting to withdraw from rate cases, only to later submit additional filings. In *Pa. PUC, et al. v. Pa. American Water Company*, Docket No. R-2017-2595853, the ALJs noted in their Recommended

⁴ Prehearing Conference Order, ¶ 6a.

Decision that a Shannon Brown⁵ filed objections to the settlement in that case.⁶ The ALJs also noted a procedural history wherein prior to objections the Complainant had attempted to withdraw their Complaint.⁷ Although the ALJs declined to grant the Complainant's Petition to Withdraw, which they had not been served, the Complainant's objections to the settlement were overruled.⁸

37. That decision also refers to the Complainant as "Attorney Brown."⁹ Indeed, a search of the Pennsylvania Disciplinary Board's website indicates that a Shannon Brown, who has the same address designated for Shannon Brown in this proceeding, was formerly an attorney in Pennsylvania with an Attorney ID of 308143 and a current status of "Permanent Resignation."¹⁰

38. Base rate cases are already complicated proceedings prosecuted on short timelines. While the Commission normally treats *pro se* complainants with latitude, an individual that has legal training and that has demonstrated a repeated pattern of disregarding the Commission's process should not be given such deference. The conduct of the Complainant burdens the resources of the active parties, creates distraction and confusion, and injects turmoil into the proceedings. It is inimical to the public interest and disrupts the orderly conduct of this case.

39. Complaints may be dismissed for obstructing the orderly conduct of the proceeding and as being inimical to the public interest where Complainants have behaved

⁵ The Shannon Brown referenced in this proceeding filed an objection at Docket No. R-2017-2595853. That objection indicates the same address that the Complainant in this proceeding has used.

⁶ *Pa. PUC, et al. v. Pa. American Water Company*, Docket No. R-2017-2595853, Recommended Decision at pp. 38-40 (Nov. 20, 2017). The objections were overruled.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ The Disciplinary Board of the Supreme Court of Pennsylvania, <https://www.padisciplinaryboard.org/for-the-public/find-attorney/attorney-detail/308143> (last visited: April 22, 2026).

inappropriately at hearing.¹¹ In other cases, Complaints may also be stricken for “contemptuous” failure to respond to discovery.¹²

40. UGI Gas therefore respectfully requests that the orderly conduct of proceedings and confusion that the Complainant has caused be considered in rendering a decision.

41. Therefore, UGI Gas requests that the Complainant’s Motion to Dismiss be granted, in part¹³, and that the Complaint be dismissed with prejudice.

IV. UGI GAS’S OBJECTION TO THE COMPLAINANT’S PETITION FOR LEAVE TO WITHDRAW THE MOTION TO DISMISS

A. THE COMPLAINANT’S PETITION FOR LEAVE TO WITHDRAW THE MOTION TO DISMISS SHOULD BE DENIED

42. UGI Gas incorporates by reference Paragraphs 1 through 41 as if fully set forth herein.

43. The Complainant’s Petition to Withdraw his Motion to Dismiss seems to be based primarily on positions UGI Gas articulated in its Answer to the Complainant’s Motion to Amend the Protective Order. UGI Gas’s Answer, according to the Complainant, “raises substantive and procedural regulatory concerns that the Commission should have the opportunity to examine on the merits.”¹⁴ The Complainant argues that circumstances have “materially changed” as UGI’s Answer “reveals new information, legal positions, procedural positions, or factual assertions that bear directly on the viability of Complainant’s original claims and appear to raise issues subject to ‘repetition but evading review’”.¹⁵ As an example of such an issue, the Complainant cites,

¹¹ *Nippes v. PECO Energy Co.*, Docket No. C-2013-2363324 (Final Order entered Sept. 30, 2013).

¹² *Vincent Diodad; v.; PECO Energy Company*, Docket No. C-2014-2416521, Initial Decision (Jul. 17, 2014) (Final Order entered Sep. 15, 2014) .

¹³ The Complainant’s Motion to dismiss should be approved and the request to be dismissed without prejudice should be denied.

¹⁴ Petition for Leave to Withdraw Complainant’s Motion to Dismiss, pp. 5-6.

¹⁵ Petition for Leave to Withdraw Complainant’s Motion to Dismiss, pp. 2-3.

“procedural orders without notice prior to complaint filing deadlines is capable of recurring while evading adjudication if complaints are dismissed.”¹⁶

44. The same issue, however, is referenced in the Complainant’s Motion to Dismiss, only there it is used as support for the Complaint’s dismissal.¹⁷ There is not, as the Complainant alleges, new information.

45. Further, UGI Gas disputes the Complainant’s argument that no party will be prejudiced by the granting of the Petition to Withdraw.¹⁸ UGI Gas has already been prejudiced by the distraction the Complainant has created with their multiple contradictory filings and the resources and distraction such behavior has caused. While the Complainant suggests that consumers should be encouraged to participate in rate cases, such participation should not come at the expense of orderly proceedings.

46. Granting the Petition for Leave to Withdraw the Motion to Dismiss is, additionally, not in the public interest. Allowing the Complainant to continue to inject confusion with procedurally improper filings in the proceedings, is plainly not in the public interest. The Petition for Leave to Withdraw the Motion to Dismiss should be denied.

47. Therefore, UGI Gas asks that the Petition for Leave to Withdraw the Motion to Dismiss be denied.

¹⁶ Petition for Leave to Withdraw Complainant’s Motion to Dismiss, p. 3.

¹⁷ Motion to Dismiss, ¶5 (“On April 2, 2026, Complainant subsequently discovered Orders, issued weeks before the March 29, 2026, filing-deadline and some issued before Complainant even received written notice, see Exhibit 1, of any rate increase proceeding. The Orders a) materially and substantially prejudice Complainant and b) wholly failed to provide notice and opportunity-to-be-heard, despite timely filing Complaint.”)

¹⁸ Petition for Leave to Withdraw Complainant’s Motion to Dismiss, p. 5-6.

V. CONCLUSION

WHEREFORE, UGI Utilities, Inc. – Gas Division respectfully requests that the Pennsylvania Public Utility Commission grant the Motion to Dismiss Shannon Brown’s Complaint and deny the Complainant’s Petition for Leave to Withdraw the Motion to Dismiss. In the alternative, UGI Gas requests that the Complainant’s inactive party status be confirmed and that the Complainant be barred from engaging in motion practice.

Respectfully submitted,



Michael S. Swerling (ID # 94748)
UGI Corporation
500 North Gulph Road
King of Prussia, PA 19406
Phone: 610-992-3203
E-mail: swerlingm@ugicorp.com

David B. MacGregor (ID # 28804)
Garrett P. Lent (ID # 321566)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101
Phone: 717-731-1970
E-mail: dmacgregor@postschell.com
E-mail: glent@postschell.com

Dated: April 27, 2026

Devin T. Ryan (ID # 316602)
Alice A. Wade (ID # 335228)
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: 717-612-6052
Fax: 717-731-1985
E-mail: dryan@postschell.com
alice.wade@postschell.com

Counsel for UGI Utilities, Inc. – Gas Division

VERIFICATION

I, Jessica R. Rogers, Vice President, Rates & Regulatory Affairs 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: April 27, 2026

Signed by:
Jessica Rogers
8F3BA15544424EA...

Jessica R. Rogers