

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560

FAX (717) 783-7152  
consumer@paoca.org

May 12, 2016

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
Commonwealth Keystone Bldg.  
400 North Street  
Harrisburg, PA 17120

Re: Pa. Public Utility Commission  
v.  
UGI Penn Natural Gas, Inc.  
Docket No. R-2016-2543314

Dear Secretary Chiavetta:

Attached for electronic filing please find the Formal Complaint and Public Statement of the Office of Consumer Advocate in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Lauren M. Burge  
Lauren M. Burge  
Assistant Consumer Advocate  
PA Attorney I.D. 311570

Attachment

cc: Office of Special Assistants  
Office of Administrative Law Judge  
Bureau of Technical Utility Services  
Certificate of Service

221059

**FORMAL COMPLAINT**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**1. COMPLAINANT**

Tanya J. McCloskey, Acting Consumer Advocate

555 Walnut Street, 5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Dauphin County

Phone – (717) 783-5048  
Fax – (717) 783-7152

**2. UTILITY NAME**

UGI Penn Natural Gas, Inc.

**3. TYPE OF UTILITY**

Gas

**4. COMPLAINT**

A. On April 29, 2016, pursuant to Sections 53.64 and 53.65 of the Commission's Rules and Regulations, UGI Penn Natural Gas, Inc. (UGI or the Company) submitted its pre-filing information in support of its annual reconciliation of purchased gas cost (PGC) rates. On or about June 1, 2016, UGI will submit its definitive, annual PGC filing, pursuant to Section 1307(f) of the Public Utility Code, 66 Pa. C.S. § 1307(f).

B. UGI's pre-filed information does not indicate the anticipated effect of the annual PGC reconciliation on existing rates.

C. The Public Utility Commission provides that no rates of a natural gas distribution utility shall be deemed just and reasonable unless the Commission finds that the utility is pursuing a least cost fuel procurement policy, consistent with the utility's obligation to provide

safe, adequate and reliable service to customers. 66 Pa. C.S. § 1318. The Commission must find, among other things, that the utility has (1) fully and vigorously represented ratepayer interests before the Federal Energy Regulatory Commission, (2) taken all prudent steps to negotiate favorable gas supply contracts and to relieve its obligations under contracts that may be adverse to ratepayer interests, (3) taken all reasonable steps to obtain lower cost gas supplies, and (4) not withheld or caused to be withheld gas supplies that should have been utilized as part of a least cost fuel procurement policy.

D. The Consumer Advocate is empowered to represent the interests of consumers before the Pennsylvania Public Utility Commission, pursuant to Act 1976-161 of the General Assembly, as amended. 71 Pa.Stat.Ann. §§ 309-1 et seq. (Purdon's Supp. 1990).

E. After initial review of UGI's filing, the Acting Consumer Advocate files this Formal Complaint in order to ensure that the Company's proposed purchased gas cost rates are consistent with a least cost fuel procurement policy and do not result in rates and charges that are excessive, unjust or unreasonable, discriminatory or otherwise contrary to Commission regulation or policy.

## **5. RELIEF**

The Acting Consumer Advocate respectfully requests that the Public Utility Commission:

- A. Hold evidentiary hearings as mandated by Section 1307(f) of the Public Utility Code;
- B. Hold public input hearings in UGI's service territory, if consumer interest arises;
- C. Deny any rate or tariff changes which are not the result of a least cost fuel procurement policy as defined by the standards set forth in Section 1318 of the Public Utility Code, and as defined by other applicable ratemaking standards;

D. Deny any rate or tariff changes which result from costs which should be borne in whole or in part by interruptible sales customers or transportation customers; and

E. Grant any other relief deemed necessary.

**6. VERIFICATION AND SIGNATURE**

*Verification:*

*I, Tanya J. McCloskey, 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).*

Tanya J. McCloskey  
(Signature)

5/12/16  
(Date)

**7. LEGAL REPRESENTATION**

Aron J. Beatty  
PA Attorney I.D. #86625  
E-mail: [ABeatty@paoca.org](mailto:ABeatty@paoca.org)  
Senior Assistant Consumer Advocate

Lauren M. Burge  
PA Attorney I.D. #311570  
E-mail: [LBurge@paoca.org](mailto:LBurge@paoca.org)  
Assistant Consumer Advocate

Counsel for:

Tanya J. McCloskey  
Acting Consumer Advocate

Office of Consumer Advocate  
555 Walnut Street, 5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

**PUBLIC STATEMENT  
OF THE OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(E)**

Act 161 of the Pennsylvania General Assembly, 71 P.S. Section 309-2, as enacted July 9, 1976, authorizes the Office of Consumer Advocate (OCA) to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC or Commission). In accordance with Act 161, and for the following reasons, the OCA determined to file a Formal Complaint and participate in proceedings before the Commission involving UGI Penn Natural Gas, Inc. (UGI or the Company).

On April 29, 2016, pursuant to Sections 53.64 and 53.65 of the Commission's Rules and Regulations, UGI submitted its pre-filing information in support of its annual reconciliation of purchased gas cost (PGC) rates. The OCA expects that on or about June 1, 2016, the Company will submit its definitive PGC annual filing which will include any anticipated increases or decreases in the existing PGC rates.

The OCA has filed this Complaint with the Commission to ensure that each element of UGI's purchased gas cost rate is scrutinized. A thorough analysis and review are appropriate because Section 1318 of the Public Utility Code mandates that purchased gas costs cannot be determined to be just and reasonable unless such rates result from a least cost fuel procurement policy. That section of the Public Utility Code also specifies certain findings which must be made before such costs are determined to be lawful. The OCA, therefore, will seek to ensure that only those purchased gas costs which meet the requirements of Section 1318 will be paid by UGI's ratepayers.

In addition, the OCA also will seek to ensure that the rates approved by the Commission are otherwise just and reasonable, and not unduly discriminatory or excessive.

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission :  
:  
v. : Docket No. R-2016-2543314  
:  
UGI Penn Natural Gas, Inc. :

I hereby certify that I have this day served a true copy of the foregoing document, Formal Complaint and Public Statement of the Office of Consumer Advocate, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 12<sup>th</sup> day of May 2016.

SERVICE BY E-MAIL and INTEROFFICE MAIL

Scott B. Granger, Esquire  
Bradly Gorter, Esquire  
Bureau of Investigation & Enforcement (I&E)  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

SERVICE BY E-MAIL and FIRST CLASS MAIL

Mark C. Morrow, Esquire  
Danielle Jouenne, Esquire  
UGI Corporation  
460 North Gulph Road  
King of Prussia, PA 19406

Paul J. Szykman, VP  
UGI Utilities Inc.  
2525 North 12th Street  
Suite 360  
Reading, PA 19612-2677

John Evans, Small Business Advocate  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

David MacGregor, Esquire  
Post & Schell, P.C.  
1600 John F. Kennedy Blvd.  
Philadelphia, PA 19103

/s/ Lauren M. Burge  
Aron J. Beatty  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 86625  
E-Mail: ABeatty@paoca.org

Counsel for  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

Lauren M. Burge  
Assistant Consumer Advocate  
PA Attorney I.D. # 311570  
E-Mail: LBurge@paoca.org