

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG PENNSYLVANIA 17120**

Dennis Stecko

v.

The Peoples Natural Gas Company

Public Meeting held June 18, 2020

3013168 - ALJ

Docket No. C-2019-3013168

MOTION OF VICE CHAIRMAN DAVID W. SWEET

Before the Commission is the Initial Decision of Administrative Law Judge Conrad A. Johnson which denies the formal Complaint of Dennis Stecko against the Peoples Natural Gas Company.

Mr. Stecko purchased his residence in 1979, and a 36' storm drain across the property was already in place at that time. The storm drain carries runoff from State Route 30, located about a quarter of a mile north of Mr. Stecko's property. In 1995, Peoples replaced a distribution main also located in Mr. Stecko's property, relocated his meter, and placed the new pipe over the storm drain in the private right-of-way on Mr. Stecko's land.

The storm drain ruptured in his front yard, forming two sinkholes. According to Mr. Stecko, neither PennDOT nor the township claims responsibility for the storm drain but PennDOT has purportedly agreed to maintain an open trench replacement for the storm drain. Due to the sinkholes, Peoples gas distribution main line near the storm drain is presently exposed. The gas pipe will be unsupported if the storm drain is replaced by an open trench. Peoples agreed to install a new line underneath the open trench at Mr. Stecko's expense.

Peoples states that the subsidence caused by the ruptured storm drain exposed roughly five feet of ~~exposed~~ gas pipe, a situation which it monitors every two weeks for change. Peoples states that the gas pipeline is not in imminent danger of collapse. However, this type of pipe can only be exposed to the elements for two years before it needs to be replaced. Mr. Stecko testified that the gas pipe runs two feet above the storm drain for the length of his property, and that the storm drain across his property is 72-feet long. Tr. 35, 40.

The Initial Decision finds that the Commission lacks jurisdiction to adjudicate or rule upon the rights of the Parties under a written right-of-way agreement, and I agree. However, the Public Utility Code requires Peoples to "make such repairs, changes, alterations, substitutions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience and safety of its patrons or the public."

Repair, replacement, and maintenance of a gas distribution main falls squarely within Commission jurisdiction. Because gas safety is implicated, the matter will be referred to the Commission's Gas Safety office to examine the issues raised and to take whatever action may be warranted.

THEREFORE,

IT IS ORDERED:

1. That the Initial Decision Administrative Law Judge Conrad A. Johnson in the complaint captioned Dennis Stecko v. The Peoples Natural Gas Company docketed at C-2019-3013168, is adopted as modified by this Motion.
2. That the Office of Special Assistants shall prepare an Opinion and Order consistent with this Motion.

June 18, 2020
DATE



DAVID W. SWEET
VICE CHAIRMAN