



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

July 11, 2017

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Brookhaven MHP Management LLC,
Meadowview Management LLC, Mill Creek MHP Management
LLC, Northwood Manor Management LLC and ATG Properties,
LLC d/b/a Greenleaf Gas Company
Docket No. C-2017-_____

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Complaint in the above referenced case on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephanie M. Wimer".

Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

Prosecutor for the Bureau of
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2017-
	:	
Brookhaven MHP Management LLC,	:	
Meadowview Management LLC,	:	
Mill Creek MHP Management LLC,	:	
Northwood Manor Management LLC and	:	
ATG Properties, LLC d/b/a Greenleaf Gas	:	
Company,	:	
Respondents	:	

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, Pennsylvania 17105-3265

Alternatively, you may eFile your Answer using the Commission’s website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary’s Bureau.

Additionally, please serve a copy on:

Stephanie M. Wimer Prosecutor
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order granting the requested relief.

C. You may elect not to contest this Complaint by paying the civil penalty and assessment proposed in the Complaint by certified check made payable to the "Commonwealth of Pennsylvania" and forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that the Company committed the alleged violations and agrees to cease and desist from committing further violations. Upon receipt of payment, the Complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order granting the requested relief.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the requested relief and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. *See* 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2017-
	:	
Brookhaven MHP Management LLC,	:	
Meadowview Management LLC,	:	
Mill Creek MHP Management LLC,	:	
Northwood Manor Management LLC and	:	
ATG Properties, LLC d/b/a Greenleaf Gas	:	
Company,	:	
Respondents	:	

FORMAL COMPLAINT

NOW COMES the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, pursuant to Section 501 of the Gas and Hazardous Liquids Pipelines Act, 58 P.S. § 801.501, and files this Formal Complaint against Brookhaven MHP Management LLC (“Brookhaven”), Meadowview Management LLC (“Meadowview”), Mill Creek MHP Management LLC (“Mill Creek”), Northwood Manor Management LLC (“Northwood”) and ATG Properties, LLC (“ATG”) d/b/a Greenleaf Gas Company (“Greenleaf”) (collectively, “Respondents”) alleging violations of the Gas and Hazardous Liquids Pipelines Act, 58 P.S. §§ 801.101 *et seq.* (“Act 127”). In support of its Formal Complaint, I&E alleges the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission (“PUC” or “Commission”) with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate pipeline operators pursuant to Section 501(a) of Act 127, 58 P.S. § 801.501(a).

2. Complainant is the Commission’s Bureau of Investigation and Enforcement, which is the bureau established to take enforcement actions against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

3. Complainant’s prosecuting attorneys are as follows:

Stephanie M. Wimer
Prosecutor
stwimer@pa.gov
717.772.8839

Michael L. Swindler
Deputy Chief Prosecutor
mswindler@pa.gov

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

4. Brookhaven MHP Management LLC is a Limited Liability Company formed in 2015 under the laws of the Commonwealth of Pennsylvania. It operates a mobile home park with a physical address of 332 Gosling Drive York, PA 17406.

Brookhaven maintains a principal business address of 2846 Main Street, P.O. Box 12A, Morgantown, PA 19543. On March 29, 2017, Brookhaven registered for the first time with the Commission as a Pipeline Operator at Docket No. A-2017-2597503.

5. Meadowview Management LLC is a Limited Liability Company formed in 2015 under the laws of the Commonwealth of Pennsylvania. It operates a mobile home park with a physical address of 1 Willow Tree Lane, Dover, PA 17315. Meadowview maintains a principal business address of 2846 Main Street, P.O. Box 12A, Morgantown, PA 19543. On March 29, 2017, Meadowview registered for the first time with the Commission as a Pipeline Operator at Docket No. A-2017-2597508.

6. Mill Creek MHP Management LLC is a Limited Liability Company formed in 2015 under the laws of the Commonwealth of Pennsylvania. It operates a mobile home park with a physical address of 1 Shawna Drive, York, PA 17402. Mill Creek maintains a principal business address of 2846 Main Street, P.O. Box 12A, Morgantown, PA 19543. On March 29, 2017, Mill Creek registered for the first time with the Commission as a Pipeline Operator at Docket No. A-2017-2597480.

7. Northwood Manor Management LLC is a Limited Liability Company formed in 2015 under the laws of the Commonwealth of Pennsylvania. It operates a mobile home park with a physical address of 1300 York Haven Road, York Haven, PA 17370. Northwood Manor maintains a principal business address of 2846 Main Street, P.O. Box 12A, Morgantown, PA 19543. On March 29, 2017, Northwood Manor registered for the first time with the Commission as a Pipeline Operator at Docket No. A-2017-2597492.

8. ATG Properties, LLC d/b/a Greenleaf Gas Company is a Limited Liability Company formed in 2000 under the laws of the Commonwealth of Pennsylvania. Upon information and belief, ATG currently owns the four aforementioned mobile home parks in York County, Pennsylvania known as Meadowview, Brookhaven, Mill Creek and Northwood Manor. ATG and Greenleaf maintain a principal business address of 2846 Main Street, P.O. Box 12A Morgantown, PA 19543.

9. Greenleaf Gas Company is a fictitious name owned and operated by ATG, which bills the individually-metered residents of three of the four aforementioned mobile home parks, Brookhaven, Meadowview and Mill Creek, for natural gas service supplied by Columbia Gas Company through a single master meter.

10. Northwood Manor operates a propane gas distribution system serving ten (10) or more customers.

11. Respondents are “pipeline operators” as that term is defined under Act 127, 58 P.S. § 801.102, in that they own or operate “equipment or facilities in [the Commonwealth of Pennsylvania] for the transportation of gas or hazardous liquids by pipeline or pipeline facility regulated under Federal pipeline safety laws.”

12. Act 127, 58 P.S. § 801.102, defines “pipeline facility” as “a new or existing pipeline . . . facility or building used in the transportation of gas or hazardous liquids . . .

.”

13. Act 127, 58 P.S. § 801.102, defines “gas” as “natural gas, liquefied natural gas . . . and other gas as defined under the Federal pipeline safety laws.”

14. Act 127, 58 P.S. § 801.102, defines “hazardous liquids” as “petroleum, a petroleum product . . . and other hazardous liquids as defined under the Federal pipeline safety laws.”

15. Act 127, 58 P.S. § 801.102, defines “transportation of gas” as “the gathering, transmission or distribution of gas by pipeline or the storage of gas.”

16. Act 127, 58 P.S. § 801.102, defines “transportation of hazardous liquids” as “the gathering, transmission or distribution of hazardous liquids by pipeline.”

17. The Federal Pipeline Safety Regulations, 49 CFR §§ 191.3 and 192.3, define “gas” as “natural gas, flammable gas, or gas which is toxic or corrosive.”

18. The Federal Pipeline Safety Regulations, 49 CFR § 192.3, define “petroleum gas” as “propane, propylene, butane, (normal butane or isobutanes), and butylene (including isomers), or mixtures composed predominantly of these gases, having a vapor pressure not exceeding 208 psi (1434 kPa) gage at 100 °F (38 °C).”

19. The Federal Pipeline Safety Regulations, 49 CFR § 191.3, define “master meter system” as “[a] pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park . . . where the operator purchases metered gas from an outside source for resale through a gas distribution system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as rents.”

20. Section 501(a) of Act 127, 58 P.S. § 801.501(a), authorizes and obligates the Commission to supervise and regulate pipeline operators within this Commonwealth consistent with Federal pipeline safety laws.

21. Section 501(a)(7) of Act 127, 58 P.S. § 801.501(a)(7), authorizes the Commission to enforce Federal pipeline safety laws and, after notice and opportunity for a hearing, impose civil penalties and take other appropriate enforcement action.

22. Section 502(a) of Act 127, 58 P.S. § 801.502(a), authorizes the Commission to impose civil penalties on pipeline operators who violate the Act. Under Section 502(a), pipeline operators can be subject to a civil penalty provided under Federal pipeline safety laws or Section 3301(c) of the Public Utility Code, 66 Pa.C.S. § 3301(c), whichever is greater. Section 3301(c) of the Public Utility Code, 66 Pa.C.S. § 3301(c), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

23. Respondents, as pipeline operators, are subject to the power and authority of this Commission pursuant to Section 501(b) of Act 127, 58 P.S. § 801.501(b), which requires pipeline operators to comply with the Act and the terms and conditions of the orders issued under the Act.

24. Pursuant to the Commission's regulations at 52 Pa. Code § 59.33(b), the Commission's Pipeline Safety Division, which is part of I&E, also has the authority to enforce federal gas pipeline safety regulations set forth in 49 U.S.C.A. §§ 60101, *et seq.* and implemented in 49 CFR Parts 191-193, 195 and 199, 49 CFR §§ 191-193, 195 and 199.

25. Pursuant to the provisions of the applicable Commonwealth and Federal statutes and regulations, the Commission has jurisdiction over the subject matter of this Complaint and the actions of Respondents related thereto.

Background

26. As of the time that Act 127 became effective on February 20, 2012, Respondents owned and operated the following master meter systems in the Commonwealth:

- Brookhaven Mobile Home Park
332 Gosling Drive
York, PA 17406

156 homes served utilizing 1.2 miles of pipe;
- Meadowview MHC
102 Maple Drive
Dover, PA 17315

127 homes served utilizing 1.2 miles of pipe; and
- Mill Creek
10 Shawna Drive
York, PA 17402

168 homes served utilizing 1.3 miles of pipe.

27. Respondents also operated the following propane distribution system when Act 127 became effective:

- Northwood Manor
101 Northwood Manor
York, PA 17408

27 homes served utilizing 0.7 miles of pipe.

28. Section 301(c) of Act 127, 58 P.S. § 801.301(c), requires a pipeline operator to register pipeline facilities with the Commission. Failure to register shall

subject the pipeline operator to a civil penalty under Section 502(a) of Act 127, 58 P.S. § 801.502(a).

29. As set forth in the Commission's Final Implementation Order in *Act 127 of 2011 – The Gas and Hazardous Liquids Pipeline Act; Assessment of Pipeline Operators*, Docket No. M-2012-2282031 (Order entered February 17, 2012):

All pipeline operators in the Commonwealth of Pennsylvania shall file with the Commission an Initial Registration Form (attached hereto as Appendix A) by March 16, 2012, and an Annual Registration Form by March 31st of each year thereafter, in accordance with this Final Implementation Order and the then-current Pipeline Operator Annual Registration Form.

Final Implementation Order at Ordering Paragraph 1.

30. Following the submission of the Initial Registration Form, Respondents, as pipeline operators, were required to report to the Commission, on or before March 31 of each year, their total intrastate regulated transmission, distribution and gathering pipeline miles in operation for the transportation of gas and hazardous liquids during the prior calendar year, pursuant to Section 503(d) of Act 127, 58 P.S. § 801.503(d).

31. The Initial Registration Form was due to be filed with the Commission by March 16, 2012. Respondents did not file an Initial Registration Form.¹

32. Respondents did not file Pennsylvania Pipeline Operator Annual Registration Forms to report total intrastate regulated transmission, distribution and

¹ Pursuant to Section 3314 of the Public Utility Code, 66 Pa.C.S. § 3314 (related to Limitation of actions and cumulation of remedies), I&E is not prosecuting a violation related to a failure to file an Initial Registration Form as this violation is more than three years old.

gathering pipeline miles in operation for the transportation of gas and hazardous liquids during the 2012 and 2013 calendar years.²

33. Respondents did not file Pennsylvania Pipeline Operator Annual Registration Forms to report total intrastate regulated transmission, distribution and gathering pipeline miles in operation for the transportation of gas and hazardous liquids during the 2014 calendar year. Said forms were due on March 31, 2015.

34. Had Respondents properly registered as pipeline operators and submitted the requisite reports, the Commission would have assessed a cumulative total of \$3,080.40 for the 2015-16 fiscal year for the pipeline operations of Brookhaven, Meadowview, Mill Creek and Northwood. This represents a cost of \$700.09 per mile of pipeline that was in operation during the 2014 calendar year.

35. Respondents did not file Pennsylvania Pipeline Operator Annual Registration Forms to report total intrastate regulated transmission, distribution and gathering pipeline miles in operation for the transportation of gas and hazardous liquids during the 2015 calendar year. Said forms were due on March 31, 2016.

36. Had Respondents properly registered as pipeline operators and submitted the requisite reports, the Commission would have assessed a cumulative total of \$1,980.00 for the 2016-17 fiscal year for the pipeline operations of Brookhaven, Meadowview, Mill Creek and Northwood. This represents a cost of \$450.00 per mile of pipeline that was in operation during the 2015 calendar year.

² I&E is not prosecuting the failure to submit Pennsylvania Pipeline Operator Annual Registration Forms related to the pipeline miles that were in operation during the 2012 and 2013 calendar years. *See* 66 Pa.C.S. § 3314.

Violations

37. Paragraphs 1-36 above are incorporated herein as if stated in their entirety.

I&E has reviewed the actions of Respondents and alleges as follows:

a. Respondents failed to submit reports with the Commission as Act 127 pipeline operators on an annual basis in that they failed to report total regulated intrastate pipeline miles on or before March 31, 2015 and March 31, 2016 for the preceding respective calendar years.

This is a violation of 58 P.S. § 801.503(d). (2 counts)

b. Respondents failed to pay an appropriate assessment to the Commission for the 2015-16 and 2016-17 fiscal years in that they did not register their total intrastate regulated distribution pipelines that were in operation during the 2014 and 2015 calendar years.

This is a violation of 58 P.S. § 801.503(b). (2 counts)

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that:

- a. After consideration of the record, the Office of Administrative Law Judge and the Commission find Respondents in violation of each and every violation as set forth herein, and that Respondents be assessed a total civil penalty in the amount of Forty Thousand Dollars (\$40,000) . Said payment shall be made by certified check payable to the Commonwealth of Pennsylvania and presented to the undersigned prosecutors within twenty (20) days of the date of the Commission's order sustaining this Complaint;
- b. That Respondents be directed to pay a total assessment of \$5,060.40 for the 2015-16 and 2016-17 fiscal year(s);
- c. That the Commission grant such further relief as is just and reasonable.

Respectfully submitted,



Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Date: July 11, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement,	:	
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Company,	:	
Respondents	:	

VERIFICATION

I, Sunil Patel, Pipeline Safety Inspector, Pipeline Safety Division of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement, 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 that Complainant will be able to prove same at any 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: July 11, 2017



Sunil Patel
Pipeline Safety Inspector
Pipeline Safety Division
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement,
Complainant

v.

Brookhaven MHP Management LLC,
Meadowview Management LLC,
Mill Creek MHP Management LLC,
Northwood Manor Management LLC and
ATG Properties, LLC d/b/a Greenleaf Gas
Company,

Respondents

Docket No. C-2017-

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Complaint upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Notification by Certified Mail and Electronic Mail:

Daniel F. Schranghamer, Esq.
General Counsel
ATG Properties, LLC
800 West 4th Street – Suite 200
Williamsport, PA 17701
dschranghamer@gmail.com



Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

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Dated: July 11, 2017