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August 25, 2010

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Abdollah Owzar v. UGI Utilities, Inc.
Complaint Docket No. C-2010-2156070

Dear Ms. Chiavetta:

Enclosed is UGI Utilities, Inc.'s electronically filed Reply to Exceptions to Initial Decision in the above- referenced Formal Complaint. A copy of the document has been served on the Complainant.

Sincerely,



Larry R. Crayne

cc: Abdollah Owzar
333 Regent Street
Camp Hill, PA 17011

Commonwealth of Pennsylvania

Before the Pennsylvania Public Utility Commission

In the Matter of:

Abdollah Owzar,
Complainant,

Complaint Docket
No. C-2010-2156070

VS.

UGI Utilities., Inc.
Respondent.

Reply to Exceptions to Initial Decision

AND NOW comes Respondent, UGI Utilities, Inc., (UGI), and replies to Exceptions filed by Complainant Abdollah Owzar in the above proceeding. Complainant has filed exceptions to the Initial Decision of Administrative Law Judge David A. Salapa dated July 13, 2010 denying his complaint on the basis that Complainant has not met his burden of proving that he is entitled to relief.

The Exceptions by Complainant are unnumbered, do not identify the findings of fact or conclusions of law to which the exceptions are taken and fail to cite relevant pages of the transcript and Initial Decision. Therefore, UGI cannot reply *seriatim* to the Exceptions, but instead will reply generally to the Exceptions.

Complainant raises no new issues in his Exceptions to the Initial Decision. Instead, Complainant argues that he was not allowed to demonstrate a device he constructed to illustrate how he believes the meter dials register consumption and a video tape he believes shows the malfunction of the meter dials. The Administrative Law Judge correctly refused to allow Complainant to utilize the fabricated device at the hearing because Complainant demonstrated "...absolutely no familiarity with the construction or operation of gas meters." TR, page 13, lines 13-17. Further, Complainant never offered to introduce the referenced video tape as an exhibit at the hearing. In any event, the device, and the video tape about which he complains, is totally irrelevant to the measurement of Complainant's consumption. As explained by the UGI witness Cole Ciesnoleviczc, the UGI Automatic Meter Reading Administrator, TR, Page 30, lines 8-11, Complainant's consumption for billing purposes is measured by the ERT (Encoder Transmitter Receiver) device that allows UGI to read the meter from a remote location. TR, page 35, lines 9-10.

As further explained by witness Ciesnoleviczc, the meter dials are not used for the billing of Complainant, but serve only a secondary purpose for the benefit of the customer and for the Company to use for verification purposes. TR, page 35, lines 17-21. Further, witness Ciesnoleviczc testified that, despite Complainant's belief that the meter dials did not accurately

record his consumption, when the meter was removed the ERT device and the meter dials showed an identical reading of 0772. TR, page 36, lines 6-14. Witness Ciesnoleviczc also explained that any possible malfunction of the meter dials would have no impact on the accuracy of the reading from the ERT device. TR, page 37, lines 5-15. Also in further confirmation of the accuracy of Complainant's billings, the meter that was removed from Complainant's service on January 13, 2010 was tested for accuracy and found to be running .5 percent slow. TR, page 52-53; Exhibit. R-3. Consequently, despite Complainant's belief that he has been overbilled, Complainant has actually been slightly underbilled for consumption.

Regarding Complainant's level of consumption, an analysis of Complainant's historical consumption was performed by UGI witness Thomas Sload. The analysis is set forth in UGI Exhibit R-2 and shows that Complainant's consumption has been consistent for the past twelve years and has actually decreased for the years 2008, 2009 and 2010. TR, pages 49-50. Therefore, the argument by Complainant Owzar that he has been overbilled is difficult to understand and not supported by the facts and logic. .

Complainant Owzar makes a number of other assertions and arguments unsupported by the facts and the record in this proceeding, including an attempt to impugn the integrity of the UGI meter testing process, that require no comment. Such arguments should be disregarded as unsupported by any facts. As the Commission is aware, the meter testing process is supervised and regulated by the Commission. Complainant Owzar also had the opportunity to be present at the testing of the meter. TR, page 58, lines 14-17. Therefore, the arguments should be disregarded. Innuendo cannot defeat affirmative evidence.

Complainant Owzar has failed to carry his burden of proof with respect to his belief that he has been overbilled for gas service. The Commission should adopt Administrative Law Judge Salapa's well-reasoned Initial Decision.

Wherefore, UGI requests that Complainant's Exceptions be denied and that the Commission adopt without modification the Initial Decision of Administrative Law Judge David A. Salapa.

Respectfully submitted,

UGI Utilities, Inc.

By:


Larry R. Crayne, Esq.

Certificate of Service

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

Abdollah Owzar
333 Regent Street
Camp Hill, PA 17011

Dated this 25 day of Aug, 2010



Larry R. Crayne
238 Johnston Road
Pittsburgh, PA 15241

Counsel for
UGI Utilities, Inc.