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ELECTRONICALLY FILED

September 19, 2011

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

**Re: Michael Mitchell v. UGI Utilities, Inc.**  
**Complaint Docket No. C-2011-2260123**

Dear Ms. Chiavetta:

Enclosed is an electronically filed copy of UGI Utilities, Inc.'s Preliminary Objections to Formal Complaint. A copy of the document has been served on the Complainant.

Sincerely,



Larry R. Crayne

cc: Michael J. Mitchell  
3105 N. Vine Street  
Hazleton, PA 18201

**Commonwealth of Pennsylvania**

**Before the Pennsylvania Public Utility Commission**

In the Matter of:

Michael Mitchell,  
Complainant,

Complaint Docket  
No. C-2011-2260123

VS.

UGI Utilities, Inc.,  
Respondent.

**Preliminary Objections**

**AND NOW** comes Respondent, UGI Utilities, Inc. (UGI), pursuant to *52 Pa. Code*, Section 5.101 (a) (1) and (4), and files the following Preliminary Objections:

**A. Lack of Commission Jurisdiction**

1. Complainant in this proceeding is demanding that "... U.G.I. ... pay for damaged goods which include cabinets, 5 doors and paint and accessories needed to clean their chemical off the walls and ceiling." Complainant alleges no violation of any Statute, regulation or order which UGI has violated and which the Commission has jurisdiction to administer.

3. Complainant's claim for damages is legally insufficient. The Public Utility Code does not confer authority to grant monetary damages to a complainant.. *Feingold v. Bell of PA*, 777 Pa. 1, 282 A2d 1191 (1977), 1977 Pa. LEXIS 957. UGI requests that this Complaint be dismissed without the time and expense of a formal hearing

**Wherefore, UGI** moves that this Complaint be dismissed for the reason that this matter involves a claim for civil damages, a matter which should be adjudicated in a civil court that has the power to make a determination of the parties' rights and responsibilities and award damages if appropriate.

## Notice to Plead

To: Michael Mitchell:

You are hereby notified to file a written response to the above Preliminary Objections within ten (10) days from service hereof or a judgment may be entered against you. The response must be mailed to the Secretary of the Public Utility Commission:

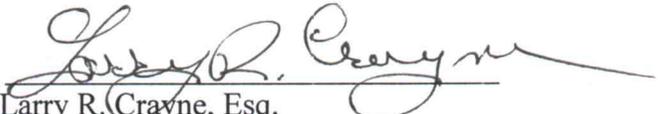
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

A copy of your response must also be mailed to the undersigned.

Respectfully submitted,

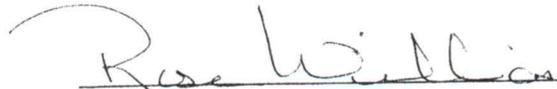
UGI Utilities, Inc.

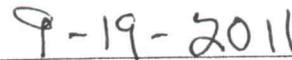
By:

  
Larry R. Crayne, Esq.

## VERIFICATION

I, Rose Williams, Regulatory Compliance Supervisor UGI Utilities, Inc. - Gas Division, hereby state that the facts set forth above 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).

  
\_\_\_\_\_  
Rose Williams

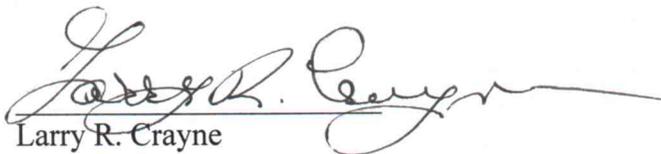
  
\_\_\_\_\_  
Date

## 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).

Michael J. Mitchell  
3105 N. Vine Street  
Hazleton, PA 18201

Dated this 19th day of Sep, 2011



Larry R. Crayne  
238 Johnston Road  
Pittsburgh, PA 15241

Counsel for  
UGI Utilities, Inc.