

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Lennia Kutz v. UGI Utilities, Inc.

Public Meeting – November 10, 2011

2214107-ALJ

Docket No. C-2010-2214107

**STATEMENT OF
COMMISSIONER PAMELA A. WITMER**

Before the Pennsylvania Public Utility Commission (“PUC” or “Commission”) for disposition is an Initial Decision (“I.D.”) denying the above-captioned Formal Complaint. Specifically, after determining that the Responsible Utility Customer Protection Act, 66 Pa. C.S. §§ 1401-1418, (“Chapter 14”) applies to this proceeding, the Complaint was denied due to a finding that the Complainant did not suffer a significant loss in income, damage to or loss of residence or increase in number of dependents.

While I agree that the I.D. correctly found that Chapter 14 applies to the facts in this proceeding and that the I.D. also correctly denies the Formal Complaint because the Complainant failed to establish a “significant change in circumstance” as required by 66 Pa. C.S. § 1403, I do not agree with the premise that applicability of Chapter 14 is automatic in situations where an individual in whose name a commercial account is listed also resides at the property. Instead, I believe that the decision of whether Chapter 14 applies when there is a master meter/mixed use situation depends on an analysis of all relevant facts evaluated on a case by case basis, including but not limited to: the character of the end use, the rate schedule applied, applicable tariff language and any other pertinent facts that come to light during the proceeding.

DATE: November 10, 2011


PAMELA A. WITMER, COMMISSIONER