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January 6, 2012


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

RE: Donald L. Hale v. UGI Penn Natural Gas, Inc.
C-2010-2206955

Dear Secretary Chiavetta:

Enclosed for filing please find the original and nine (9) copies of UGI Penn Natural Gas, Inc.'s Reply to Exceptions of Complainant, Donald L. Hale, in the above matter.

Sincerely,


Jeffery H. Sunday

JHS/ps

Enclosures

cc: Office of Special Assistants (with enclosure)

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SECRETARY'S BUREAU

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Donald L. Hale

v.

UGI Penn Natural Gas, Inc.

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Complaint Docket No.

C-2010-2206955

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SECRETARY'S BUREAU

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**RESPONDENT, UGI PENN NATURAL GAS, INC'S
REPLY TO EXCEPTIONS OF
COMPLAINANT, DONALD L. HALE**

AND NOW, comes UGI Penn Natural Gas, Inc., by and through its attorney, Jeffery H. Sunday, and replies to the Exceptions of Complainant, Donald L. Hale, in the above matter as follows:

1. Complainant is the owner/landlord of the property located at 1739 Sanderson Avenue, Scranton, Pennsylvania and has been owner/ landlord of said premises for the last 5 years. 66 Pa. C.S. § 1529 states in effect that a property owner is financially responsible for a tenant's entire account, once foreign load is verified on the tenant's utility service. The issue is not whether a landlord/owner "gains" on the gas bill should his or her tenant pay or not pay said utility bill. A landlord/owner bears the responsibility of paying utility bills until the foreign load is corrected. Once the foreign load is corrected by the owner/landlord and verified

by a utility, the utility then places the account back in the name of the tenant. However, as in this case, the arrearage, if any, remains with the landlord.

Here, the premises at 1739 Sanderson Avenue, Scranton, Pennsylvania consisted of two apartment units, a first floor apartment and a second floor apartment. In response to the first floor tenant's complaint about a foreign load problem on her gas meter, Respondent found that a gas-fired water heater on the first floor was also furnishing hot water to the second floor apartment, thereby causing a foreign load situation. Accordingly, Respondent transferred the first floor tenant's gas account to the Complainant owner/landlord and Respondent properly followed the Public Utility Code.

2. See Respondent UGI Penn Natural Gas, Inc's response to Exception Number 1 above.

3. Respondent UGI Penn Natural Gas, Inc. did not know that there was a foreign load problem on the gas meter for the first floor at 1739 Sanderson Avenue, Scranton, Pennsylvania until the first floor tenant complained to Respondent, UGI Penn Natural Gas, Inc. on April 19, 2010. Thereafter, Respondent UGI Penn Natural Gas, Inc. dispatched a service technician to 1739 Sanderson Avenue, Scranton, Pennsylvania on April 21, 2010 in order to trace the gas lines to determine if a foreign load existed. Answering further, the sole issue in this case was whether or not Respondent acted properly in placing the gas

account arrearage for the first floor tenant at 1739 Sanderson Avenue, Scranton, Pennsylvania in Complainant's name. (See Initial Decision, page 4.)

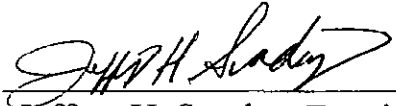
4. The letter from PG Energy to Complainant, Donald L. Hale, dated February 2, 2006 speaks for itself. However, Respondent, UGI Penn Natural Gas, Inc., determined on April 21, 2010 that a foreign load situation existed at the first floor apartment at 1739 Sanderson Avenue, Scranton, Pennsylvania. Answering further, at no time during the hearing did Complainant deny that a foreign load existed on the first floor tenant's meter on April 21, 2010. In fact, there exists no evidence in the record of any denial from any entity that foreign load existed on the first floor tenant's meter on April 21, 2010. Accordingly, Respondent, UGI Penn Natural Gas, Inc., properly transferred the first floor tenant's gas account to the Complainant owner/landlord.

5. The presiding Administrative Law Judge, after a fair and impartial hearing, properly found that Complainant, Donald L. Hale, was financially responsible for the first floor tenant's gas account after it was conclusively and indisputably established that foreign load existed on the first floor tenant's gas service.

WHEREFORE, Respondent, UGI Penn Natural Gas, Inc., respectfully requests that the Exceptions of Complainant, Donald L. Hale, be denied.

Respectfully submitted,

UGI Penn Natural Gas, Inc.

BY: 

Jeffery H. Sunday, Esquire
1242 Watson Street
Scranton, PA 18504
(570) 344-5639

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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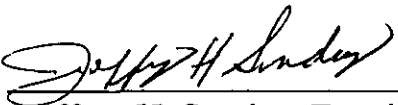
CERTIFICATE OF SERVICE

I hereby certify that I have on this day served an original and nine (9) copies of the foregoing Reply to Exceptions upon Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, and

I hereby certify that I have on this day served a true copy of the Reply to Exceptions upon the Pennsylvania Public Utility Commission, Office of Special Assistants.

Dated this 6th day of January, 2012.

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