

**FPSF** FLORIO PERRUCCI  
STEINHARDT & FADER

Attorneys at Law

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Christian M. Perrucci  
Extension 1114  
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September 21, 2012

**Via Fed Ex Overnight**

Pennsylvania Public Utility Commission  
**ATTN: Rosemary Chiavetta, Secretary**  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Fl - North  
Harrisburg, Pennsylvania 17105

**RECEIVED**

SEP 21 2012

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Re: PA PUC v. UGI Utilities, Inc.**  
**C-2012-2308997**  
**Allentown Gas Explosion (02/09/11)**

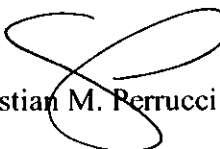
Dear Ms. Chiavetta:

This firm represents Manuel E. Cruz, as Administrator of the Estates of Katherine Cruz and Ofelia A. Ben and Manuel E. Cruz, individually. Enclosed for filing please find an original and one (1) copy of a Petition to Intervene in the above-referenced matter.

Kindly return a time-stamped filed copy for our file in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Very truly yours,

  
Christian M. Perrucci

CMP/kaf

cc: See Attached List (*all via Cert. Mail - R/R/R*)

**Rochelle Park Office**  
218 Rt. 17N, Suite 400  
Rochelle Park, NJ 07662  
(201) 843-5858 phone  
(201) 843-5877 fax

**Phillipsburg Office**  
235 Broubalow Way  
Phillipsburg, NJ 08865  
(908) 454-8300 phone  
(908) 454-5827 fax

**Bethlehem Office**  
60 W Broad St., Suite 102  
Bethlehem, PA 18018  
(610) 691-7900 phone  
(610) 691-0841 fax

**Cherry Hill Office**  
1010 Kings Highway South  
Building 2  
Cherry Hill, NJ 08034  
(856) 853-5530 phone  
(856) 354-8318 fax

**New York Office**  
80 Wall Street  
Suite 815  
New York, NY 10005  
(212) 792-9070 phone

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

\_\_\_\_\_  
Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement

v.

\_\_\_\_\_  
UGI Utilities, Inc.  
\_\_\_\_\_

C-2012-2308997

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SECRETARY'S BUREAU

PETITION OF  
MANUEL E. CRUZ, AS ADMINISTRATOR OF THE ESTATES OF KATHERINE CRUZ  
AND OFELIA A. BEN, AND MANUEL E. CRUZ, INDIVIDUALLY,  
FOR INTERVENTION

**AND NOW COMES** Manuel E. Cruz, as Administrator of the Estates of Katherine Cruz and Ofelia A. Ben, and Manuel E. Cruz, individually ("Petitioner"), by and through his attorneys, Florio Perrucci Steinhardt & Fader, L.L.C., by Christian M. Perrucci, Esq., and hereby files the following Petition for Intervention and alleges as follows:

1. Petitioner is an adult individual residing at 203 East Chestnut Street, Apartment 18, Souderton, Pennsylvania, 18964.
2. Petitioner has been duly appointed Administrator of the Estate of Katherine Cruz by the Register of Wills of Lehigh County on April 29, 2011 at Estate No. 2011-0729.
3. Petitioner has been duly appointed Administrator of the Estate of Ofelia A. Ben by the Register of Wills of Lehigh County on August 9, 2011 at Estate No. 2011-1289.
4. Petitioner has filed an action as Administrator of the Estates of Katherine Cruz and Ofelia A. Ben and on his own behalf against UGI Utilities, Inc., UGI Corporation, UGI Penn Natural Gas, Inc., and UGI Central Penn Gas, Inc., in the Court of Common Pleas, Northampton County, Pennsylvania, which bears Docket No. C-48-CV-2012-0454.

5. Petitioner brought that action pursuant to 42 Pa.C.S.A. § 8301, 42 Pa.C.S.A. § 8302, and Pa.R.C.P. 2202 on behalf of those entitled by law to recover damages for the wrongful deaths of the Decedents, who were killed as a result of a February 9, 2011 natural gas explosion.

6. Specifically, on February 9, 2011, a natural gas explosion occurred at North 13<sup>th</sup> Street in Allentown, PA. Two (2) homes, 542 and 544 North 13<sup>th</sup> Street, were completely destroyed in the explosion. Six (6) other homes were destroyed in the resulting fire. Three (3) individuals in Petitioner's family died in 542 North 13<sup>th</sup> Street: Ofelia A. Ben (69 years old); Katherine Cruz (16 years old); and Matthew E. Vega (4 months old). Two (2) individuals died in 544 North 13<sup>th</sup> Street.

7. Petitioner was the owner of the home located at 542 North 13<sup>th</sup> Street.

8. In addition to the complete destruction of Petitioner's home and all of the material possessions contained therein, an automobile Petitioner had purchased for Decedent Katherine Cruz also sustained damage.

9. At all times material hereto, UGI Utilities, Inc., among others, acted by and through its authorized agents, servants, representatives, contractors, subcontractors and/or employees, who were acting within the scope of their authority and on the business of UGI Utilities, Inc., among others.

10. At all times material hereto, UGI Utilities, Inc. was authorized to conduct business within the Commonwealth of Pennsylvania providing natural gas distribution services to residential, commercial, and industrial customers within the City of Allentown and other municipalities.

11. As a distributor of natural gas, UGI Utilities, Inc., among others, owed the highest degree of care to users and consumers of the gas, including Petitioner and Decedents.

12. At all relevant times, the distribution main at issue in both the civil action pending and this matter was under the exclusive care and control of UGI Utilities, Inc.

13. It is Petitioner's position that the gas company has the duty to take proper care of the gas mains and pipes which are under its control, that the gas company breached its duty, and that the gas company is liable for all injuries that resulted from the February 9, 2011 natural gas explosion due to the neglect of this duty.

14. On June 11, 2012, the Pennsylvania Public Utility Commission ("PA PUC"), via electronic filing, filed a *Complaint against UGI Utilities, Inc. after concluding its investigation* into the February 9, 2011 natural gas explosion.

15. On July 2, 2012, UGI Utilities, Inc. filed its Answer to the Complaint.

16. There is an Initial Prehearing Conference scheduled for Tuesday, September 25, 2012 before Administrative Law Judge David A. Salapa.

17. It was not until September 10, 2012 that Petitioner's counsel received a copy of the July 18, 2012 Hearing Notice relating to the September 25, 2012 Initial Prehearing Conference, among other documents, in an e-mail from PA PUC Office Administrator Doreen Trout, which represented the PA PUC's final response to Petitioner's counsel's Right to Know Request.

18. Petitioner submits that intervention will not delay the orderly progress of the case.

19. Petitioner submits that intervention will not significantly broaden the issues or shift the burden of proof.

20. *Petitioner submits that, pursuant to 52 Pa. Code § 5.71(a)(2) and 52 Pa. Code § 5.71(a)(3), he has a right to intervene and an interest of such nature that intervention is necessary and appropriate. Petitioner's interest may be directly affected and is not adequately represented*

by the existing participants, and Petitioner might be found to be bound in the pending civil action by the action of the Commission in the proceeding.

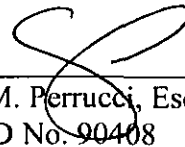
21. Moreover, Petitioner's interest in the public's safety is an interest of such nature that participation of the Petitioner may be in the public interest.

**WHEREFORE**, Manuel E. Cruz, as Administrator of the Estates of Katherine Cruz and Ofelia A. Ben, and Manuel E. Cruz, individually, respectfully requests that this Court grant his Petition for Intervention in this matter.

Respectfully submitted,

**FLORIO, PERRUCCI, STEINHARDT & FADER, LLC**

By



\_\_\_\_\_  
Christian M. Perrucci, Esq.  
Attorney ID No. 90408

Dated: September 21, 2012

**SERVICE LIST**

**Re: PA PUC v. UGI Utilities, Inc.  
C-2012-2308997  
Allentown Gas Explosion (02/09/11)**

**RECEIVED**

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**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

*Pennsylvania Public Utility Commission*  
**ATTN: Admin. Law Judge David A. Salapa**  
Commonwealth Keystone Building  
2nd Fl. – West  
400 North Street  
Harrisburg, Pennsylvania 17105

*Post & Schell PC*  
**ATTN: Christopher Wright, Esq. and  
David B. McGregor, Esq.**  
1600 John F. Kennedy Blvd  
Philadelphia PA 19103-2808

*Pennsylvania Public Utility Commission*  
**ATTN: Adam Young, Prosecutor**  
Commonwealth Keystone Building  
400 North Street  
2<sup>nd</sup> Fl - North  
Harrisburg, Pennsylvania 17105

**Joseph A. Holko, Esq.**  
Thomas, Thomas & Hafer, LLP  
3101 Emrick Blvd., Suite 302  
Bethlehem, PA 18020

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

\_\_\_\_\_  
Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement

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UGI Utilities, Inc.  
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C-2012-2308997

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**CERTIFICATE OF SERVICE**

I hereby certify that, on this date, I served a true and correct copy of the Petition to Intervene in the Pennsylvania Public Utility Commission matter, which bears Docket No. C-2012-2308997, to be served on the following via certified mail and/or Fed Ex Overnight as indicated below at the addresses listed below:

Pennsylvania Public Utility Commission  
**ATTN: Admin. Law Judge David A. Salapa**  
Commonwealth Keystone Building  
2nd Fl. – West  
400 North Street  
Harrisburg, Pennsylvania 17105  
*(via Fed Ex Overnight & Cert Mail R/R/R)*

Pennsylvania Public Utility Commission  
**ATTN: Adam Young, Prosecutor**  
Commonwealth Keystone Building  
400 North Street  
2nd Fl - North  
Harrisburg, Pennsylvania 17105  
*(via Fed Ex Overnight & Cert Mail R/R/R)*

Post & Schell PC  
**ATTN: Christopher Wright, Esq. and  
David B. McGregor, Esq.**  
1600 John F. Kennedy Blvd  
Philadelphia PA 19103-2808  
*(via Cert Mail R/R/R)*

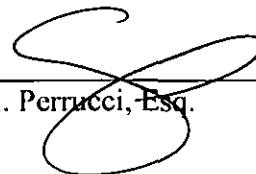
**Joseph A. Holko, Esq.**  
Thomas, Thomas & Hafer, LLP  
3101 Emrick Blvd., Suite 302  
Bethlehem, PA 18020  
*(via Cert Mail R/R/R)*

**FLORIO, PERRUCCI, STEINHARDT & FADER, LLC**

Dated: September 21, 2012

By \_\_\_\_\_

Christian M. Perrucci, Esq.



From: (610) 691-7900  
 Kerri Flaherty  
 FPS  
 60 W Broad St, Ste 102  
 Bethlehem, PA 18018

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**Rosemary Chiavetta, Sec'y**  
**PA Public Utility Commission**  
**400 NORTH ST**  
**FL 2**  
**HARRISBURG, PA 17120**

Ref # RMD / 54492.0001  
 Invoice #  
 PO #  
 Dept #

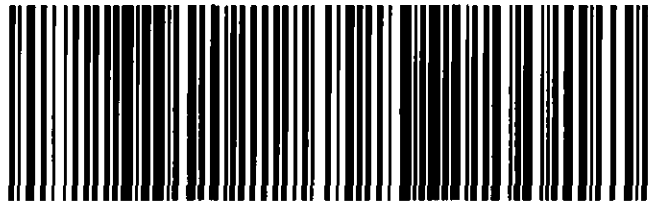
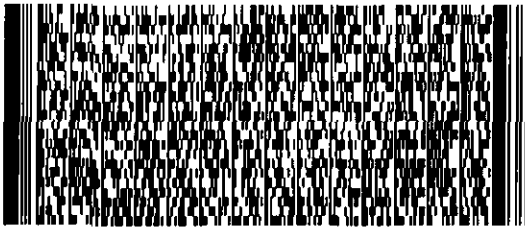
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