



PEOPLES NATURAL GAS



PEOPLES TWP

**William H. Roberts II**  
Senior Counsel

**Peoples Service Company LLC**  
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September 27, 2012

**VIA ELECTRONIC FILING**  
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Logan Township v. Peoples Natural Gas Company LLC  
at Docket No. C-2012-2322752

Dear Secretary Chiavetta:

On behalf of Peoples Natural Gas Company LLC, enclosed please find Peoples' Preliminary Objections, to be electronically filed in the above-referenced case.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Very truly yours,

Attorney for Peoples Natural Gas Company LLC

cc: Certificate of Service

**NOTICE TO DEFEND**

To Complainant, Logan Township:

You are hereby notified to file a written response to the **Preliminary Objections** presented herewith within ten (10) days from service hereof in accordance with 52 Pa. Code § 5.103 (c). Failure to do so may result in a Judgment being rendered against you.



William H. Roberts II  
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Counsel for Peoples Natural Gas Company LLC

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

<b>Logan Township</b>	) <b>Complaint Docket</b>
<b>v.</b>	) <b>No. C-2012-2322752</b>
<b>Peoples Natural Gas Company LLC</b>	)

**PRELIMINARY OBJECTIONS**  
**OF PEOPLES NATURAL GAS COMPANY LLC**

Peoples Natural Gas Company LLC (“Peoples”) respectfully submits these Preliminary Objections pursuant to 52 Pa. Code §5.101 and requests a dismissal of the formal complaint filed by Logan Township in the above-captioned matter. In support of its request, Peoples avers as follows:

1. The subject complaint involves a dispute between Logan Township and Peoples over whether or not Peoples complied with the municipality’s ordinances for opening a road surface and/or indicating a road closure during construction.
2. Logan Township provided as an exhibit to its formal complaint a copy of its street opening ordinance which identified in Section 106 thereof officials authorized to enforce said ordinance and the penalty for violation. Pursuant to the Second Class Township Code, the method for enforcement of violations of ordinances of Townships of the Second Class is by civil enforcement proceeding or summary offense proceeding before a district justice or by an action in equity before brought in a court of common pleas of the county where the township is situate. 53 P. S. § 66601.
3. Logan Township asks as relief in this formal complaint case that Peoples be fined for failure to follow Logan Township’s ordinances, the enforcement of which this Commission has no jurisdiction over.
4. Logan Township does not make allegations in its formal complaint regarding utility service provided to it by Peoples and, in fact, has not filed this complaint as a customer receiving utility service.

5. Nothing in the complaint addresses reasonable, sufficient or adequate utility service.
6. The Commission has only the powers and authority granted to it by the General Assembly as contained in the Public Utility Code, and the Commission must act within, and not exceed, that authority. *Pickford v. Public Utility Com'n*, 4 A.3d 707 (Pa. Cmwlth. 2010). The Public Utility Code does not grant to the Commission authority to adjudicate violations of municipal street opening ordinances.

Wherefore, Peoples respectfully requests that the Commission accept for filing and give due consideration to these Preliminary Objections and grant Peoples' request to dismiss this Complaint.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William H. Roberts II".

William H. Roberts II  
Counsel for  
Peoples Natural Gas Company LLC

CERTIFICATION OF SERVICE

I hereby certify that I have served a copy of the foregoing Preliminary Objections  
upon:

Logan Township  
100 Chief Logan Circle  
Altoona, PA 16602

Done at Pittsburgh, Pennsylvania, this 27<sup>th</sup> day of September, 2012.



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William H. Roberts II  
Counsel for  
Peoples Natural Gas Company LLC