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December 7, 2012

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DEC 7 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BIUREAU

Via Fed Ex Overnight (Priority)

Pennsylvania Public Utility Commission
ATTN: Secretary, Rosemary Chiavetta
Commonwealth Keystone Building
400 North Street 2nd Floor
Harrisburg, Pennsylvania 17105

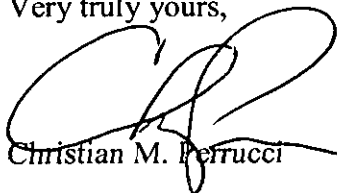
Re: Petition for Remand by Manuel E. Cruz, Intervenor
PA PUC v. UGI Utilities, Inc.
C-2012-2308997
Allentown Gas Explosion (02/09/11)

Dear Ms. Chiavetta:

Enclosed please find an original and one (1) copy of Intervenor, Manuel Cruz's Petition for Remand in reference to the above-captioned matter. Kindly file the original and return a time-stamped copy to our attention in the enclosed, self-addressed, stamped envelope provided for your convenience.

Thank you for your immediate attention to this matter.

Very truly yours,



Christian M. Perrucci

CMP/kaf
Enclosures
cc: as per Certificate of Service.

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
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Bethlehem Office
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

C-2012-2308997

UGI Utilities, Inc.

**PETITION FOR REMAND BY MANUAEL E. CRUZ, AS ADMINSTRATOR OF THE ESTATES OF
KATHERINE CRUZ AND OFELIA A. BEN, AND MANUEL E. CRUZ,**

AND NOW COMES Manuel E. Cruz, Intervenor, by and through his attorneys, Florio Perrucci Steinhardt & Fader, L.L.C., by Christian M. Perrucci, Esquire, and hereby respectfully requests that this matter be remanded to the Administrative Law Judge and avers as follows:

1. Manuel E. Cruz is an adult individual who was granted intervenor status in this matter by the Honorable David A. Salapa, A.L.J., on October 22, 2012.

2. The mother, daughter and grandson of Manuel E. Cruz died when his residence at 542 North 13th Street, Allentown, Pennsylvania was destroyed when gas leaked from a corroded cast iron pipeline belonging to UGI Utilities, Inc. causing an explosion.

3. Manuel E. Cruz is the Administrator of the Estate of Katherine Cruz, his daughter, and of the Estate of Ofelia A. Ben, his mother.

4. Manuel E. Cruz filed a Petition to Intervene in this matter on September 21, 2012.

5. At 10:00 a.m. on September 25, 2012, Judge Salapa conducted a prehearing conference with counsel for the Bureau of Investigation and Enforcement and UGI Utilities, Inc. Manuel E. Cruz, who had not then been granted Intervenor status did not participate.

6. Judge Salapa states that after the prehearing conference, on September 25, 2012, he learned of Manuel E. Cruz's Petition to Intervene.

7. On October 22, 2012, Judge Salapa filed the "Initial Decision Approving Joint Settlement Petition." Therein, he granted intervenor status to Manuel E. Cruz.

8. In the October 22, 2012 decision, Judge Salapa approved a Joint Settlement Petition of the Bureau of Investigation and Enforcement and UGI Utilities, Inc.

9. In the October 22, 2012 decision, Judge Salapa mistakenly presumed that Manuel E. Cruz, "does not object to the terms of the Joint Settlement Petition." (See Decision of October 22, 2012, p.12)

10. In fact, Manuel E. Cruz strenuously objects to that provision of the settlement which allows UGI Utilities, Inc. to take fourteen (14) years to replace its cast iron pipeline in the City of Allentown because the pipelines are nearly a century old, are corroded, and pose an immediate danger to the lives and property of the residents of the City of Allentown.

11. The proposed fourteen (14) year replacement period ignores: (1) long-standing warnings issued by a federal government agency that the old and corroded cast iron pipes required replacement; and (2) an established history of fatal gas explosions in the City of Allentown.

12. Because Judge Salapa first granted intervenor status to Manuel E. Cruz contemporaneously with his approval of the Joint Settlement Petition on October 22, 2012, Manuel E. Cruz had no opportunity to object to the settlement and be heard by the Administrative Law Judge prior to the approval of the joint settlement proposal.

13. Additionally, Manuel E. Cruz has never been given the opportunity to engage in any step of the PUC's investigation of UGI's involvement in the February 9, 2011 deadly gas

explosion which killed his entire family. Further, Mr. Cruz was never interviewed by the PUC nor given the opportunity to review any of the investigation documents in this matter that would support the proposed Joint Settlement Petition.

14. Because of the death of his family as a result of the explosion of February 9, 2011, Manuel E. Cruz has an interest which is direct, immediate, and substantial in this matter. That interest requires that he have the opportunity to object and be heard by the Administrative Law Judge with regard to the proposed Joint Settlement Petition.

WHEREFORE, Manuel E. Cruz, Intervenor, respectfully requests that this matter be remanded to the Administrative Law Judge to permit him to object and be heard regarding the proposed Joint Settlement Petition.

Respectfully submitted,

FLORIO, PERRUCCI, STEINHARDT & FADER, LLC

By  _____

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

Dated: December 7, 2012

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Petition for Remand upon persons listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party):

Notification by First Class Mail and/or Electronic Mail:

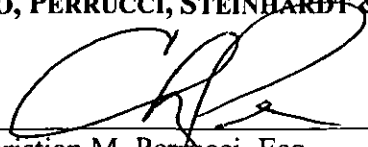
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Adam D. Young, Esquire
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
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FLORIO, PERRUCCI, STEINHARDT & FADER, LLC

By 
Christian M. Perrucci, Esq.
Attorney ID No. 90408

Dated: December 7, 2012

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

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PA Public Utility Commission
400 NORTH ST
Commonwealth Keystone Bldg 2nd Floo
HARRISBURG, PA 17120

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PO #
Dept #

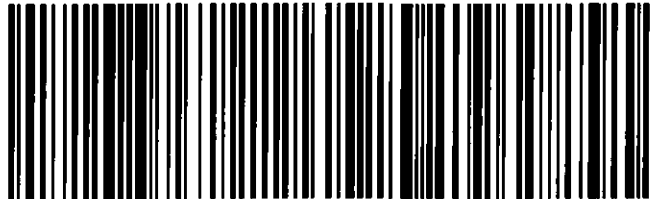
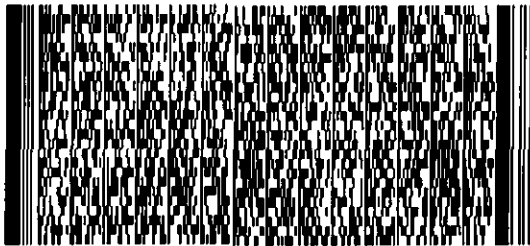
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