

LARRY R. CRAYNE, PC
Attorney at Law

238 Johnston Road
Pittsburgh, PA 15241

lrcrayne@comcast.net

(412) 831-5462
(412) 425-4029

ELECTRONICALLY FILED

September 28, 2015

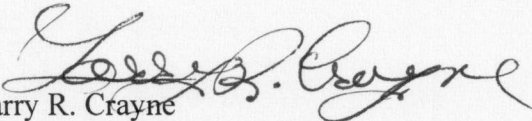
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Amy Kush v. UGI Utilities, Inc.
Complaint Docket No. C-2015-2502636

Dear Ms. Chiavetta:

Enclosed is an electronically filed copy of UGI Utilities, Inc.'s Preliminary Objections to Formal Complaint. A copy of the document has been served on the Complainant.

Sincerely,


Larry R. Crayne

cc: Amy Kush
258 Frederick Street
Kingston, PA 18704

Commonwealth of Pennsylvania

Before the Pennsylvania Public Utility Commission

In the Matter of:

Amy Kush,
Complainant,

Complaint Docket
No. C-2015-2502636

VS.

UGI Utilities, Inc.,
Respondent.

Preliminary Objections

AND NOW comes Respondent, UGI Utilities, Inc., (UGI) pursuant to 52 *Pa. Code*, Section 5.101 (a) (4), and files the following Preliminary Objections:

A. Legal Insufficiency of Pleading

1. Complainant has filed a formal complaint with the Commission and has made no relevant or material allegations regarding the electric service provided to Complainant by UGI. Complainant has failed to set forth what Columbia Gas did or failed to do in providing service to Complainant, but instead has set forth a litany of irrelevant and immaterial commentary regarding her domestic and financial situation and religious beliefs.

2. Therefore, Complainant fails to set forth any violation by UGI of the Public Utility Code, any order or regulation of the Commission or the UGI tariff. Consequently there are no genuine issues of material fact and UGI is entitled to judgment as a matter of law.

3. The Commission's regulation at 52 *Pa.Code*, Section 5.101(a)(4) permits the filing of a preliminary objection to dismiss a pleading for legal insufficiency. The provision at 52 *Pa.Code* § 5.101(a)(4) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. 66 *Pa.C.S.*, Section 703(a); *Lehigh Valley Power Committee v. Pennsylvania Pub. Util. Comm'n.*, 563 A.2d 557 (*Pa.Cmwlth.* 1989); *Lehigh Valley Power Committee v. Pennsylvania Pub. Util. Comm'n.*, 563 A.2d 548 (*Pa.Cmwlth.* 1989); *S.M.E. Bessemer Cement, Inc. v. Pennsylvania Pub. Util. Comm'n.*, 540 A.2d 1006 (*Pa.Cmwlth.* 1988); *White Oak Borough Authority v. Pennsylvania Pub. Util. Comm'n.*, 103 A.2d 502 (*Pa.Super.* 1954).

Wherefore, UGI moves that this Complaint be summarily dismissed for legal insufficiency.

Notice to Plead

To: Amy Kush:

You are hereby notified to file a written response to the above Preliminary Objections within ten (10) days from service hereof or a judgment may be entered against you. The response must be mailed to the Secretary of the Public Utility Commission:

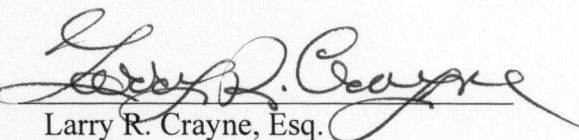
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

A copy of your response must also be mailed to:

Larry R. Crayne, PC
Attorney at Law
238 Johnston Road
Pittsburgh, PA 15241

Respectfully submitted,

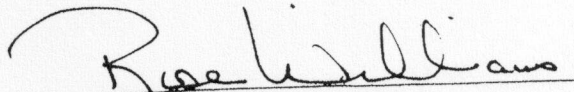
UGI Utilities, Inc.

By: 
Larry R. Crayne, Esq.

VERIFICATION

I, Rose Williams, Regulatory Compliance Supervisor UGI Utilities, Inc., hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

9-28-2015

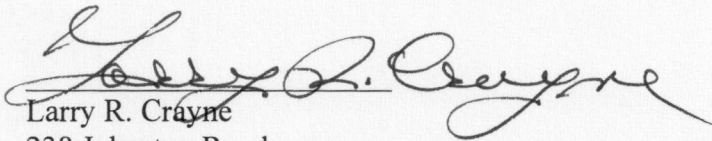

Rose Williams
Rose Williams

Certificate of Service

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the participant, listed below, in accordance with the requirements of Sec. 1.54 (relating to service by a participant).

Amy Kush
258 Frederick Street
Kingston, PA 18704

Dated this 28th day of Sep, 2015


Larry R. Crayne
238 Johnston Road
Pittsburgh, PA 15241

Counsel for
UGI Utilities, Inc.