

I. BACKGROUND

The Centre Park Historic District, Inc. (“CPHD”) is a Pennsylvania non-profit corporation established to represent and advance the interests of the Centre Park Historic District in the City of Reading, Berks County, Pennsylvania (“City”). The Centre Park Historic District is one of six (6) designated historic districts in the City.

Although the matter before the Public Utility Commission (“Commission”) stems from a Formal Complaint filed by CPHD on or about October 25, 2015, CPHD, through consultation with officials from the City, acknowledges that the issues advanced in its Formal Complaint would best be handled on a City-wide basis, across all six (6) historic districts. The City intends to file a Formal Complaint that would subsume the issues raised by CPHD. At the time the City files its Formal Complaint, CPHD requests that this matter be consolidated at the City’s docket.

With the foregoing in mind, and by way of introduction to this matter and to the issues raised in CPHD’s Formal Complaint and expected to be raised more fully in the City’s Formal Complaint, this case involves a substantial, multi-year program by UGI to replace and relocate interior gas meters to the exterior of buildings in the City. CPHD’s specific concerns relate to (1) the exterior placement of gas meters in the City’s historic districts, including the Centre Park Historic District and (2) the placement of gas meters in dangerous locations along City streets.

A. Impact of Outside Meter Relocation on Historic Districts

In September 2014, the Commission adopted a Final Rulemaking Order amending § 59.18 of the Public Utility Code to provide regulatory requirements for the placement of meters, regulators, and service lines. Although, as a general rule, § 59.18 requires relocated meters and regulators be placed outside and aboveground, the amendments included an exception for historic districts, where inside meter location must be considered. Specifically:

(1) Inside meter locations shall be considered only when:

...

(ii) A meter is located in a building that meets one of the following criteria:

(A) A building is listed in the National Register of Historic Places or the customer or building owner notifies the utility that the building is eligible to be listed in the National Register of Historic Places and the eligibility can be readily confirmed by the utility.

(B) A building is located within a historic district that is listed in the National Register of Historic Places or the customer or building owner notifies the utility that the historic district is eligible to be listed in the National Register of Historic Places and the eligibility can be readily confirmed by the utility.

(C) A building has been designated as historic under the act of June 13, 1961 (P. L. 282, No. 167) (53 P. S. §§ 8001--8006), known as the Pennsylvania Historic District Act, the Pennsylvania Municipalities Planning Code (53 P. S. §§ 10101--11202) or a municipal home rule charter.

(D) A building is located within a locally designated historic district or is eligible for the listing, or a building is individually designated under a local ordinance as a historic landmark or is eligible for the listing.

52 Pa. Code § 59.18(d) (emphasis added).

In enacting the § 59.18 amendments, the Commission received and responded to comments from historical commissions and boards, private citizens, preservation groups, civic associations, and government entities and officials. In responding, the Commission stated that:

Although we believe that it is necessary that, due to its public safety obligations, the utility be allowed to make the final decision, this decision to locate a meter inside is not without direction. The regulation does provide, in effect, guidelines that must be followed. If an outside meter is not going to become available because of certain restrictions, then an inside meter location must be considered, and that does not appear to us to be ambiguous.

Commission's Final Rulemaking Order, p. 27 (emphasis added). The Commission continued to state:

We do believe...that the utility, in applying the regulation, has an obligation to know whether gas line improvements and meter location projects are located in historic areas. This is a burden that any property owner or contractor would probably have in undertaking exterior improvements in an historic district, since the local municipality may require prior approval before a building permit is issued.

Id. at p. 18.

As UGI has implemented its gas meter relocation program in the City, it has routinely placed gas meters in the front yards, on the fronts of buildings, and along building façades visible from the public rights-of-way in locally designated historic districts. Where such meters have been installed, UGI has failed to give any meaningful consideration to inside placement, placements that could not be seen from the public rights-of-way, or placements that maintain the historic nature and aesthetic value of the historic districts.

The exterior placement of these meters has significantly disrupted the historic nature and aesthetic value of the City's historic districts, and had an immediate, direct and negative impact on the historical integrity of the City's historic neighborhoods.

B. Location of Exterior Meters in Dangerous Locations

§ 59.18 also provides general requirements for the placement of gas meters and regulators. Subsection (a)(5), in pertinent part, states:

(a) General requirements for meter and regulator location.

...

(5) When selecting a meter or service regulator location, a utility shall consider potential damage by outside forces.

52 Pa. Code § 59.18(a)(5). Subsection (b)(1) of § 59.18 states that:

(b) Outside meter or service regulator locations. Outside meter or service regulators shall be installed in one of the following locations:

- (1) When feasible and practical to do so, above ground in a protected location adjacent to the building served.

52 Pa. Code § 59.18(b)(1). Finally, subsection (a) of 49 CFR § 192.353, adopted and enforced by the Commission, states that:

- a. Each meter and service regulator, whether inside or outside a building, must be installed in a readily accessible location and be protected from corrosion and other damage, including, if installed outside a building, vehicular damage that may be anticipated.

49 CFR § 192.353(a).

Since May 2014, UGI has installed numerous exterior gas meters throughout the City, both within and outside of designated historic districts, in close proximity to busy City streets where they are unprotected from vehicular damage and other outside forces. In fact, UGI has installed gas meters as close as four (4) feet from busy City streets. UGI's installation of gas meters in these locations constitutes a violation of 52 Pa. Code § 59.18(a)(5) and (b)(1), as well as 49 CFR § 192.353.

II. PRESENTLY IDENTIFIED ISSUES

1. Procedural issues:

- a. CPHD respectfully requests that the CPHD Formal Complaint and City Formal Complaint be consolidated upon filing of the City's Formal Complaint.
- b. CPHD respectfully requests that the Commission issue an order in the consolidated matter, setting forth:
 - i. A discovery schedule
 - ii. A briefing schedule
 - iii. Hearing date(s) and procedures

2. UGI must recognize locally designated historic districts for purposes of considering inside meter placement under § 59.18(d).
3. UGI has failed to give appropriate consideration to the inside placement of meters in designated historic districts as required by § 59.18(d). CPHD respectfully requests that the Commission establish specific standards for UGI to follow in considering inside locations of gas meters in buildings that are located within designated historic districts.
4. In locating its exterior gas meters in close proximity to City streets and on narrow sidewalks where they create safety hazards for passing pedestrians, UGI has failed to “consider potential damage by outside forces,” in violation of 52 Pa. Code § 59.18(a)(5).
5. In locating exterior gas meters in close proximity to City streets and on narrow sidewalks where they create safety hazards for passing pedestrians, UGI has failed to locate gas meters in “protected location[s]” in violation of 52 Pa. Code § 59.18(b)(1).
6. In locating exterior gas meters in close proximity to City streets, UGI has failed to consider “vehicular damage that may be anticipated” in violation of 49 CFR § 192.353(a).

III. WITNESSES

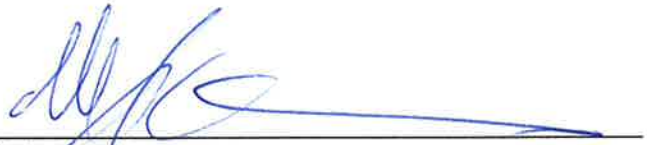
CPHD intends to call John Slifko, City of Reading City Councilmember to explain, in general terms, UGI’s relocation efforts in the City, including UGI’s communications with the City regarding same. Mr. Slifko will also testify to his observations with respect to the relocation of gas meters in the City. CPHD intends to call Jeffrey S. Waltman, Sr., City of Reading City Council President, to supplement the testimony of Mr. Slifko, as needed.

CPHD also intends to call Ralph Johnson, City of Reading Public Works Director, related to the City's issuance of permits for meter relocations as well as Mr. Johnson's on-the-ground observations of UGI's meter relocation program.

CPHD intends to call Michael Lauter, Centre Park Historic District president, to provide an overview of the City's historic districts, including the Centre Park Historic District, and to explain the impact of the exterior placement of meters on the historic character and aesthetic of the City historic districts.

CPHD reserves the right to call such additional witnesses as may be necessary to respond to issues raised by the respondent.

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

CENTRE PARK HISTORIC DISTRICT, INC.

vs.

UGI UTILITIES, INC.

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No. C-2015-2516051

CERTIFICATE OF SERVICE

It is hereby certified that on February 10, 2016, Michael J. Savona, Esquire served, by electronic mail, a true and correct copy of the foregoing prehearing memorandum on the following:

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