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February 11, 2016

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

Re: Lewis and Barbara Speeler v. Peoples Natural Gas Company LLC
at Docket No. C-2016-2526110

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,

A handwritten signature in blue ink, appearing to be "JL Petrisek", written over a large, light blue oval scribble.

Enclosures

cc: Lewis and Barbara Speeler, 1101 Chartiers Street, Bridgeville, PA 15017

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

Lewis & Barbara Speeler)	Complaint Docket
v.)	No. C-2016-2526110
Peoples Natural Gas Company)	
Equitable Division)	

NOTICE TO PLEAD

TO: Lewis & Barbara Speeler

You are hereby notified that, if you do not file a written response to the enclosed Preliminary Objections within (10) days from service of this notice, the facts set forth in the following Preliminary Objections may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Response to the enclosed Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on all other parties to this proceeding. Failure to respond to the Preliminary Objections could result in the dismissal of your case.

Dated: February 11th, 2016



Jennifer L. Petrisek, Esq.
Counsel for Peoples Natural Gas Company LLC
Equitable Division
225 North Shore Drive
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(412) 208-6834

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**PRELIMINARY OBJECTIONS
TO THE FORMAL COMPLAINT OF
LEWIS & BARBARA SPEELER**

Pursuant to 52 Pa. Code §5.101, Peoples Natural Gas Company LLC, Equitable Division, hereinafter referred to as “Peoples” or “Company”, hereby files its preliminary objections to the Formal Complaint filed in the above-captioned matter on the grounds that the subject matter of the complaint has been untimely filed and the statute of limitations for relief that can be granted has tolled. Therefore, Peoples moves to have this Complaint dismissed.

In support of its preliminary objections, Peoples states as follows:

1. The Complainants reside at 1101 Chartiers Street, Bridgeville, PA 15017 (the “Residence”).
2. The Complainants filed a formal complaint with the Commission at Docket Number C-2016-2526110 averring that sidewalk construction work performed by Peoples in 2005 was incorrectly installed, creating a low spot where water collects (the “Formal Complaint”). In the Formal Complaint, the Complainants seek compensatory damages for the alleged loss caused to Complainants in the form of a replacement sidewalk being installed.
3. In an Answer being served contemporaneously with this Motion, Peoples has denied the material allegations in the Formal Complaint.
4. Complainants specifically state in their complaint that the sidewalk which they seek to have replaced was installed in 2005.
5. Complainants further attach to their complaint, a letter sent to Equitable Gas Company’s (now Peoples) claims department on January 10, 2008 in which it alleged

essentially all of the same issues with the sidewalk as are stated in the current Complaint.

6. In response to Complainant's letter, Peoples informed the customer that the sidewalk and curb were installed to the specifications required by the Pennsylvania Department of Transportation (PennDOT) and were approved by PennDOT, as the road is owned and maintained by the Commonwealth of Pennsylvania.
7. Complainants' request in 2008 for a new sidewalk was denied.
8. Complainants never pursued the action further by filing an action in a Civil Court of Law.
9. The Statute of Limitations in Pennsylvania for a Civil Court case regarding alleged negligent construction of a sidewalk is 2 years after the defect is found.
10. Complainant's first allegation that the sidewalk was negligently installed was received by Peoples on June 25, 2007.
11. As such, the statute of limitations to file a Civil Court action against Peoples was tolled on June 25, 2009.
12. Complainant is 6 ½ years beyond the Statute of Limitations to file a Complaint in a Pennsylvania Civil Court of Law.
13. Complainants have filed the current Complaint before this Commission nearly 9 years after their first complaint to Peoples that the sidewalk was improperly installed and nearly 8 years after the denial of their request to have a new sidewalk installed.
14. Under 66 Pa. C.S.A. §3314, in order for this Commission to assess any penalties or seek prosecution for any matter related to insufficient service rendered by Peoples, the matter must be brought "within three (3) years from which the liability therefor arose".
15. Three years from the first allegation that the sidewalk was improperly installed would have been on June 25, 2010.
16. The current Complaint is untimely filed by nearly 5 ½ years.
17. To the extent that this Commission would have found that Peoples' provision of natural gas service was inadequate, which is denied, the limitation of time under which these findings and any penalties that should have been assessed are well beyond the period of time in which said penalties could have been assessed.
18. Complainants have far exceeded the time limits for which they should have sought legal recourse for the relief requested.

WHEREFORE, Peoples respectfully requests that this Commission grant Peoples' preliminary objection to the Formal Complaint and dismiss this case.

Respectfully submitted.

Dated: February 11th, 2016




Jennifer L. Petrisek, Esq.
Counsel for Peoples Natural Gas Company LLC
Equitable Division
(Formerly Equitable Gas Company)

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VERIFICATION

I, Jennifer L. Petrisek, hereby declare that I am an attorney representing Peoples; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Motion are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.



Jennifer L. Petrisek

Date: February 11th 2016


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Equitable Division)	

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing NOTICE TO PLEAD and PRELIMINARY OBJECTIONS TO THE FORMAL COMPLAINT upon each party to this proceeding.

Done at Pittsburgh, Pennsylvania, this 11th day of February, 2016.



Jennifer L. Petrisek
Counsel for
Peoples Natural Gas Company LLC