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File #: 165082

September 1, 2016

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Centre Park Historic District v. UGI Utilities, Inc.  
Docket No. C-2015-2516051**

**City of Reading v. UGI Utilities, Inc.  
Docket No. C-2016-2530475**

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Dear Secretary Chiavetta:

Enclosed for filing please find the Petition of UGI Utilities, Inc. for Interlocutory Review and Answer to Material Questions in the above-referenced proceedings. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'DR', with a long horizontal flourish extending to the left and right.

Devin Ryan

DTR/jl  
Enclosures

cc: Honorable Mary D. Long  
Certificate of Service

**CERTIFICATE OF SERVICE**  
**(Docket Nos. C-2015-2516051 and C-2016-2530475)**

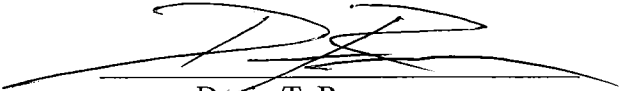
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL & FIRST CLASS MAIL**

Michael J. Savona, Esquire  
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PO Box 3265  
Harrisburg, PA 17105-3265

Date: September 1, 2016

  
Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District v. UGI Utilities, Inc.	: : :	Docket No. C-2015-2516051
City of Reading v. UGI Utilities, Inc.	: :	Docket No. C-2016-2530475

**PETITION OF UGI UTILITIES, INC. FOR INTERLOCUTORY REVIEW AND  
ANSWER TO MATERIAL QUESTIONS**

UGI Utilities, Inc. (“UGI”) hereby files this Petition for Interlocutory Review and Answer to Material Questions, pursuant to 52 Pa. Code § 5.302, as states as follows:

**I. BACKGROUND**

1. The Centre Park Historic District (“CPHD”) and the City of Reading (the “City”) filed the above-captioned complaints against UGI on November 25, 2015 and February 23, 2016, respectively. Both Complaints challenge UGI’s placement of meters in historic districts as well as the outside placement of meters in other districts of the City.

2. In their requests for relief, Complainants both request that the PUC impose new rules and standards concerning meter locations that do not currently exist under the PUC’s regulations (*see* CPHD Complaint ¶ 5; City Complaint ¶¶ 53 and 65)<sup>1</sup> and that the PUC declined to adopt in its Final Rulemaking Order entered May 23, 2014, at Docket No. L-2009-2107155.

3. On March 14, 2016, UGI filed Preliminary Objections requesting that the City’s Complaint be dismissed because it seeks to revise 52 Pa. Code § 59.18 to impose new rules and standards concerning meter locations that currently do not exist and cannot be granted in this complaint proceeding. UGI’s Preliminary Objections were denied on March 29, 2016.<sup>2</sup>

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<sup>1</sup> In a recent response to discovery regarding whether the City continues to seek the relief requested in the Complaint, the City advised that “the City’s Complaint in this matter has not been amended.”

<sup>2</sup> The material questions presented herein for the Commission’s consideration were substantively presented in UGI’s Preliminary Objections and were considered and denied by the ALJ. Given the recent discovery response by the City that it continues to seek the relief requested in its Complaint and the fact that the ALJ has already ruled on these

## **II. MATERIAL QUESTIONS**

4. Whether the CPHD's and City's Complaint should be dismissed because the relief requested -- impose new rules and standards concerning meter locations that do not currently exist under the PUC's regulations -- is beyond the scope of a formal complaint proceeding and should be addressed through a petition for amendment of the PUC's regulations pursuant to 52 Pa. Code § 5.43. *Suggested answer in the affirmative.*

5. Alternatively, whether the scope of the evidence and issues to be addressed in this proceeding should be limited to whether the locations of UGI's meters violate the Public Utility Code or PUC regulations as currently enacted. *Suggested answer in the affirmative.*

## **III. COMPELLING REASONS FOR INTERLOCUTORY REVIEW**

6. Interlocutory review of these material questions will prevent substantial prejudice and expedite the conduct of this complaint proceeding.

7. If granted, the Complainants' requests for relief would amend the rules and standards for meter locations adopted in 52 Pa. Code § 59.18. However, the Complainants' request that the PUC adopt new rules and standards that do not currently exist in 52 Pa. Code § 59.18 cannot be adopted in this complaint proceeding and, instead, must be addressed through a petition under 52 Pa. Code § 5.43.

8. To the extent that the Complainants seek to challenge the location of UGI's meters, the only issue properly addressed in this complaint proceeding is whether the location complies with the Public Utility Code and PUC's regulations as enacted.

9. Resolving these material questions will significantly reduce the time, effort, and expense incurred by all parties to undertake discovery, prepare studies, exhibits, and testimony,

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issues, UGI respectfully submits that it would not be an expeditious use of time and resources to first request the ALJ to again rule on these issues in motion for certification of a material question under 52 Pa. Code § 5.305 before proceeding with this Petition as permitted by 52 Pa. Code § 5.302.

and proceed to hearings on a matter that cannot be addressed in a complaint proceeding. Requiring parties to undertake such efforts on issues and relief that cannot be addressed or granted in this complaint proceeding would be unreasonable and cause substantial prejudice to the parties.

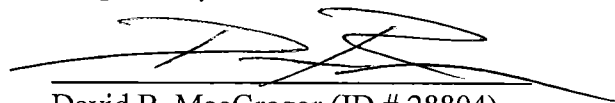
10. Further, resolving these material questions will define the proper scope of the issues to be addressed in this complaint proceeding. This will expedite the proceeding, ensure an orderly and complete record on the issues to be addressed, and facilitate the PUC's review.

11. Finally, by resolving these material questions, the Complainants will still have the opportunity to properly petition the PUC under 52 Pa. Code § 5.43 to request amendments to the PUC's meter location regulations.

#### **IV. RELIEF REQUESTED**

WHEREFORE, UGI respectfully requests that the PUC answer the material questions in the affirmative and: (1) direct that the Complaints of CPHD and the City be dismissed as the relief requested is beyond the scope of this complaint proceeding; or (2) alternatively, limit the scope of this complaint proceeding to whether UGI's meter locations in the City violate the PUC's regulations as currently enacted.

Respectfully submitted,



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Date: September 1, 2016

Attorneys for UGI Utilities, Inc.

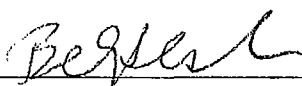
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District	:	Docket Nos. C-2015-2516051
City of Reading	:	C-2016-2530475
	:	
v.	:	
	:	
UGI Utilities, Inc.	:	

**VERIFICATION**

I, Becky Eshbach, being Director of Marketing, Programs, and Strategy for UGI Utilities, Inc., hereby state that the information set forth above is true and correct to the best of my knowledge, information and belief, and that if asked orally at a hearing in this matter, my answers would be as set forth therein. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/1/16

  
\_\_\_\_\_  
Becky Eshbach