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ELECTRONICALLY FILED

January 17, 2017

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

Re: Keith Beccia, d.b.a. Beckett Mall v. UGI Penn Natural Gas, Inc.
Complaint Docket No. C-2016-2581798

Dear Ms. Chiavetta:

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

Sincerely,



Larry R. Crayne

cc: Keith Beccia, d.b.a. Beckett Mall
3 Quail Run
Boonton, NJ 07005

Commonwealth of Pennsylvania

Before the Pennsylvania Public Utility Commission

In the Matter of:

Keith Beccia, d.b.a. Beckett Mall,
Complainant,

Complaint Docket
No. C-2016-2581798

VS.

UGI Penn Natural Gas, Inc.,
Respondent.

Lack of Jurisdiction

1. Complainant in this proceeding alleges no violation of any Statute, regulation or order that PNG has violated and which the Commission has jurisdiction to administer. The Complainant alleges damages to the Beckett Mall, San Souci Parkway, Hanover Township, PA 18706 (the "Premises") that involve no issue regarding the character of service and facilities provided to Complainant, but instead involves a claim for property damages.

2. Complainant makes no allegation regarding the adequacy and performance of the work necessary to repair the damage to the meter set and to restore service to the Premises.

3. Instead, Complainant now claims property damage that occurred to his Premises because he failed to timely contact PNG regarding the reconnection of his gas service. The Complainant in this proceeding requests the Commission to adjudicate what amounts to a matter of tort responsibility between Complainant and PNG.

4. Such determinations of proximate cause are issues of fact that are appropriately determined by a Court of Common Pleas or a jury.

5. The Commission does not have the statutory jurisdiction to adjudicate and determine the responsibility of PNG to Complainant. Further, if the Commission should conclude that PNG was responsible for damage to the Premises, the Commission does not have the power to determine damages and to enter a judgment for Complainant.

Legal Insufficiency of a Pleading

6. The complaint in this proceeding in this proceeding is insufficient as to substance because it fails to state a claim upon which the Commission may grant relief.

7. Complainant has filed a formal complaint with the Commission and has made no allegations regarding the gas service provided to Complainant. Complainant has failed to set forth what PNG did or failed to do in providing service to Complainant, but instead is seeking a determination of proximate cause regarding claimed damage to the Premises.

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

9. Complainant's claim for damages is legally insufficient. The Public Utility Code does not confer authority to grant monetary damages to a complainant. *Feingold v. Bell of PA*, 777 Pa. 1, 282 A2d 1191 (1977), 1977 Pa. LEXIS 957. UGI requests that this Complaint be dismissed without the time and expense of a formal hearing.

Wherefore, PNG is filing these Preliminary Objections requesting that this Complaint be dismissed for the reason that this matter involves the determination of responsibility under tort law for any damage that may have been proximately caused to Complainant's Premises, a matter that should be adjudicated in a civil court which has the power to make a determination of the parties rights and responsibilities and award damages if appropriate.

Notice to Plead

To: Keith Beccia, d.b.a. Beckett Mall:

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 the undersigned.

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

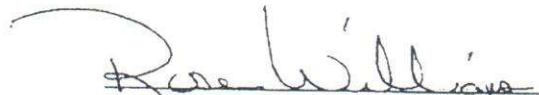
Respectfully submitted,
UGI Penn Natural Gas, Inc.

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).

1-17-2017
Date

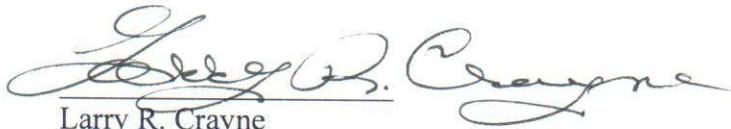

Rose Williams
Rose Williams

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 (b) (1) (relating to service by a participant).

Keith Beccia, d.b.a. Beckett Mall
3 Quail Run
Boonton, NJ 07005

Dated this 17th day of JAN, 2017



Larry R. Crayne
238 Johnston Road
Pittsburgh, PA 15241

Counsel for
UGI Penn Natural Gas, Inc.