

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00 :
2. BUREAU: ALJ :
3. SECTION(S): :
5. APPROVED BY: : 4. PUBLIC MEETING DATE:
DIRECTOR: : 00/00/00
SUPERVISOR: :
6. PERSON IN CHARGE: : 7. DATE FILED: 01/11/06
8. DOCKET NO: C-20065791 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: LIVICH, JOSEPH

RESPONDENT/APPLICANT: UGI UTILITIES, INC. "COMPLAINT APPELL"

COMP/APP COUNTY:

UTILITY CODE: 123100

ALLEGATION OR SUBJECT

UGI UTILITIES, INC. - GAS DIVISION WISHES TO APPEAL THE BCS DECISION AT NO. 2018171, DECISION RENDERED BY THE BCS ON 12/21/05. BCS CORRECTLY CONCLUDED THAT THE RESPONDENTS WERE INELIGIBLE FOR UGI'S LOW INCOME SELF-HELP PROGRAM (LISHP), BUT CONCLUDED THAT RESPONDENTS WERE ENTITLED TO A LEVEL 1 PAYMENT AGREEMENT. THE RESPONDENTS (JOSEPH LIVICH) HAS A HISTORY OF NOT PAYING FOR GAS SERVICE. UGI UTILITIES, INC. WANTS THE COMMISSION SHOULD DIRECT THE BCS TO RECONSIDER THE DECISION AND TAKE INTO CONSIDERATION THE RENTAL INCOME OF RESPONDENTS AND THE INCOME OF THE TENANT WHO APPLIED FOR THE UTILITY SERVICE.

DOCUMENT
FOLDER**DOCKETED**

JAN 23 2006

LARRY R. CRAYNE
Attorney at Law

238 Johnston Road
Pittsburgh, PA 15241

lcrayne@adelphia.net

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

January 10, 2006

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

ORIGINAL

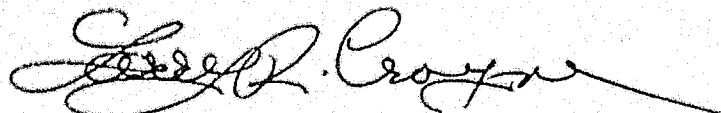
Re: UGI Utilities, Inc. v. Joseph Livich
BCS Case No. 2018171

Dear Mr. McNulty:

C-20065791

Enclosed are an original and four copies of UGI Utilities, Inc's Formal Complaint in the referenced proceeding. Please file the original and three copies of the Complaint and return a date-stamped copy to me in the envelope provided for your convenience. A copy of the document has been served on the Respondents.

Sincerely,



Larry R. Crayne

enclosure

cc: Joseph Livich
810 E Chestnut Street
Lancaster, PA 17602

RECEIVED

JAN 11 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

LARRY R. CRAYNE
Attorney at Law

238 Johnston Road
Pittsburgh, PA 15241

lcrayne@adelphia.net

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

January 10, 2006

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

RECEIVED

JAN 11 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: UGI Utilities, Inc. v. Joseph Livich
BCS Case No. 2018171

Dear Mr. McNulty:

Enclosed are an original and four copies of UGI Utilities, Inc.'s Formal Complaint in the referenced proceeding. Please file the original and three copies of the Complaint and return a date-stamped copy to me in the envelope provided for your convenience. A copy of the document has been served on the Respondents.

Sincerely,

Larry R. Crayne

enclosure

cc: Joseph Livich
810 E Chestnut Street
Lancaster, PA 17602

63

Commonwealth of Pennsylvania

Before the Pennsylvania Public Utility Commission

Formal Complaint

ORIGINAL

In the Matter of:

UGI Utilities, Inc,
Complainant,

VS.

Joseph & Glenda Livich
Respondents.

C-20065791

BCS Case
No. 2018171

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JAN 11 2006

Formal Complaint

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

1. Complainant Appellant:

UGI Utilities, Inc.
P. O. Box 13009
Reading, PA 19612-3006
(610) 736-5570

2. This complaint involves utility service rendered to:

Joseph Livich
810 E Chestnut St
Lancaster, PA 17602

3. Type of utility:

Gas

4. Complaint:

- A. Appellant, UGI Utilities, Inc., (UGI) hereby appeals a decision rendered by the Bureau of Consumer Services (BCS) on December 21, 2005.
- B. Specifically, the BCS issued a "1405 ONE BITE" payment agreement that does not take into consideration all relevant income of Respondents and their tenant. The BCS correctly concluded that the Respondents were ineligible for

UGI's Low Income Self Help Program (LISHP), but concluded that Respondents were entitled to a Level I payment agreement. The agreement providing for the reconnection of service upon payment by Respondents of 1/60 of the arrearage (\$40.00), plus \$100.00 security deposit and a \$44.00 reconnect charge, for a total amount of \$184.00. After connection of service, the decision directs the Respondents to pay the monthly budget amount, currently (\$308.00), the balance of the security deposit when billed (\$616.00), and \$39.00 per month for 39 months to retire the arrearage.

- C. Respondents have a history of not paying for gas service. A previous Gas Service Account No. 309-060-5250-30 in the name of Glenda Livich ended in bankruptcy with a balance owed of \$2235.17. A second Gas Service Account No. 309-060-5250-49 in the name of Glenda Livich ended with a civil lien in the amount of \$2279.31. A third Gas Service Account No. 309-060-5250-21 in the name of Glenda Livich also ended in a bankruptcy with a balance owed of \$645.06. The current Gas Service Account No. 309-060-5250-58 in the name of Joseph Livich has a current balance of \$2370.96. The only payment made on Respondent's current account was a payment by the Low Income Heating Assistance Program (LIHEAP). The \$184.00 providing for the current restoration of service was made by LIHEAP. Therefore, Respondents have made no payments for gas service on their current account.
- D. Respondent's claim \$300.00 wage income per month and claim no income by reason of a tenant, Scotty Sterling, who lives on the second floor of the premises. The premises are served from a single meter. Therefore, the rental income from the tenant should have been taken into consider by the BCS decision.
- E. Section 1407 (D) of Chapter 14 provides: "Payment of Outstanding Balance at Premises. - A public utility may also require the payment of any outstanding balance or portion of an outstanding balance if the applicant resided at the **property** for which service is requested during the time the outstanding balance accrued and for the time the applicant resided there." (Emphasis added)
- F. Respondent's tenant, Scotty Sterling, made application for the restoration of utility service by UGI on 11/11/05. Therefore, the income of the tenant should have been taken into consideration in the issuance of the BCS decision requiring restoration of service and the establishment of a payment plan.

5. Relief:

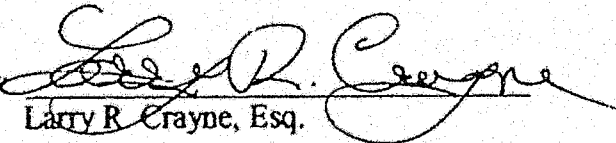
For the reasons stated above, the Commission should direct the BCS to reconsider the decision dated December 21, 2005 and take into consideration the rental income of Respondents and the income of the tenant who applied for the utility service.

Request For Telephonic Hearing

UGI hereby requests that any hearings to be scheduled in this proceeding be conducted telephonically.

Respectfully submitted,

UGI, Utilities, Inc.

By 
Larry R. Crayne, Esq.

VERIFICATION

I, Peter G Terranova, Vice President – Operations, 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).

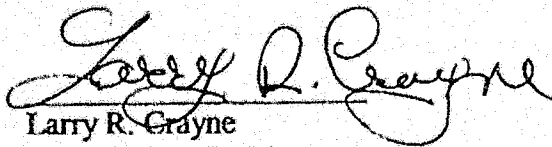
Peter G Terranova 1/10/2006
Peter G. Terranova Date

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).

Joseph Livich
810 E Chestnut St.
Lancaster, PA 17602

Dated this 10th day of JAN, 2006



Larry R. Grayne
238 Johnston Road
Pittsburgh, PA 15241

Counsel for
UGI Utilities, Inc.

RECEIVED

JAN 11 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: JANUARY 24, 2006

JOSEPH LIVICH
Complainant

v.

UGI UTILITIES, INC. "COMPLAINT
APPELLANT"
Respondent

Complaint Docket
No: C-20065791

DOCUMENT
FOLDER

DOCKETED
JAN 23 2006

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: JOSEPH LIVICH

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

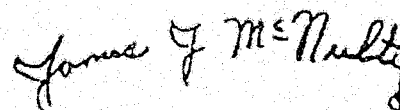
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: JANUARY 24, 2006

C-20065791

JOSEPH LIVICH
810 EAST CHESTNUT STREET
LANCASTER PA 17602

DOCUMENT
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by UGI UTILITIES, INC.. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either, personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

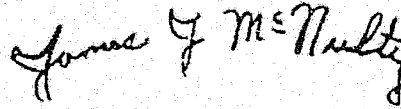
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

JANUARY 24, 2006

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the typed name and title.

James J. McNulty
Secretary

JIH

LARRY R. CRAYNE
Attorney at Law

238 Johnston Road
Pittsburgh, PA 15241

lcrayne@adelphia.net

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

February 16, 2006

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

ORIGINAL

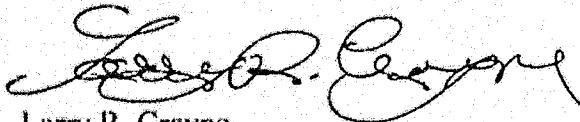
Re: Joseph Livich v. UGI Utilities, Inc.
BCS Case No. 2018171

Dear Mr. McNulty:

C-20065791

Enclosed are an original and three copies of UGI Utilities, Inc's Petition to Withdraw Formal Complaint in the referenced proceeding. A copy of the document has been served on the respondent.

Sincerely,



Larry R. Crayne

enclosure

cc: Joseph Livich
810 E Chestnut Street
Lancaster, PA 17602

DOCUMENT
FOLDER

RECEIVED
FEB 16 2006
PUBLIC UTILITY COMMISSION
HARRISBURG, PA

89

Commonwealth of Pennsylvania
Before the Pennsylvania Public Utility Commission

ORIGINAL

In the Matter of:

Joseph Livich
Complainant,

BCS Case
No. 2018171

VS.

UGI Utilities, Inc.
Respondent.

DOCUMENT
FOLDER

C-20065791

Petition to Withdraw Formal Complaint

And Now comes Respondent, UGI Utilities, Inc. (UGI), pursuant to 52 Pa. Code, Section 5.94, and states and avers as follows:

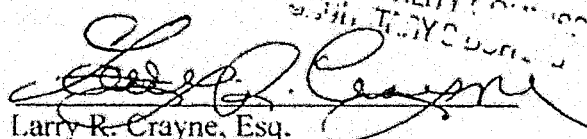
1. On or about January 11, 2006, UGI filed a Formal Complaint in the nature of an appeal from a decision rendered by the Bureau of Consumer Services (BCS) on December 21, 2005 at PUC Case No. 2018171.
2. The BCS decision issued a "1405 ONE BITE" payment agreement that did not appear to take into consideration all relevant income of Complainant, particularly the income from a tenant of Complainant. Subsequent to the filing of the Complaint, UGI has determined that Complainant no longer has a tenant. Further, Complainant has assured UGI that there is no rental income to be taken into consideration.
3. Prior to the filing of UGI's Formal Complaint, the Customer's service was restored on 12/24/05. Consequently, there no longer exist any justiciable issues regarding the BCS decision and Customer's service that UGI desires to contest. Therefore, no case or controversy exists, and the Complaint filed by UGI is moot.

Wherefore, UGI requests leave to withdraw the Formal Complaint filed in this proceeding and requests that the docket be marked closed.

DOCKETED
FEB 23 2006

Respectfully submitted,

UGI Utilities, Inc.

By: 
Larry R. Crayne, Esq.

RECEIVED

FEB 16 2006


PUBLIC UTILITY COMMISSION
330 N. TRACY STREET

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).

Joseph Livich
810 E Chestnut St.
Lancaster, PA 17602

Dated this 16th day of Feb, 2006



Larry R. Crayne
238 Johnston Road
Pittsburgh, PA 15241

Counsel for
UGI Utilities, Inc.

RECEIVED
FEB 16 2006
PUBLIC UTILITY COMMISSION
PITTSBURGH, PA

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: February 27, 2006
SUBJECT: C-20065791
Joseph Livich v. UGI Utilities, Inc.
TO: Wanda Zeiders
Docket Management
FROM: Cherie Pyle, ALJ Support Staff
Office of Administrative Law Judge

DOCUMENT
FOLDER

On February 16, 2006, a Petition for Leave to Withdraw was filed in the above-captioned proceeding. If no objection is filed to this petition within 10 days of service, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: (None Assigned)
Beth Plantz
Case File

DOCKETED
MAR 6 - 2005