

AA 00045.00000 (40/40)

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: 04/20/06  
8. DOCKET NO: C-20066272 : 9. EFFECTIVE DATE: 00/00/00

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PARTY/COMPLAINANT: SWOPE, MICHAEL B.

RESPONDENT/APPLICANT: UGI UTILITIES, INC.

COMP/APP COUNTY: YCRK

UTILITY CODE: 123100

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ALLEGATION OR SUBJECT

COMPLAINANT STATES HE RECEIVED A BILL IN THE AMOUNT OF \$2,561.14 FOR SERVICE TO 421 CHESTNUT STREET. THE BILL IS BASED ON AN ESTIMATE AND COVERS THE PERIOD FROM DEC. 7, 2005 THROUGH APRIL 6, 2006. THE PROPERTY IS A 4 UNIT RENTAL AND IS FULLY RENTED. COMPLAINANT DOES NOT RESIDE AT THE PROPERTY. ALL TENANTS ARE RESPONSIBLE FOR PAYING THEIR OWN UTILITY BILLS. HE WOULD LIKE TO BE COMPLETELY RELIEVED FROM ANY RESPONSIBILITY WHATSOEVER FOR ANY COST ASSOCIATED WITH THIS MATTER.

DOCUMENT  
FOLDER

**DOCKETED**

APR 27 2006

# ORIGINAL

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### RECEIVED

### Formal Complaint Form

123100

Please print or type.

C-20066272

APR 20 2006

#### 1. CUSTOMER NAME (COMPLAINANT)

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Your name, mailing address, county, telephone number, utility account number and service address:

Name Michael B. Swape

Street/P.O. Box 2516 Mt Zion Road Apt # \_\_\_\_\_

City York State PA Zip 17402

County York

Area Code/HOME Phone 717-840-0961 - A/c 6PM. Cell

Area Code/WORK Phone 717-892-1092 X-231 717587-0092

Utility Account Number 315 321 6831 321  
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name \_\_\_\_\_

Street/P.O. Box 421 Chestnut Street, Apt. #1

City Columbia State PA Zip 17512

#### 2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: UGI Gas Service

#### 3. TYPE OF UTILITY (check one)

- |  |   |
|--|---|
| <input type="checkbox"/> ELECTRIC                            | <input type="checkbox"/> STEAM HEAT   |
| <input checked="" type="checkbox"/> GAS                      | <input type="checkbox"/> WASTE WATER  |
| <input type="checkbox"/> WATER                               | <input type="checkbox"/> MOTOR CARRIER<br>(taxi, moving company, limousine) |
| <input type="checkbox"/> TELEPHONE<br>(local, long distance) |   |

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4. **COMPLAINT** (check one)

A. **In general, what is your complaint?**

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other  
(explain)

B. **State the facts of your complaint.**

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

*See attached*

5. **RELIEF**

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

*See attached*

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES

(includes appeals of BCS determinations)

NO

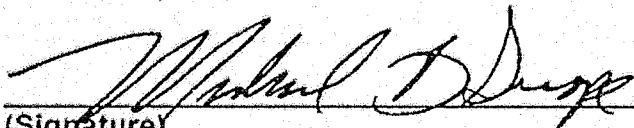
If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I Michael B. Swope, hereby state that the facts above set forth are true and correct (or 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).

  
(Signature)

4-20-06  
(Date)

9. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number

Lawyer's Name Donald B. Swape  
Street 50 East Market Street  
City Hellam State PA Zip 17406  
Area Code/Phone Number 717-840-0110

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

**Keep a copy of your complaint for your records.**

4.B. On April 13, 2006 I received a bill in the amount of \$2,561.14 for service to 421 Chestnut Street, Columbia, PA 17512. The bill is based on an "estimate" and covers the period from December 7, 2005 through April 6, 2006. The property is a (4) FOUR unit rental and is fully rented. I do not reside at the property. There are separate utilities to all units and all tenants are responsible for paying their own utility bills.

Upon receiving the bill I immediately attempted to contact UGI at 6:30PM on April 13, 2006 as I thought the bill must have been a mistake as I never requested service to that address. There was no one available. I called again at 8AM, April 14, 2006 and again there was no one available as their office was closed. At that time I wrote a letter to UGI (see attached)

As of April 20, 2006 I had not received a reply and again called their office in order to get the matter straightened out. At this time I was told that the service was placed in my name by them because they had inspected the property at the request of the tenant on December 7, 2005 and found a "foreign" condition. It was then explained to me that a "foreign condition information package" was sent to me on April 5, 2006. I have no knowledge of ever receiving this information.

It was then explained to me that there are two radiators in the hallway of the first floor and even though this space is used only by the first floor tenant it is considered a common space since other tenants pass through this area to get to their apartments. I explained the UGI representative that these radiators question do have shut off valves at the base of the radiators and also have shut off valves in the basement. The representative then asked me to provide "proof" in the way of receipts that work was done to valve off the radiators. I told her I have no "proof" as the radiators were valved off long ago and that I have no way to prove to them that there are valves in place other than for them to come and look and see that there were in fact shut off valves on the radiators. She then informed me that I would be responsible for a \$66.00 fee for them verifying that "the work was done".

I told her that I have no intention of paying them to look at valves that were in place on December 7, 2005 when they originally made their determination and she stated that then they would not come out and service would continue in my name. I then stated that I would not be responsible for the gas service or any further charges. She stated she could not turn off the gas if there was a tenant in the apartment. I refused to answer her question as to whether or not there is tenant present and asked for a supervisor.

A supervisor then picked up and the same scenario repeated. At the end of that exchange I asked why the service was put in my name on December 7, 2005, but I was never notified until April 13, 2006. She stated she had "no idea" as the "accounting department" was responsible for the billing. I asked to be transferred to accounting.

At that time I was transferred to "Heather" in accounting. I went through the scenario again with Heather and told her I had no proof of the shut off valves as they were installed long ago. Heather then told me that shut off valves were in not an acceptable

means of separating the service as far as the PUC was concerned and that the pipes would have to be capped. I questioned why the others wanted "proof" if the valves were not even acceptable and I was not told that (4) FOUR months ago and she stated because a bill was only generated after the "foreign use" package was sent on April 5, 2006.

I asked why the package was not sent until April 5, 2005. She stated that she did not know, but could let me speak to the supervisor for that department. She attempted to transfer my call to Mr. Tom Sload, but apparently he was unavailable. I asked that he return my call, but have not received a call back as of this time (4-20-06, 1PM).

I then asked her if she thought it was fair to place the service in my name, while not notify me that it was placed in my name for a period of FOUR MONTHS and then expect me to be responsible for the bill because UGI failed to do their job? I further explained that had I been notified that this was a problem FOUR months ago, it would have been addressed FOUR months ago. She stated she understood, but could do nothing.

5. For relief I would like to be completely relieved from any responsibility whatsoever for any cost associated with this matter. Had the utility company notified me when the problem was discovered it would have been fixed immediately.

Apparently, they are not required by the PUC to provide notification in any time frame? Consequently, I would further ask that it be MANDATORY for the utility company to be responsible for properly notifying the property Owner IMMEDIATELY upon discovering a problem and to provide "proof" that they did in fact make notification.

I would further like to see in made MANDATORY that the utility company be made to be responsible for stating exactly what the problem is and exactly what is required to correct the problem and required to put this information in writing.

It is should not be overlooked that had I agreed to pay the \$66.00 as demanded today by UGI representatives to re-inspect the property, that this would have caused yet another problem. As they would have either accepted shut off valves were in place prior to December 7, 2006 or stated at the time that they already came to the property and expected me to pay them \$66.00 that the lines needed to be capped. Either way, this is unacceptable that even the UGI employees are not on the same page and the consumer is at the mercy of what they are told, regardless of whether or not what they are told is correct.

Consequently, I would further ask that it be MANDATORY that the utility be required to properly train their employees in what is and is not allowed and of what is and is not required and to be responsible so that there can be some assurance to the consumer that they are being dealt with in forthright and honest manner.

Lastly, I would ask that the utilities be fined for such predatory actions as described above and be made to stop all such practices.

UGI  
PO Box 13009  
Reading, PA 19612-3009

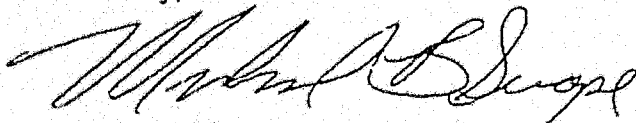
Re: 421 Chestnut Street, Columbia, PA  
315 321 6831 32

To Whom It May Concern:

On Thursday, April 13, 2006 I received a bill from UGI with the above reference account number in the amount of \$2,561.14 for service to 421 Chestnut Street Apt. #1, Columbia, PA. According to the bill, this is an estimate and based on service from December 7, 2005 through April 6, 2006. I dispute this bill in its entirety as I had no knowledge of, did not request, nor did I need, nor did I want gas service to this unit.

This is a 4 unit building and all units have separately metered utilities and all tenants are responsible for the utilities to their units. The tenant in Apt.#1 has resided there for two plus years. I have spoken to this tenant and was told that she had paid a large security when she had the service turned on last fall, but was not billed by UGI for the entire season, until she recently received an invoiced, for the same roughly the same time frame in which you are billing me, in the amount of approximately \$3,500.00. Your billing practice is predatory and there is obviously a problem with your records that is causing considerable amount of stress and discontentment and requires your immediate attention. I will be expecting your immediate written response.

Sincerely,



Michael B. Swope



BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: April 27, 2006

DOCUMENT  
FOLDER

MICHAEL B. SWOPE  
Complainant

v.

UGI CORPORATION  
Respondent

Complaint Docket  
No: C-20066272

DOCKETED

APR 27 2006

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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TO: UGI CORPORATION

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: April 27, 2006

C-20066272

UGI CORPORATION  
PO BOX 13009  
READING PA 19612-3009

DOCUMENT  
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by MICHAEL B. SWOPE. 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.

April 27, 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,

James J. McNulty  
Secretary

ane

LARRY R. CRAYNE  
Attorney at Law

238 Johnston Road  
Pittsburgh, PA 15241

[lcrayne@adelphia.net](mailto:lcrayne@adelphia.net)

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

May 17, 2006

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

ORIGINAL

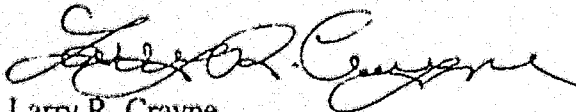
Re: Michael B. Swope v. UGI Utilities, Inc.  
Complaint Docket No. C-20066272

DOCUMENT  
FOLDER

Dear Mr. McNulty:

Enclosed are an original and four copies of UGI Utilities, Inc's Answer to the referenced Formal Complaint. Please file the original and three copies of the Answer 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 complainant.

Sincerely,

  
Larry R. Crayne

enclosure

cc: Donald B. Swope, Esq.  
50 East Market Street  
Hellam, PA 17406

Michael B. Swope  
2516 Mt. Zion Road  
York, PA 17402

# ORIGINAL

Commonwealth of Pennsylvania

## Before the Pennsylvania Public Utility Commission

In the Matter of:

Michael B. Swope  
Complainant,

Complaint Docket  
No. C-20066272

VS.

UGI Utilities, Inc.  
Respondent.

### DOCUMENT FOLDER

### Answer To Formal Complaint

**And Now** comes Respondent, UGI Utilities, Inc. (UGI), and states and avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
- 4.A. Admitted.

**DOCKETED**  
MAY 31 2006

4.B. Admitted that Complainant was billed for the sum of \$2561.14 after a foreign load situation was discovered December 7, 2005 on a tenant's account at 421 Chestnut Street, Columbia, PA 17512. The property is a four-unit rental property. A common area on the first floor used by all tenants contained two radiators that were served by gas that appeared to be metered through a tenant's account. After the foreign load situation was discovered, a gas service account for the building was established in the name of Complainant pursuant to Act No. 54, Section 1529.1 (c), of 66 Pa. C.S., Section 1529.1 (c). An estimated bill was rendered Complainant for the period from December 7, 2005 through April 6, 2006. Having failed to comply with applicable statutory law by notifying UGI that the building was not individually metered, UGI avers that Complainant should not now be heard to complain about responsibility for the bill for consumption.

5. Paragraph 5 is a prayer for relief; therefore, no answer is required. Nevertheless, by way of further and more complete answer, UGI avers that Complainant had a duty to notify UGI that the building was not individually metered and having failed to provide the required notification, Complainant is responsible for payment of the utility service provided.

6. No answer required.

7. Admitted.

**New Matter**

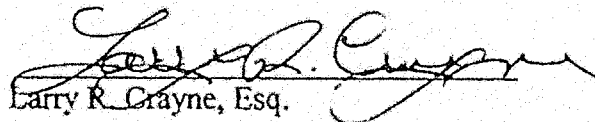
**Request For Telephonic Hearing**

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

Respectfully submitted,

UGI Utilities, Inc.

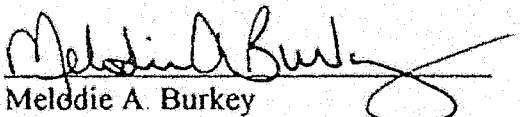
By:

  
Larry R. Crayne, Esq.

VERIFICATION

I, Melodie A. Burkey, Regulatory Compliance Supervisor UGI Utilities, Inc. - Gas Division, 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)

5-17-2006

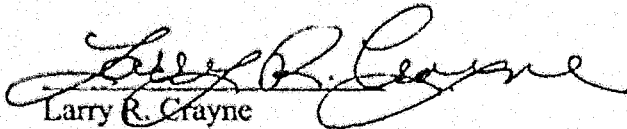
  
Melodie A. Burkey

## 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).

Michael B. Swope  
2516 Mt. Zion Road  
York, PA 17402

Dated this 17th day of May, 2006



Larry R. Crayne  
238 Johnston Road  
Pittsburgh, PA 15241

Counsel for  
UGI Utilities, Inc.

RECEIVED  
MAY 27 2006  
FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE