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File #: 165082

January 23, 2017

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**

Dear Secretary Chiavetta:

Enclosed for filing is the Answer of UGI Utilities, Inc. to the Complainants' Motion for Special Relief, in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DTR/jl
Enclosures

cc: 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

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Date: January 23, 2017



Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**ANSWER OF UGI UTILITIES, INC.
TO THE COMPLAINANTS'
MOTION FOR SPECIAL RELIEF**

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.61, UGI Utilities, Inc. (“UGI” or the “Company”) hereby files this Answer to the Motion for Special Relief filed by Centre Park Historic District (“CPHD”) and the City of Reading (“City”) (collectively, “Complainants”) requesting that the Pennsylvania Public Utility Commission (“Commission”) promptly rule on UGI’s Petition for Interlocutory Review and Answer to Material Questions in the above-captioned proceeding.¹ UGI agrees that the Commission should rule on the pending Petition. However, as explained in UGI’s Petition and Brief in Support, the issues and material questions pending for the Commission’s interlocutory review are issues of significant, statewide importance. Accordingly, the Commission should take the appropriate time necessary to carefully and thoroughly consider the merits of the important issues and questions presented in the pending Petition.

¹ Because the Complainants served their Motion only via first-class mail on December 30, 2016, three calendar days were added to the due date for Answers thereto. *See* 52 Pa. Code § 1.56(b).

In support of its Answer, UGI states as follows:

1. On November 25, 2015, CPHD filed a Complaint at Docket No. C-2015-2516051, alleging that UGI's meter location practices in the historic districts of Reading, Pennsylvania violated 52 Pa. Code § 59.18.

2. On December 15, 2015, UGI filed an Answer to CPHD's Complaint denying any violation of 52 Pa. Code § 59.18(d)(1).

3. On February 23, 2016, the City filed a Complaint at Docket No. C-2016-2530475, alleging that UGI violated 52 Pa. Code § 59.18(d)(1) by failing to "consider" inside meter locations for historic buildings and for buildings in historic districts in Reading, Pennsylvania, and that UGI's exterior meter location practices have created unsafe conditions.²

4. On March 14, 2016, UGI filed an Answer denying the material allegations in the City's Complaint and averring that its meter location practices have been consistent with 52 Pa. Code § 59.18.

5. Also 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 fundamentally new rules and more stringent standards concerning meter locations that currently do not exist and cannot be granted in this complaint proceeding.

6. UGI's Preliminary Objections were denied on March 29, 2016. Importantly, the Interim Order denied UGI's Preliminary Objections without addressing and resolving the

² Notably, the Complainants state in their Motion for Special Relief that the "City has performed a meter-by-meter analysis for the Administrative Law Judge's consideration." (*See* Motion ¶ 2) Despite requesting in discovery served on July 22, 2016, that the Complainants identify the specific meters they believe violate the Commission's regulations and/or present alleged safety concerns, no such analysis or identification has, as of the date of this Answer, been provided to UGI. To the extent that the Complainants seek a prompt resolution of this matter, it would be beneficial to all parties for there to be timely and complete responses to discovery.

fundamental question of whether the Complaints should be dismissed because the relief requested cannot be granted in the context of a complaint proceeding.

7. On September 1, 2016, UGI filed the pending Petition for Interlocutory Review and Answer to Material Questions, pursuant to 52 Pa. Code § 5.302. UGI asked the Commission to answer two material questions:

(1) whether the Complaints should be dismissed because the relief requested -- impose new rules and standards concerning meter locations that do not currently exist under the Commission's regulations -- is beyond the scope of a formal complaint proceeding and should be addressed through a petition for amendment of the Commission's regulations pursuant to 52 Pa. Code § 5.43; or

(2) 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 Commission regulations as currently enacted.

8. On September 9, 2016, the Complainants filed a Brief in Opposition to UGI's Petition.

9. On September 12, 2016, UGI filed its Brief in Support of the Company's Petition.

10. On September 13, 2016, pursuant to 52 Pa. Code § 1.2(c), the Commission issued a Secretarial Letter waiving the 30-day review period set forth in 52 Pa. Code § 5.303, so that the Commission may have "adequate time to address the questions raised" in UGI's Petition.

11. On December 30, 2016, the Complainants filed the pending Motion for Special Relief, claiming that the Complainants' substantive rights were being violated due the Commission's delay and requesting that the Commission promptly rule on UGI's Petition.

12. UGI agrees that the Commission should rule on the pending Petition. However, the Commission should only rule on UGI's Petition after careful and thorough consideration of the important issues and material questions raised.

13. As explained in UGI's Petition and Brief in Support, through their complaints the Complainants have raised issues of statewide importance concerning the scope of Commission's jurisdiction, the interpretation and application of the Commission's meter location and safety regulations, and the proper scope of Commission complaint proceedings. Rather than hastily deciding such issues, which clearly will have significant and statewide importance, the Commission should take the appropriate time necessary to carefully and thoroughly consider the merits the pending Petition and reach a well-reasoned decision.

14. In further response, UGI denies that the Complainants' substantive rights are being violated by the time that the Commission has taken to review the Petition. (*See* Motion ¶ 10) In support, the Complainants observe that UGI has continued installing and relocating meters in the City while the proceeding has been stayed. (Motion ¶¶ 11-12)


15. Although the litigation schedule was stayed by the presiding Administrative Law Judge, the stay did not direct UGI to cease with its planned meter relocations and installations in the City of Reading. Nor have the Complainants sought such a stay. Thus, UGI has properly continued its planned meter relocations and installations in the City of Reading as required by 52 Pa. Code § 59.18.

16. Furthermore, UGI continues to maintain that these relocations and installations are in compliance with the Commission's regulations at 52 Pa. Code §§ 59.18 and 59.33. Although the Complainants may be unhappy with the requirements of the Commission's regulations, this does not mean that UGI's continued compliance is a violation of substantive rights, as alleged by Complainants.

III. CONCLUSION

For the reasons set forth above, UGI Utilities, Inc. respectfully requests that the Pennsylvania Public Utility Commission only rule on UGI's Petition for Interlocutory Review and Answer to Material Questions after careful and thorough consideration of the merits.

Respectfully submitted,



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Dated: January 23, 2017

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, Christopher Brown, being Director – Operations South Region 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: 1/23/17


Christopher Brown