

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: :
- SUPERVISOR: :
- 6. PERSON IN CHARGE: : 7. DATE FILED: 12/26/06 .
- 8. DOCKET NO: C-20067239 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: CHESTNUT ENTERPRISES

RESPONDENT/APPLICANT: UGI UTILITIES, INC.

COMP/APP COUNTY: CUMBERLAND

UTILITY CODE: 123100

ALLEGATION OR SUBJECT

COMPLAINANT STATES THE COMPANY IS ILLEGALLY CHARGING THEIR BUSINESS A SECURITY DEPOSIT. THEY WANT THE LAW ENFORCED PROPERLY, WHICH MEANS FOR THE SECURITY DEPOSIT TO BE REMOVED.

**DOCUMENT
FOLDER**

DOCKETED

JAN 5 2007

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

123100

Please print or type.

C-20067239

RECEIVED
2005 NOV 23 AM 12:40
SECRETARY'S BUREAU

1. CUSTOMER NAME (COMPLAINANT)

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

Name Chestnut Enterprises

Street/P.O. Box 1186 Harrisburg Pike Apt # _____

City Carlisle State PA Zip 17013

County Cumberland

Area Code/HOME Phone _____

Area Code/WORK Phone (717) 249-0031

Utility Account Number 201 752 2315 01
(from your bill)

RECEIVED

DEC 23 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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 _____

City _____ State _____ Zip _____

ORIGINAL

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: UGI gas service

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER
(taxi, moving company, limousine)

TELEPHONE
(local, long distance)

13
18

4. COMPLAINT (choose 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. The utility company is illegally charging my (explain) business a security deposit.

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.

I called UGI to find out why there was a security deposit charge on my bill. They said we had been notified that the next time we were late they were going to charge us the fee. I told them I had never receive any notification and I know my father, John Chestnut, hadn't either because I asked him. I called representative Will Gabig to find out if this was legal and his office told me that the law only applies to new businesses. We've been in business for 19 years. I told UGI that what they were doing is illegal but they still refused to remove the charge.

5. RELIEF

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

I want the law enforced properly, which, in my case, means that the security deposit charge is removed from my account.

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 Kelli Chestnut, 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).

Kelli Chestnut
(Signature)

11-24-06
(Date)

This is not a residential service its commercial

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 _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

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 nd 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.



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

December 8, 2006

IN REPLY PLEASE
REFER TO OUR FILE NUMBER

CHESTNUT ENTERPRISES
1186 HARRISBURG PIKE
CARLISLE PA 17013

Dear Sir/Madam:

We are returning your formal complaint form to you because there is additional information needed to process the complaint. Please follow the colored tabs marked missing information or original signature. Fill in the information requested and return them to the address listed at the top of this letter.

We are granting a 15-day extension from the date of this letter for the form to be returned. Please return the forms no later than Tuesday, December 26, 2006.

Once we receive the formal with the information required we will be able to process your complaint. Thank you for your cooperation in this matter.

Very truly yours,

James J. McNulty
Secretary

Enclosures

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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 5, 2007

C-20067239

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 CHESTNUT ENTERPRISES. 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.

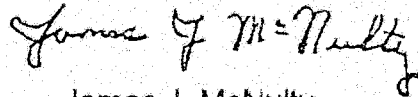
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

January 5, 2007

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

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: January 5, 2007

DOCUMENT
FOLDER

CHESTNUT ENTERPRISES
Complainant

v.

UGI CORPORATION
Respondent

Complaint Docket
No: C-20067239

DOCKETED
JAN 5 2007

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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).

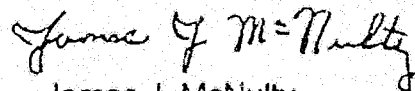
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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

LARRY R. CRAYNE, PC
Attorney at Law

238 Johnston Road
Pittsburgh, PA 15241

lrcrayne@comcast.net

412-831-5462
412-425-4029

ORIGINAL

January 23, 2007

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

RECEIVED

JAN 28 2007

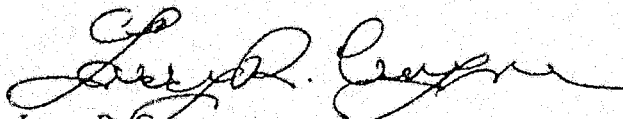
Re: Chestnut Enterprises v. UGI Utilities, Inc.
Complaint Docket No. C-20067239

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

DOCUMENT
FOLDER

enclosure

cc: Chestnut Enterprises
1186 Harrisburg Pike
Carlisle, PA 17013

DOCKETED
JAN 25 2007

BTTL

Commonwealth of Pennsylvania

RECEIVED

Before the Pennsylvania Public Utility Commission JAN 28 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

In the Matter of:

Chestnut Enterprises
Complainant,

Complaint Docket
No. C-20067239

VS.

UGI Utilities, Inc.
Respondent.

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. Denied UGI is "illegally charging" Complainant a security deposit. To the contrary, UGI avers that the security deposit demanded is pursuant to UGI's duly filed and approved gas service tariff.

4.B. Admitted that UGI has demanded that Complainant post a security deposit after Complainant failed to pay current monthly bills on a timely basis. Denied that Complainant has not received notification of the requirement for a security deposit. To the contrary, UGI avers that Complainant received notification of the requirement for a security deposit by reason of its poor payment history in the June 2006 monthly bill. Security deposits are an effective credit management tool designed to protect all customers of UGI and are a duly filed and approved requirement of UGI's tariff for the protection of its customers who pay their bills for gas service on a timely basis. Further, those customers who do not pay their bills when due should not be allowed to put the utility at risk of default in payment, thereby placing additional financial burdens on those customers who have a demonstrated record of timely payment of regular monthly bills. Since the information is within the exclusive knowledge and control of the Complainant, UGI is neither able to admit nor deny the averment of Paragraph 4. B. regarding the legality of the demand for a security deposit. Nevertheless, UGI avers that the statement the requirement for a security deposit only applies to "new businesses" is incorrect. Security deposits are required of all customers who fail to pay their monthly bills on a timely basis.

5. Paragraph 5. is a prayer for relief; therefore, no answer is required.
6. No answer required.
7. Admitted.

RECEIVED

JAN 28 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

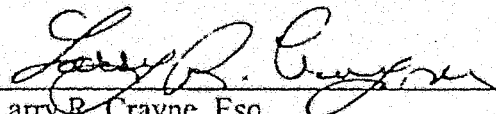
Request For Telephonic Hearing

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

Respectfully submitted,

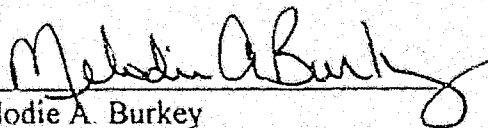
UGI, Utilities, Inc.

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).


Melodie A. Burkey 1-23-2007

RECEIVED

JAN 23 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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).

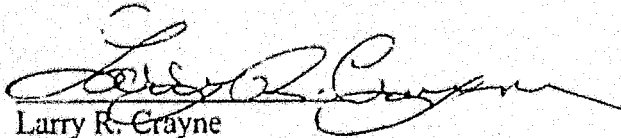
Chestnut Enterprises
1186 Harrisburg Pike
Carlisle, PA 17013

RECEIVED

JAN 28 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dated this 23rd day of JAN, 2007



Larry R. Crayne
238 Johnston Road
Pittsburgh, PA 15241

Counsel for
UGI Utilities, Inc.