

# John J. Gallagher

Attorney at Law

711 Forrest Road, Harrisburg, PA 17112

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June 5, 2017

**VIA HAND DELIVERY**

Honorable Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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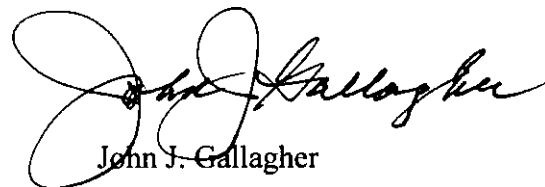
**Re: Marotta Main Architects v. UGI Utilities, Inc.  
Docket No. C-2017-2597451  
City of Lancaster--Petition to Intervene**

Dear Secretary Chiavetta:

Enclosed please find an original copy the City of Lancaster's Petition to Intervene in the Complaint in the above-captioned matter.

Should you have any questions concerning this correspondence please contact me at your convenience. Copies of this correspondence and the City of Lancaster's Petition have been served on the parties listed in the attached Certificate of Service.

Sincerely,



John J. Gallagher

Enclosures

cc: Certificate of Service  
Barry Handwerger, Esquire

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JUN - 5 2017

MAROTTA MAIN ARCHITECTS

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

V

Docket No. C-2017- 2597451

UGI UTILITIES, INC.

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**CITY OF LANCASTER PETITION TO INTERVENE**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

**A. INTRODUCTION**

1. The City of Lancaster ("The City" or the "Lancaster") hereby petitions the Pennsylvania Public Utility Commission ("Commission"), pursuant to Section 5.41 of the Commission's Regulations, 52 Pa. Code §5.41, and, 5.74 for permission to Intervene in the above-captioned formal complaint proceeding.

**B. BACKGROUND**

2. The City of Lancaster Water System is a public water supply system owned and operated by the City of Lancaster, a Third Class City in the Commonwealth of Pennsylvania. Since 1836 the City has provided water service to its customers. The water system has expanded from its initial 22 customers in the City proper to a regional water system serving more than 46,000 customers,

which includes all of the City, Lancaster Township, Manheim Township, Millersville Borough, West Lampeter Township and portions of East Lampeter, Pequea, Manor, West Hempfield, and East Hempfield Townships. The City water system also provides bulk water for resale to other public water suppliers through service agreements with the East Petersburg Borough Authority, Leola Sewer Authority and West Earl Authority.

3. The City distributes water in the city of Lancaster but also provides water service to 29,305 customers outside the city. The Commission has jurisdiction over the municipality when it furnishes water service beyond its municipal boundaries. *Petition of Borough of Boyertown*, 466 A.2d 239, 77 Pa.Cmwlt. 357 (1983) (The municipality is treated the same as an ordinary public utility). The customers outside the city of Lancaster are located in Lancaster Township, Manheim Township, Millersville Borough, West Lampeter Township, portions of East Lampeter, Pequea, Manor, West Hempfield, and East Hempfield Townships. The City also provides bulk water for resale to other public water suppliers through service agreements with the East Petersburg Borough Authority, Leola Sewer Authority and West Earl Authority.

#### **C. ELIGIBILITY TO INTERVENE**

4. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code §5.72. This section provides, in relevant part, that “[a] petition to

intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.”

5. Section 5.72 further provides, in relevant part, that the right or interest may be one “which may be directly affected and which is not adequately represented by existing participants.”

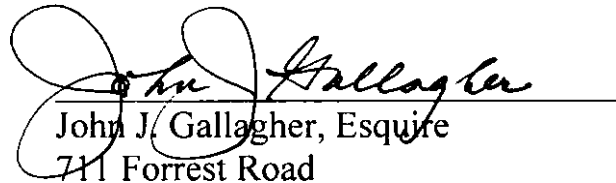
6. The City as described above, is a Municipal Corporation and a third class city in the Commonwealth of Pennsylvania. The City expects that in this proceeding, the presiding Administrative Law Judge and the Commission may render an Initial Decision and Order, respectively, which may address the placement of gas meters on properties located in Historic Districts, Historic Conservation Districts or Historic Preservation Districts within the municipal boundaries of the City. Accordingly, the City may be directly affected by this proceeding’s outcome with respect to the placement of gas meters in properties located in Historic Districts, Historic Conservation Districts or Historic Preservation Districts within the City’s municipal boundaries.

7. For these reasons, no party can adequately represent the City’s interests in this proceeding. Accordingly, the City’s Petition to Intervene should be granted.

**D. CONCLUSION**

WHEREFORE, in consideration of the foregoing, the City of Lancaster respectfully requests that the Presiding Officer enter an Order granting the City full status as an intervenor in this proceeding.

Respectfully submitted,



John J. Gallagher, Esquire  
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Date: May 25, 2017

Attorney for the City of Lancaster

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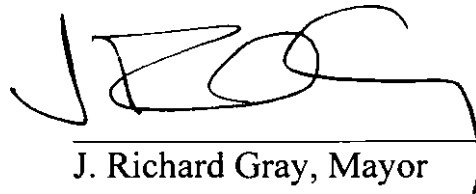
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VERIFICATION

I, J. Richard Gray, Mayor of the City of Lancaster, hereby state that the facts set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to sworn falsification to authorities).

  
\_\_\_\_\_  
J. Richard Gray, Mayor

Date: May 22, 2017

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**CERTIFICATE OF SERVICE**

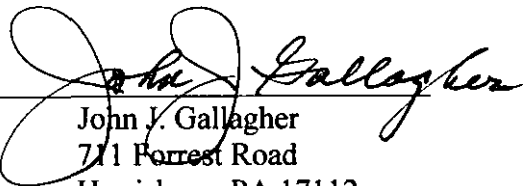
I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in the manner indicated below, and in accordance with the requirements of § 1.54 (relating to service by a party).

**VIA FIRST CLASS MAIL**

Marotta Main Architects  
214 North Duke Street  
Lancaster, PA 17602  
Marotta Main Architects

Mark Morrow, Esquire  
UGI Utilities Inc.  
460 North Gulph Road  
King of Prussia, PA 19406-2807

Dated: June 5, 2017



John J. Gallagher  
711 Forrest Road  
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Counsel for City of Lancaster

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