



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Main Fax
www.postschell.com

Devin Ryan

dryan@postschell.com
717-612-6052 Direct
717-731-1985 Direct Fax
File #: 165082

June 14, 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 Prehearing Memorandum of UGI Utilities, Inc. in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DTR/skr
Enclosure

cc: Certificate of Service
Honorable Mary D. Long

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

Michael J. Savona, Esquire
Michael E. Peters, Esquire
Zachary A. Sivertsen, Esquire
Michael T. Pidgeon, Esquire
Eastburn and Gray, P.C.
PO Box 1389
Doylestown, PA 18901

Michael Swindler, Esquire
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265

Date: June 14, 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.	:	

**PREHEARING CONFERENCE MEMORANDUM OF
UGI UTILITIES, INC.**

TO ADMINISTRATIVE LAW JUDGE MARY D. LONG:

Pursuant to 52 Pa. Code § 5.222(d) and Administrative Law Judge Mary D. Long’s (the “ALJ”), UGI Utilities, Inc. (“UGI” or the “Company”) hereby submits this Prehearing Conference Memorandum.

I. BACKGROUND

On November 25, 2015, Centre Park Historic District (“CPHD”) filed a Formal Complaint at Docket No. C-2015-2516051 alleging that UGI’s meter location practices in the historic districts of Reading, PA violated the Commission’s regulations. On December 15, 2015, UGI filed an Answer to CPHD’s Complaint denying that the Company committed any regulatory violation.

On February 11, 2016, a prehearing conference was held before the ALJ regarding CPHD’s Complaint and three other customer complaints about UGI’s meter placement decisions. At the prehearing conference, counsel for CPHD indicated that he would also be filing a

complaint on behalf of the City of Reading (“City”) about UGI’s meter location practices in Reading, PA and requested that CPHD’s Complaint be consolidated with the City’s forthcoming Complaint.

On February 16, 2016, the ALJ issued the First Prehearing Order that, among other things, scheduled a further telephonic prehearing conference for March 30, 2016.

On February 23, 2016, UGI received e-service of the City’s Complaint. In its Complaint, the City generally alleged 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, PA. The City’s Complaint also alleged that UGI’s exterior meter location practices have created unsafe conditions. 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 the Commission’s regulations.

The Company also filed Preliminary Objections Additionally on March 14, 2016, which argued that the City’s Complaint should be dismissed in its entirety due to the legal insufficiency of the City’s requested relief. On March 24, 2016, the City filed an Answer to UGI’s Preliminary Objections. On March 29, 2016, the ALJ issued an Interim Order Dismissing Preliminary Objections.

On March 30, 2016, the prehearing conference was held, during which the parties agreed to attempt to settle the Complaints and hold a further prehearing conference in 60 days. At the July 14, 2016 prehearing conference, UGI, the City, and CPHD provided the ALJ with an update on settlement discussions. The ALJ also established a litigation schedule, with discovery concluding September 9, 2016, and evidentiary hearings taking place on November 15-16, 2016.

This litigation scheduled was memorialized in the ALJ's Third Prehearing Order issued on July 15, 2016.

On August 10, 2016, I&E filed a Notice of Appearance. On September 1, 2016, UGI filed a Petition with the Commission seeking interlocutory review and answers to material questions. UGI and I&E also filed a Joint Motion that requested the ALJ to extend the procedural schedule, hold a further prehearing conference, and modify the hearing format in this proceeding.

On September 2, 2016, the ALJ issued the Fourth Prehearing Order, which suspended the litigation schedule pending the Commission's ruling on UGI's Petition for Interlocutory Review and Answer to Material Questions. On September 9, 2016, the City and CPHD filed their Brief in Opposition to UGI's Petition for Interlocutory Review and Answer to Material Questions. On September 12, 2016, UGI filed its Brief in Support of the Company's Petition for Interlocutory Review and Answer to Material Questions. On February 9, 2017, the Commission entered an Order declining to answer the material questions and remanding the case to the ALJ.

On February 22, 2017, the ALJ issued the Fifth Prehearing Order that scheduled a further prehearing conference. On March 16, 2017, a further prehearing conference was held before the ALJ, during which the parties addressed outstanding discovery issues, the protection of confidential information, and the litigation schedule.

On March 21, 2017, the ALJ issued the Sixth Prehearing Order, which directed the Complainants to prepare and submit spreadsheets by April 20, 2017, that list the meter installations that they are contesting in historic and non-historic districts and provide, for each meter installation: (1) the date a permit was issued, if one was issued; and (2) the date the meter was relocated. The Sixth Prehearing Order also directed UGI to stipulate or object to this

information by May 4, 2017. Lastly, the Sixth Prehearing Order stated that all discovery must be completed by May 30, 2017, and that a further prehearing conference would be held on June 15, 2017, at 10:00 AM.

On April 18, 2017, the ALJ issued the Seventh Prehearing Order, which granted one-week extensions for the Complainants and UGI to provide the information required under the Sixth Prehearing Order. Accordingly, the Complainants' spreadsheets were due by April 27, 2017, and UGI's stipulations and objections were due by May 11, 2017.

On April 19, 2017, the ALJ issued the Eighth Prehearing Order, which excused the Complainants from providing the date that each meter was relocated or installed. The Eighth Prehearing Order also directed UGI to provide, in addition to the information required under the Sixth Prehearing Order, the service line installation date for each meter installation. Finally, the Complainants were instructed to stipulate or object to UGI's service line installation data by May 22, 2017.

On April 27, 2017, the Complainants provided their spreadsheets listing the contested meters in historic and non-historic districts, along with photographs of the meter installations. On May 11, 2017, UGI provided its updates to the Complainants' spreadsheets, which included stipulations or objections to the information provided by the Complainants as well as the service line installation data required by the Eighth Prehearing Order. On May 22, 2017, the Complainants provided their updates to the spreadsheets, which stipulated or objected to UGI's permit information.¹

A further telephonic prehearing conference is scheduled for June 15, 2017. UGI herein submits this Prehearing Conference Memorandum.

¹ The Complainants did not stipulate or object to UGI's service line installation data, even though they were directed to do so by the Eighth Prehearing Order.

II. SERVICE OF DOCUMENTS

UGI's attorneys in this proceeding are Mark C. Morrow, Esquire, Danielle Jouenne, Esquire, David B. MacGregor, Esquire, Devin T. Ryan, Esquire, and Christopher T. Wright, Esquire. UGI requests that Christopher T. Wright and Devin T. Ryan be listed as the recipients for service. Mr. Wright and Mr. Ryan's contact information is provided below:

Christopher T. Wright (ID # 203412)
Devin T. Ryan (ID # 316602)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-612-6013
717-612-6052
Fax: 717-731-1985
E-mail: cwright@postschell.com
dryan@postschell.com

UGI also requests that Mr. Morrow, Ms. Jouenne and Mr. MacGregor be added to any informal e-mail distribution lists in this proceeding. Mr. Morrow's e-mail address is morrowm@ugicorp.com, Ms. Jouenne's e-mail address is jouenned@ugicorp.com, and Mr. MacGregor's e-mail address is dmacgregor@postschell.com. In addition, UGI agrees to receive service of documents electronically in this proceeding.

III. ISSUES

Section 701 of the Public Utility Code authorizes any person, corporation, or municipal corporation with standing to bring a complaint for any act done or omitted to be done by any public utility in violation of the Public Utility Code or of any regulation or order of the Commission. 66 Pa. C.S. § 701. Accordingly, the purpose of this proceeding is to determine whether UGI violated a provision of the Public Utility Code or a Commission regulation or order. In their Complaints, the Complainants allege that: (1) UGI violated 52 Pa. Code § 59.18(d)(1) by relocating inside meters to outside locations in historic districts within the City of

Reading (*see* City Complaint, Count I; CPHD Complaint ¶ 4(1)-(2)); and (ii) UGI violated 52 Pa. Code § 59.18(a)(5),(b)(1) and 49 C.F.R. § 192.353 by installing exterior meters within the City of Reading that are unprotected from vehicular damage and other outside forces (*see* City Complaint, Count II; CPHD Complaint ¶ 4(3)). Accordingly, UGI submits that the scope of this complaint proceeding is limited to the following issues:

1. Whether UGI has failed to “consider” inside meter locations for historic buildings and for buildings in historic districts in violation of 52 Pa. Code 59.18(d)(1).
2. Whether the Company, when selecting outside meter locations, “consider[ed] potential damage by outside forces,” located gas meters in “protected location[s] adjacent to the building served,” and protected those meters from “vehicular damage that may be anticipated.” *See* 52 Pa. Code § 59.18(a)(5),(b)(1); 49 C.F.R. § 192.353 (adopted by the Commission in 52 Pa. Code § 59.33(b)).

In their historic and non-historic meter matrices and their Prehearing Memo filed on June 14, 2017, the Complainants raise numerous issues that are outside the scope of their Complaints, outside of the Commission’s jurisdiction under 66 Pa. C.S. § 701, or both, including whether UGI complied with the City’s regulations and ordinances and whether UGI’s meter installations and relocations violated its own Gas Operations Manual. *See, e.g.,* City of Reading and CPHD Prehearing Memo, Section II, ¶¶ 4, 6, 7, 8, 12 (June 14, 2017). As further explained below, the Commission has no jurisdiction over local permits and ordinances, and the Complainants did not raise issues concerning UGI’s Gas Operations Manual in their Complaints.

IV. PROCEDURAL SCHEDULE

The Complainants have identified 1,356 meter locations in historic districts and 673 meter locations in non-historic districts (a total of 2,029 meter locations) that are at issue in this proceeding. Moreover, the Complainants allege that 1,122 properties violate the safety

requirements of 52 Pa. Code § 59.18 and 49 C.F.R. § 192.353 by being located too close to vehicular tariff and 2,776 violations of UGI's Gas Operations Manual. *See* City and CPHD Executive Summary, p. 2 (Apr. 27, 2017). In sum, the Complainants appear to be challenging a total of 2,029 meter locations with a total of 3,898 violations.

UGI has undertaken a significant effort to review the historic district and non-historic district matrices submitted by the City and stipulate to as much data as possible. Although UGI has stipulated to a significant amount of data related to the 2,029 meter locations identified by the Complainants, the Company has serious ongoing concerns that it will require a very significant amount of time to introduce, cross-examine, and complete the record for each of the 2,029 meter locations and 3,898 alleged violations at an in-person hearing. Further, given the volume of the meter locations and alleged violations at issue, it will be extremely difficult to create an organized and meaningful record for the Commission, and possibly the appellate courts, to ultimately review.

Conversely, written testimony would enable the parties to present their allegations and responses regarding the 2,029 meter locations in an orderly and thorough manner without the substantial time and expense of presenting their entire cases in person at the evidentiary hearings. Notably, no parties would be in any way prejudiced by the use of organized, formal written testimony and exhibits. Therefore, UGI submits that written testimony would better ensure the development of an organized and complete record and would reduce the burden on the parties, the ALJ, and the Commission.

Based on the foregoing, UGI respectfully requests that the ALJ direct that written testimony shall be used in this proceeding consistent with the following schedule:

Dispositive Motions – July 6, 2017

City Direct Testimony – July 12, 2017

UGI Rebuttal Testimony – August 14, 2017

Hearings and Oral Rejoinder – September 11-13, 2017

Main Briefs – October 17, 2017

Reply Briefs – November 8, 2017

In the event the ALJ declines to adopt written testimony alternative, UGI respectfully requests that the ALJ adopt a schedule that has a start date for hearings but no end date. UGI cannot state precisely how many days would be required for hearings given the volume of meter locations and alleged violations raised by the Complainants. If an end date for in-person hearings were established now, the Company could be substantially prejudiced if the Complainants' direct case takes so long that UGI will not have enough time to present its case in rebuttal. As a result, UGI alternatively proposes the following schedule:

Dispositive Motions – July 6, 2017

Hearings – beginning September 11, 2017, and continuing until the completion of all parties' presentations.

The Company also requests that as the hearings progress, any of the parties, if necessary, may be able to request breaks to accommodate their schedules and their witnesses' schedules.

V. SCOPE OF COMPLAINTS

UGI believes it is important for the parties and the ALJ to address several items concerning the scope of the City and CPHD's Formal Complaints.

First, UGI and the Complainants were directed to provide information regarding permits issued for the Company's meter installations and relocations. Although such information has been useful in determining when such installations and relocations occurred, UGI maintains that any alleged failure by the Company to obtain local permits is entirely beyond the scope of the allegations raised in the Complainants' Formal Complaints. Indeed, the Commission has no

jurisdiction over the local permits, and nothing in the Public Utility Code or the Commission's regulations at 52 Pa. Code § 59.18 and 59.33 requires natural gas utilities to obtain local permits to install or relocate exterior meters. Therefore, any issues regarding UGI's alleged failure to obtain permits are not properly before the Commission and, instead, must be resolved in a proceeding before a court of common pleas. Nevertheless, the Company maintains that it has obtained all necessary approvals for its meter installations and relocations, including permits issued (if any) by the City.

Second, the time when a meter was installed or relocated is critical to determining whether the amended Section 59.18 applies. The Complainants have alleged that UGI's exterior meter installations violated the Commission's amended 52 Pa. Code § 59.18. In their "Executive Summary" accompanying their historic and non-historic district matrices, the Complainants also have alleged that exterior meters violated UGI's Gas Operations Manual. Importantly, however, the amended Section 59.18 only became effective on September 13, 2014, *see* 52 Pa. Code § 59.18(g)(1)-(2), and UGI's Gas Operations Manual was adopted to implement the amended Section 59.18. Based on the permit data compiled by the Complainants and UGI, it appears that a substantial number of meter installations/relocations identified by the Complainants pre-date the effective date of the amended Section 59.18. Specifically, data compiled by the parties indicates that at least 229 of the 1,356 historic properties and 256 of the 673 non-historic properties have both service line installation dates and permit dates before September 13, 2014.² Therefore, at least 485 total meters (229 historic properties and 256 non-historic properties) did

² UGI previously stated in the letter accompanying its updates to the historic and non-historic matrices that 272 of the 1,356 historic properties and 511 of the 673 non-historic properties had both service line installation dates and permit dates before September 13, 2014. The figures presented here omit permit data to which the City and CPHD objected in their May 24, 2017 updates to the matrices. Moreover, the historic district figure omits 10 properties that have inactive service lines and no permit data.

not and could not violate any provisions of the amended Section 59.18 as alleged by the Complainants.

Third, UGI observes that in their “Executive Summary” accompanying their historic and non-historic district matrices, the Complainants allege that the Company’s meter installations and relocations violate various provisions of UGI’s Gas Operations Manual. However, the Complainants did not raise issues regarding the Company’s compliance with its Gas Operations Manual in their Formal Complaints. Rather, the Complaints only identified the following compliance issues: (1) whether UGI failed to “consider” inside meter locations for historic buildings and for buildings in historic districts in violation of 52 Pa. Code 59.18(d)(1); and (2) when selecting outside meter locations, whether the Company failed to “consider potential damage by outside forces,” locate gas meters in “protected location[s] adjacent to the building served,” and protect those meters from “vehicular damage that may be anticipated” in violation of 52 Pa. Code § 59.18(a)(5),(b)(1) and 49 C.F.R. § 192.353 (adopted by the Commission in 52 Pa. Code § 59.33(b)). Any other issues that the Complainants are now attempting to raise with respect to the Company’s meter installations and relocations are outside the scope of this proceeding. Notwithstanding, to the extent that the Complainants’ allegations about UGI’s compliance with the Gas Operations Manual are within the scope of this proceeding, it is important for the parties and the ALJ to understand that UGI has had two policies in effect since the amended Section 59.18 became effective. The first version of UGI’s Gas Operations Manual, Section 35.10.10 (Meter and Regulator Location and Installation) was in effect from September 13, 2014, through July 30, 2016, and the second version has been in effect from July 31, 2016, through the present.

Fourth, in their “Executive Summary” accompanying their historic and non-historic district matrices, the Complainants allege that 1,122 properties violate the safety requirements of 52 Pa. Code § 59.18 and 49 C.F.R. § 192.353 (adopted by 52 Pa. Code § 59.33) by being located too close to vehicular traffic. *See* City and CPHD Executive Summary, p. 2 (Apr. 27, 2017). That figure equals the number of meters that the Complainants allege are within 15 feet of the street curb. *See id.*, pp. 7-8. Consequently, it appears that the Complainants believe any meter that is within 15 feet of the curb is in violation of these regulations. To be clear, the Complainants’ arbitrary 15-foot requirement is not stated anywhere in 52 Pa. Code § 59.18 or 49 C.F.R. § 192.353. All that the regulations require is for a natural gas utility to: (1) “consider potential damage by outside forces” under 52 Pa. Code § 59.18(a)(5); (2) install meters in a “protected location adjacent to the building service” under 52 Pa. Code § 59.18(b)(1); and (3) protect meters from “vehicular damage that may be anticipated” under 49 C.F.R. § 192.353(a). Nothing in either the federal or state regulations prescribes a required distance between a gas meter and the curb.

Fifth, the Complainants allege that 2,025 of the 2,029 meter locations in historic and non-historic districts violate UGI’s Gas Operations Manual because the meter is “[i]n an area where water/snow/ice accumulates.” *See* City of Reading Gas Meter Survey Results Matrix (Historic District Properties, Column 11; City of Reading Gas Meter Survey Results Matrix (Non-Historic District Properties, Column 11. Those allegations comprise approximately 73% of the alleged 2,776 violations of UGI’s Gas Operations Manual. Again, the Complainants did not raise issues regarding the Company’s compliance with its Gas Operations Manual in their Formal Complaints. Moreover, the standard applied in UGI’s Gas Operations Manual is not whether the meter is located “[i]n an area where water/snow/ice accumulates,” as presented by the

Complainants in their matrices. Rather, UGI's current Gas Operations Manual states that "when installing new meter sets and regulators," they should not be "locate[d] directly under any known water run off locations, or in areas where accumulation of snow or ice is likely to fall on the meter."³ UGI Gas Operations Manual, Section 35.10.10.7 (effective July 31, 2016). The fact that meters are located outside does not, by itself, mean they are in violation of this standard.

Finally, the Complainants contend that 176 meter locations in historic districts and 205 meter locations in non-historic districts violate UGI's Gas Operations Manual because they are allegedly located under windows. *See* City and CPHD Executive Summary, pp. 8-9 (Apr. 27, 2017). Relatedly, they contend that 238 meter locations in historic districts violate UGI's Gas Operations Manual because they are allegedly located under an opening that could be a fire escape.⁴ *Id.*, p. 8. The Complainants appear to allege separate violations for (1) being under a window and (2) being under an opening that could be used as an emergency fire exit. However, the amended 52 Pa. Code § 59.18 states that meters and service regulators cannot be installed "[b]eneath or in front of windows or other building openings that may directly obstruct emergency fire exits." 52 Pa. Code § 59.18(a)(8)(i). Similarly, UGI's Gas Operations Manual provides that new meter sets should not be installed "under windows or other building openings that may be used as an emergency fire exit." Therefore, simply because a meter is located in close proximity to a window does not mean it violates 52 Pa. Code § 59.18(a)(8)(i).

³ Importantly, there is no equivalent provision in the Commission's regulations about locating meters in known water run off locations or where snow or ice is likely to fall on the meter.

⁴ The Complainants do not allege that any meter locations in non-historic districts are under openings that could be used as fire exits. *See id.*, p. 9.

VI. ADDITIONAL PROPOSED STIPULATIONS

As noted above, UGI has undertaken a significant effort to stipulate to as many facts as possible in an attempt to reduce the time and resources to needed by the parties, ALJ, and Commission to litigate the allegations in the Complaints. UGI remains willing to further stipulate additional facts and issues and to formally memorialize any stipulations reached by the parties, including, but not limited to, the following:

1. UGI is willing to formally adopt the Company's factual stipulations regarding the meter locations reflected on the historic district and non-historic district matrices provided by the Company on May 15, 2017, provided that any such stipulation shall not be construed as an admission that said meters were installed in violation of Section 35.10.10 of UGI's Gas Operations Manual, any provision of the Public Utility Code, or any Commission regulation or order.
2. UGI is willing to stipulate to the service line installation data in the historic district and non-historic district matrices provided by the Company on May 15, 2017.
3. UGI is willing to stipulate that every meter location and meter infrastructure identified in the historic district matrix submitted by the City is located in a historic district.
4. UGI is willing to stipulate that every meter location and meter infrastructure identified in the historic district matrix submitted by the City is located outside, with the exception of any location where the service is currently inactive, as shown in the updated spreadsheets submitted by UGI on May 15, 2017.
5. UGI is willing to stipulate that none of the meter locations and meter infrastructure identified in the non-historic matrix are located in historic districts.
6. UGI is willing to stipulate that every meter location and meter infrastructure identified in the non-historic district matrix submitted by the City is located outside, with the exception of any location where the service is currently inactive.
7. UGI is willing to stipulate that amended 52 Pa. Code § 59.18 became effective and applied to new or replaced meters, regulators, or service line installations beginning on September 13, 2014, as explained by 52 Pa. Code § 59.18(g)(1)-(2).
8. UGI is willing to stipulate that amended 52 Pa. Code § 59.18 did not apply to new or replaced meters, regulators, or service line installations that pre-date September 13, 2014.

9. UGI is willing to stipulate that its Section 35.10.10 of its current Gas Operations Manual was adopted in an effort to implement the amended Section 59.18.
10. In addition to the factual stipulations regarding the meter locations reflected on the historic district and non-historic district matrices identified in Paragraph 1 above, UGI is also willing to stipulate that it had two versions of Section 35.10.10 of its Gas Operations Manual in effect since September 13, 2014: the first version was in effect from September 13, 2014, through July 30, 2016; and the second version has been in effect from July 31, 2016, through the present.
11. In addition to the factual stipulations regarding the meter locations reflected on the historic district and non-historic district matrices identified in Paragraph 1 above, UGI is also willing to stipulate that the meters located at 229 W Douglass St. and 437 S 11th St., Reading, PA were located under fire escapes at the time the Complainants completed the meter-by-meter survey, provided that this stipulation shall not be construed as an admission that said meters were installed in violation of Section 35.10.10 of UGI's Gas Operations Manual, any provision of the Public Utility Code, or any Commission regulation or order.
12. In addition to the factual stipulations regarding the meter locations reflected on the historic district and non-historic district matrices identified in Paragraph 1 above, UGI is also willing to stipulate that the meters located at 726 N 2nd St. and 1020 Weiser St. were in contact with the ground at the time the Complainants completed the meter-by-meter survey, provided that this stipulation shall not be construed as an admission that said meters were installed in contact with soil or other potentially corrosive materials in violation of Section 35.10.10 of UGI's Gas Operations Manual, any provision of the Public Utility Code, any Commission order, or 52 Pa. Code § 59.18(a)(8)(vi).

UGI remains willing to stipulate additional facts and issues, including those referenced above, and to formally memorialize any stipulations reached by the parties.

VII. PROTECTION OF CONFIDENTIAL INFORMATION

The Company has taken and will continue to take appropriate steps to limit and protect the disclosure of confidential customer information.

VIII. SETTLEMENT

UGI remains willing to work with the parties to resolve this proceeding through settlement. Further, UGI would be willing to enter into a partial settlement, stipulate to certain facts, or both, in order to narrow the issues in this proceeding. As explained above in Section VI, the Company is willing to stipulate to several other facts in this proceeding.

IX. WITNESSES

In their Prehearing Memo filed June 14, 2017, the Complainants identify the witnesses they currently intend to call and testify on their behalf. *See* City of Reading and CPHD Prehearing Memo, p. 4 (June 14, 2017). Importantly, the Complainants importantly have not included and, evidently, do not intend to call all individuals that completed by the meter by meter surveys, the results of which were presented by the Complainants in the historic and non-historic matrices. It is unclear how the Complainants intend to introduce and authenticate these surveys if the preparers are not presented as witnesses to sponsor their factual representations about the meter locations. Moreover, UGI propounded discovery on the Complainants regarding the persons who performed the meter-by-meter surveys, including their full names, addresses, job titles, employers, qualifications to perform the survey, and resumes and/or curriculum vitae. Even though the Complainants stated in discovery that they were compiling all of this information and would supplement their discovery responses, they have not provided the supplemental responses yet.

In addition, the Complainants have identified new witnesses for the first time in this Prehearing Memo and are attempting to reserve the right to identify additional witnesses through

supplemental discovery.⁵ Discovery in this proceeding closed on May 30, 2017, so the Complainants time to identify new witnesses through supplemental discovery has passed. Furthermore, by waiting until now to identify these new witnesses, the Complainants have prejudiced UGI in the preparation of its case. Because discovery closed on May 30, 2017, UGI cannot now propound discovery regarding these new witnesses. Therefore, it is prejudicial to UGI for the Complainants to identify these new witnesses without providing the Company with an opportunity to propound discovery about them. The Complainants' attempts to identify new witnesses and reserve the right to call unknown witnesses as part of their direct case further demonstrate that written testimony is appropriate in this case.

Notwithstanding, the Company intends to call Christopher Brown (Director – Operations South Region, 225 Morgantown Road, Reading, Pa. 19612) to testify on its behalf. Given the Complainants' attempts to call new witnesses and raise new issues in this proceeding, UGI reserves the right to call additional witnesses, as necessary, to address those witnesses and issues.

⁵ In their previous Prehearing Memo filed on March 13, 2017, the Complainants identified John Slifko, Ralph Johnson, and Michael Lauter as the witnesses they intended to call. *See* City of Reading and CPHD Prehearing Memo, p. 9 (Mar. 13, 2017). In addition to these individuals, the June 14, 2017 Prehearing Memo identifies Kim Brautigan, Debra Condath, the owner of the property located at 312 N 5th Street, the owner of the property located at 351 W Windsor Street, and “such other and further property owners to be identified by the City in supplemental discovery responses prior to trial.” City of Reading and CPHD Prehearing Memo, p. 4 (June 14, 2017).

Respectfully submitted,



Mark C. Morrow (ID # 33590)
Chief Regulatory Counsel
Danielle Jouenne (ID # 306829)
UGI Corporation
460 North Gulph Road
King of Prussia, PA 19406
Phone: 610-768-3628
E-mail: morrowm@ugicorp.com
jouenned@ugicorp.com

David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1197
Fax: 215-587-1444
E-mail: dmacgregor@postschell.com

Christopher T. Wright (ID # 203412)
Devin T. Ryan (ID # 316602)
17 North Second Street
12th Floor
Harrisburg PA 17101-1601
Phone: 717-731-1970
Fax 717-731-1985
E-mail: cwright@postschell.com
dryan@postschell.com

Date: June 14, 2017

Attorneys for UGI Utilities, Inc.