

Before the
Pennsylvania Public Utility Commission

Harry Larry Bierley

255 3988

C-2016-255398

National Fuel Gas
Distribution Corp

PA PUC
SECRETARY'S BUREAU

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Brief by Plaintiff

1. And now comes the plaintiff before the Honorable Court to present his best effort at a viable brief in support of his complaint.
2. It is evident that the only pertinent difference of opinion between NFGDC and me is their claim that their responsibility fully terminates at the gas meter and none is beyond the user's hookup and the chance that the situation might repeat itself.
3. I hold that it does not end at the customer's hookup to the meter, and the incident might possibly repeat itself elsewhere.
4. NFGDC should be fully responsible for the safety aspects of its explosive and highly flammable product.
5. The fact that they might have successfully lobbied for and obtained a regulation that appears to absolve them cannot hold. If it does, common sense and Ralph Nader's consumerist efforts are damned.

6. NFGDC makes many millions of dollars distributing a product that actually belongs to my fellow Americans and me. It is extracted at some cost from our natural resources but is free otherwise.

7. Their product is extremely dangerous from point of attainment to actual consumption. So it cannot be anything but logically and morally wrong to absolve NFGDC of safety responsibility until it is actually used in the appliance.

8. This would especially refer to Electricity which has a literal book of applicable usage regulations with well established rules and inspections to make it a safe and viable product.

9. On this instant matter, even if they do NOT know a user has anosmia, they should have regular "sniffer" inspection and visual inspection implemented to help prevent situation such as I encountered here in my home at 242 E 32nd St, Erie, PA.

10. NFGDC knowledge and experience with a "sniffer" and visual inspection could have, should have, and almost positively would have found the teflon tape joint which nearly killed me and might have literally blown up my neighborhood and me.

11. That is especially true in our modern world where extraneous situations actually

can be unknowingly created making death and destruction even more possible than we can imagine.

12. In this matter, my cellar area was well insulated with spray-on insulation that is very good and effective as such. The circumstances could have allowed such high concentration of gas to spontaneously explode or explode on impulse from such things as a nearby lightning strike which happen often. Perhaps even other things could set off a conflagration.

13. The possibility was greatly exacerbated by the facts that: ONE I have anosmia and TWO the actual amount of leakage into my living area was NOT sufficient to set off the alarms that came with my house when purchased.

14. Both alarms have been replaced with new ones that are better located since the incident. However, with my cellar door closed, and my cellar windows boarded shut after eight break-ins, the foregoing circumstances might very easily occur somewhere else.

15. Heretofore I present some legal and/or quasi legal arguments in support:

16. P.H.E. 2d Vol 40 @ 228 Sec 2 # 1 + 2:
General Considerations: the essence of public utility commission is for the pro -

tection of the public -.. the commission is invested with broad powers in regard to the supervision and regulation of public utilities for the purpose of protecting the rights of the public.

17. At Sec 4 the commission "... can not ignore or fail to comply with its own regulations.

18. Per Std PA Prac 2d :

At 166:1346 "... the PUC has full power and authority and it is its duty to enforce, execute, and carry out, "...; and, has the power to rescind or modify any such regulations and orders.

19. #1 the PUC may make such regulations "... as may be necessary or proper in the exercise of its powers, or the performance of its duties.

20. #2 If a statutes text does not provide the PUC with specific authority, strong and necessary implication from such text may, "... provide such authority.

21. #3. the PUC "... may intervene ... for protection of the public interest ...

22. Per Std PA Prac 2d :

At 166.1348 at

5 "... the PUC has exclusive jurisdiction to regulate the reasonableness of public utilities' services "... where those

procedures are not adequate and complete, actions for damages in the court of common pleas are allowed. If the PUC determines that those services are not reasonable, the court will calculate and award damages.

23. Per Std PA Proc 2d at 166.1353:

H 1. The Public Utility Commission, may issue a declaratory order to terminate a controversy or remove uncertainty.

24. therefore, NFGDC should be required to reimburse me for both large bills.

One bill was \$169.46 and the other 130.24 totaling \$294.70 together

25. therefore I pray the Honorable Court to order NFGDC to compensate me for the full \$294.70.

Respectfully submitted,
D. Larry Larry Bierley
D. Larry Larry Bierley
July 17, 2017
242 East 32nd ST
Erie, PA 16504-1547
Cell Ph 8144542550

Harry Larry Bierley
✓

National Fuel Gas :
Distribution Corp :

Before the Pennsy-
lvania Public
Utility Commission

No. C-2016-2553988

TO:

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral & Information Service
P.O. Box 1792
Erie, PA 16507
814/459-4411
Mon - Fri
8:30 a.m - Noon; 1:15 p.m. - 3:00 p.m.

Harry Larry Bierley

Before the
Pennsylvania Public Utility Commission

Bierley v. NFGDC
C 2016-2553988

Certificate of Service

I do hereby certify that on July 17, 2017, a copy of the attached five page brief with Notice to Plead was served upon the following two persons by first class U.S. Mail

I do not have computer or skills to send E Mail, nor do I have fax capabilities:

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Harrisburg, PA

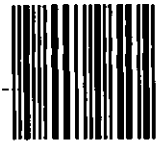
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