

had placed meters in dangerous locations/conditions, in violation of Section 59.18 and 49 CFR §192.353, in locations throughout the City.

2. The law firm representing the City of Reading was Eastburn and Gray, P.C., and this law firm's lead counsel listed on all pleadings was Michael J. Savona, Esquire.

3. In its formal complaint the City, *inter alia*:

- a. Challenged UGI's meter relocation program on the basis that UGI has placed meters in dangerous locations/conditions in violation of Section 59.18 and 49 CFR § 192.353; and
- b. Sought a determination regarding the breadth of Section 59.18's requirements regarding exterior meter placement in light of the City's powers to regulate and protect historic resources.

4. UGI filed an answer to the City's formal complaint on March 14, 2016, averring that it is not seeking to amend current Regulations or requesting that the Commission promulgate new Regulations, but, rather, it is seeking an adjudication of its Complaint to provide clarity to the Parties regarding the proper application of Section 59.18.

5. The formal complaints of Centre Park Historic District ("CPHD") and the City were consolidated by order dated March 30, 2016.

6. On August 10, 2016, the Commission's Bureau of Investigation and Enforcement ("I&E") filed a Notice of Appearance.

7. On September 1, 2016, UGI filed a Petition for Interlocutory Review and Answer to Material Question, seeking interlocutory review with respect to the following Material

Questions:

- a. Whether the CPHD's and the City's Complaint should be dismissed because the relief requested – impose new rules and standards concerning meter locations that do not currently exist under the PUC's regulations – is beyond the scope of a formal complaint proceeding and should be addressed through a petition for amendment of the PUC's regulations pursuant to 52 Pa. Code § 5.43.

- b. 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 PUC regulations as currently enacted.

8. By Order entered February 9, 2017 (*Interlocutory Review Order*), the Commission declined to answer the Material Questions UGI presented in its Petition and returned the matter to the Office of Administrative Law Judge ("ALJ").

9. The ALJ issued a Sixth Prehearing Order, dated March 21, 2017, that, *inter alia*, directed the City Parties to produce spreadsheets containing a list of disputed meters which included the date the City issued a permit and the date each meter was relocated or installed (Stipulated Spreadsheets).

10. On April 19, 2017, the ALJ issued an Eighth Prehearing Order that excused the City Parties from providing the date each meter was relocated or installed.

11. In that same Order, the ALJ directed UGI to provide the dates of service line installation for the contested meters and provided the City Parties with the opportunity to stipulate or object to UGI's service line installation data.

12. On July 6, 2017, the City Parties filed a Motion for Partial Summary Judgment and UGI also filed a Motion for Summary Judgment (not partial).

13. By Interim Order dated September 7, 2017, the ALJ denied the City's Motion.

14. The ALJ granted in part and denied in part UGI's motion.

15. On October 5, 2017, the ALJ issued an interim order, suspending litigation and also specifically ordering the following:

1. That the proceedings on these consolidated complaints is stayed pending the Commission's decision on UGI's exceptions.

2. That within **10 days** of the Commission's final action on UGI's exceptions filed on September 27, 2017, the parties shall confer and submit a proposed schedule for the concurrent service of direct written testimony and evidentiary hearings in Harrisburg.

16. UGI filed exceptions to this denial of their motion for summary judgment, and on November 1, 2017, UGI attempted to withdraw these exceptions.

17. On December 21, 2017, the Commission issued an order, directing the following (in verbatim format):

1. That the Letter Request to Withdraw Exceptions filed by UGI Utilities, Inc. on October 31, 2017, is denied.
2. That the Exceptions filed by UGI Utilities, Inc. on September 27, 2017, are denied.
3. That the Initial Decision Denying in Part and Granting in Part UGI's Motion for Summary Judgment of Administrative Law Judge Mary D. Long, issued on September 7, 2017, was adopted, consistent with this Opinion and Order.
4. That UGI Utilities, Inc.'s Motion for Summary Judgment was granted as to 337 meters at properties highlighted on Appendices C and D of UGI Utilities, Inc.'s Motion for Summary Judgment do not violate Section 59.18(a)(8)(i).
5. That UGI Utilities, Inc.'s Motion for Summary Judgment was to the scope of the proceedings is granted, in part, and denied, in part.
6. That UGI Utilities, Inc.'s Motion for Summary Judgment was denied in all other respects; and
7. That this matter is returned to the Office of Administrative Law Judge.

18. Subsequent to the Commission's Order, a Hearing Notice was filed, scheduling evidentiary hearings for March 27, 2018 through March 29, 2018.

19. The City of Reading learned that lead counsel left employment with Eastburn and Gray, P.C.

20. The City of Reading then ended Eastburn and Gray's representation of Eastburn and Gray, P.C.

21. The undersigned entered his appearance on January 12, 2018.

22. During the months of December 2017 and January 2018, the City of Reading and UGI have entered into discussions regarding the potential for negotiations, which would lead to an amicable resolution of UGI/City of Reading matters.

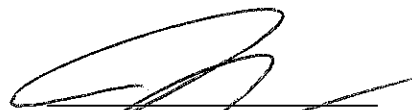
23. The City of Reading needs 60 days for the extension of deadlines and stay of proceedings.

24. The City of Reading counsel contacted counsel for UGI with respect to this extension and stay of proceedings, and counsel for UGI indicated that it would not oppose a motion requesting the same.

WHEREFORE, the City of Reading respectfully requests that this Honorable Administrative Law Judge enter an order, granting the instant motion.

Dated: Feb. 1, 2018

Respectfully submitted,



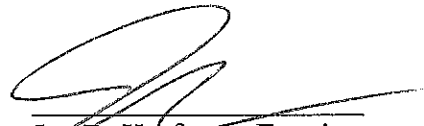
Jan B. Krafozek, Esquire
Attorney I.D. # 65928
City of Reading
Solicitor's Office
815 Washington Street

VERIFICATION

I, Jan D. Krafczek, verify that the facts set forth in the foregoing Motion are true and correct to the best of my knowledge, information and belief. I understand the this Verification is made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to the unsworn falsification to authorities.

Dated: Feb. 1, 2018

Respectfully submitted,



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