

Yvonne A. Whisenant
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Date: 8 February 2018

Secretary
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Akeem Simmons, Yvonne Whisenant and Ashley Mowery

v.

UGI Utilities, Inc.

Complaint Docket No. C-2017-2605783

EXCEPTIONS OF Akeem Simmons, Yvonne Whisenant and Ashley Mowery

Dear Secretary Chiavetta,

In accordance with your letter dated 6 February 2018, I write the following exceptions pursuant to 52 Pa. Code 5.533 and 5.535

1. **(Pages 2 & 3, Page 9, item 56):** In my letter of 19 June 2017, to you (Secretary Chiavetta), I strongly requested a "PHYSICAL" (courtroom hearing), because this case was too complicated to be adjudicated properly and sufficiently by a telephonic hearing, and I needed witnesses to be subpoenaed for testimony. I did not have subpoena authority and the logistics to have witnesses, hostile or otherwise, present for a telephonic hearing would have been impossible. I further expressed these same concerns during my telephone conversation with Administrative Law Judge, Joel Cheskis, on 12 July 2017, who advised that since he already had the "telephonic hearing" scheduled for 22 August 2018, we should continue with this "telephonic hearing" and if the issues were not resolved then he would schedule an "in-person," hearing. Subsequently, the "telephonic hearing" held on 22 August 2018 lasted almost three hours. During the telephonic hearing, I could not always hear the conversations clearly leaving me at a disadvantage for keeping up with the conversations while trying to take notes and looking at exhibits. At one point, the telephonic bridge got interrupted while a critical witness, Attorney Deb Hannon, was providing testimony and she could not return to bridge; hence, I was not able to question her for more substantial testimony. Attorney Deb Hannon was Ashley Mowery's attorney of record and also Ms. Mowery's Power of Attorney who had several conversations, from April-July 2016, with UGI officials regarding UGI service calls to Ms. Mowery's property at 429 Crescent St. Harrisburg, Pa. 17104; specifically two work orders, one being, UGI work order # 369501. Attorney Hannon claims that she paid the outstanding balance of gas utilities, prior to writing and executing the rental agreement (lease) for Tracie Sullivan and Jasmine Benner, on 12 July 2016. Attorney Hannon provided this lease to UGI and this was confirmed to me

by UGI financial agent, Angie. However, this critical testimony was never heard due to the failure of the telephonic bridge.

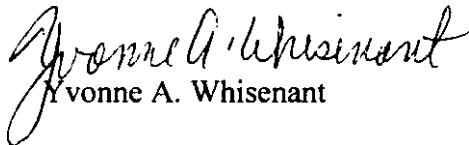
2. **(Page 4, items 8 & 9; Page 6, item 26.):** I reported suspicious activity, theft, vandalism and vagrancy at the service address from September 2016-January 2017 to the following law enforcement officials: Officer Kreiser, Officer Eric Henry, badge #160, Detectives Laura Green and Nicholas Licata, and Captain Gabriel Olivera, as well as, Mayor Papenfuss, Representative Patty Kim, and various state and social organizations.
3. **(Page 4, item 10.):** I purchased a new water “meter,” not a water “heater” as stated, and hired a contractor to install the new water “meter.” I purchased the water meter from Capital Region Water Co. for \$222 and installation cost \$160.
4. **(Page 5, item 16.): Correction:** it was on 7 February 2017, not 17 February 2017, that UGI technician, Justin, responding to my call for service, “noticed that there was a problem with the furnace and that the meter had been tampered with.” However, it was 17 February 2017 when Mr. Simmons called UGI to request gas service be “restored” to the property since gas service was turned off on 7 February 2017. UGI neglected to have their technician, Justin (610-842-3277) available for testimony and cross examination. Justin was the first UGI personnel to report to Ashley’s property on 7 February 2017 and the best witness to the condition of the gas and water equipment/utilities. Justin had been working on the furnace for at least 20 minutes before he detected the tampered (rigged) gas and water system. Justin advised both Akeem Simmons and I that novices/laypersons, such as ourselves, would not have been able to detect the tampered systems. The fact that Justin no longer works for UGI is no excuse to exclude his testimony and he should be subpoenaed to testify.
5. **(Page 6, items 28 & 29; Page 7, item 36, Page 9 item 56.):** UGI admittedly made several services calls to Ashley’s property from 29 October 2016 through 22 June 2016, yet they did not respond to my repeated questions as to who made those service calls, what was the nature of those service calls, and who gave UGI access to the property. **It is important to note that Ashley Mowery was incarcerated since 10 October 2015, and the property should have been vacant until the lease with Tracie Sullivan on 12 July 2017.** I have provided exhibits of UGI invoices for services calls made during that timeframe, specifically invoice # 369501. It is curious, even suspicious, that UGI Mr. Klopp and Mr. Huber testified to performing service at the property on 22 June 2016; yet neither UGI nor Attorney Crayne submitted any record or invoice for that date. **It certainly indicates that a person or persons had unauthorized access to the property and that UGI never asked for proper identification nor did UGI check their own records as to whom they were providing service and billing.** The answers to these questions is key to the issue of stolen utilities and billing; but more importantly, **it clearly shows that UGI was negligent in the care of their own equipment, services and billing.** Again, Attorney Hannon advised me that she had numerous conversations with UGI personnel that she had paid the supposed delinquent account but never got to testify to this fact during the telephonic hearing. UGI testified that they had a copy of Tracie Sullivan’s lease, but that she never requested UGI services to be transferred to her name. That fact should have been a “red flag” to UGI who should have investigated and protected their own equipment.

6. **(Page 7. Items 35, 37-40.):** I did not receive Attorney Crayne's letter of 14 August 2017 with exhibits R1-R10 until the day before the hearing which did not allow me sufficient time to arrange an escorted inspection of Ashley's property so I could properly respond. Also, Ashley Mowery had not received this documentation and could not follow along with discussions nor properly respond during the telephonic hearing. Judge Chekis's hearing notices advised that exhibits had to be received at least 5 days before the hearing.
7. **(Pages 11-19):** Attorney Crayne and UGI personnel repeatedly stated that Ashley Mowery, Akeem Simmons and I had a responsibility to protect their utility system. Ashley Mowery had been arrested and incarcerated since 10 October 2015 making it impossible for her to protect the utility system. I provided overwhelming evidence that there was vagrancy, vandalism and theft at the serviced property. **On 10 October 2015, a violent crime was committed at Ashley's property and there has been repeated vagrancy, vandalism and theft.** Law enforcement knew of these crimes yet refused my repeated requests for a police escort to inspect Ashley's property. On 26 October, the locksmith, realtor, and I noticed the emptiness, vandalism, and evidence of squatters which made us fearful: we had no way of knowing if someone was hiding in the basement with a weapon. The lack of response from police intensified our fear and we left the property immediately after the locks were changed. I did my best to protect Ashley's property and to find the people responsible for her stolen property to include the tampering and theft of utilities. **I know of no Pennsylvania regulation that would require persons to put their lives in danger to inspect and protect property, including utilities.**
8. **(Pages 17 & 23.):** Regarding the statement, "It does not matter for Commission purposes who caused the unsafe condition by tampering with the meter – only that the unsafe condition existed and UGI acted quickly to correct it." Since it could not be determined when and by whom the UGI equipment was tampered causing "unsafe conditions," the Judge's statement that UGI "acted quickly to correct it" is unsubstantiated. The "unsafe conditions" could have existed prior to Ms. Mowery's purchase of the serviced property. Again, the fact that UGI made several services calls, failed to acknowledge the nature of all services calls, failed to identify the person(s) requesting service calls, failed to identify the person(s) who allowed UGI access to the property, failed to produce the history of service calls and historical billing, failed to identify the person(s) to whom bills were being sent, and failed to notify Ms. Mowery or her representatives of any unsafe conditions, tampered equipment, unauthorized access or possessions, or service terminations clearly shows UGI's own negligence with regards to the access, services, repairs and billing for the property at 429 Crescent St. Harrisburg, PA. 17104.
9. **(Page 20):** Regarding payment arrangement and the federal poverty level. The property has been vacant since June 2017. Gas was turned off at the property on 7 February 2017 making it impossible for Ms. Mowery to have tenants and gain rent - resources necessary for her legal defenses and personal necessities. Ms. Mowery has no income and is destitute. If the Commission still concludes that Ms. Mowery owes UGI \$4573.41 regardless of UGI's negligence, then a payment arrangement is the least that UGI and the Commission could offer.

CONCLUSION.

The real tragedy is the injustice to Ashley Mowery who is incarcerated for a crime she did not commit: the real criminal has recently confessed to the crime and admitted that he lied to police about Ms. Mowery. Her property should have been rented as furnished, yielding a monthly rent of approximately \$800.00 that could have been used for her legal defense, and support for her young daughter. Instead, persons stole and vandalized her property; attorneys neglected to provide adequate counsel and protections; and law enforcement neglected to conduct adequate investigations to bring the "real" perpetrators to justice. It is sad that we've had to endure this process without a beneficial and timely solution. There are so many people desperate for housing especially immigrants and survivors of natural disasters and accidents that need relocation. Ashley's property would be ideal for just those instances. In addition to Catholic Relief services, I've posted advertisements seeking charities and social organizations that may be interested in this property and could use charitable contributions to pay UGI the funds they are seeking in order to get the gas restored for worthy candidates. UGI could submit a claim to their insurance company for the damage to their equipment. UGI, has enormous resources that could be used in this situation to fulfill part of their annual charitable contributions, making this a win/win situation for everyone and positive publicity for UGI. There are a host of positive solutions that could be offered in this situation. No one in this country should be homeless or hungry.

Respectfully,


Yvonne A. Whisenant

File script: Initial Decision of Judge Cheskis – Exceptions 8 Feb 2018

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The following is a list of persons mentioned in these EXCEPTIONS that could be contacted or subpoenaed to testify.

Attorney Debra Hannon, 717-846-4850; cell 717-891-2942; debhannon@comcast.net; 55 S. Yale St. York, Pa. 17403

UGI Representatives: Maintenance Technician, Justin, 610-842-3277; Revenue Protection Department, Supervisor John and agent, Angie, 800-276-2722; UGI, P.O. Box 12407, Reading, Pa. 19612

Tracie Sullivan, and her daughter, Jasmine Benner, 717-839-0616; (parents address and phone number: 545 Highland St. Enhaut, Pa, 717-939-2980)

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