

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Peoples Natural Gas Company LLC	:	A-2017-2627874
for Approval of Abandonment of Natural Gas	:	
Service by Peoples Natural Gas Company LLC	:	
to Four (4) Customers Located in Greene County,	:	
Pennsylvania	:	
	:	
Betty Stout	:	C-2017-2632816
Joseph Rohanna	:	C-2017-2633443

INITIAL DECISION

Before
Katrina L. Dunderdale
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Petition to Withdraw Application filed by Peoples Natural Gas Company LLC, pursuant to 52 Pa.Code § 5.94(a).

HISTORY OF THE PROCEEDING

On October 3, 2017, Peoples Natural Gas Company LLC (Peoples or Applicant) filed with the Pennsylvania Public Utility Commission (Commission) an application for the approval to abandon natural gas service to three natural gas service customers located in Greene County, Pennsylvania. The application referenced four service addresses which would be affected by the abandonment, if approved. The caption has been changed to reflect there are four customers involved.

Notice of the application's filing appeared in the *Pennsylvania Bulletin* on October 21, 2017. On November 3, 2017, counsel for Robert and Carolyn Morris filed a Protest to the application and a Petition to Intervene. On November 6, 2017, the Office of Consumer Advocate (OCA) filed its Notice of Intervention and Public Statement.

On October 26, 2017, Betty Stout filed a formal complaint at Docket No. C-2017-2632816, alleging Peoples was in error to propose abandoning natural gas service to her residence. On October 30, 2017, Joseph Rohanna filed a formal complaint at Docket No. C-2017-2633443, alleging Peoples was in error to propose abandoning natural gas service to his residence.

On November 16, 2017, the Commission issued a Call-In Telephone Prehearing Conference Notice, scheduling this matter for an in-person prehearing conference on Monday, November 27, 2017. Also on November 16, 2017, the presiding officer issued a Prehearing Conference Order to the parties directing the parties on various preliminary matters, including continuance requests. Accordingly, on November 21, 2017, prehearing conference memoranda were filed by Peoples and OCA. On November 27, 2017, counsel for the Protestant Morris hand delivered a memorandum.

On November 27, 2017, the presiding officer conducted the prehearing conference with the representatives for Peoples, OCA and Protestant Robert Morris present, in addition to two affected customers who appeared *pro se*: (1) Betty and Robert Stout, and (2) Joseph Rohanna.

On December 5, 2017, the presiding officer issued the Prehearing Order which memorialized the parties' discussion about the litigation schedule and various procedural matters. On December 6, 2017, the presiding officer issued the Amended Prehearing Order which corrected the dates for the evidentiary hearings.

On January 24, 2018, Applicant filed a Petition to Withdraw Application pursuant to 52 Pa.Code § 5.94(a).

On February 2, 2018, counsel for Robert and Carolyn Morris filed an Answer to Petition to Withdraw Abandonment Application.

FINDINGS OF FACT

1. Peoples Natural Gas Company LLC, filed an application on October 3, 2017 seeking authority from the Commission to abandon natural gas service to four natural gas service customers located in Greene County, Pennsylvania.
2. On October 21, 2017, notice of the application's filing appeared in the *Pennsylvania Bulletin*.
3. On November 6, 2017, the Office of Consumer Advocate filed a Notice of Intervention.
4. One protest and two complaints, filed by Robert Morris, Betty Stout, and Joseph Rohanna, respectively, were consolidated with the application proceeding.
5. The proposed abandonment affects a fourth service address at which Virginia McNelly resides and receives metering service from Applicant.
6. On December 19, 2017, notice of the application appeared in the *Observer-Reporter*, a newspaper of general circulation in Greene County, Pennsylvania.
7. On January 24, 2018, Applicant filed a Petition to Withdraw Application.
8. The reason provided for withdrawing the application, as cited in Applicant's Petition to Withdraw Application, was because Applicant discovered during the litigation phase that the affected pipeline also serves a commercial customer, and additional time is needed to investigate and determine if an abandonment is appropriate.

9. On February 2, 2018, counsel for Robert Morris filed an Answer to Petition to Withdraw Abandonment Application and did not object to the withdrawal request.

10. No party filed an objection to Applicant's Petition to Withdraw Application.

DISCUSSION

The Commission is empowered and charged with the duty to enforce the requirements of the Public Utility Code. 66 Pa.C.S.A. § 501(a). In this proceeding, Applicant originally sought an order, pursuant to 66 Pa.C.S.A. § 1102(a)(2), granting Applicant authority to abandon natural gas service to four natural gas service customers located in Greene County, Pennsylvania.

As the party seeking an order from the Commission, Applicant bears the burden of proof in this case. Provisions at 66 Pa.C.S.A. § 332(a) state, “[e]xcept as may be otherwise provided in section 315 (relating to burden of proof) or other provisions of this part or other relevant statute, the proponent of a rule or order has the burden of proof.”¹

On January 24, 2018, Applicant asked to withdraw the application. No party has entered an objection to Applicant withdrawing the application.

Pursuant to 52 Pa.Code § 5.94(a), a “party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. The petition must set forth the reasons for the withdrawal. A party may object to the petition within 20 days of service. After considering the petition, an objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.”

¹ Provisions at 66 Pa.C.S.A. § 315(a) do not apply in this proceeding because this matter did not arise upon the motion of the Commission, involve a proposed or existing rate of a public utility, or involve a complaint about a proposed increase in rates.

After considering Applicant's request, it is apparent Applicant requires more time to investigate the service addresses attached to and affected by the pipeline Peoples seeks to abandon. To proceed forward with litigation at this time would be premature until Peoples has an opportunity to determine if abandonment is appropriate in this factual scenario. It is in the public interest to permit Applicant to withdraw this application and there has been no objection. Accordingly, Applicant's written request to withdraw is granted.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S.A. § 1102(a)(2).
2. The Commission has the power, and the duty, to enforce the requirements of the Public Utility Code.
3. Pursuant to 66 Pa.C.S.A. § 332(a), the burden of proof in this proceeding is on Applicant as the proponent of a Commission Order.
4. It is in the public interest to grant Applicant's request to withdraw the application for the right to abandon natural gas service to four natural gas service customers located in Greene County, Pennsylvania. 52 Pa.Code § 5.94(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the request of Peoples Natural Gas Company LLC, to withdraw the application filed on October 3, 2017 and docketed at No. A-2017-2627874, is granted.

