

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Betty Stout	:	C-2017-2632816
Joseph Rohanna	:	C-2017-2633443
	:	
v.	:	
	:	
Peoples Natural Gas Company LLC	:	

**INITIAL DECISION**

Before  
Katrina L. Dunderdale  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses as moot two formal complaints filed by two of four affected natural gas customers who opposed a request by Peoples Natural Gas Company LLC to abandon natural gas service.

**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 four natural gas service customers located in Greene County, Pennsylvania, which application was docketed at Docket No. A-2017-2627874.

On October 26, 2017, Betty Stout (Ms. 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 (Mr. 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 27, 2017, the presiding officer conducted the prehearing conference with the representatives for Peoples present, *inter alia*, in addition to Ms. Stout and Mr. Rohanna. Thereafter, on December 5, 2017, the presiding officer issued the Prehearing Order which memorialized the parties' discussion about the litigation schedule and consolidated the formal complaints of Ms. Stout and Mr. Rohanna with the abandonment proceedings.

On January 24, 2018, Peoples filed a Petition to Withdraw Application at Docket No. A-2017-2627874, pursuant to 52 Pa.Code § 5.94(a), after Peoples determined through discovery there was a commercial customer which also was served on the same pipeline which served Ms. Stout and Mr. Rohanna.

On March 20, 2018, the Commission served the Initial Decision, which granted Peoples' Petition to Withdraw and ordered the proceeding at Docket No. A-2017-2627874 to be closed.

The formal complaints of Ms. Stout and Mr. Rohanna remain open and unresolved.

#### FINDINGS OF FACT

1. Peoples Natural Gas Company LLC, filed an application on October 3, 2017, docketed at No. A-2017-2627874, and sought authority to abandon natural gas service to four natural gas service customers located in Greene County, Pennsylvania.

2. 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.

3. 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.

4. On December 5, 2017, the formal complaints of Betty Stout and Joseph Rohanna were consolidated with the application proceeding.

5. On January 24, 2018, Peoples filed a Petition to Withdraw Application.

6. The reason provided for withdrawing the application, as cited in Applicant's Petition to Withdraw Application, was because Peoples recently discovered the pipeline also serves a commercial customer. Peoples requested additional time to investigate and determine if an abandonment is appropriate.

7. Neither Ms. Stout nor Mr. Rohanna filed an objection to Peoples' 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 the related prior proceeding docketed at A-2017-2627874, Peoples sought an order, pursuant to 66 Pa.C.S.A. § 1102(a)(2), granting it the authority to abandon natural gas service to four natural gas service customers located in Greene County, Pennsylvania. Ms. Stout and Mr. Rohanna are two of those four affected customers. As a result of Peoples' filing, Ms. Stout and Mr. Rohanna individually filed formal complaints against Peoples and asked the Commission to deny Peoples' request to abandon natural gas service to their residences.

As the party seeking an order from the Commission, Peoples had the burden of proving the Commission should grant its request to abandon natural gas service to the four affected customers. 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.”<sup>1</sup> On January 24, 2018, Peoples asked to withdraw its application. No party entered an objection to Peoples withdrawing the application. Accordingly, Peoples’ request was granted in the Initial Decision issued on March 20, 2018. As a result, there is no pending request to abandon service to Ms. Stout or to Mr. Rohanna.

Similar to Peoples’ burden when requesting an abandonment of service, both Ms. Stout and Mr. Rohanna carry a burden of proving that their formal complaints should be sustained, pursuant to 66 Pa.C.S.A. § 332(a). These formal complaints were filed in direct opposition to the request of Peoples to abandon service. Once that request to abandon service was withdrawn, Complainants Stout and Rohanna ceased to have a dispute with Peoples over the proposed abandonment, for the simple reason that the proposed abandonment no longer exists.

The Commission has authority to resolve actual disputes and/or if there is a person with an interest in a subject matter.<sup>2</sup> When no genuine issue exists as to a material fact or when a dispute ceases to exist, then the matter is moot and must be dismissed. Furthermore, the Commission may dismiss any complaint without a hearing if a hearing is unnecessary to protect the public interest.<sup>3</sup>

Here, there ceased to be an actual dispute once the Commission granted the withdrawal of Peoples’ application to abandon. The Commission lacks the authority to enter an order that grants or denies Peoples’ request to abandon because Peoples no longer requests

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<sup>1</sup> 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.

<sup>2</sup> 66 Pa.C.S.A § 701.

<sup>3</sup> 66 Pa.C.S.A. § 703(b), and 52 Pa.Code § 5.21(d).

permission to abandon natural gas service.<sup>4</sup> A hearing is unnecessary at this time and the public interest is not furthered by litigating Complainants' concerns any longer.

Accordingly, the two formal complaints filed by Ms. Stout and Mr. Rohanna – which contest the application to abandon – will be dismissed in the paragraphs below.

### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S.A. § 701.

2. The Commission has the power, and the duty, to enforce the requirements of the Public Utility Code. 66 Pa.C.S.A. § 1501(a).

3. It is in the public interest to dismiss the formal complaints opposing an application for the right to abandon natural gas service because the public utility has withdrawn its application for the right to abandon natural gas service to Complainants. 66 Pa.C.S.A. § 703(b), and 52 Pa.Code § 5.21(d) and § 5.94(a).

### ORDER

THEREFORE,

IT IS ORDERED:

1. That the formal complaint of Betty Stout v. Peoples Natural Gas Company LLC at Docket No. C-2017-2632816 is dismissed without prejudice.

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<sup>4</sup> Municipal Authority of Borough of West View v. Pa. Pub. Util. Comm'n, 41 A.3d 929 (Pa. Cmwlth. 2012).

