

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**Debra Reid,**

**Complainant,**

**v.**

**Mill Creek MHP Management, LLC,**

**Respondent.**

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: **Complaint Docket**  
: **No. C-2019-3010073**  
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**PETITION FOR INTERLOCUTORY COMMISSION REVIEW**

Pursuant to 52 Pa.Code Section 5.302(a), Respondent Mill Creek MHP Management, LLC (“Mill Creek Management”), files the following Petition for Interlocutory Commission Review of the Order Denying Preliminary Objections. In support of this Petition, Mill Creek Management asserts as follows:

**Question for Review:**

May the Commission exercise jurisdiction over a complaint against a natural gas master meter operator that is registered with the Commission as a pipeline operator if the complaint seeks relief unrelated to the federal pipeline safety laws?

**Suggested Answer:**

No. The Commission may not exercise jurisdiction over a complaint against a natural gas master meter operator that is registered with the Commission as a pipeline operator if the complaint seeks relief unrelated to the federal pipeline safety laws.

1. Interlocutory review will prevent substantial prejudice to Mill Creek Management because Mill Creek Management's preliminary objections on the basis of the lack of Commission jurisdiction were denied and allowing this complaint to go forward will force Mill Creek Management to participate in a proceeding over which the Commission does not have jurisdiction.

2. Interlocutory review will also expedite the conduct of the proceeding because the Commission does not have jurisdiction over the subject matter of the Formal Complaint filed by Complainant, Debra Reid.

3. There is no question that subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy. *Hughes v. Pennsylvania State Police*, 619 A.2d 390, 393 (Pa.Cmwlth. 1992).

4. There is also no question that the Commission must act within and cannot exceed its jurisdiction. *City of Pittsburgh v. Public Utility Commission*, 43 A.3d 348 (Pa.Super. 1945).

5. Mill Creek Management's Preliminary Objection on the basis of lack of jurisdiction, however, were denied because Ms. Reid alleges that Mill Creek Management is operating as a public utility and Ms. Reid should be allowed to testify about her allegations under the Commission's decision in *Richard Carlock v. The United Telephone Company of Pennsylvania*, Docket No. F-00163617 (Order entered July 14, 1993).

6. While unrepresented complainants should generally be allowed to testify about underlying facts, the question of whether Mill Creek Management is a "public utility" for purposes of Section of 102 of the Public Utility Code is a matter of law, not a question of fact.

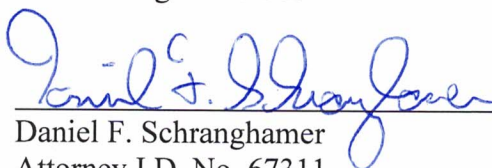
7. Allowing Ms. Reid to expand on the facts of her complaints against Mill Creek Management at a hearing will do nothing to change the conclusion that Mill Creek Management is not, as a matter of law, a public utility.

8. Allowing Ms. Reid to expand on the facts of her complaints against Mill Creek Management at a hearing will do nothing to change the conclusion that those complaints are not related to the federal pipeline safety laws.

WHEREFORE, for all the foregoing reasons, Respondent Mill Creek Management respectfully requests that the Commission grant this Petition, answer the Question in the negative as suggested above, and reverse the Order Denying Preliminary Objections on the basis of lack of jurisdiction.

Respectfully submitted,

GSP Management Co.



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Attorney for Respondent Mill Creek MHP  
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Date: August 20, 2019

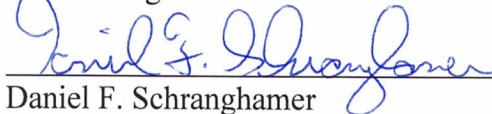
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of Section 1.54 (relating to service by a party). The document was filed electronically on the Commission's electronic filing system.

<b>Name:</b>	<b>Means of Service:</b>	<b>Date(s) of Service:</b>
Debra Reid 2 Shawna Ave. York, PA 17402	First Class Mail	August 20, 2019
Andrew M. Calvelli, Administrative Law Judge Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	First Class Mail	August 20, 2019

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