

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Debra Reid

Public Meeting held December 19, 2019

v.

3010073-OSA

Mill Creek MHP Management, LLC

Docket No. C-2019-3010073

MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE

Before the Commission for consideration and disposition is a Joint Petition to Withdraw Complaint filed by Debra Reid, the Complainant, and Mill Creek MHP Management LLC (Mill Creek), the Respondent, in the above captioned proceeding. The Complainant had alleged that the Respondent was operating a natural gas distribution company without a certificate of public convenience, and that the rate she and other residents of the development where she lived was excessive.

Mill Creek denied that it was providing natural gas distribution service and filed Preliminary Objections to dismiss the Complaint for lack of jurisdiction. The presiding Administrative Law Judge denied the Preliminary Objections, and Mill Creek then filed a Petition for Interlocutory Review of this denial in response. Subsequently, Mill Creek and the Complainant filed a Joint Petition to Withdraw the Complaint, and now represent that they have resolved all underlying issues.

Petitions to Withdraw are governed by Section 5.94 of our regulations, and the Commission must consider the interests of the parties and the public in its determination. Noting that the Petition to Withdraw is uncontested, I agree that the Joint Petition should be granted, and that the Petition for Interlocutory Review should be dismissed as moot.

However, the nature of the service provided to the other residents of this development, and whether they rent or own their homes and the land it is on is not known. Additionally, the allegations in the Complaint implicate Section 1313 of the Public Utility Code, which provides:

Whenever any person, corporation or other entity, not a public utility, electric cooperative corporation, municipality¹ authority or municipal corporation, purchases service from a public utility and resells it to consumers, the bill rendered by the reseller to any residential consumer shall not exceed the amount which the public utility would bill its own residential consumers for the same quantity of service under the residential rate of its tariff then currently in effect.¹

¹ 66 Pa.C.S. § 1313

Out of an abundance of caution, I will move that we refer the issues raised in this Complaint to our Bureau of Investigation and Enforcement, for whatever action the Bureau deems appropriate; **THEREFORE, I MOVE THAT**

1. The Joint Petition to Withdraw be granted in this proceeding.
2. The Petition for Interlocutory Review is dismissed as moot.
3. That this matter is referred to the Bureau of Investigation and Enforcement for whatever action it deems appropriate.
4. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.
5. This docket be marked closed.

Date: December 19, 2019



Gladys Brown Dutrieuille, Chairman