



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Main Fax
www.postschell.com

Devin Ryan

dryan@postschell.com
717-612-6052 Direct
717-731-1981 Direct Fax
File #: 165082

February 18, 2020

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Melvyn B. Jacobson and Robin Costenbader-Jacobson
v. UGI Utilities, Inc.
Docket No. C-2017-2611740**

Dear Secretary Chiavetta:

Enclosed for filing is the Prehearing Conference Memorandum of UGI Utilities, Inc. – Gas Division, in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DTR/jl
Enclosures

cc: Honorable Mary D. Long
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Melvyn B. Jacobson and	:	
Robin Costenbader-Jacobson	:	
	:	
v.	:	Docket No. C-2017-2611740
	:	
UGI Utilities, Inc.	:	

**PREHEARING CONFERENCE MEMORANDUM OF
UGI UTILITIES, INC. – GAS DIVISION**

TO ADMINISTRATIVE LAW JUDGE MARY D. LONG:

Pursuant to 52 Pa. Code § 5.222(d), UGI Utilities, Inc. – Gas Division (“UGI Gas” or “Company”) hereby submits this Prehearing Conference Memorandum.

I. BACKGROUND

On June 28, 2017, UGI Gas was served with the Formal Complaint filed by Melvyn B. Jacobson and Robin Costenbader-Jacobson (“Complainants”). The Complaint challenged the Company’s planned relocation of their meters from the interior to the exterior of their property, which is located in the Centre Park Historic District in the City of Reading. According to the Complainants, UGI Gas was not properly “considering” an inside location for the meters in accordance with 52 Pa. Code § 59.18(d)(1)(ii).

On July 7, 2017, UGI Gas filed its Answer to the Formal Complaint.

On July 12, 2017, a Notice was issued scheduling a telephonic evidentiary hearing for August 30, 2017, at 10:00 AM before Administrative Law Judge Mary D. Long (“ALJ”).

On July 19, 2017, the ALJ issued an Interim Order converting the evidentiary hearing to a prehearing conference. As stated in that Interim Order, UGI Gas’s meter relocation policy was

currently before the ALJ for disposition in the case *Centre Park Historic District & City of Reading v. UGI Utilities, Inc. – Gas Division* at Docket Nos. C-2015-2516051 and C-2016-2530475.

On July 20, 2017, a Notice was issued scheduling the prehearing conference for August 30, 2017, at 10:00 AM.

On August 30, 2017, the prehearing conference was held as scheduled. Later that day, a Notice was issued scheduling a telephonic evidentiary hearing for October 18, 2017, at 10:00 AM. The ALJ also issued a Prehearing Order setting forth various procedural requirements for the proceeding.

On October 5, 2017, UGI Gas filed a letter requesting a suspension of the procedural schedule until the Pennsylvania Public Utility Commission's ("Commission") disposition in the *City of Reading* proceeding. The letter also explained that the parties had worked out a mutually-acceptable arrangement to restore service to the Complainants' service address pending the issuance of the Commission's final order in the *City of Reading* proceeding.

Subsequently on October 5, 2017, the ALJ issued an Interim Order granting the Company's request to suspend the procedural schedule. The Interim Order directed the parties to confer and provide three alternative hearing dates within 30 days of the Commission's issuance of a final order in the *City of Reading* proceeding.

On October 24, 2019, the Commission entered its Opinion and Order in the *City of Reading* case. In that Order, the Commission granted in part and denied in part the Exceptions filed by the City of Reading and Centre Park Historic District and denied the Exceptions filed by UGI Gas. Relevant here, the Commission found that: (1) UGI Gas's meter relocation policy effective from September 13, 2014, to July 31, 2016, did not comply with Section

59.18(d)(1)(ii); and (2) UGI Gas's revised meter relocation policy effective July 31, 2016, complies with that regulation. The Commission also directed UGI Gas to send its revised customer notice letter (which was updated in October 2017) to the approximately 600 customers whose meters were relocated between September 13, 2014, and July 30, 2016, and then give individual consideration to the meter's locations at each of those properties consistent with UGI Gas's revised meter relocation policy.

On December 2, 2019, the ALJ issued an Interim Order directing a status report to be filed by the parties no later than December 20, 2019.

On January 2, 2020, UGI Gas filed a Notice of Entry of Appearance for Danielle Jouenne, Esquire, and Devin T. Ryan, Esquire and the Withdrawal of Appearance for Mark C. Morrow, Esquire.

On January 3, 2020, counsel for UGI Gas sent an email to the ALJ, explaining that the parties conferred and did not believe a hearing needed to be scheduled at that time because they were actively discussing settlement.

On January 6, 2020, the ALJ issued a Second Interim Order directing a status report to be filed no later than February 3, 2020.

Also on January 6, 2020, the Complainants filed a Notice of Entry of Appearance for James M. Smith, Esquire, and the Withdrawal of Appearance of Adam Bompadre, Esquire.

On February 3, 2020, counsel for UGI Gas sent an email to the ALJ, stating that although the parties continued to discuss settlement, the Company believed it would be prudent to schedule a telephonic prehearing conference so that a new procedural schedule and hearing date could be established.

Later on February 3, 2020, a Notice was issued scheduling a telephonic prehearing conference for February 20, 2020, at 1:00 PM.

II. SERVICE OF DOCUMENTS

UGI Gas’s attorneys in this proceeding are Danielle Jouenne, Esquire and Devin T. Ryan, Esquire. UGI Gas requests that Devin T. Ryan be listed as the recipient for service. Mr. Ryan’s contact information is provided below:

Devin T. Ryan (ID # 316602)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-612-6052
Fax: 717-731-1985
E-mail: dryan@postschell.com

UGI Gas also requests that Ms. Jouenne be added to any informal e-mail distribution lists in this proceeding. Ms. Jouenne’s e-mail address is jouenned@ugicorp.com. In addition, UGI Gas agrees to receive service of documents electronically in this proceeding.

III. WITNESSES, ISSUES, AND EVIDENCE

A list of witnesses and the general subject matter of their testimony is provided below. The testimony and related exhibits will demonstrate that the Complainants’ Formal Complaint is without merit.

Witness

Tony S. Jarrett
Manager – Operations
UGI Utilities, Inc. – Gas Division
225 Morgantown Road
Reading, PA 19611

General Subject Matter

UGI Gas’s Meter Relocation
Policy; the Company’s
Application of that Policy to the
Complainants’ Property; and UGI
Gas’s Decision to Relocate the
Meters to the Property’s Exterior

Attached hereto as **Attachment A** is a picture of the Complainants' property, showing where the Company plans on relocating the meters. As seen in that picture, and as will be explained by Mr. Jarrett, UGI Gas plans on relocating the meters to a location behind an iron fence off to the side of the property's front façade. In front of that iron fence is a large tree that would further obstruct any view of the meters from the public right-of-way. Mr. Jarrett will testify that this unobtrusive location was the one preferred by the Complainants if the Company ultimately decided to relocate the meters to the exterior of the property. In selecting that exterior location, Mr. Jarrett will explain that the Company followed its revised meter relocation policy, which was upheld by the Commission in its Opinion and Order issued in the *City of Reading* proceeding.

UGI Gas reserves the right to call additional witnesses, as necessary, to address other issues that may arise during the course of this proceeding.

IV. PROCEDURAL SCHEDULE

UGI Gas proposes the following procedural schedule:

Deadline to Serve Witness List and Hearing Exhibits	April 14, 2020
Telephonic Evidentiary Hearing	April 28, 2020
Complainants' Main Brief	May 27, 2020
UGI Gas's Responsive Brief	June 17, 2020
Complainants' Reply Brief (if any)	July 1, 2020

V. DISCOVERY

UGI Gas is not aware of any discovery issues and does not propose any special orders regarding discovery. The Company is willing to work with the parties, through informal discovery, to expedite any additional discovery. Further, UGI Gas proposes that discovery conclude prior to the evidentiary hearing.

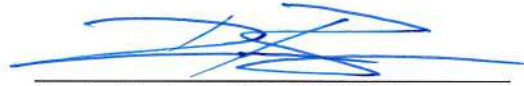
VI. PROTECTION OF CONFIDENTIAL INFORMATION

At this time, UGI Gas does not anticipate that a Motion for Protective Order will be necessary. If confidential materials are ultimately requested in discovery or will be presented by the Company at the evidentiary hearing, UGI Gas will promptly prepare and file a Motion for Protective Order.

VII. SETTLEMENT

As noted previously, the Company has engaged in settlement discussions with the Complainants. UGI Gas remains willing to work with the Complainants to resolve this proceeding through settlement. Further, UGI Gas would be willing to enter into a partial settlement, stipulate to certain facts, or both, in order to narrow the issues in this proceeding.

Respectfully submitted,



Danielle Jouenne, Esquire (ID # 306839)
UGI Corporation
460 North Gulph Road
King of Prussia, PA 19406
Phone: (610) 992-3203
Fax: (610) 992-3258
E-mail: jouenned@ugicorp.com

Devin T. Ryan (ID # 316602)
Post & Schell, P.C.
17 North Second St., 12th Floor
Harrisburg, PA 17101-1601
Phone: (717) 731-1970
Fax: (717) 731-1985
Email: dryan@postschell.com

Dated: February 18, 2020

Counsel for UGI Utilities, Inc. – Gas Division

ATTACHMENT A

Picture of the Complainants' Property and the Company's Proposed Exterior Location for the Meters



Meter
Location

CERTIFICATE OF SERVICE


(Docket No. C-2017-2611740)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL & FIRST CLASS MAIL

James M. Smith, Esquire
Smith Law Group LLC
PO Box 626
14133 Kutztown Road
Fleetwood, PA 19522
E-mail: jsmith@smithlawgrp.com

Date: February 18, 2020



Devin T. Ryan