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ELECTRONICALLY FILED

February 19, 2020

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**Re: Oscar Velez v. UGI Utilities, Inc.,  
Complaint Docket No. C-2020-3017301**

Dear Ms. Chiavetta:

Enclosed is an electronically filed copy of the Preliminary Objections of UGI Utilities, Inc. to the above-captioned Formal Complaint. A copy of the document has been served on the Complainant.

Sincerely,

  
Larry R. Crayne

cc: Oscar Velez  
5 Ketner Street  
Bloomfield, NJ 07003

**Commonwealth of Pennsylvania**

**Before the Pennsylvania Public Utility Commission**

In the Matter of:

Oscar Velez,  
Complainant,

Complaint Docket  
No. C-2020-3017301

VS.

UGI Utilities, Inc.,  
Respondent.

**Preliminary Objections**

**AND NOW** comes Respondent, UGI Utilities, Inc., (UGI), pursuant to 52 *Pa. Code*, Section 5.101 (a) (4), and files the following Preliminary Objections:

**A. Legal Insufficiency of Pleading**

1. Complainant has filed a formal complaint with the Commission in opposition to being billed for a tenant's gas utility account after foreign load was discovered on September 4, 2018 on a tenant's gas service account at 902 Albright Street, Scranton, Pa

2. Promptly after discovery of the foreign load situation, UGI transferred to Complainant the responsibility for the tenant's account in the amount of \$682.84.

3. Complainant has contested responsibility under 66 Pa. C.S., Section 1529.1 for utility services to the tenant that accrued prior to discovery of the foreign load. See paragraphs 4 and 5 of the Complaint.

4. Upon discovery of the existence of foreign load, a public utility is required to list the account, including any arrearages, in the name of the landlord. 66 Pa C.S., Section 1529.1. See, *Santos v. Metropolitan Edison Company*, No. C-00967757 (Pa. P.U.C., Aug 7, 1997. Recently the Commission stated: "In interpreting this provision, the Commission has determined that well-established precedent "holds the property owner financially responsible for a tenant's entire account, once foreign load is verified on the tenant's service." *Ace Check Cashing, Inc. v. Philadelphia Gas Works*, Docket No. C-2008-2056428 (Order entered May 21, 2010) at 6; see also, *Santos v. Metropolitan Edison Co.*, Docket No. C-00967757 (Order entered August 7, 1997)." See *George W. Kopf, Jr., v. Peco Energy Company*, Docket No. C-2012-2332993, Opinion and Order entered June 13, 2013, page 9.

5. Therefore, the averments of this Complaint fail to allege a violation of the Public Utility Code or Commission regulations as a matter of law. Since no factual issue pertinent to the resolution of this case exists, a hearing is unnecessary. The Respondent is entitled to judgment as a matter of law. Granting the UGI motion for dismissal of this Complaint is appropriate in these circumstances.

**Wherefore**, UGI moves that this Complaint be dismissed for legal insufficiency.

### Notice to Plead

To: Oscar Velez:

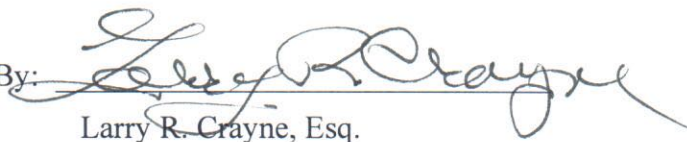
You are hereby notified to file a written response to the above Preliminary Objections within ten (10) days from service hereof or a judgment may be entered against you. The response must be mailed to the Secretary of the Public Utility Commission:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

A copy of your response must also be mailed to:

Larry R. Crayne, PC  
Attorney at Law  
238 Johnston Road  
Pittsburgh, PA 15241

Respectfully submitted,  
UGI Utilities, Inc.

By:   
Larry R. Crayne, Esq.

## VERIFICATION

I, Amy Wynn, Senior Compliance Representative for UGI Utilities, Inc., hereby state that the facts set forth above are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements made herein are made subject to the penalties of 18 Pa. C. S., Section 4904 (relating to unsworn falsification to authorities).

Date: Feb 19, 2020

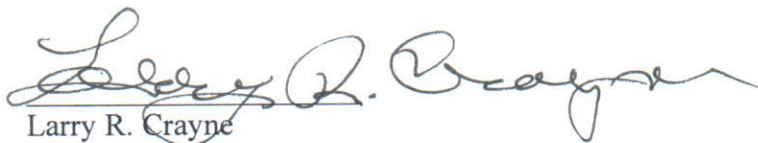
Amy K. Wynn  
Amy Wynn  
Senior Compliance Representative  
UGI Utilities, Inc.

## Certificate of Service

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the participant, listed below, in accordance with the requirements of Sec. 1.54 (b) (1) (relating to service by a participant).

Oscar Velez  
5 Ketner Street  
Bloomfield, NJ 07003

Dated this 19<sup>th</sup> day of Feb, 2020



Larry R. Crayne  
238 Johnston Road  
Pittsburgh, PA 15241

Counsel for  
UGI Utilities, Inc.