

Hearing  
November 10, 2020

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
- - -

IN RE:

BRYAN TATE V COLUMBIA GAS OF PA, INC.  
NO. C-2020-3018966  
- - -

ORIGINAL

DATE: Tuesday, November 10, 2020  
TIME: 10:00 A.M.  
BEFORE: Administrative Law Judge Steven Haas  
(Via telephone)  
REPORTER: Donna O'Connor - (Via telephone)

ALSO PRESENT:

Niles S. Benn, Esquire  
Terence J. Barna, Esquire  
Benn Law Firm  
103 East Market Street  
York, PA 17401  
(717) 852-7020  
nbenn@bennlawfirm.com  
tbarna@bennlawfirm.com  
For: Complainant  
(Via telephone)

Amy E. Hirakis, Esquire  
Columbia Gas of PA  
800 North 3rd Street, Suite 204  
Harrisburg, PA 17102  
(717) 233-1351  
For: Columbia Gas of PA  
(Via telephone)

PGS 1-273

US LEGAL SUPPORT  
1818 Market Street, Suite 1400  
Philadelphia, Pennsylvania 19103  
(877) 467-2484

DATE OF DEPOSIT

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(Exhibits previously marked and attached)



\* \* \*

PROCEEDINGS

\* \* \*

JUDGE HAAS: This is the date and time that's been scheduled by the Pennsylvania Public Utility Commission for an initial evidentiary hearing in the matter of Bryan, B-R-Y-A-N, Tate versus Columbia Gas of Pennsylvania, Inc. The docket number that's been assigned to this proceeding by the commission is C-2020-3018966. I'm administrative law judge Steven Haas. I've been assigned by the commission to preside over this proceeding and to issue an initial decision for the Commission's consideration.

This is a telephonic hearing. I do have on the line the complainant, Bryan Tate.

Good morning, Mr. Tate.

MR. TATE: Good morning.

JUDGE HAAS: And Mr. Tate is represented this morning by Niles Benn

1 and Terence Barna.

2 Good morning, Mr. Benn.

3 MR. BENN: Good morning,  
4 your Honor.

5 JUDGE HAAS: And good  
6 morning, Mr. Barna.

7 MR. BARNA: Good morning,  
8 your Honor.

9 JUDGE HAAS: And in  
10 addition, Columbia has -- I'm sorry.  
11 On behalf of Mr. Tate there are a  
12 number of witnesses, who will present  
13 testimony this morning.

14 Also, appearing on behalf of  
15 Columbia Gas is Amy Hirakis.

16 Good morning, Ms. Hirakis.

17 MS. HIRAKIS: Good morning.

18 JUDGE HAAS: And in addition  
19 Columbia has several witnesses who are  
20 prepared to testify this morning.

21 We had a brief discussion  
22 before we went on the record about  
23 certain exhibits that Mr. Tate intends  
24 to -- that are being offered -- that  
25 may be offered on behalf of Mr. Tate.

1 And Mr. Benn and Ms. Hirakis have  
2 agreed that either later today when  
3 the hearing concludes or tomorrow, in  
4 between today and Thursday's hearing,  
5 they will discuss certain letters that  
6 have been prepared in support of  
7 Mr. Tate to see if the parties can  
8 stipulate to the contents of those  
9 letters, with the ultimate goal of  
10 minimizing the number of witnesses  
11 that we may need to present on behalf  
12 of Mr. Tate on Thursday.

13 I appreciate the parties'  
14 willingness to work together to try  
15 to -- towards that effort.

16 Well, Mr. Tate is the  
17 complainant in this proceeding, and he  
18 will have the opportunity to present  
19 his witnesses first. And I would ask,  
20 for not only the benefit of the court  
21 reporter but also the other party so  
22 that they can clearly hear the  
23 witnesses and prepare for  
24 cross-examination, that everybody  
25 speak slowly, clearly and directly

1           into their telephones, so everyone can  
2           hear clearly.

3                     Mr. Benn, who will be your  
4           first witness?

5                     MR. BENN: Mr. Tate. Would  
6           you like me to call him now?

7                     JUDGE HAAS: Yes, please.

8                     MR. BENN: Thank you.  
9           Excuse me, your Honor. I do have one  
10          question. Are you going to swear  
11          individuals in?

12                    JUDGE HAAS: Yes. I'll do  
13          that individually as they're called.  
14          So why don't I do that first, and then  
15          you can proceed.

16                    Mr. Tate, would you please  
17          raise your right hand. Do you swear  
18          or affirm that the testimony that  
19          you're about to give in this  
20          proceeding will be the truth, the  
21          whole truth, and nothing but the  
22          truth?

23                    MR. TATE: I do.

24                    JUDGE HAAS: Okay. And just  
25          again for the benefit of the court

1                   BRYAN TATE  
2                   reporter would you state and spell  
3                   both your first and last name, please.

4                   THE WITNESS: My name is  
5                   Bryan Tate, B-R-Y-A-N T-A-T-E.

6                   JUDGE HAAS: All right.  
7                   Thank you. Go ahead, Mr. Benn.

8                   \* \* \*

9                   DIRECT EXAMINATION

10                  \* \* \*

11 BY MR. BENN:

12 Q.           Mr. Tate, where do you reside?

13 A.           I reside at 377 East Market Street in  
14 York, PA.

15 Q.           And the property that is in issue,  
16 where is that located?

17 A.           That property is around the corner  
18 from my home at 52 South Pine Street in York,  
19 PA.

20 Q.           The property at issue, the one at 52  
21 South Pine Street, do you own that property?

22 A.           I do own that property.

23 Q.           Is that property owned by you in your  
24 own name?

25 A.           Actually, it was just transferred to  
the names of both myself and my husband. But

BRYAN TATE

1 I've owned that home for 30 years.

2 Q. So you purchased it as a single  
3 individual 30 years ago; is that correct?

4 A. I did. Right out of college I  
5 purchased that as my first home.

6 Q. And when did you move from that home?

7 A. When my husband and I purchased our  
8 home around the corner at 377 East Market  
9 Street. So I've lived in that neighborhood for  
10 30 years.

11 Q. When you moved out of 52 South Pine  
12 Street to your current residence, was the  
13 property at 52 South Pine Street subsequently  
14 leased?

15 A. So shortly after we moved to our house  
16 around the corner I did begin the lease at 52  
17 South Pine Street, yes.

18 Q. And is it currently leased?

19 A. It is, yes.

20 Q. Is it a single family dwelling or a  
21 multifamily dwelling?

22 A. Single family dwelling. And to my  
23 knowledge, it's all been a single-family  
24 dwelling.

25 Q. I'm going to ask you in a moment to

BRYAN TATE

1 describe the property, but before I do I would  
2 like to refer you to exhibit number 1. Is that  
3 a photograph of your property?

4 A. Yes, it is.

5 Q. And there are markings on that  
6 photograph. And for the moment we're going to  
7 forget those markings.

8 A. Okay.

9 Q. So there are steps to the immediate  
10 left as we look at that photograph with an iron  
11 railing going up the steps; is that correct?

12 A. That is correct.

13 Q. And there is a tree in front of your  
14 property?

15 A. That's correct.

16 Q. To the immediate left of the property  
17 where the area looks kind of white in this  
18 photograph, can you describe what that might be?

19 A. Yes. That's my neighboring property.  
20 That is 54 South Pine Street.

21 Q. And does that property abut your  
22 property such that there is a common wall?

23 A. Yes. My property and 54 South Pine  
24 Street share a brick firewall.

25 Q. To the immediate left and kind of

BRYAN TATE

1 where the X is that I told you to ignore a  
2 moment ago, it looks like there is an open space  
3 but I'm not certain as to whether it is or  
4 isn't. What is to the immediate right near  
5 where that X is?

6 A. Sure. So my property actually does  
7 connect to the property on the right, 50 South  
8 Pine Street, but there is what's called a  
9 grocer's alley between them on the street level.

10 Back in the old days when your  
11 groceries were delivered to your home because  
12 your kitchen is in the back of the home the  
13 delivery person would carry the groceries back  
14 through the grocer's alley to the back door to  
15 deliver your groceries.

16 Q. So the space between your home and the  
17 property to the immediate right of your home as  
18 we face it from the street, that alley is about  
19 how wide?

20 A. Five feet wide and as tall as I am.  
21 I'm six two. So six feet tall, five feet wide.

22 Q. And above the area of six feet or six  
23 feet two is there a common wall?

24 A. Yes. That's a brick firewall between  
25 52 and 50 South Pine Street.



BRYAN TATE

1 Q. So the grocer's alley then goes from  
2 the front of your property all of the way to the  
3 back of your property and your neighbor's  
4 property?

5 A. That's correct.

6 Q. And there's that open space of  
7 approximately five feet by six and a half,  
8 roughly?

9 A. That's right. It's open the whole way  
10 from the front to the back of our properties.

11 Q. Is it gated at all?

12 A. There is no gate on the front. We  
13 both do have a door to our separate backyards,  
14 but they're open for us to go through.

15 Q. When I ask if it's gated, could the  
16 general public, for lack of a better phrase,  
17 have access from the front pavement to the back  
18 of your property by walking through the grocer's  
19 alley?

20 A. Yes, it's open.

21 Q. Can you please describe the residence?

22 A. Sure. It is a city townhome. Some  
23 would call it a walk-up because of the steps and  
24 porch on the front that you have to walk up to  
25 get in. When you enter the front door you enter

BRYAN TATE

1 an entry hall that leads to a living room, a  
2 dining room. You travel back through the dining  
3 room to a kitchen and kitchen area. The kitchen  
4 area there are stairs to a basement. In the  
5 dining room there are stairs to the second  
6 floor, where there are three bedrooms, a  
7 bathroom and a closet. And then there's also a  
8 staircase to the unfinished attic.

9 Q. The photograph that we're making  
10 reference to as our Exhibit-1 is also included  
11 as an exhibit in a Columbia Gas file. And this,  
12 I believe, is a Columbia Gas photograph; am I  
13 correct?

14 A. Yes.

15 Q. And so the X that is put on the  
16 picture, where it's denoted proposed outside  
17 meter location, did you put that X there?

18 A. No, I did not.

19 Q. Did Columbia Gas put that X there?

20 A. Yes.

21 Q. And on the left of the X there is kind  
22 of like a white marking in the picture. The  
23 arrow says "current location of gas service  
24 line." Currently where is your gas service  
25 line?

BRYAN TATE

1 A. So the gas service line goes under the  
2 sidewalk and under my porch and comes into my  
3 home about under where the front door is.  
4 That's where the gas meter is in the basement of  
5 the property.

6 Q. And you're saying that there is a  
7 current gas meter in your house?

8 A. There is, yes, in the basement.

9 Q. Is it necessary for a meter reader  
10 representing Columbia Gas to go into your  
11 basement or your house in order to be able to  
12 read the meter?

13 A. No. I actually remember when I first  
14 bought the home 30 years ago somebody did need  
15 to come into the house, but then -- I forget  
16 exactly what year, but maybe ten years later  
17 Columbia Gas alerted us that they would be  
18 coming to install an electronic device so that  
19 meters could be read by a vehicle going by the  
20 property. So nobody does need to enter the  
21 property to read the meter.

22 Q. And just so we can clarify the record,  
23 and I'm being kind of anal, if you'll excuse me  
24 when I say that, it's not that the vehicle is  
25 doing the electronic reading. It's some device

BRYAN TATE

1 is reading the meter, but there is an individual  
2 that is driving by representing Columbia Gas?

3 A. As far as I know, yes.

4 Q. Okay. So it looks like your house  
5 from the bottom of the step, the step closest to  
6 the pavement, to where the grocer alley is  
7 located, is not very wide. At my request, did  
8 you measure that space?

9 A. I did. I measured the sidewalk in  
10 front of the property.

11 Q. So the space from the bottom step to  
12 the grocer's alley is what distance?

13 A. That is about nine feet, ten inches.

14 Q. And the space from -- well, the entire  
15 length of your house, if you know, do you recall  
16 what that would be, where the stairs would be to  
17 the corner of the grocer's alley?

18 A. I would say that's 14, 15 feet.

19 Q. So the width of your house is roughly  
20 14 or 15 feet from one corner to the other  
21 corner?

22 A. Yes.

23 Q. Do you own any portion of the grocer's  
24 alley?

25 A. So I own half of it and the

BRYAN TATE

1 neighboring house would own the other half. We  
2 share the grocer's alley.

3 Q. You raised an issue with regard --  
4 well, strike that.

5 Can you describe the neighborhood in  
6 general where this property is located?

7 A. Sure. Is it is part of York City  
8 Historic District, it's a half a block off of  
9 Market Street. It's a neighborhood where there  
10 are two neighborhood associates, Downtown East,  
11 which is the neighborhood's oldest neighborhood  
12 association, and Old Town East, which is the  
13 newest neighborhood association that was created  
14 by the YWCA in that neighborhood. It's full of  
15 families, young people, older people. It's a  
16 very diverse neighborhood and very active.

17 Q. When you say diverse, are you talking  
18 in terms of ethnicity of the individuals?

19 A. I'm talking about age, ethnicity,  
20 sexual orientation. It's diverse in so many  
21 different ways. It's a great neighborhood.

22 Q. Pine Street itself where your house is  
23 located, this property, how wide is it from one  
24 curb to the next curb?

25 A. Sure. That block of South Pine Street

BRYAN TATE

1 is a one-way block. It's 21 feet from curb to  
2 curb.

3 Q. And is it one lane or two lanes in  
4 terms of motor vehicular traffic?

5 A. So there is only one lane of traffic  
6 that travels north in the block. The other part  
7 of the street is for parking.

8 Q. And parking is on your side of the  
9 street or the opposite side of the street?

10 A. My side of the street, on the 52 South  
11 Pine Street side.

12 Q. So while we're talking about parking,  
13 any of the properties that are on your street  
14 from one corner to the next corner, are any of  
15 them rented out to multiple families?

16 A. At some point a lot of the houses in  
17 the neighborhood had been turned into rental  
18 properties and carved into multiple apartments.  
19 And so there are a lot of vehicles, and parking  
20 is at a premium in that neighborhood.

21 Q. As a result of that, do vehicles park  
22 only on the street, or do they park elsewhere?

23 A. So it's become commonplace for people  
24 in the neighborhood when they're picking up,  
25 dropping off, unloading, loading to pull up on

BRYAN TATE

1 the sidewalk in front of properties at any time.

2 Q. If they were to pull up onto the  
3 sidewalks as you just described, does that  
4 impede any pedestrian traffic along the  
5 pavement?

6 A. It absolutely impedes pedestrian  
7 traffic, yes.

8 Q. Has the City done anything to prevent  
9 that from occurring?

10 A. Well, I don't know if there has been a  
11 specific effort to stop that from happening. It  
12 seems like it happens all of the time, so I  
13 don't know of any specific effort to stop that  
14 from happening. We certainly have the authority  
15 to stop that from happening, but I don't know of  
16 any effort to stop that from happening.

17 JUDGE HAAS: I'm sorry,  
18 Mr. Tate. Who has the authority? You  
19 kind of cut out.

20 THE WITNESS: I'm sorry. I  
21 said the York City police have the  
22 authority, but I don't know of any  
23 specific effort.

24 JUDGE HAAS: Okay. Thanks.

25 MR. BENN: Thank you, your

BRYAN TATE

1 Honor.

2 BY MR. BENN:

3 Q. Where the tree is located, is there a  
4 tree well there?

5 A. There is. There's a three-foot tree  
6 well there.

7 Q. And is that tree well soil or mulch?

8 A. Soil, yes.

9 Q. It's not a metal grate?

10 A. No, it is not.

11 Q. The distance from the end of the tree  
12 well to your property is about how far?

13 A. Six foot eight inches from the house  
14 to the tree well.

15 Q. To the area where that X is now  
16 located on the photograph --

17 A. Yes.

18 Q. -- are you saying that from the tree  
19 well to that X is about six feet eight inches?

20 A. It is, yes. I measured it.

21 Q. And if you were to go to the left of  
22 the tree as we look at the tree head on, face  
23 on, from the curb to your house is what  
24 distance?

25 A. From the curb to my house is nine



BRYAN TATE

1 feet, seven inches.

2 Q. So a differential of almost three  
3 feet?

4 A. That is right.

5 Q. There's one inch left?

6 A. That is correct.

7 Q. Did Columbia Gas indicate to you the  
8 approximate size of the gas meter that they  
9 would intend to install where the X is located?

10 A. They indicated that it would be a gas  
11 meter similar to one installed in the other  
12 properties in the neighborhood, so I measured  
13 myself.

14 Q. And what were those measurements?

15 A. So the gas meters that are being  
16 installed are two feet tall, two feet across and  
17 one and a half feet deep.

18 Q. So the distance in terms of the depth  
19 would be deducted, so to speak, from the six  
20 feet, eight inches in terms of where the tree  
21 well is to where your building is located?

22 A. Yes, that is correct.

23 Q. Making for a rather narrow passageway?

24 A. It's already narrow. It would be even  
25 more narrow, yes.

BRYAN TATE

1 Q. Mr. Tate, are you employed?

2 A. Yes.

3 Q. And in what capacity are you employed?

4 A. The York County register of wills and  
5 clerk of orphan court.

6 Q. And is that a full-time position?

7 A. That is a full-time elected position  
8 here in York.

9 Q. The issue that we've presented to the  
10 court and the one that I believe both parties  
11 are stipulating to is that your property is  
12 located in a historic district; is that correct?

13 A. That is correct.

14 Q. What does Exhibit-2 represent?

15 A. So Exhibit-2 is the certificate naming  
16 York Historic District. It's been named by the  
17 Pennsylvania Historical and Museum Commission on  
18 behalf of the U.S. Department of the Interior,  
19 the National Register of Historic Places.

20 Q. And we have a map that we're going to  
21 refer to shortly. I believe it is Exhibit-9.  
22 But before we get to that map, on the backside  
23 of your Exhibit-2 there appears to be a  
24 photograph of a plaque that says, This property  
25 has been placed on the National Register of

BRYAN TATE

1 Historic Places by the United States Department  
2 of the Interior. Does that plaque appear on  
3 your building?

4 A. So this plaque appears on my home  
5 where I live at 377 East Market Street. But it  
6 is a representation of the process that I could  
7 go through to have 52 Pine Street individually  
8 on the National Register of Historic Places.  
9 But as a whole, all of the properties are on the  
10 National Register by the designation of the York  
11 Historic District.

12 Q. So if you wanted to secure a plaque  
13 similar to the plaque that appears in your  
14 Exhibit-2, how would you go about the process of  
15 doing that, recognizing that your property is in  
16 the historic district?

17 A. I would go through the application  
18 process at the U.S. Department of the Interior  
19 to have that property placed on the National  
20 Register of Historic Places.

21 Q. And are you of the opinion there would  
22 be any reason as to why you would be denied the  
23 opportunity to secure that placard?

24 A. I can't imagine it would be denied,  
25 because it is an historic property in an

BRYAN TATE

1 historic city in the United States.

2 Q. Do you know when your property was  
3 first constructed?

4 A. I've done some research and I can't  
5 find the exact date, but it is turn of the  
6 century, 1900-ish.

7 Q. I would like to refer you to  
8 Exhibit-9.

9 A. Okay.

10 Q. What does Exhibit-9 designate?

11 A. So this is a map of the City of York  
12 that has an overlay of the historic districts  
13 that are on the National Register of Historic  
14 Places.

15 Q. And the area that's denoted a historic  
16 district --

17 A. Yes.

18 Q. -- is it that area that's shaded in a  
19 lighter color that represents the area that is  
20 the historic district in York?

21 A. So that's the original historic  
22 district that relates back to when that  
23 certificate was first provided by the  
24 Pennsylvania Historical and Museum Commission.  
25 There are additional expansions of the historic

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1 district that are designated by the darker  
2 colors on this map.

3 Q. Where is your property that is at  
4 issue with regard to today's hearing located in  
5 relation to where it says York Historic District  
6 somewhere the center of Exhibit-9?

7 A. If you look in the exact center of  
8 this map, you'll see a circle with some words  
9 beside it that read Central Market House. So  
10 the Central Market House -- oh, I'm sorry.

11 Q. No. You're fine. You're answering my  
12 question. I just want to make certain that  
13 everybody else is able to locate where you're  
14 making reference to.

15 MR. BENN: Your Honor, do  
16 you see where Mr. Tate is referring?

17 JUDGE HAAS: Yes. Looks  
18 like it's just above the word "York."

19 MR. BENN: Yes.

20 JUDGE HAAS: So roughly  
21 about a half an inch above the word  
22 "York."

23 THE WITNESS: BENN: You got  
24 it, your Honor. If you would then  
25 move to the right on that map three

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1 blocks and you'll see another dot that  
2 reads Billmeyer House. I'm right  
3 around the corner to the right from  
4 the Billmeyer house. That next line  
5 in Pine Street. So I'm half a block  
6 south of that Billmeyer house to the  
7 right is where 52 South Pine Street is  
8 located.

9 BY MR. BENN:

10 Q. So what you're saying is, if I  
11 understand you, is that your property is located  
12 in what was the original York historic district?

13 A. That's correct.

14 Q. And it's kind of in the center over  
15 where that location is?

16 A. That's exactly right. Pine Street is  
17 three blocks from the square in the City of  
18 York. It's downtown.

19 Q. In terms of the neighborhood where  
20 this property is located, Pine Street  
21 specifically, are you aware of any issues  
22 involving safety in that particular community?  
23 And recognizing that we're dealing with  
24 an urban --

25 A. Sure. So, you know, urban

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1 environments are attractive to people because of  
2 the activity that happens in a city. And that's  
3 certainly why I was attracted to living in the  
4 City of York, particularly living downtown. But  
5 there is a criminal element to a city, and I  
6 regularly look at the police log on the City of  
7 York's website. And even in the past two-plus  
8 years during this process with Columbia Gas  
9 there have been more than 120 incidents of crime  
10 just within a one to two-block radius of 52  
11 South Pine Street, crimes that have to do with  
12 vandalism, traffic problems, harassment. You  
13 know, all issues that concern me for my  
14 neighborhood.

15 Q. Have you ever experienced any  
16 vandalism or issues involving your particular  
17 property since you've owned it for 30 years?

18 A. I have. Both of my properties I've  
19 had decorations stolen. I've had vandalism to  
20 the property. I've had to call the police to  
21 have people removed, you know, harassing type  
22 people removed. That's just the nature of  
23 living there, unfortunately.

24 Q. When did you first become cognizant of  
25 Columbia Gas signage to install an outside meter

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1 at your property?

2 A. Sure. So in June of 2018 is when I  
3 notice construction happening, sidewalks being  
4 dug up and meters being placed on the front of  
5 properties in and around the neighborhood where  
6 I live, the Pine Street neighborhood.

7 Q. And did you get any communication from  
8 Columbia Gas?

9 A. I did not. So I started inquiring  
10 with the city as to what was going on. I was  
11 curious what the big construction project was.

12 Q. And what were you informed?

13 A. I was informed that Columbia Gas was  
14 installing a new gas line, and that part of the  
15 project required gas meters to be moved outside  
16 of properties onto the fronts of the properties.

17 Q. And how did you become aware of that?  
18 If you didn't get any notice, as you testified a  
19 moment ago, how did you ultimately become aware  
20 of the fact that Columbia Gas was going to be  
21 installing an outside meter at your property?

22 A. So when I was talking with the mayor  
23 and with the mayor's administration about what  
24 was happening with this project, they informed  
25 me that Columbia Gas was responsible for



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1 notifying owners of the project. I hadn't  
2 received notification, so I reached out to my  
3 tenants and asked, "Have you received any  
4 correspondence?" They typically use the back  
5 door, but they went and checked the front door.  
6 And sure enough there was something taped to the  
7 front door. So there was notification, I guess,  
8 taped to the front door, which they then took a  
9 picture of and sent it to me.

10 Q. So you didn't get any mail. You got a  
11 notice that was actually placed on the door?

12 A. That's correct.

13 Q. And when you got that notice, what did  
14 you then do?

15 A. I then continued my conversations with  
16 the City, trying to find out more about the  
17 project. I talked to my neighbors on Pine  
18 Street and around the neighborhood about what  
19 notification they received. I started reaching  
20 out to officials at Columbia Gas, trying to find  
21 out what the process was, what the  
22 correspondence instructed us to do.

23 Any time I requested a meeting, can we  
24 all come together and talk about this project so  
25 we can all find out all of the details about the

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1 project -- we were uninformed at that point. I  
2 was uninformed at that point.

3 Q. I want to refer you to Exhibit-10. Do  
4 you know what that is?

5 A. Sure. Exhibit-10 are email exchanges  
6 between the City's administration and the YWCA,  
7 which, again, is just around the corner from 52  
8 South Pine Street, and members of our  
9 neighborhood association who had been having the  
10 conversation many years ago about the gas line  
11 upgrade project and Columbia Gas promising to  
12 not move meters to the outside fronts of our  
13 properties.

14 MS. HIRAKIS: Objection,  
15 your Honor. I'm going to object to  
16 the document marked Tate Exhibit-10.  
17 I'm looking at this and as we heard  
18 Mr. Tate testify, this is an email  
19 correspondence that occurred in 2009.  
20 So not only is it hearsay, but it has  
21 no relevance to the issue at hand.

22 I mean, this document was  
23 apparently drafted and sent ten years  
24 prior to the construction project that  
25 we're discussing here today. It was

1                   BRYAN TATE  
2                   also five years before the commission  
3                   regulations took effect that dictate  
4                   where meters are to be located.

5                   So in terms of whether or  
6                   not Columbia Gas committed to any  
7                   certain promise back in 2009, it's not  
8                   relevant to the conduct of Columbia  
9                   ten years later.

10                  JUDGE HAAS: Mr. Benn?

11                  MR. BENN: We think the  
12                  significance of these exhibits  
13                  evidences the fact that there have  
14                  been between Columbia Gas, the City  
15                  and other organizations within the  
16                  City relative to attempting to  
17                  maintain the architectural integrity  
18                  of those cities and the desire of both  
19                  the City as well as Columbia Gas  
20                  representations that there would not  
21                  be outside meters that would adversely  
22                  affect the aesthetics of those  
23                  properties.

24                  So the fact that it occurred  
25                  in 2009, frankly I find to be somewhat  
                  irrelevant in the sense that this was

1                   BRYAN TATE  
2                   the representation that was made by  
3                   the utility to the City that they  
4                   would not adversely affect the  
5                   integrity of the properties.

6                   MS. HIRAKIS: Columbia Gas  
7                   is willing to stipulate that back in  
8                   2009 the company had communications  
9                   with community members and the City of  
10                  York. We don't need to have this  
11                  exhibit admitted into the record for  
12                  us to agree that that did occur.

13                  However, what we're  
14                  concerned about and objecting to is  
15                  putting into the record a document  
16                  that is suggesting that that was an  
17                  ongoing covenant after ten years.

18                  JUDGE HAAS: Okay. I'm  
19                  going to overrule the objection and  
20                  allow the exhibit. It's going to have  
21                  very little meaning to me. I mean,  
22                  what was happening more than ten years  
23                  ago -- and especially in light of the  
24                  fact that there are new regulations in  
25                  place. I'll allow it. But I can tell  
                  you, it's going to have very little

1                   BRYAN TATE  
2                   impact on my decision. So I'm going  
3                   to overrule the objection.

4                   Go ahead, Mr. Benn.

5                   MR. BENN: Thank you, your  
6                   Honor.

7 BY MR. BENN:

8 Q.               Exhibit-11, what does that evidence?

9 A.               Exhibit-11 was the letter that was --  
10 this was the follow-up letter that was mailed to  
11 owners after the original letter that was taped  
12 to the doors. So a letter was taped to the  
13 doors on September 30th of 2019. There was a  
14 town hall meeting on July 31st of 2019. And  
15 because of the major concern shared by residents  
16 that there was no communication about their  
17 particular properties, the City offered to  
18 provide addresses for homeowner -- property  
19 owners to Columbia Gas to actually correspond  
20 with property owners, not just whoever lives at  
21 a property.

22 Q.               And is this a document that you had  
23 received?

24 A.               I did receive this document, yes,  
25 telling me that they would be working at my  
property.

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1 Q. And what accompanies 11, not just the  
2 letter but on the next two pages on Columbia  
3 Gas's stationery, is that something that  
4 accompanied that letter?

5 A. Yes. So the enclosure with that  
6 letter was also an enclosure with the original  
7 document taped to the door that talked about in  
8 30 days the meter would be moved outside, from  
9 the basement to the outside of the house.

10 Q. What does Exhibit-12 represent?

11 A. Exhibit-12, this is a Columbia Gas  
12 Meter Relocation Reconsideration Form. That was  
13 the form that Russ Bedell shared with me after I  
14 objected to the meter being moved to the  
15 external front of my property. Russ Bedell  
16 created this form so that I could object to  
17 moving that -- to moving the meter.

18 Q. When you said that Mr. Bedell created  
19 that, that was your word, created the form, what  
20 do you mean by that?

21 A. So when Russ emailed this form to me  
22 and we had a conversation, he asked me if the  
23 form looked okay, because he created it so --

24 Q. I'm sorry for interrupting you.

25 Again, when you say "he created it," did he

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1 advise you that he made this form specifically  
2 because of your request? This is not a form, to  
3 the best of your knowledge, that Columbia Gas  
4 provides to anybody that voices a complaint, but  
5 rather it was made for you --

6 A. Oh, yes. He told me that he made it  
7 for me, because there wasn't such a form. So he  
8 asked me was this covering all of the questions  
9 that I had, all the concerns that I had. And so  
10 this was the form that I had to complete to  
11 officially ask for reconsideration of the  
12 relocation of my meter from my basement to the  
13 outside front of the property.

14 Q. So the conversation that you had had  
15 with Mr. Bedell that led up to the creation of  
16 this form, did you evidence to Mr. Bedell where  
17 you would prefer the meter being?

18 A. So after multiple meetings Russ Bedell  
19 was my point of contact for this process, and we  
20 had had a telephone conversation. We had email  
21 correspondence, and we had met at the property  
22 on two occasions to talk about why I saw the  
23 placement of the meter to the front corner of my  
24 property as being problematic. And I offered  
25 options or solutions as to where I thought it

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1 would be better placed.

2 Q. And could you please relate to the  
3 court what you recall those options or solutions  
4 being?

5 A. Sure. So first I continued that my  
6 position would be a preference of leaving it in  
7 the basement. I understand the project. I  
8 understand how the gas pressure is changing. I  
9 understand that a regulator will decrease the  
10 pressure coming into the property. I understand  
11 all of that. I'd still prefer for the meter to  
12 stay inside the basement. If it has to move  
13 outside, I would prefer that the regulator only  
14 would be outside, or could we not place the  
15 meter on the side of the property.

16 Q. Where the grocer's alley is?

17 A. In the grocer's alley. Or I even  
18 asked, why could it not be in the rear of my  
19 property, like my electric meter is. There is a  
20 perfect location beside the back door where it  
21 would sit perfectly. It would be out of the  
22 elements. Ours is open completely. Any anybody  
23 could get to it to read it if necessary. I've  
24 offered up multiple solutions.

25 Q. So on the particular form that



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1 Mr. Bedell provided to you, the bottom of the  
2 form where it says, Your reconsideration  
3 request, there are three boxes above the word  
4 "comments." The first box is checked and it  
5 says, "I live in a designated historic  
6 district." When you checked that box, you were  
7 not living in that property; is that correct?

8 A. That's correct. But I just assumed  
9 that he meant the property is in the historic  
10 district.

11 Q. The next statement says, "I live in an  
12 area where I have concern that an outside meter  
13 is at a high risk of being subjected to  
14 tampering or vandalism." Again, when you made  
15 the reference, "I live in an area," you're  
16 making reference to this property --

17 A. Yes, absolutely.

18 Q. So what did you mean by "Living in an  
19 area that the outside meter is at high risk for  
20 being subject to tampering or vandalism"?

21 A. Well, during the town hall meeting  
22 that was held where citizens expressed their  
23 concerns in the packed city council chambers of  
24 City Hall, the constant concern was about  
25 vandalism to meters being outside. And through

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1 conversation about how meters could be tampered  
2 with and turned off with a wrench. Living in an  
3 area where people walk by your property all day  
4 every day, and living in an area where there is  
5 high relevance of vandalism, anybody could turn  
6 off your gas. And I'm required to provide heat  
7 to my tenants, so that's my responsibility. I  
8 cannot allow for the gas to be turned off by a  
9 vandal. I'm even aware of vandals who have at  
10 the neighboring property around the corner where  
11 they constantly, day after day after day turned  
12 on the person's water spigot allowing water to  
13 freely flow and create a terrible problem for  
14 that neighborhood. I've also observed neighbors  
15 who have had their mulch stolen from the front  
16 of their property. I know that sounds  
17 ridiculous, but vandalism happens in this  
18 neighborhood constantly.

19 Q. And that was the message you were  
20 trying to get across to Mr. Bedell and Columbia  
21 Gas?

22 A. Absolutely. I don't want a meter out  
23 in front of the property where someone can  
24 tamper with it and create a problem for my  
25 property or for myself.

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1 Q. You also checked the box that's marked  
2 "other." And I believe your printing  
3 indicates, Sidewalk is shallow on South Pine,  
4 and my porch and stairs are where gas enters the  
5 property.

6 So at the outset of this hearing I  
7 asked you to describe your property, and you  
8 gave us measurements and showed us in Exhibit-1  
9 where your stairs are located, where the  
10 intended meter would go on the outside. In  
11 terms as to this statement where you're making  
12 reference to a shallow sidewalk, what are you  
13 referring to?

14 A. I'm talking about the depth of the  
15 sidewalk being -- it's not very deep as compared  
16 to other streets in the city. There is already  
17 difficulty for people who are handicapped to  
18 pass. They often go out into the street,  
19 because the sidewalks are shallow. If there was  
20 something added, it would make the depth even  
21 shorter and harder for somebody with a disability  
22 to pass, particularly somebody in a wheelchair.

23 Q. Because you use this as a rental  
24 property, have you ever thought in terms of  
25 adding a ramp to your property?

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1 A. I have. The City of York has a human  
2 relations commission, which requires that  
3 housing must be affordable to all people. I  
4 have tenants who their lease is a one-year  
5 lease, and so they're currently renting on a  
6 month-by-month basis. And so I'm prepared if  
7 they decide to move that I would need to  
8 accommodate anybody who I would choose as a  
9 tenant regardless of disability. I have spoken  
10 with a mason, and I've received an estimate from  
11 a mason about what a quote would be for  
12 installing a concrete ramp so that it would fit  
13 the aesthetics of the home of the neighborhood,  
14 of other historic properties that have added  
15 ramps to their entrances. You know, I'm just  
16 being prepared. I invested a lot into this  
17 property. In the two years that this  
18 conversation with Columbia Gas has been going on  
19 I've invested multiple thousands of dollars,  
20 upkeep, painting, restoring the bathroom. You  
21 know, I want it to continue to be a great place  
22 in the York district.

23 Q. If I were to refer you back to  
24 Exhibit-1. If you could turn your exhibit book  
25 to Exhibit-1.

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1 A. Yes.

2 Q. You mentioned that you had secured an  
3 estimate relative to the installation of a ramp  
4 if a ramp became necessary. Do you have any  
5 idea as to how far the ramp would have to extend  
6 in order to satisfy ADA requirements for a let's  
7 say a wheelchair?

8 A. I do. Because of the height of the  
9 current porch and the height of the additional  
10 threshold, the stone threshold, to create a ramp  
11 the porch would have to be raised with concrete  
12 up to the height of the threshold. And then  
13 because of that elevation, according to ADA  
14 standards, the mason told me that the ramp would  
15 have to be 12 feet long, from the new porch top  
16 down, and it would extend down to where the  
17 house ends on the right to where the grocer's  
18 alley begins.

19 Q. So it wouldn't block the grocer's  
20 alley, but it would stop where the corner is,  
21 where the grocer --

22 A. It would extend the entire length from  
23 the top of the new porch, which is basically  
24 where the top step is, the whole way across to  
25 where the grocer's alley is.

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1 Q. If a meter then were placed where the  
2 X is, would you be able to install that ramp?

3 A. You would not be able to install that  
4 ramp, and it would also impede the ramp.

5 Q. And if the ramp were put in, then the  
6 meter would not be able to go there?

7 A. I don't see how it would work.

8 Q. And if a meter were put in, then you  
9 would not be able to install the ramp?

10 A. They would not be able to coexist, the  
11 ramp and the meter.

12 Q. So that would adversely affect your  
13 ability to lease the property in terms of not  
14 being able to lease to anybody that would  
15 otherwise have a handicap that would require a  
16 ramp?

17 A. Well, it's illegal for me not to rent  
18 to somebody with a handicap. So, yes, that  
19 would prohibit me from doing that.

20 Q. I want to refer you back to the  
21 communications that are part of your exhibit.  
22 So the next exhibit is 13, and it's a dear  
23 customer letter from Columbia Gas given from  
24 John Baltazar. Do you recall receiving that  
25 letter?

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1 A. I do.

2 Q. Can you tell me what that letter  
3 refers to?

4 A. So this letter is in reference to the  
5 relocation request. This was following my  
6 completion of the form created by Russ Bedell,  
7 the Meter Relocation Reconsideration Form. This  
8 was alerting me to the project moving forward.  
9 This letter was dated December 10th. I received  
10 it a day or two later. And I was also  
11 corresponding with Russ Bedell at the same time.

12 Q. The letter says in the third full  
13 paragraph, "By this letter Columbia Gas of  
14 Pennsylvania is hereby notifying you of our  
15 intent to complete this project on December  
16 18th." Though it's dated the 10th, you  
17 testified that you got it several days  
18 thereafter. And then you were informed in this  
19 letter that the project would be completed on  
20 the 18th?

21 A. Yes, so within a week. I submitted my  
22 request form to Russ. This letter was generated  
23 at the same time and sent to me. And then I was  
24 corresponding with Russ that my reconsideration  
25 request was denied.

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1 Q. And your Exhibit-14 is an email from  
2 you to yourself. It appears to be in relation  
3 to a communication on December 12th between  
4 Mr. Bedell and yourself.

5 A. That's correct. So when I received  
6 the email from Russ, I forwarded it to myself so  
7 I could print it. And it tells me that my  
8 request was denied.

9 Q. Does the letter indicate to you a  
10 reason as to why your request was denied?

11 A. It gives reasons that during this  
12 project Columbia Gas has not experienced  
13 tampering and vandalism to gas meters, and that  
14 was the issue that they're referring to.

15 Q. Does it say anything about safety?

16 A. You know, they talk about safety all  
17 of the time, but I don't necessarily -- they  
18 talk about the safety of the project and why  
19 that is important. But just -- because they  
20 haven't seen, in a two-year window, tampering,  
21 that this is a safe thing to do.

22 Q. Did you have occasion to look on  
23 Columbia Gas's website as to the installation of  
24 outside meters?

25 A. I did. I wanted to make sure I had



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1 all of my facts about what was being put upon me  
2 if the meter was moved to the front and was  
3 trying to find out what my responsibilities  
4 would be.

5 Q. Does Columbia Gas on their website  
6 make any reference to inclement weather  
7 otherwise adversely affecting the meters?

8 A. Sure. It absolutely does. There's a  
9 whole section on my responsibilities of the  
10 meter outside.

11 Q. Could you please relate to the court  
12 what you understand those responsibilities to  
13 be --

14 A. Sure.

15 Q. -- to the homeowner or the property  
16 owner.

17 A. Well, I printed it. And I have from  
18 Columbia Gas's -- Columbia Gas PA's website an  
19 instruction for cold weather. It says, "Cold  
20 weather. Keep your meter clear from snow and  
21 ice for your safety. Heavy or hard-packed snow  
22 on your gas meter can present a condition --

23 Q. You have to go a little bit slower.

24 A. Oh, I'm sorry. Heavy or hard-packed  
25 snow and ice on a gas meter can present the

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1 condition that temporarily stops the flow of  
2 natural gas or creates indoor natural gas  
3 buildup. Stay safe by using these tips. Make  
4 sure your meter is visible at all times and  
5 accessible for maintenance and emergency  
6 responders, including Columbia Gas service  
7 personnel, meter readers and firefighters.  
8 Never let snow completely cover your meter. Use  
9 caution when using a shovel around your meter.  
10 Don't shovel snow up against your meter. Where  
11 possible, use a broom instead of a shovel to  
12 clear snow away from the meter. Take care using  
13 a snow blower or plow near your meter. Never  
14 kick or hit the gas meter or its piping to break  
15 away built-up snow or ice. Remove the snow or  
16 ice with your hands.

17 Q. So with regard to what you just read  
18 that you're sharing with us came from  
19 columbiagaspa.com, what is telling you or how  
20 are you interpreting that as it relates to the  
21 issue involving outside gas meters and safety?

22 A. So it's telling me that having a gas  
23 meter exposed to the elements might not be the  
24 best situation, particularly for snow and ice.  
25 And it's going to be my responsibility going

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1 forward that I'm going to have to maintain the  
2 meter.

3 Q. So after you received Exhibit-14 you  
4 have a letter from a Jim Clark, evidenced as  
5 Exhibit-15 and dated December 20th, 2019. Tell  
6 us what had transpired to the best of your  
7 recollection as between the document that you  
8 had received on December 12th signed by  
9 Mr. Bedell and the document you received from  
10 Mr. Clark dated December 20th. What happened in  
11 that interim period?

12 A. Because my request for relocation of  
13 an external meter was denied and I was being  
14 informed that the project was being moved  
15 forward and that I would have to comply within  
16 just a couple of days or my gas would be turned  
17 off, my only option was to file an informal  
18 complaint with the PUC, so that's what I did.

19 But I have to tell you I felt -- I  
20 really felt like I was being singled out and put  
21 in a difficult position here.

22 Q. Why do you say that?

23 A. Well, mailings and emails, everything  
24 was occurring all at the exact same time. I was  
25 given very little time to respond and do

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1 anything. In December when it's cold and you're  
2 being told that the gas is being turned off --  
3 you know, this was a very difficult conversation  
4 to begin. And then to add to that, you know,  
5 this tone of you have to do this now or your gas  
6 is being turned off. It just felt like a lot of  
7 pressure was being put on me. So I felt my only  
8 option was to submit an informal complaint with  
9 PUC, which I did. And after I submitted my  
10 informal complaint online, received  
11 communication back from investigator Tim Clark.  
12 Unfortunately while which we traded multiple  
13 telephone calls with each other and left  
14 multiple messages with each other Investigator  
15 Clark and I never did have a telephone  
16 conversation. And Investigator Clark was never  
17 able to receive any verbal information from me  
18 about my case.

19 Q. You subsequently received a letter  
20 from Mr. Clark dated January 23rd, and it's  
21 marked as Exhibit-16. What does that letter  
22 evidence to you?

23 A. Exhibit-16 is the letter from Investor  
24 Clark letting me note -- it stated all of the  
25 facts that Mr. Clark had. It stated that

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1 Columbia Gas had provided me with options for  
2 relocation.

3 Q. Excuse me. When it says they provided  
4 you with options for relocation, were there  
5 options or did they just tell you it was going  
6 in one place?

7 A. Well, actually I provided options to  
8 Columbia Gas. Columbia Gas provided me an  
9 option. Although, I guess if you would consider  
10 saying putting a grate overtop of the meter,  
11 then that was also an option. But I've only  
12 been offered one option for where the meter can  
13 be placed.

14 Q. For the location?

15 A. Yes, that's correct.

16 Q. Nevertheless, you communicated to  
17 Mr. Clark the issue of the grocer's alley. You  
18 had communicated to Mr. Clark the back side of  
19 your property. And you had communicated to  
20 Mr. Clark the outside regulator?

21 A. Mr. Clark and I never got to have a  
22 conversation. So he was unaware of all of my  
23 options that I presented. We never had that  
24 conversation.

25 Q. Did you present those options to other

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1 representatives of Columbia Gas?

2 A. I presented all of the options that I  
3 see to Russ Bedell, John Baltazar, everybody who  
4 was standing around as part of the crew when  
5 work was happening, when I was having my meeting  
6 with Russ. Multiple people were aware of the  
7 options that I was presenting, yes.

8 Q. The concept astreoscity (ph) of an  
9 outside regulator -- you're a layperson.

10 A. The is not my field, no.

11 Q. You're a county official. How do you  
12 know about an outside regulator versus a meeting  
13 being on the outside?

14 A. So I do my research. It's part of why  
15 I do what I do for a living. It's my  
16 responsibility to get the information that I  
17 need. I speak to all of the stakeholders. And  
18 actually with my career community foundation  
19 before that, that was my responsibility, to meet  
20 with stakeholders, gather information, make  
21 informed decisions. I learned from multiple  
22 sources that through the PUC's regulations that  
23 the exemption for historic properties and  
24 districts that a regulator was acceptable for  
25 this project. That since the gas pressure was

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1 being increased, the issue at hand was reducing  
2 that pressure to enter properties, and that it  
3 isn't the meter that reduces the pressure, it's  
4 the regulator that reduces the pressure. And so  
5 in many historic places a regulator is on the  
6 outside and the meter can remain inside if  
7 there's no location on the side or rear of the  
8 property to place the meter.

9 Q. Are you familiar with regulators being  
10 put on the outside of any properties in York?

11 A. I am. So I had shared a few things  
12 with the PUC and with my attorney, with my  
13 neighbors. There is a picture that is  
14 represented in these exhibits of -- in  
15 Harrisburg where historic properties have a  
16 regulator only in this historic district on the  
17 outside of the property.

18 Q. I think you're making reference to  
19 Exhibit-8.

20 A. I am. Exhibit-8 is picture of a  
21 regulator only outside of a historic property in  
22 the historic district of Harrisburg.

23 Q. And I would like to also refer you to  
24 the second part of Exhibit-8.

25 A. Sure.

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1 Q. Is that a picture of the property in  
2 Harrisburg?

3 A. No. That is actually a property that  
4 is just around the corner from my property at 52  
5 South Pine Street.

6 Q. When you said around the corner, in  
7 footage about how far away?

8 A. I walked it. It's about 500 feet from  
9 52 South Pine Street to this property.

10 Q. So this property that appears on 257  
11 East Market Street is a property that had a  
12 regulator only?

13 A. That's correct. I was very surprised  
14 to see that. So when I noticed that project  
15 happening I quickly went to take a look and see  
16 what the project was. I spoke to the owner,  
17 Attorney John Ogdon. He's a well-known attorney  
18 in York.

19 MS. HIRAKIS: Objection,  
20 your Honor. I believe Mr. Tate is  
21 about to repeat what another person  
22 said here, which is hearsay.

23 MR. BENN: Well, he actually  
24 didn't finish his answer, and he  
25 wasn't going to say anything about



1                   BRYAN TATE  
what Mr. Ogdon told him.

2                   JUDGE HAAS: We'll let you  
3 finish the answer, Mr. Tate.

4                   THE WITNESS: Thank you.  
5 Yes, I did speak with Attorney Ogdon  
6 that was to gather my own information.  
7 But I can observe from looking at the  
8 property that there is only a  
9 regulator in front of the property,  
10 that the meter remains inside the  
11 building because there is not a meter  
12 outside of the building anywhere. And  
13 that the project is still unfinished  
14 as well.

15 BY MR. BENN:

16 Q.           When you say the project is still  
17 unfinished, in terms of when these two pictures  
18 were taken as part of Exhibit-8, do you recall  
19 when you had taken them?

20 A.           Sure. Well, this picture was taken  
21 last winter. So that project occurred even  
22 before I filed my formal complaint on February  
23 28th. And, you know, still the concrete has not  
24 been repaired. It's still gravel.

25 Q.           When you say, "Still it has not been

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1 repaired," did you walk by this property over  
2 the weekend?

3 A. I walked by the property this morning  
4 on my way here.

5 Q. And are you saying that the property  
6 today looks like when this picture was taken  
7 last winter?

8 A. It looks exactly the same.

9 Q. So the cement has not been replaced?

10 A. That's correct.

11 Q. But the regulator still stands by  
12 itself?

13 A. That's correct.

14 Q. And there is no outside meter?

15 A. There is no outside meter. There's a  
16 regulator only. And that is part of my concern,  
17 that I'm being discriminated against in this  
18 way, that 500 feet from my property somebody  
19 else, a well-known lawyer in the community, gets  
20 to have just a regulator, but I have to have a  
21 meter.

22 JUDGE HAAS: I'm sorry to  
23 interrupt. Mr. Benn, if I could just  
24 ask -- maybe you were going to ask  
25 this. But just so the record is

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1 clear, Mr. Tate, are you aware -- is  
2 it Columbia that provides service to  
3 the property that's shown on the  
4 second page of Exhibit-8?

5 THE WITNESS: I am aware  
6 that Columbia Gas is the only provider  
7 of gas service in the City of York.

8 JUDGE HAAS: Okay. Thanks.

9 BY MR. BENN:

10 Q. Are you aware of any other regulators  
11 that you're familiar with in the City of York  
12 where there is no meter put in place?

13 A. I am. So if you remember when I was  
14 talking to -- when I was talking about the map  
15 of the historic district in the City of York --

16 Q. That would be Exhibit-9?

17 A. That is Exhibit-9. I made reference  
18 to Central Market, which is the very center of  
19 this map. And I was using that as a point of  
20 reference to show where 52 South Pine Street was  
21 located. Because I frequent Central Market  
22 several times a week, I noticed when the gas  
23 project was happening in the City of York that  
24 also Central Market was given just a regulator  
25 on the outside of its property and the gas meter

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1 remains inside Central Market.

2 Q. Okay. To follow up with the question  
3 that your Honor had just asked, to the best of  
4 your knowledge Columbia Gas is the supply of gas  
5 to Central Market?

6 A. It's the supplier of gas to Central  
7 Market as well as all properties in the City of  
8 York.

9 Q. All right. I would like to refer you  
10 to Exhibit-16. So if you recall, Exhibit-15 was  
11 dated September 20th, 2019. And then you had  
12 responded to Exhibit-15. And subsequent to that  
13 you received Exhibit-16 signed by Mr. Clark, the  
14 investigator?

15 A. Right.

16 Q. And in that exhibit he's indicating to  
17 you they were going to place the meter on the  
18 outside of your property. And to the best of  
19 your recollection, when he made reference to --  
20 in the last paragraph, Our company records,  
21 company gas provided you with options for  
22 relocation, that's not correct. There was only  
23 one option for relocation.

24 A. That's correct.

25 Q. And that one option was where the X is

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1 in Exhibit-1?

2 A. That's correct.

3 Q. Is there anything that you recall in  
4 that exhibit, Exhibit-16, where Mr. Clark makes  
5 any reference to historic property or historic  
6 district?

7 A. So historic nature is discussed in the  
8 very first paragraph, but that is really  
9 restating the facts of the case, that the  
10 property is in the historic district, which is  
11 on the National Register of Historic Places.

12 Q. But my question is -- I'm sorry, I  
13 think I might have said it, and you may have  
14 misinterpreted it.

15 A. Okay.

16 Q. Paragraph one of that letter is a  
17 regurgitation of what your complaint was to  
18 Columbia Gas, that you referred to your property  
19 being in the historic district. You made  
20 reference to ADA requirements. You made  
21 reference to vandalism. Is there anything that  
22 Mr. Clark referred to in his letter, other than  
23 what your complaints were relative to that?

24 A. No. There is nothing in the offer in  
25 this letter different from what I provided in my

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1 informal complaint. And then he states  
2 therefore this informal complaint has been  
3 closed without a decision. So there is nothing  
4 offered here beyond what I provided.

5 Q. Thank you. Exhibit-17 is dated  
6 February 21st, 2020. So wherein there was some  
7 evidence where Columbia Gas was going to install  
8 things in a rather quick format. Approximately  
9 one month elapsed from the letter of January  
10 23rd to the communication from

11 Mr. Baltazar of February 21, 2020. What is his  
12 letter stating to you?

13 A. Again, it's winter. It's cold. I'm  
14 being informed that the project is moving  
15 forward, that arrangements must be made for one  
16 to allow Columbia Gas in the property to move  
17 the meter for the meter upgrade and that the  
18 project will be completed by March 2nd. And if  
19 I don't comply the gas service will be shut off.

20 Q. What happened as a result of that  
21 communication?

22 A. So, you know, again, I was given very  
23 little time. A letter dated February 21st,  
24 which I did not receive it on the 21st. I  
25 received it a few days later. Work scheduled to

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1 be done in a few more days, and had to be  
2 completed by March 2nd. My only option was to  
3 file a formal complaint, which is what I did.

4 Q. And you filed that formal complaint  
5 how?

6 A. I filed the formal complaint in three  
7 ways. I did so electronically, via the PUC's  
8 electronic system. I did that on the 28th. I  
9 also delivered it by U.S. Postal Service, and  
10 then I resubmitted it again on Monday just to  
11 ensure that it was submitted. I'm a triple  
12 checker.

13 Q. And that formal complaint, in  
14 enumerated paragraph 4 it sets forth reasons for  
15 the complaint.

16 A. Yes.

17 Q. Are those reasons those which you  
18 complained of today in your testimony?

19 A. No. I give the same reasons all of  
20 the time. The historic nature of my property  
21 and the historical district, my concerns for  
22 vandalism and tampering of the gas meter and  
23 also the inability of people with handicaps to  
24 pass.

25 Q. Do you have any concerns with regard

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1 to the valuation of your property?

2 A. I have a great concern. As I  
3 mentioned already, I take pride in my community,  
4 in my neighborhood and in my properties. I am  
5 constantly improving my property. And my  
6 concern is that with all of my investments that  
7 one decision to place a gas meter in the front  
8 of the property will devalue all that I've done.

9 Q. And have you communicated with  
10 somebody that is an expert in real estate law  
11 relative to valuation?

12 A. I have. Mike Wheeler is an expert in  
13 our community. He is a very well known Realtor,  
14 and he understands. He has grown up in this  
15 community like I have. He understands the  
16 market very well.

17 Q. And Mr. Wheeler is going to be  
18 testifying on your behalf; is that correct?

19 A. Yes, that's correct.

20 Q. Had he indicated to you that because  
21 of the placement of the meter your property  
22 would otherwise be devalued?

23 A. He was very clear that I would suffer  
24 a devaluation of my property.

25 Q. I would like to refer you to



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1 Exhibit-3. It's a photograph of a property  
2 located on North Queen Street in the City of  
3 York. It's clearly not your property, and your  
4 property doesn't have the meter as of yet. What  
5 does the photograph represent?

6 A. This is a photograph of another  
7 historic property in the historic district. And  
8 you can see on the photo where gas meters have  
9 been installed in front of the porch, the  
10 historic property. And you can also see leaves  
11 and litter that collect under the gas meter and  
12 are trapped there.

13 Q. Columbia Gas had offered to put, I  
14 believe you had indicated, like a screen or  
15 grate around your meter if they were to install  
16 it on the outside of your house; is that  
17 correct?

18 A. That was the option they provided me,  
19 yes.

20 Q. Is there a screen or grate on that  
21 property?

22 A. There is not a screen or grate on this  
23 one, no.

24 Q. Exhibit-4, what does that photograph  
25 represent relative to 55 North Queen Street?

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1 A. Exhibit-4 is a photograph of another  
2 historic property in the historic district where  
3 in this case four gas meters are installed on  
4 the front of the property. You can see it's to  
5 the right of the pretty ornate staircase, but  
6 it's also under a window and in front of a  
7 window, which I was told was not permitted.  
8 But, you know, you can see that conglomeration  
9 of gas meters.

10 Q. And Exhibit-5 is another photograph of  
11 49 North Queen Street. What does that  
12 represent?

13 A. So this is the same set of gas meters  
14 in front of the window, the very ornate window.  
15 These gas meters have been painted to try to  
16 blend them into the historic building. But I  
17 can point out each gas meter looks different. I  
18 don't understand that. I don't understand when  
19 there is all of the attempt to fit in with the  
20 historic nature of the neighborhood and  
21 properties why Columbia Gas won't at least try  
22 to match the meters so that they look better.

23 Q. Well, let's look at Exhibit-4,  
24 Exhibit-5 and Exhibit-6. Number one, when you  
25 referenced the difference in the meters and

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1 you're showing in Exhibit-4 that there are four  
2 meters there and several of them are not of the  
3 same ilk. The same thing would hold true with  
4 Exhibit-5, where you have three meters that  
5 don't look exactly the same; am I correct?

6 A. That is correct.

7 Q. And then we have Exhibit-6. And you  
8 made reference to the fact that Columbia Gas had  
9 offered to paint the meters that otherwise would  
10 conform to the outside of your particular  
11 structure?

12 A. That's correct.

13 Q. So four, five and six reflect painted  
14 meters. Do any of them add to the aesthetics of  
15 the property?

16 A. In my opinion, they continue to  
17 detract from the aesthetics of these  
18 properties. But they also add to my concern  
19 that as I could walk up very easily -- as the  
20 photographer could walk very easily, anybody  
21 could walk up and tamper with these meters.

22 Q. When you say "tamper," how do you have  
23 concern as to how somebody from the public  
24 could, for lack of a better phrase, adversely  
25 affect an outside meter?

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1 A. Well, Columbia Gas made it very clear  
2 in its directions on its website about how I as  
3 a property owner should handle a gas meter if  
4 I'm clearing snow from around it. If it's so  
5 delicate that I have to be careful about  
6 removing snow, anybody with any implement, blunt  
7 object, wrench could impact those meters at any  
8 time.

9 Q. I want to refer you to Exhibit-7. You  
10 had received a letter that is part of your  
11 Exhibit-18, the Law Firm of Gettle and Vaughn.

12 A. Yes.

13 Q. And Exhibit-7 is a picture of that Law  
14 Firm; is that correct?

15 A. That's correct.

16 Q. Located at 13 East Market Street.

17 A. Correct.

18 Q. To the best of your knowledge, is  
19 there an outside meter or regulator at 13 East  
20 Market Street currently?

21 A. There is not an outside meter.

22 Q. Why then is this photograph in your  
23 exhibit book?

24 A. So thank goodness there's not an  
25 outside meter there, because I saw the car

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1 sitting in that building. A car jumped the curb  
2 and drove right into the front of that  
3 building. That's why there is a temporary vinyl  
4 sign hanging there.

5 Q. So where the outside light is, to the  
6 immediate left of the words Gettle Vaughn Law  
7 there is a whole big black area you referred to?

8 A. Yes.

9 Q. Do you know what was there prior to  
10 that whole big black area?

11 A. So that's a temporary covering,  
12 because there used to be a brick wall and  
13 windows there, but a car had driven through and  
14 was sitting there. I saw it firsthand.

15 Q. And your concern with regard to an  
16 outside meter at your property in relation to  
17 what could happen is what?

18 A. That's a very deep sidewalk. So if a  
19 car was able to drive all of the way from the  
20 street across that very deep sidewalk into that  
21 building -- if a car is going to drive into the  
22 sidewalk and into my building, which is a very  
23 short distance, it's going to smash into the gas  
24 meter.

25 Q. Has Columbia Gas ever indicated to you

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1 the fact that they have any concerns with regard  
2 to safety of outside meters?

3 A. I don't think I recall any concern  
4 about safety. The only thing that they preface  
5 on their website is there could be problems with  
6 snow and ice, but that's my responsibility.

7 Q. You're a county official. You're not  
8 a city official; is that correct?

9 A. That's correct. I live in the city,  
10 but I am an elected county official.

11 Q. If you wanted to make an improvement  
12 to the outside of your property -- let's just  
13 say for the sake of conversation you wanted to  
14 add shutters to the outside of your property or  
15 you wanted to replace the shutters that may be  
16 at your property. If you wanted to change the  
17 front door of your property, if you wanted to do  
18 something with regard to the staircase going  
19 into your property, if you wanted to make any  
20 change whatsoever to your property, if you  
21 wanted to put that ramp in that you made  
22 reference to, what would be the process that you  
23 would have to follow because your property is  
24 located in the historic district?

25 A. Sure. I actually know this process

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1 because I had to go through it the very year I  
2 bought 52 South Pine Street 30 years ago.

3 Q. And it hasn't really changed?

4 A. The process is the same. So I had to  
5 replace a roof. So any part of the building in  
6 the historic district where you're making an  
7 improvement to the facade or anything that's  
8 visible from the front, you must apply for a  
9 permit, not just through the city's zoning  
10 process but also through the Historical  
11 Architectural Review Board. And through that  
12 process you get on the board's agenda. You  
13 appear before the board. You share with them  
14 what improvements you're going to make. You  
15 take samples of the products that you're going  
16 to use and you talk through the project and talk  
17 about how it will meet the standards of the  
18 Historic Architectural Review Board of the City  
19 of York.

20 Q. And after it goes through the review  
21 board is there another process that has to be  
22 followed?

23 A. Yes. So the review board is advisory  
24 to York City Council. And so after the meeting  
25 and after the assessment and after, you know, a

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1 lot of conversation about how the project could  
2 actually be improved to meet HARB standards.  
3 HARB makes a recommendation to city council and  
4 city council makes the decision on whether a  
5 project will move forward or not.

6 Q. You're imbedded in this project. This  
7 has been a part of your life for two years; is  
8 that correct?

9 A. Absolutely. And anything that happens  
10 to my property I have to go through a process.  
11 So everybody has to go through a process.

12 Q. Do you know, to the best of your  
13 knowledge, as to whether Columbia Gas had  
14 communicated with the City of York in order to  
15 get a certification to install the meters on the  
16 outside of your property?

17 A. Columbia Gas did not go through that  
18 process, because I would have been part of that  
19 process. It's my property.

20 Q. Is Columbia Gas, to the best of your  
21 knowledge, exempted from going through that  
22 process?

23 A. I know it's not exempted, because I've  
24 done my research. Everybody must go through the  
25 HARB process before creating any change to the



1                   BRYAN TATE  
2     visible -- to any visible part of a building in  
3     the historic district.

4                   MS. HIRAKIS:  Objection,  
5                   your Honor.  This is a question of law  
6                   that the attorney will be addressing  
7                   in the brief.  But Mr. Tate is not an  
8                   attorney who can testify as to what  
9                   requirements apply to Columbia Gas  
10                  with a public utility company.

11                  JUDGE HAAS:  I agree.  I'm  
12                  going to sustain your objection.

13     BY MR. BENN:

14     Q.            You indicated that you have  
15     familiarity with regard to the requirements of  
16     the Board of Historical Architectural Review in  
17     York.  There's an article 1731.  Do you have any  
18     familiarity with that?

19     A.            I have read it.

20     Q.            And is that the basis under which you  
21     made the presentation that you just had made?

22     A.            It is.  Having gone through that  
23     process myself and having other projects that  
24     would potentially go through the Historic  
25     Architectural Review Board process I had to make  
26     myself aware of the steps.  So that's one of the

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1 steps.

2 Q. We're coming to a conclusion now with  
3 regard to your testimony. So having said that,  
4 and again for the benefit of the administrative  
5 law judge, it's your position that Columbia Gas  
6 has never made any other options available to  
7 you but for the right-hand corner of your  
8 property?

9 A. That is correct, no other options.

10 Q. And placement of a meter?

11 A. That's correct. The only option that  
12 was given was placing the meter --

13 (Whereupon, Ms. Crawford  
14 joined the hearing.)

15 THE WITNESS: -- in that one  
16 location, yes.

17 MR. BENN: Your Honor, may I  
18 proceed with Mr. Tate?

19 JUDGE HAAS: Sure.

20 BY MR. BENN:

21 Q. You had further testified that in your  
22 dialog with representatives from Columbia Gas  
23 you did make -- you offered to make on your own  
24 behalf, not necessarily through us but on your  
25 own behalf, proposals relative to not having the

BRYAN TATE

1 meter placed where Columbia Gas was proposing,  
2 but rather other options that you were proposing  
3 to Columbia Gas?

4 A. That's correct. I provided multiple  
5 options.

6 Q. And what would be your preference if  
7 the court deemed it appropriate to not place the  
8 meter at the front right-hand corner of your  
9 property?

10 A. So my preference would be if a meter  
11 must be moved outside, that it be placed on the  
12 side of the property or in the rear of the  
13 property. If that's not possible, I understand  
14 there is another option, and that would be to  
15 leave the meter instead and put the regulator  
16 only on the outside of the property, which has  
17 been done at other locations.

18 MR. BENN: I have no  
19 further questions of this witness, you  
20 Honor.

21 JUDGE HAAS: Mr. Tate, if  
22 the company were to agree to put just  
23 a regulator on the outside of the  
24 property where the X is located in  
25 your Exhibit-1, would that satisfy

BRYAN TATE

1           you?

2                   THE WITNESS:   Yes, your

3           Honor.

4                   JUDGE HAAS:   Okay.

5           Ms. Hirakis, any cross-examination for

6           Mr. Tate?

7                   MS. HIRAKIS:   Yes, your

8           Honor.

9                   JUDGE HAAS:   Okay.   Go right

10          ahead.

11                  MS. HIRAKIS:   Thank you.

12                           \*   \*   \*

13                           CROSS-EXAMINATION

14                           \*   \*   \*

15   BY MS. HIRAKIS:

16   Q.           Good morning, Mr. Tate.

17   A.           Good morning.

18   Q.           How are you?

19   A.           I'm fine.   How are you?

20   Q.           I'm good.   Thank you.   Do you have any  
21   formal training in gas safety?

22   A.           I do not have formal training in gas  
23   safety, no.

24   Q.           Okay.   What about training in  
25   identifying gas equipment such as gas

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1 regulators?

2 A. Training, no.

3 Q. Okay. Earlier in your testimony you  
4 were describing your street, South Pine Street,  
5 and the layout. And I believe that you said  
6 that South Pine Street is a one-way road,  
7 correct?

8 A. Yes.

9 Q. Okay. Which direction --

10 JUDGE HAAS: Everybody, just  
11 make sure we're speaking one at a time  
12 so the court reporter can get  
13 everything down. Go ahead,  
14 Ms. Hirakis.

15 MS. HIRAKIS: Thank you.

16 BY MS. HIRAKIS:

17 Q. Which direction does traffic flow on  
18 South Pine Street?

19 A. In that block it flows north.

20 JUDGE HAAS: Just so I'm  
21 clear, Mr. Tate, looking at Exhibit-1  
22 is north flowing from left to right or  
23 from right to left in front of your  
24 property, facing your property from  
25 the street?

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1 THE WITNESS: Yes, your  
2 Honor. Looking at Exhibit-1, traffic  
3 would flow from left to right.

4 JUDGE HAAS: Okay. Thanks.  
5 Sorry, Ms. Hirakis. Go ahead.

6 MS. HIRAKIS: No, that's all  
7 right. That was actually my next  
8 question.

9 BY MS. HIRAKIS:

10 Q. What is the speed limit on South Pine  
11 Street?

12 A. The speed limit in the City of York is  
13 25 miles per hour.

14 Q. And that's the same for South Pine  
15 Street?

16 A. Yes, that includes South Pine Street.

17 Q. And since you've owned the property in  
18 the past 30 years has a vehicle crashed into the  
19 area of the property where Columbia Gas proposes  
20 to install the gas meter?

21 A. No.

22 Q. And looking at Tate Exhibit-1, so a  
23 picture of the front of your home. In order for  
24 a vehicle to reach that corner of the property  
25 would the vehicle have to travel between the

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1 tree and your front staircase?

2 A. If it were following traffic patterns,  
3 yes.

4 Q. Okay. And do you know what the  
5 distance is between the tree and the staircase?

6 A. It is nine feet.

7 Q. Okay. You also testified earlier  
8 regarding the possibility in the future of  
9 installing an ADA compliant ramp, correct?

10 A. Yes.

11 Q. And you testified that you would have  
12 to raise the porch height in order to  
13 accommodate that, correct?

14 A. Yes.

15 Q. What would the height of the new porch  
16 be?

17 A. The height of the new porch would be  
18 three feet.

19 Q. Okay. So 36 inches, got it. Okay.  
20 And what is the width the of current stairway  
21 here at this property?

22 A. The width of the stairway is four  
23 feet.

24 Q. Okay --

25 A. I'm sorry. Do you mean depth of it

BRYAN TATE

1 from the front of the house, or do you mean from  
2 the porch to the step?

3 Q. From -- I'm looking for the width of  
4 the actual steps from the side of the property  
5 to the sidewalk.

6 A. So if we would say from the railing to  
7 the house, that distance is four feet.

8 Q. Four feet. Okay. And what would the  
9 width of the proposed ramp be?

10 A. It would be the same width.

11 Q. And I believe your testimony was the  
12 ramp would be 12 feet in length; is that  
13 correct?

14 A. According to the mason, yes.

15 Q. Now, when you spoke with the mason,  
16 did you request that the ramp be ADA compliant?

17 A. Yes.

18 Q. Did you know that to be ADA compliant  
19 the ramp would have to have a specific ratio  
20 between height and length?

21 A. Yes.

22 Q. Do you know what that ratio is?

23 A. I don't know the ratio, the mason did.

24 Q. Okay. Would you be surprised to know  
25 that it's a 1 to 12 ratio. Meaning, for every



BRYAN TATE

1 one inch in height the slope has to extend out  
2 12 inches?

3 A. I'm unaware of that requirement.

4 Q. Okay. And the new height of the  
5 porch, you said, would be 36 inches, correct?

6 A. Roughly. The current porch is two  
7 feet, three inch. And then the threshold is six  
8 or seven. So it's a little shorter than three  
9 feet, but it's roughly three feet.

10 Q. Now, if the ratio is followed that's  
11 required by the ADA, which is a one to 12, that  
12 would be a 36-foot-long ramp. Do you have the  
13 space in front of your house to install that?

14 A. For how long?

15 Q. 36-foot ramp.

16 A. There's not 36 feet there, no.

17 Q. Okay. Now, earlier you described the  
18 interior of your home. And I apologize but I  
19 did not take very close notes. Did you say that  
20 there is a bathroom on the first floor?

21 A. Not currently.

22 Q. Okay. You would only install a first  
23 floor bathroom for a tenant who needed that?

24 A. Yes.

25 Q. The tenants exit and enter through

BRYAN TATE

1 your back entranceway, correct?

2 A. Correct. These tenants use both the  
3 front door and the back door.

4 Q. You testified earlier they did not see  
5 the notice --

6 A. On that day they did not see the  
7 notice. That's correct.

8 Q. Is there a (inaudible) in the back of  
9 the property to install a ramp?

10 A. There is a patio that takes up the  
11 entire back of the property. That would have to  
12 be eliminated to do that.

13 Q. Just checking my notes here. Give me  
14 one minute. Now, you had testified that you  
15 gave Columbia Gas two alternative locations for  
16 your gas meter, correct, the rear of the  
17 property and then the side?

18 A. Yes.

19 Q. You also testified that Columbia Gas  
20 came out to the property to discuss the meter  
21 (inaudible) with you, correct?

22 A. Repeat the question. I had trouble  
23 hearing you.

24 Q. Yes. You also testified that Columbia  
25 Gas had met with you at the South Pine Street

1                   BRYAN TATE  
2 property to discuss the meter move out location  
3 with you, correct?

4           A.           Yes --

5                   THE COURT REPORTER:   I'm  
6 sorry, I didn't get the name.

7                   JUDGE HAAS:   Hang on,  
8 Mr. Tate.   Donna, you didn't catch the  
9 name; is that correct?

10                  THE COURT REPORTER:   That's  
11 correct.

12                  JUDGE HAAS:   Mr. Tate, what  
13 is the name of the person that you met  
14 with, that you just mentioned?

15                  THE WITNESS:   Russ Bedell.

16                  JUDGE HAAS:   All right.   Go  
17 ahead, Ms. Hirakis.

18 BY MS. HIRAKIS:

19 Q.           Okay.   During that in-person meeting  
20 at the property did anyone from Columbia Gas  
21 address why they wouldn't locate the meter on  
22 the side or the rear of the property?

23 A.           Yes.   It was mentioned that it would  
24 take too much work to install the meter in the  
25 back of the house and that the grocer's alley is  
half mine and half the neighbor's.

BRYAN TATE

1 Q. So is there a spacing -- a space issue  
2 then with that alleyway?

3 A. There's actually not. The neighbor's  
4 meter was installed on the front of their  
5 property. So I'm not sure -- so there is plenty  
6 of space in the grocer's alley for my meter on  
7 my half of the grocer's alley.

8 Q. Okay. I'm going to jump back to the  
9 exhibit marked Tate Exhibit-1. I know that you  
10 had testified regarding concern with the width  
11 of the sidewalk, correct?

12 A. Correct.

13 Q. Now, your current porch, you testified  
14 that those stairs come out four feet from the  
15 home. Would it be correct to assume that the  
16 porch also extends four feet from the home?

17 A. Correct.

18 Q. Okay. Do you know the distance  
19 between the porch and the curb of the street?

20 A. That would be five feet seven inches  
21 until you reach the tree well.

22 Q. Understood. Now, you also testified  
23 that you measured the depth of the gas meters  
24 that are currently in your neighbors' houses,  
25 correct?

BRYAN TATE

1 A. Yes.

2 Q. If a meter was installed where  
3 Columbia Gas proposed it to be installed, which  
4 is where this white X is on Tate Exhibit-1,  
5 would there be more or less room for pedestrians  
6 to pass between the gas meter and the tree well  
7 than between the stoop and the tree well?

8 A. It would be --

9 MR. BENN: Do you understand  
10 the question?

11 THE WITNESS: I'm trying to  
12 understand the question.

13 BY MS HIRAKIS:

14 Q. I can rephrase. I know that was kind  
15 of a lot. So let me explain what I'm trying to  
16 get at, Mr. Tate. I know that you've expressed  
17 concern about once the gas meter is installed  
18 where this white X is at the corner of the  
19 property that it will significantly impact the  
20 usability of the sidewalk. And I understood  
21 that you took measurements between the house and  
22 where this tree is located.

23 My question is whether installing the  
24 gas meter here will make the sidewalk more or  
25 less narrow than what currently exists between

1                   BRYAN TATE  
the tree and your four-foot porch.

2           A.           It would be less.

3           Q.           So it would be less space on the  
4           sidewalk where the gas meter is at?

5           A.           No. The space between where the gas  
6           meter could be installed and the tree well there  
7           would be less space there --

8                   JUDGE HAAS: Mr. Tate, is  
9                   that because the curb extends out  
10                  beyond the soil pit that the tree sits  
11                  in?

12                  THE WITNESS: That's part of  
13                  the reason, you Honor, yes. But also  
14                  six feet eight inches minus, you know,  
15                  a foot and a half is less than 9 feet,  
16                  7 inches minus 4.

17   BY MS HIRAKIS:

18           Q.           Okay. Let's assume that you do  
19           install the ramp. And you testified that the  
20           ramp would be four feet wide, correct?

21           A.           Yes.

22           Q.           The ramp would also, per your  
23           testimony, be at least 12 feet long at the front  
24           of your property, correct?

25           A.           Yes.

BRYAN TATE

1 Q. Does that not narrow the sidewalk by  
2 four feet?

3 A. Yes.

4 Q. And that makes it much more narrow  
5 than the one and a half foot meter being located  
6 there, correct?

7 A. It would narrow it, yes.

8 Q. Okay. Checking my notes again for one  
9 moment.

10 A. But without a ramp I would not be able  
11 to rent to a handicapped person.

12 Q. Understood. You also testified that  
13 UGI has -- and I'm referring to Tate Exhibit-8.  
14 Looking for the UGI picture.

15 A. It's Exhibit-8.

16 Q. Yeah, page one of Exhibit-8. Do you  
17 have that, Mr. Tate?

18 A. I do.

19 Q. Did you take this picture?

20 A. That picture was sent to me by one of  
21 my -- one of the people who is testifying on my  
22 behalf.

23 Q. Okay. And who is that?

24 A. Mindy Crawford.

25 Q. And have you personally spoken with an

BRYAN TATE

1 UGI representative regarding their meter  
2 placement practices?

3 A. I have not.

4 MS. HIRAKIS: Your Honor, I  
5 have no further questions.

6 JUDGE HAAS: All right.  
7 Thank you, Ms. Hirakis.

8 Mr. Benn, any redirect?

9 MR. BENN: Only as to the  
10 ramp, you Honor.

11 \* \* \*

12 REDIRECT EXAMINATION

13 \* \* \*

14 BY MR. BENN:

15 Q. You had met with the contractor, who  
16 advised you, as I understand it, what he would  
17 be able to do in order to satisfy ADA  
18 requirements based upon the width of your house;  
19 is that correct?

20 A. That's correct.

21 Q. And that was predicated upon that  
22 estimate that you testified in the manner in  
23 which you did; is that correct?

24 A. That's correct.

25 Q. So that would be the reason for the



1                   BRYAN TATE  
2 width of the ramp as well as the length of the  
3 ramp?

4           A.           Yes, that's correct.

5                   MR. BENN: I don't have  
6 anything further, your Honor.

7                   JUDGE HAAS: Okay. Thank  
8 you. Ms. Hirakis, any recross?

9                   MS. HIRAKIS: No, your  
10 Honor.

11                   JUDGE HAAS: Okay. Well, if  
12 my record keeping is accurate,  
13 Mr. Tate has addressed Exhibits-1  
14 through 17.

15                   I'm assuming, Mr. Benn, you  
16 would like to have those exhibits  
17 moved into the record; is that  
18 correct?

19                   MR. BENN: Yes, your Honor,  
20 I would.

21                   JUDGE HAAS: Okay. I've  
22 already ruled on Exhibit-10. I'm  
23 admitting that.

24                   With respect to other  
25 exhibits, 1 through 9 and 11 through  
17, any objection to the admission of

1                   BRYAN TATE  
2                   these exhibits into the record,  
3                   Ms. Hirakis?

4                   MS. HIRAKIS:    No, your  
5                   Honor.

6                   JUDGE HAAS:   Okay.   Then  
7                   Tate Exhibit-1 through 17 are admitted  
8                   into the record.

9                   Mr. Tate, I believe you are  
10                  finished.   Thank you very much for  
11                  your testimony.   It's very clear -- I  
12                  think I have a very clear  
13                  understanding of your position in the  
14                  case.

15                  It's now a few minutes after  
16                  12:00.   Do the parties have a  
17                  preference?   Do we want to take a  
18                  little break?   Do we want to press on?  
19                  Ms. Hirakis, do you have a  
20                  preference?

21                  Before we do that, you have  
22                  five more witnesses to call to  
23                  Mr. Benn; is that correct?

24                  MR. BENN:   That's correct.  
25                  And I believe when we had that slight  
                  interruption it was because my very

1                   BRYAN TATE  
2                   first witness, Mindy Crawford, had  
3                   just called in. It's a total of six  
4                   additional witnesses. If I said  
5                   "five," I was in error. I believe  
6                   one is on the line right now.

7                   JUDGE HAAS: Okay. Well, I  
8                   have Mindy, Craig, Eric and Michael.  
9                   Who is the sixth?

10                  MR. BENN: I'm sorry, I left  
11                  one out. Jean Treuthart, J-E-A-N  
12                  T-R-E-U-T-H-A-R-T. She is the chief  
13                  executive officer, the CEO, of the  
14                  YWCA in York and part of the Old Town  
15                  East Neighborhood.

16                  JUDGE HAAS: Okay. All  
17                  right. And I think you indicated  
18                  earlier that you anticipate roughly  
19                  ten minutes per witness; is that  
20                  correct?

21                  MR. BENN: That's correct.  
22                  I don't even think it will be that  
23                  long.

24                  JUDGE HAAS: Okay. With  
25                  that, then let me ask again if the  
                 parties have a preference. Do we want

1                   BRYAN TATE  
2           to take a lunch break at this point or  
3           press on?

4                   Ms. Hirakis, what is your  
5           preference?

6                   MS. HIRAKIS: Either way,  
7           your Honor. I'm fine with moving  
8           forward if we would like to.

9                   JUDGE HAAS: Okay.  
10          Mr. Benn?

11                   MR. BENN: Well, I would  
12          certainly at least like to call  
13          Ms. Crawford right now since she's on  
14          the phone. And if the court wants to  
15          take a lunch break, that's fine.

16                   JUDGE HAAS: Okay. Let's do  
17          that. Let's take care of  
18          Ms. Crawford, and then I think we'll  
19          take a short break.

20                   JUDGE HAAS: Good morning,  
21          Ms. Crawford.

22                   MS. CRAWFORD: Good  
23          morning.

24                   JUDGE HAAS: Okay. Before  
25          you testify, would you please raise  
            your right hand. Do you swear -- this

1                   BRYAN TATE  
2                   is Judge Haas, by the way. I know you  
3                   just joined this call.

4                   Would you raise your right  
5                   hand. Do you swear or affirm that the  
6                   testimony you're able to give in this  
7                   proceeding will be the truth, the  
8                   whole truth, and nothing but the  
9                   truth?

10                  MS. CRAWFORD: I do.

11                  JUDGE HAAS: Okay. I  
12                  mentioned to everyone else on the call  
13                  earlier that this is a telephonic  
14                  hearing, and there is a court reporter  
15                  taking everything down. So when you  
16                  talk, make sure you speak clearly and  
17                  directly into the phone so the court  
18                  reporter and everybody else can hear  
19                  you correctly.

20                  Would you state and spell  
21                  both your first and last names for the  
22                  court reporter, please.

23                  MS. CRAWFORD: Yes. Mindy  
24                  Crawford, M-I-N-D-Y C-R-A-W-F-O-R-D.

25                  JUDGE HAAS: Go ahead,  
                  Mr. Benn.

MINDY CRAWFORD

MR. BENN: Thank you, your

Honor.

\* \* \*

DIRECT EXAMINATION

\* \* \*

BY MR. BENN:

Q. Ms. Crawford, we have in our exhibit book a letter that you had sent to the Pennsylvania Public Utility Commission dated May 19th, 2020, and we have it marked in our exhibit book as Exhibit-18-4. Is that the letter that you had sent to the Public Utility Commission in relation to the hearing today involving Mr. Tate's property and his complaint?

A. Yes.

Q. Could you please tell us what your position is at Preservation Pennsylvania and what that organization is?

A. Yes. I am the executive director of Preservation Pennsylvania. We are a statewide historic preservation advocacy organization. And under that -- under our mission, we work primarily with any actions, either civil or legislative, that -- or any other threat to historic properties. That can be an individual

MINDY CRAWFORD

1 property or it can be the character of a  
2 historic district. One of our -- one of the  
3 issues that we were very involved in was the gas  
4 meter ruling when this first came up. So we've  
5 been following that situation for a while. We  
6 work across the Commonwealth and have been in  
7 existence since 1982.

8 Q. How long have you held the position  
9 that you currently hold?

10 A. Fourteen years.

11 Q. Are you familiar with the issue  
12 involving Mr. Tate's complaint?

13 A. Yes.

14 Q. How did you become familiar with that  
15 particular issue? How did you learn of  
16 Mr. Tate having an objection to the placement of  
17 a meter outside of the property at issue?

18 A. As I mentioned before, this is an  
19 issue that my organization has been involved  
20 with for a while. And as a result, we have  
21 heard from a number of citizens across  
22 Pennsylvania. It was fairly easy to tell how  
23 the progress of the installation of meters was  
24 progressing, because we would hear from people  
25 in specific areas, all sort of at the same

MINDY CRAWFORD

1 time.

2 Mr. Tate reached out to me when this  
3 first became a concern and asked me what I knew  
4 about the ruling and whether -- what his options  
5 were for other alternatives.

6 Q. So are you familiar with the City of  
7 York, per se? Meaning, the architect structure  
8 of the City of York?

9 A. Yes. Prior to Preservation  
10 Pennsylvania I was executive director of  
11 Historic York for 24 years, so I'm very familiar  
12 with York City.

13 Q. Mr. Tate testified that his property  
14 is located within the historic district of  
15 York. Are you familiar with the historic  
16 district of York?

17 A. Yes. There are actually two  
18 designations in York. There is a national  
19 registry, which this property is located  
20 within. And there's also a local historic  
21 architectural review board district. And this  
22 property is also located in that district.

23 Q. Do you have any idea in terms of what  
24 the requirements are relative to properties  
25 located within the historic district, whether



MINDY CRAWFORD

1 it's the national registered district or the  
2 arch board that you just referred to?

3 A. Yes. I believe that to my  
4 understanding the ruling says that any property  
5 owner may let the appropriate gas company know  
6 of the building's historic status, which would  
7 potentially make an alternative solution to the  
8 traditional meter be possible if it's listed in  
9 a number -- types of districts that are listed  
10 in the ruling. And in this case, this property  
11 is located within two of those districts.

12 Q. Do you know whether, in fact, Columbia  
13 Gas, based upon what it is that you do for a  
14 living and the nature of your organization, has  
15 accommodated property owners with regard to not  
16 putting meters on the outside of their  
17 properties in the City of York?

18 A. From the number of phone calls and  
19 emails I received, I would say no. Because it  
20 appears that people did not -- were not given  
21 the opportunity ahead of time to ask for  
22 accommodations.

23 Q. Were you involved in any meetings with  
24 Columbia Gas on behalf of your organization?

25 A. Yes. I was invited to several

MINDY CRAWFORD

1 meetings by Mayor Helfrich to talk about the  
2 issue. And both at a private meeting with  
3 elected officials, states and city elected  
4 officials, included Columbia Gas. And shortly  
5 after that there was a large public meeting, and  
6 I was in attendance and spoke at that meeting as  
7 well.

8 Q. Did Columbia Gas at any of those  
9 meetings that you had attended or any dialog  
10 that you had had with Columbia Gas represent to  
11 you their willingness to not place meters on the  
12 front portion of person's homes?

13 A. My recollection of the conversation  
14 was that they did acknowledge that some of this  
15 work had proceeded without being approved or  
16 reviewed by the Historic Architectural Review  
17 Board. And that there was a promise made that  
18 for the remaining work that this -- that  
19 property owners would be given an opportunity to  
20 request accommodation.

21 Q. From your professional capacity, and  
22 again recognizing the nature of what your  
23 organization does and stands for, what is your  
24 position with regard to meters being placed on  
25 the outside of properties within the historic

MINDY CRAWFORD

1 district?

2 A. We -- and I'm speaking now for service  
3 for the entire issue of gas meters. At the time  
4 of the opportunity to provide comments to the  
5 proposed rulings by the PUC, we very strongly  
6 expressed our concern for the effect of full  
7 scale gas meters being installed in historic  
8 districts, which tend to be, you know, in many  
9 cases narrower streets and properties that are  
10 directly on the sidewalk. And it does affect  
11 the historic integrity of the district to have  
12 these gas meters, the full scale gas meters  
13 there. And the fact that the accommodation was  
14 added to the final rulings was for us an  
15 assurance that historic districts would be able  
16 to have an opportunity to seek alternatives.

17 Q. I believe I have one final question.  
18 But when a lawyer says "final question," never  
19 believe the lawyer. You had provided a  
20 photograph to Mr. Tate that he had referenced in  
21 his testimony. It's a photograph of what has  
22 been identified as a meter -- excuse me, as a  
23 regulator, not a meter, in Harrisburg City.  
24 It's denoted historic district regulator only.  
25 Do you recall providing that photograph to

MINDY CRAWFORD

1 Mr. Tate?

2 A. Yes.

3 Q. Can you tell me why you provided that  
4 photograph to Mr. Tate?

5 A. Well, my office is located in the  
6 historic district in Harrisburg. And as we  
7 began to get phone calls regarding this issue, I  
8 personally spoke to the UGI crew when they were  
9 coming to install our regulators. And I -- so  
10 this is actually a picture of the front of my  
11 building. So I did some research into how the  
12 issue was handled in Harrisburg. And it was  
13 handled very differently than it was in York.

14 JUDGE HAAS: I'm sorry to  
15 interrupt. Just so the record is  
16 clear, Ms. Crawford, that you were  
17 just referring to, is that page one of  
18 Tate Exhibit-8? You may not have the  
19 exhibit in front of you.

20 MS. CRAWFORD: I don't know.

21 JUDGE HAAS: Mr. Benn, is  
22 that --

23 MR. BENN: Right. She does  
24 not have the exhibit book in front of  
25 her, but that is the picture that she

1 MINDY CRAWFORD  
provided to us.

2 JUDGE HAAS: Okay. Thank  
3 you.

4 MR. BENN: I have no further  
5 questions.

6 JUDGE HAAS: All right.  
7 Ms. Hirakis, any cross for  
8 Ms. Crawford?

9 MS. HIRAKIS: Yes. Just a  
10 very few questions.

11 \* \* \*

12 CROSS-EXAMINATION

13 \* \* \*

14 BY MS. HIRAKIS:

15 Q. Good morning, Ms. Crawford. How are  
16 you?

17 A. Fine. Thank you.

18 Q. Do you have any formal training in gas  
19 safety?

20 A. No.

21 Q. Okay. And you testified that you  
22 spoke to a UGI crew in Harrisburg. When  
23 approximately was that?

24 A. I'm sorry, I don't know the time.

25 Q. Even month and year?

MINDY CRAWFORD

1 A. I was going to say it was probably six  
2 months to a year prior to me being involved in  
3 the York situation.

4 Q. Whereabouts would that be?

5 A. I'm thinking that this was the summer  
6 of 2018, possibly spring. The reason that I say  
7 that is when I received -- started to receive  
8 calls from York, the regulator was already  
9 installed in front of our building. That's why  
10 I took a picture of it.

11 Q. Understood. When you testified you  
12 spoke to a UGI crew, was that the crew that had  
13 installed that meter regulator -- or the gas  
14 regulator?

15 A. Yes.

16 Q. But after it was installed?

17 A. Yes.

18 Q. The building that this gas regulator  
19 is connected to, do you know whether it is  
20 served by medium pressure?

21 A. Yes, it is.

22 Q. Okay. And did you -- besides speaking  
23 to the UGI crew, did you speak to any other  
24 representatives from UGI specifically about what  
25 their gas relocation practices are in historic

MINDY CRAWFORD

1 districts?

2 A. No. I spoke to the City of Harrisburg  
3 about the process.

4 Q. When you said you researched UGI's  
5 practices, is that what you're referring to,  
6 speaking to the City of Harrisburg?

7 A. Yes. Would you like me to elaborate  
8 on that?

9 Q. No.

10 A. Okay.

11 Q. Did you say that you attended the  
12 public meeting the City of York held in the  
13 summer of 2019?

14 A. Yes.

15 Q. Do you recall that the commission -- I  
16 mean, the Public Utility Commission had their  
17 personnel there to do a presentation?

18 A. Yes.

19 Q. The UGI Harrisburg, the fact that  
20 there are some properties in Harrisburg that  
21 only have the regulators, did that come up as a  
22 topic of discussion?

23 A. Yes.

24 Q. And did a member of the commission's  
25 safety office explain why some properties only

MINDY CRAWFORD

1 had a regulator outside versus both a regulator  
2 and a gas meter?

3 A. I don't recall that specifically.

4 Q. Do you recall whether the commission's  
5 safety personnel said all properties had gas  
6 meters inside in Harrisburg?

7 A. I don't know. But I don't think all  
8 properties have them inside.

9 Q. Okay. So this example of UGI having a  
10 regulator outside but the meter located instead,  
11 you don't know if that is something UGI does for  
12 all properties in the historic district, or do  
13 you?

14 A. I do. They did appear before the  
15 Harrisburg HARB and the ruling was that within a  
16 historic district they would accommodate  
17 regulators.

18 Q. So you're saying that you know that  
19 there is -- that UGI kept every gas meter in the  
20 historic district instead of the City of  
21 Harrisburg's historic district? That's your  
22 testimony?

23 A. No, I do not know that. I read the  
24 HARB decision. And when they came to our  
25 neighborhood, the decision had already been made



MINDY CRAWFORD

1 to use a regulator. I was not asked about it.

2 It was already decided. They said that was as a  
3 result of the HARB request, that regulators be  
4 used in the historic district.

5 Q. But what I was asking is whether UGI  
6 has kept all gas meters inside in the historic  
7 district of Harrisburg,?

8 A. I don't know.

9 Q. Okay.

10 MS. HIRAKIS: That's all I  
11 have, your Honor.

12 JUDGE HAAS: Okay. Thank  
13 you. Mr. Benn, any redirect?

14 MR. BENN: I do, your Honor,  
15 in light of the fact that there have  
16 been a number of questions regarding  
17 UGI and Harrisburg. I think that door  
18 is now open.

19 \* \* \*

20 REDIRECT EXAMINATION

21 \* \* \*

22 BY MR. BENN:

23 Q. So to that extent, Ms. Crawford, can  
24 you relate to me to the best of your knowledge  
25 and understanding -- that's the caveat that I'm

MINDY CRAWFORD

1 proposing. To the best of your knowledge and  
2 understanding, did UGI attempt to honor the  
3 architectural contour of the historic district  
4 of Harrisburg?

5 A. Yes.

6 Q. So where it was --

7 THE COURT REPORTER: Excuse  
8 me. This is Donna, the court  
9 reporter, I'm hearing a lot of  
10 interference and I'm having a tough  
11 time hearing you, Mr. Benn. Okay. It  
12 sounds like it stopped. I'm sorry.  
13 Go ahead.

14 BY MR. BENN:

15 Q. So I believe then it's your testimony  
16 that where UGI was capable of installing outside  
17 regulators versus meters in the historic  
18 district, they honored the integrity of the  
19 neighborhood to do so?

20 A. Yes. My understanding is that UGI met  
21 with the City of Harrisburg officials, the  
22 planning department and the historic and  
23 architectural review board and agreed to a plan  
24 to use regulators in the historic district.

25 Q. As opposed to meters?

MINDY CRAWFORD

1 A. Yes.

2 MR. BENN: That's all I  
3 have, your Honor.

4 JUDGE HAAS: Okay.  
5 Ms. Hirakis, any recross?

6 MS. HIRAKIS: No, your  
7 Honor.

8 JUDGE HAAS: Okay. All  
9 right. Ms. Crawford, thank you very  
10 much for your testimony. You are now  
11 excused.

12 MS. CRAWFORD: Thank you.

13 JUDGE HAAS: Ms. Hirakis,  
14 any objection to the admission Tate  
15 Exhibit-18-4?

16 MS. HIRAKIS: Now, that  
17 we've had Ms. Crawford available for  
18 testimony, I am going to object to her  
19 letter being admitted into the record,  
20 as she's provided testimony here  
21 today.

22 JUDGE HAAS: Mr. Benn?

23 MR. BENN: I would object to  
24 that. She testified that that was her  
25 letter, that that was the letter that

MINDY CRAWFORD

1 she submitted to the Public Utility  
2 Commission. She identified it and was  
3 making reference to it. So we didn't  
4 go through each and every paragraph of  
5 that letter predicated upon the fact  
6 that she testified that that was her  
7 letter and she submitted it to the  
8 PUC.

9 JUDGE HAAS: I'm going to  
10 admit the exhibit over the objection.  
11 So Tate Exhibit-18-4 is admitted.

12 I now have 12:25. What do  
13 we think about a 45-minute break? Is  
14 that all right with Ms. Hirakis?

15 MS. HIRAKIS: Yes, your  
16 Honor.

17 JUDGE HAAS: Mr. Benn?

18 MR. BENN: Yes, your Honor.

19 JUDGE HAAS: All right. I  
20 believe that will take us to ten after  
21 1:00. Let's say 1:15 we will all  
22 connect to the call again. I think we  
23 then have five more Tate witnesses to  
24 get through. And then depending on  
25 the time, Ms. Hirakis, we work

MINDY CRAWFORD

1 Mr. Tubbs in around his schedule.

2 All right. Well, with that,  
3 let's adjourn until 1:15.

4 Thank you, everyone.

5 MR. BENN: Thank you, your  
6 Honor.

7 \* \* \*

8 (Whereupon, a lunch break  
9 was held.)

10 \* \* \*

11 (Whereupon, the hearing  
12 resumed.)

13 \* \* \*

14 JUDGE HAAS: We are now back  
15 on the record. It's about at 1:18,  
16 and we will proceed with witnesses  
17 appearing on behalf of Mr. Tate.

18 Mr. Benn, would you identify  
19 your next witness, please.

20 MR. BENN: I will, your  
21 Honor. And maybe you could swear him  
22 in before I start asking him  
23 questions. It's Michael Wheeler.

24 MR. HAAS: Good afternoon,  
25 Mr. Wheeler.

MINDY CRAWFORD

1 MR. WHEELER: Good

2 afternoon, sir.

3 JUDGE HAAS: Before you  
4 testify will you please raise your  
5 right hand. Do you swear or affirm  
6 that the testimony you're about to  
7 give in this proceeding will be the  
8 truth, the whole truth, nothing but  
9 the truth?

10 MR. WHEELER: Yes, sir.

11 JUDGE HAAS: And just so the  
12 record is clear, will you please state  
13 and spell both your first and last  
14 names, please.

15 MR. WHEELER: Michael,  
16 M-I-C-H-A-E-L, Wheeler,  
17 W-H-E-E-L-E-R.

18 JUDGE HAAS: All right.  
19 Thank you.

20 Go ahead, Mr. Benn.

21 MR. BENN: Thank you, your  
22 Honor.

23 \* \* \*

24 DIRECT EXAMINATION

25 \* \* \*

MICHAEL WHEELER

1 BY MR. BENN:

2 Q. Mr. Wheeler, do you reside in York  
3 County?

4 A. Yes, sir.

5 Q. And who do you work with or for?

6 A. I currently work for Berkshire  
7 Hathaway Home Sale Services.

8 Q. You're a real estate broker; is that  
9 correct?

10 A. I am a real estate sales agent. I am  
11 not a broker.

12 Q. And how long have you been a real  
13 estate sales agent?

14 A. 37 years.

15 Q. Has all of that been in York County?

16 A. Yes, sir.

17 Q. You're aware of the fact that you've  
18 been asked to testify today on behalf or in  
19 support of Bryan Tate and the property that he  
20 owns on Pine Street; is that correct?

21 A. Market and Pine, yes, sir.

22 Q. So the property on Pine Street, you  
23 had provided a letter addressed to your Honor,  
24 Steven Haas, dated July 10th, 2020. Did you  
25 have the occasion to visit Mr. Tate's property

MICHAEL WHEELER

1 to observe the property?

2 A. Back at that time, yes, sir, I did.

3 Q. Okay. And in your letter you had  
4 indicated that you had 36 years of experience.  
5 You further had indicated that the property sits  
6 on or about a corner, and that a meter would  
7 adversely affect the property. I'm kind of  
8 paraphrasing your letter.

9 Can you please relate to the judge as  
10 to why you believe an outside meter would  
11 adversely affect the property?

12 A. Because it's a historic property, and  
13 the is property of very high value. Property  
14 values in York County range far and wide. That  
15 particular property has been maintained in a  
16 very historic fashion and virtually  
17 irreplaceable. When it's lost, it's lost.

18 In order to obtain even a return  
19 equivalent to what Mr. Tate paid for the  
20 property, it has to continue to be pristine.  
21 And the placement of the meter, when people are  
22 looking to buy an historic property -- clearly  
23 meters are not historic and it's unsightly. I  
24 myself hide my -- I live back in the woods. I  
25 hide my air-conditioning units from people so



MICHAEL WHEELER

1 that I don't -- so if I ever do go to sell, the  
2 property is not -- I don't want to say blighted,  
3 but to a degree blighted. Clearly living right  
4 on the street, as he does, any blight is going  
5 to be significant to him.

6 Q. So have you been able to draw any kind  
7 of an opinion with regard to how a meter would  
8 otherwise devalue the property in dollars and  
9 cents? Meaning, if the property were to stay as  
10 it currently is without a meter on the outside,  
11 it would have one value. Is it your opinion  
12 that if the meter were placed on the outside  
13 front of the property it would have a different  
14 value?

15 A. Having it on at a point outside front  
16 would significantly reduce the attraction of the  
17 property.

18 Q. And when you say "significantly  
19 reduce," just so that we have an idea, are you  
20 talking about \$1,000, \$5,000, \$7,500?

21 A. It would be \$5,000 or more. The fact  
22 that you have a narrow range of buyers the  
23 longer a property sits on the market the more  
24 likely people are to think that other people  
25 have better judgment than them. So it could

MICHAEL WHEELER

1 easily exceed \$5,000. It could exceed \$10,000.

2 My guess would be \$5,000 to \$10,000. But it  
3 could be more than that just because of the --

4 Q. And that's predicated upon your  
5 professional experience?

6 A. Yes, it is.

7 Q. There was testimony this morning  
8 offered by Mr. Tate that he rents the property  
9 and the current tenant had been on a  
10 year-to-year lease. Now the tenants are on a  
11 month-to-month lease. And in an effort to  
12 comply with nondiscrimination laws he would have  
13 to make his house available to those who are  
14 both handicapped as well as not handicapped.

15 If he were to rent it to a handicapped  
16 person, he mentioned that he would be obligated  
17 to put a ramp on his property, assuming that  
18 that person required a ramp.

19 If a ramp were placed on the front of  
20 the property, would that have a negative impact  
21 in terms as to the value as compared to a meter  
22 on the front of the property?

23 A. A ramp? A ramp would be unsightly,  
24 obviously. Ramps are put on properties because  
25 of necessity. However, at point in time

MICHAEL WHEELER

1 if Mr. Tate or whomever needs to access the  
2 property, certainly they have to give themselves  
3 access to the property. So a ramp would be  
4 unsightly. A ramp with a meter would be  
5 dangerous.

6 Q. If a meter were placed on the front of  
7 the property and a ramp therefore could not be  
8 placed on the front of the property because of  
9 the degree of rise that would otherwise be  
10 required of the ramp, would that limit the  
11 number of persons that would be available for  
12 purchase of the property?

13 A. Yes. I recently worked with a couple  
14 of Wounded Warriors, and that's one of the nice  
15 things about them, is that they do have  
16 settlements or have received funds and they buy  
17 nice properties. And sometimes they choose to  
18 be convenient, and they need the ability to  
19 access the properties. It's just the facts. So  
20 clearly you take people out of the equation.

21 And sometimes buyers -- I've had an  
22 experience where the highest and best buyer was  
23 a Wounded Warrior. And without the capacity to  
24 access the property, he clearly would not have  
25 bought it.

MICHAEL WHEELER

1 Q. So you're saying that the number of  
2 persons who would otherwise be interested in the  
3 property for purchase would be diminished if, in  
4 fact, they were unable to have access by means  
5 of a ramp?

6 A. That is correct.

7 Q. Would that also hold true with regard  
8 to prospective tenants?

9 A. Likely it would limit it. I don't  
10 pretend to be as familiar with tenants, what  
11 tenants would do as what, you know, owners might  
12 do. Clearly people like to live in the city who  
13 are handicapped, because, again, they have  
14 access to services. They have the ability to  
15 access stores, streets much more easily than  
16 they do when they live in a rural location.

17 Q. Are you familiar with the historic  
18 district of the city?

19 A. I travel in the historic district  
20 frequently going to attorneys' offices and for  
21 settlements. I have admired the historic  
22 district. I'm a fan of history. I don't want  
23 to say I'm an expert, per se, in defining the  
24 limits of the historic district. But I think  
25 it's a benefit to the city, and I admire the

MICHAEL WHEELER  
1 people who work hard to keep the properties  
2 maintained.

3 MR. BENN: Thank you. I  
4 have no further questions of this  
5 witness.

6 JUDGE HAAS: Okay. Any  
7 cross, Ms. Hirakis?

8 MS. HIRAKIS: Yes, your  
9 Honor.

10 \* \* \*

11 CROSS-EXAMINATION

12 \* \* \*

13 BY MS. HIRAKIS:

14 Q. Good afternoon, Mr. Wheeler. How are  
15 you?

16 (Whereupon, Mr. Menzer  
17 joined the hearing.)

18 MR. WHEELER: I am  
19 excellent. Thank you.

20 BY MS. HIRAKIS:

21 Q. I just have a few questions for you  
22 regarding your determination that installing an  
23 exterior gas meter to the front of the home will  
24 impact the value of this particular property.

25 Did you do a market analysis of the

MICHAEL WHEELER

1 property as it stands today?

2 A. I did not.

3 Q. Okay. So you don't -- you can't say  
4 today what you would put the house up for if it  
5 was to go on the market?

6 A. I could not.

7 Q. Okay. And you testified that you  
8 thought a ramp, if one was installed, would be  
9 unsightly. Would an unsightly ramp impact the  
10 property value of a home?

11 A. It would.

12 Q. Okay. And --

13 A. I often -- sorry.

14 Q. Go on.

15 A. I often sell homes for people. In the  
16 case of estates, where the person who had a ramp  
17 had passed away, and I generally advise when  
18 selling the property with a ramp that you remove  
19 the ramp.

20 (Whereupon, Mr. Silas joined  
21 the hearing.)

22 BY MS. HIRAKIS:

23 Q. And when you quantify the impact that  
24 a potential gas meter would have on Mr. Tate's  
25 property, and you said it would have an impact

MICHAEL WHEELER

1 of around \$5,000 to \$10,000, how did you -- how  
2 were you able to quantify that? Can you  
3 explain?

4 A. I wish there was a science to real  
5 estate. I think it's experience. Often we have  
6 what's called a formal appraisal done. And I'm  
7 not an appraiser, but I believe real estate  
8 agents, because of our activity we have a great  
9 sense for what people want. And I don't want to  
10 call it a guess, because it's not. It's based  
11 on experience. That's just my judgment.

12 Q. And the current market value of the  
13 home doesn't come into play engaging whether  
14 it's \$5,000, \$10,000, less or more than that?

15 A. Clearly it would. I mean, there are  
16 sections of the city where it may be less. If a  
17 property is \$15,000, for example, then I  
18 wouldn't want to say it would \$5,000 to  
19 \$10,000. Clearly this is substantially more  
20 than that. But I don't want to pretend that I'm  
21 giving you a value, because I haven't done that  
22 research. But I know it's not \$10,000 to  
23 \$15,000. I know it's significantly higher than  
24 that. That's why my gauge is \$5,000 to \$10,000.  
25 If it was a \$300,000 property, that might easily

MICHAEL WHEELER

1 be \$50,000, might be \$75,000. Just because  
2 people don't buy what they don't like.

3 Q. I understand.

4 A. The lower price range people are  
5 buying because of need. The higher you get in  
6 price range is the more you're buying because of  
7 want.

8 Q. That makes sense. One final question.  
9 Do you have any formal training in gas safety?

10 A. Gas safety?

11 Q. Yes, gas safety.

12 A. I do not.

13 MS. HIRAKIS: Okay. Thank  
14 you. I have no further questions.

15 JUDGE HAAS: Thank you.  
16 Mr. Benn, any redirect?

17 MR. BENN: No, your Honor, I  
18 do not. But I would like to move for  
19 the admission of Mr. Wheeler's  
20 Exhibit-19.

21 JUDGE HAAS: Okay.  
22 Ms. Hirakis, any objection?

23 MS. HIRAKIS: No, your  
24 Honor.

25 JUDGE HAAS: Then Tate



MICHAEL WHEELER  
Exhibit-19 is admitted.

Mr. Wheeler, thank you very  
much for your testimony. You are  
excused.

MR. WHEELER: Thank you,  
sir. Take care.

JUDGE HAAS: All right.  
Mr. Benn, who is next?

MR. BENN: I had heard that  
Eric Menzer got on the line. I did  
not hear the other individual that got  
on the line.

MR. CHAMBERLIN: This is  
Silas Chamberlin.

MR. BENN: Okay. I would  
like to call Eric Menzer, if I could.

JUDGE HAAS: Yes, you may.  
Good afternoon, Mr. Menzer.

(Whereupon, Mr. Zumbrun  
joined the hearing.)

JUDGE HAAS: Mr. Menzer,  
before you provide your testimony,  
would you please raise your right  
hand. Do you swear or affirm that the  
testimony you are about to give in

1                   ERIC MENZER  
2                   this proceeding will be the truth, the  
3                   whole truth, and nothing but the  
4                   truth?

5                   MR. MENZER: Yes, I do.

6                   JUDGE HAAS: Okay. And I've  
7                   mentioned this to everybody who has  
8                   testified, we do have a court reporter  
9                   who is taking everything down and  
10                  everybody is connected telephonically,  
11                  so make sure you speak clearly and  
12                  directly into your phone when you  
13                  talk.

14                  \* \* \*

15                  DIRECT EXAMINATION

16                  \* \* \*

17 BY MR. BENN:

18 Q.              Mr. Menzer, could you spell your full  
19                  name.

20 A.              Eric, E-R-I-C, Menzer, M-E-N-Z-E-R.

21                  MR. BENN: Your Honor, do  
22                  you want to swear Mr. Menzer in?

23                  JUDGE HAAS: We just did  
24                  that.

25                  MR. BENN: I'm sorry.

BY MR. BENN:

ERIC MENZER

1 Q. Mr. Menzer, you provided a letter to  
2 the Pennsylvania Public Utility Commission dated  
3 May 15th, 2020? It's marked as Exhibit-15,  
4 18-15, for Mr. Tate. Did you author that  
5 letter?

6 A. Yes, I did.

7 Q. And you wrote it on behalf of Better  
8 York.

9 A. Yes, that's correct. I'm the chairman  
10 of the organization.

11 Q. Could you please relate to the court  
12 what Better York is?

13 A. Yes. Better York is an organization  
14 of over 70 businesses and investors who are  
15 particularly interested in Downtown York and the  
16 City of York. Most of them their businesses are  
17 located there or they own property there.

18 Q. Are you currently employed?

19 A. Yes, I am.

20 Q. What is your employment?

21 A. I am the president of the York  
22 Revolution, York's minor league baseball team,  
23 which is located in Downtown York.

24 Q. And are you compensated as the  
25 chairman of Better York?

ERIC MENZER

1 A. No, I am not. I serve in a voluntary  
2 capacity.

3 Q. Are you familiar with any of the work  
4 that's being performed by Columbia Gas in the  
5 historic district of York?

6 A. Yes, I am.

7 Q. What familiarity do you have?

8 A. I have read about it in the local  
9 media. And since I am a downtown resident and  
10 business person as well I have seen the meter  
11 installations.

12 Q. Are you familiar with Mr. Tate's  
13 property on South Pine Street in the City of  
14 York?

15 A. Yes, I am.

16 Q. With respect to the meters on the  
17 outside of properties, have you either for  
18 yourself as a resident or as chairperson of  
19 Better York had any dialog was Columbia Gas  
20 relating to the installation of outside meters?

21 A. I have not personally had any dialog  
22 with Columbia Gas, no.

23 Q. Have you been at any meetings where  
24 the subject of outside meters has arisen?

25 A. I have been at meetings at Better York

ERIC MENZER

1 where the subject came up, particularly in the  
2 context of the letter I wrote.

3 Q. So in your letter in your second  
4 paragraph you state, "The decision of Columbia  
5 Gas to ignore that effort and refuse to  
6 cooperate with the City of York and its  
7 homeowner is disappointing." How did you make  
8 that statement? City meaning, what do you know  
9 about that?

10 A. What I know about that is that I have  
11 read in the local media and it was stated by the  
12 mayor of the City at one of our Better York  
13 meetings that the City had attempted to get  
14 Columbia Gas to take a different approach to the  
15 meters but that they had declined to do so.

16 Q. And that's the basic understanding in  
17 which you had written your letter?

18 A. When I was asked to write the letter,  
19 I poled by email the members of the Better York  
20 board, shared the information with them, shared  
21 the direct letter with them, asked them whether  
22 they wanted to authorize it to be sent, and  
23 there was agreement that we should.

24 Q. Why do you feel as though the outside  
25 meters would have a negative impact on the

ERIC MENZER

1 historic district of York?

2 A. Well, the city's downtown and the  
3 city's architectural district has existed for  
4 many, many years. And the collective impact of  
5 that and of those historic architectural  
6 standards has been to create a very distinctive  
7 set of beautifully renovated buildings. And the  
8 city itself and other groups like ours have made  
9 significant investments in street trees and  
10 lights and curbs and sidewalks, all sorts of  
11 things that create a distinctive and  
12 aesthetically pleasing environment. And the new  
13 external meters detract from that environment.

14 Q. Thank you, Mr. Menzer.

15 MR. BENN: I have no further  
16 questions for the witness.

17 JUDGE HAAS: Okay.

18 Ms. Hirakis, any cross?

19 MS. HIRAKIS: Yes. Thank  
20 you, you Honor.

21 \* \* \*

22 CROSS-EXAMINATION

23 \* \* \*

24 BY MS. HIRAKIS:

25 Q. Good afternoon, Mr. Menzer. How are

ERIC MENZER

1     you?

2     A.           Well.   Thank you.

3     Q.           Good.   I just have a couple of  
4     questions.   My first is, do you have any formal  
5     training in gas safety?

6     A.           No, I do not.

7     Q.           Okay.   And is it fair to say that you  
8     have no direct personal knowledge of Columbia's  
9     efforts in terms of communicating with property  
10    owners and customers?

11    A.           That's correct, no direct personal,  
12    no.

13    Q.           Okay.   I am going to refer now to the  
14    letter that you submitted.   Do you have a copy  
15    of that before you?

16    A.           I do.    Yes, I do.

17    Q.           Okay.   In the second paragraph,  
18    beginning on the second sentence you referenced  
19    other gas you were companies in Pennsylvania.  
20    Are you familiar with the practice of other gas  
21    companies in Pennsylvania?

22    A.           Not on a firsthand basis, no.

23    Q.           Okay.

24                         MS. HIRAKIS:   Your Honor.   I  
25    have no further questions.

ERIC MENZER

JUDGE HAAS: Okay.

Any redirect, Mr. Benn?

MR. BENN: Only to this  
extent and as a follow-up to the  
question that you were just asked,  
Mr. Menzer.

\* \* \*

REDIRECT EXAMINATION

\* \* \*

BY MR. BENN:

Q. In your letter, in that second  
sentence, you say "including one in  
Harrisburg." And you're making reference to the  
gas utility in Harrisburg, UGI. What knowledge  
do you have with anything that has occurred in  
Harrisburg?

A. At the time that we were -- at the  
time that this issue was brought to Better  
York's attention and specifically as it related  
to this hearing and a request for a letter we  
were shown pictures, I believe from Mr. Tate, of  
an installation in Harrisburg that seemed less  
intrusive than the one in York.

MR. BENN: That's all I  
have, you Honor.



ERIC MENZER

1 JUDGE HAAS: Ms. Hirakis,  
2 any recross?

3 MS. HIRAKIS: No, your  
4 Honor.

5 JUDGE HAAS: Okay.  
6 Mr. Menzer, thank you for your  
7 testimony. You're excused.

8 Mr. Benn, I assume you would  
9 like to move for the admission of  
10 Exhibit-18-15.

11 MR. BENN: That's correct,  
12 your Honor.

13 JUDGE HAAS: Ms. Hirakis,  
14 any objection?

15 MS. HIRAKIS: I do, your  
16 Honor. I would ask that the second  
17 paragraph in this letter be redacted  
18 or stricken prior to it being admitted  
19 into the record. We had Mr. Menzer  
20 testify that he had no personal  
21 knowledge of Columbia's efforts with  
22 communicating with property owners and  
23 customers. And also this information  
24 regarding what other gas utility  
25 companies do, specifically in

1                   ERIC MENZER  
2                   Harrisburg, came specifically from  
3                   Mr. Tate. Therefore, I object to that  
4                   portion of this document being  
5                   admitted into the record.

6                   JUDGE HAAS: Mr. Benn?

7                   MR. BENN: I have a concern  
8                   with regard to redaction of the entire  
9                   paragraph. I believe his testimony  
10                  was he did not have any firsthand  
11                  knowledge with respect to what had  
12                  transpired in Harrisburg, and that the  
13                  picture that he had seen was provided  
14                  by Mr. Tate. I do not agree, however,  
15                  that he had indicated that he was not  
16                  familiar with what was occurring in  
17                  Downtown York and the historic  
18                  district of York. And therefore I  
19                  would request this court to allow the  
20                  first sentence to remain in the  
21                  letter.

22                  JUDGE HAAS: Give me a  
23                  second.

24                  MR. BENN: First sentence of  
25                  paragraph two.

                  JUDGE HAAS: All right.

ERIC MENZER

1 Let's scratch the second full sentence  
2 in paragraph two. That is redacted  
3 from Exhibit-18-15. The rest of that  
4 paragraph and the rest of the letter  
5 will be admitted.

6 MR. BENN: Thank you, your  
7 Honor.

8 JUDGE HAAS: With that  
9 redaction Tate Exhibit-18-15 is  
10 admitted.

11 Who is next, Mr. Benn?

12 MR. BENN: I would like to  
13 call Craig, C-R-A-I-G, Zumbrun,  
14 Z-U-M-B-R-U-N.

15 JUDGE HAAS: Good afternoon,  
16 Mr. Zumbrun.

17 MR. ZUMBRUN: Good  
18 afternoon.

19 MR. HAAS: And I'm sorry, is  
20 it Craig with a C or Greg with a G?

21 MR. ZUMBRUN: C.

22 JUDGE HAAS: Okay.

23 MR. ZUMBRUN: My full name  
24 is William Craig. I've always used  
25 Craig professionally.

1 JUDGE HAAS: Okay. Before  
2 you testify, Mr. Zumbrun, would you  
3 please raise your right hand. Do you  
4 swear or affirm that the testimony  
5 you're about to give in this  
6 proceeding will be the truth, the  
7 whole truth, nothing but the truth?

8 MR. ZUMBRUN: I do so  
9 affirm.

10 JUDGE HAAS: Thank you.  
11 Will you please state and spell your  
12 full first and last name for the court  
13 reporter, please.

14 MR. ZUMBRUN: Craig,  
15 C-R-A-I-G Z-U-M-B-R-U-N.

16 JUDGE HAAS: Thank you.  
17 Go ahead, Mr. Benn.

18 MR. BENN: Thank you, your  
19 Honor.

20 \* \* \*

21 DIRECT EXAMINATION

22 \* \* \*

23 BY MR. BENN:

24 Q. Mr. Zumbrun, are you a resident of the  
25 County of York?

1 A. Yes.

2 Q. You had provided a letter. I'm not  
3 exactly sure who it was addressed to, but we  
4 have used it as an exhibit with regard to  
5 Mr. Tate's file. It's marked as Exhibit-18-21.  
6 It's on the stationery of the City of York  
7 Historic Architectural Board of Review, HARB,  
8 and it begins, "Hello." Did you author that  
9 letter?

10 A. Yes.

11 Q. And you signed it as chair. Were you  
12 making reference to being the chairperson of the  
13 Historical Architectural Board of Review?

14 A. It's Historical Architectural Review  
15 Board.

16 Q. All right. And how long have you been  
17 a member of that board?

18 A. Off and on for 25 years.

19 Q. And how long have you been chairperson  
20 of the board?

21 A. For the last two years.

22 Q. Can you please tell us what the  
23 purpose is of that board and what it does.

24 A. The City has designated a district  
25 that encompasses much of the downtown, and it is

1 a district in which investors are encouraged to  
2 promote the existing architectural features  
3 whenever doing renovations and to preserve the  
4 character, the historic and architectural  
5 character, of those structures. Our board  
6 considers proposals by contractors and owners  
7 for work they wish to undertake. We meet and  
8 discuss those proposed changes, and then we make  
9 formal recommendations to city council. City  
10 council ultimately approves or denies our  
11 recommendations, which eventually would lead to  
12 either the issuance of building permits or the  
13 denial of the issuance of building permits, in  
14 which case then the applicant, the contractor or  
15 the homeowner would have to return to the  
16 Historical Architectural Review Board for  
17 modification and discussion of alternative  
18 materials and treatments.

19 Q. How many members are on that board?

20 A. There are nine members. We currently  
21 have a vacancy. They are appointed by the mayor  
22 and confirmed by council.

23 Q. So it's not a board that you  
24 necessarily volunteer for. Meaning, I just  
25 can't volunteer for that board. I have to be

1 appointed by the mayor of York; is that correct?

2 A. That's correct. And the board has a  
3 certain composition required by the ordinance  
4 that includes people with real estate  
5 backgrounds, planning backgrounds, architectural  
6 backgrounds, general construction backgrounds.  
7 And the current members all represent those  
8 backgrounds.

9 Q. Is that a paid position or a volunteer  
10 position?

11 A. It is not paid. It's is volunteer.

12 Q. But do you have a place of employment  
13 for which you earn a living?

14 A. Yes. I am employed currently by the  
15 Chavis Corporation, which serves adults with  
16 intellectual disabilities, and I am an  
17 employment specialist.

18 Q. With regard to the letter that you had  
19 written that I had previously referred to, are  
20 you familiar with Mr. Tate's property --

21 A. I am.

22 Q. -- on Pine Street?

23 A. Yes.

24 Q. How are you familiar with that  
25 property?

1       A.           My previous employment was as  
2       executive director of the city's house  
3       authority, and we had a ten-year program of  
4       supporting the city and the city's Elm Street  
5       neighborhood, which is a set of streets Pine  
6       Street, King Street corridor are part of. We  
7       made many investments in houses in that  
8       neighborhood near where Mr. Tate lives.

9       Q.           Has HARB done anything with regard to  
10      the work being performed by Columbia Gas in the  
11      historic district relative to the installation  
12      of outside meters on residential properties?

13     A.           We have heard complaints from numerous  
14     homeowners who had undertaken repairs that our  
15     board had recommended approval for and for which  
16     permits were issued and contacted work was  
17     completed only to have that work undone by the  
18     installation of meters. That led us to a series  
19     of discussions with representatives of the gas  
20     company and, in fact, a relatively lengthy  
21     meeting with a service representative from  
22     Columbia Gas at one of our Historical  
23     Architectural Review Board meetings, during  
24     which time we were advised that efforts would be  
25     made when possible to mitigate or otherwise



1 eliminate street front incursion of new meters.  
2 The city has many properties that are served by  
3 former grocer's alleys which separate two  
4 attached buildings and where possible they can  
5 be placed in those areas recessed, still  
6 immediately available to street view but not as  
7 apparent.

8 Q. Are you familiar with whether, in  
9 fact, Columbia Gas has accommodated any of the  
10 property owners that had complained that you're  
11 aware of that came before HARB as to the  
12 installation of meters other than in the front  
13 of their properties?

14 A. I'm not personally aware of any  
15 modifications of the people who have come to our  
16 board to complain, no.

17 Q. Has Columbia Gas Company come to your  
18 board to inform your board as to what it is that  
19 they are intending to do and what it is that  
20 they have done regarding the historical district  
21 and the properties located therein?

22 A. Yes. That would be the meeting I  
23 referenced with a regional representative of  
24 Columbia Gas. And we had, as I said, a lengthy  
25 discussion of our goals, public and private

1 investment in the restoration of 18th and 19th  
2 century properties in those neighborhoods and  
3 how we would seek to have Columbia Gas modify  
4 their front facade installations, street front.

5 Q. Did Columbia Gas evidence to you or  
6 your board their willingness to modify those  
7 installations so that they would not -- the  
8 meters would not be placed on the front of  
9 buildings?

10 A. Yes. At the end of that meeting we  
11 were under the belief that we had cleared a lot  
12 of air and that Columbia was going to be far  
13 diligent in the historic district to try to  
14 respect the district and the City's goals for  
15 the preservation of those properties.

16 Q. And Columbia Gas has honored that  
17 position?

18 A. In this particular instance I don't  
19 believe they have. And frankly because of the  
20 last nine months of Covid we've had no cases I  
21 can recall of applicants in that neighborhood  
22 coming before the board.

23 Q. Do you know whether Columbia Gas has  
24 installed any meters within the last nine  
25 months?

1       A.           I am not aware of -- I know they're  
2       working, but I am not aware of specific  
3       properties where they've done new  
4       installations. I know they're doing a lot of  
5       work throughout the city. But most of the work  
6       I'm aware of is installation of underground line  
7       replacements.

8       Q.           You had mentioned a process wherein if  
9       a resident wanted to make a modification or  
10      improvement to their property, that they would  
11      have to -- assuming that they were in the  
12      historic district, they would have to go before  
13      your board. And then your board would make a  
14      referral to city council. Am I correct with  
15      regard to that?

16     A.           That's the process.

17     Q.           Do you know whether Columbia Gas had  
18      approached city council after they met with  
19      HARB?

20     A.           I'm not aware of that.

21                   MR. BENN: No further  
22      questions.

23                   JUDGE HAAS: Okay.

24                   Ms. Hirakis, any cross?

25                   MS. HIRAKIS: Yes, your

1 Honor.

2 \* \* \*

3 CROSS-EXAMINATION

4 \* \* \*

5 BY MS. HIRAKIS:

6 Q. Good afternoon, Mr. Zumbrun. I just  
7 have one line of questioning. I want to flush  
8 out an answer that you provided Mr. Benn. I  
9 believe he asked you whether you were aware if  
10 Columbia modified its position of locating  
11 meters to the front of the home. And you  
12 replied that you're not personally aware of  
13 this. I wasn't quite sure if I followed your  
14 answer, so I'm just going to ask you some  
15 follow-up questions about that.

16 When you say that you're not  
17 personally aware of Columbia modifying its  
18 position of locating meters at another location  
19 besides at the front of the house, are you  
20 saying that Columbia has located all of its  
21 meters to the front of the home?

22 A. Let me try to explain my answer.  
23 Since March we have only met virtually, and  
24 we've had few applications before us, most of  
25 them in the immediate business district

1 downtown. We have not had applications that I  
2 can recall in this specific neighborhood in the  
3 last eight or nine months. And so I was  
4 responding that I'm not aware of a modification,  
5 because I'm not aware of application and  
6 construction that's occurred in that  
7 neighborhood during this past period of  
8 Covid-19. Since we had met with the  
9 representative, again, I do not recall any  
10 applications that came before us in that  
11 neighborhood that would have included  
12 street-faced facade improvements and included  
13 some kind of expectation of new or modified  
14 metering for gas.

15 Q. Now, if we could go back to 2019, so  
16 pre-Covid. Are you personally aware of Columbia  
17 Gas locating a meter on the side or rear of the  
18 property?

19 A. When we met with the representative  
20 from the gas company, he illustrated a few  
21 properties where that had been done. I had not  
22 personally witnessed them, but rather heard him  
23 tell us that's what had happened.

24 Q. Understood. Okay. Well, thank you.

25 MS. HIRAKIS: I have no

1 further questions.

2 MR. HAAS: Mr. Benn, any  
3 redirect?

4 MR. BENN: I do have one.

5 \* \* \*

6 REDIRECT EXAMINATION

7 \* \* \*

8 BY MR. BENN:

9 Q. You're making reference, Mr. Zumbrun,  
10 to a meeting that your board had with Columbia  
11 Gas or Columbia Gas representatives. Do you  
12 recall in or about when that meeting had  
13 occurred?

14 A. I would guess it was within the last  
15 18 months. And I'm sorry that I don't have a  
16 precise date for you. I tried to contact the  
17 City's consultant who maintains the minutes, and  
18 I wasn't successful before this testimony.

19 Q. That's okay.

20 MR. BENN: All right. I  
21 have no further questions, your  
22 Honor.

23 JUDGE HAAS: Okay.

24 Ms. Hirakis, any recross?

25 MS. HIRAKIS: No. No, your

1 Honor.

2 JUDGE HAAS: Mr. Benn --

3 MR. BENN: Your Honor, I  
4 would like to move for the admission  
5 of Exhibit-18-21.

6 JUDGE HAAS: Ms. Hirakis,  
7 any objection?

8 MS HIRAKIS: No.

9 JUDGE HAAS: Okay. Then  
10 Tate Exhibit-18-21 is admitted into  
11 the record.

12 And, Mr. Zumbrun, you are  
13 excused. Thank you very much for your  
14 testimony.

15 MR. ZUMBRUN: Thank you.

16 JUDGE HAAS: Mr. Benn?

17 MR. BENN: Two more  
18 witnesses. One I know is on the  
19 phone. The other one, I believe, is  
20 going to be calling in around 2:00. I  
21 certainly don't want to impede upon  
22 the time that Amy needs with regard to  
23 her witness.

24 The witness that I would  
25 like to call now, assuming we don't

1           have a timing issue, is Silas  
2           Chamberlin.

3                   JUDGE HAAS:   Okay.  
4           Mr. Chamberlin, you are with us,  
5           correct?

6                   MR. CHAMBERLIN:   Yes, I'm  
7           here.

8                   MR. HAAS:   Okay.   Would you  
9           please raise your right hand.  
10          Mr. Chamberlin, do you swear or affirm  
11          that the testimony you are about to  
12          give in this proceeding is the truth,  
13          the whole truth, and nothing but the  
14          truth?

15                   MR. CHAMBERLIN:   I do.

16                   JUDGE HAAS:   Thank you.  
17          Before you begin, would you just state  
18          and spell both your first and last  
19          names for the court reporter.

20                   MR. CHAMBERLIN:   Silas  
21          Chamberlin, S-I-L-A-S  
22          C-H-A-M-B-E-R-L-I-N.

23                   JUDGE HAAS:   Thank you.   Go  
24          ahead, Mr. Benn.

25                           \* \* \*



SILAS CHAMBERLIN  
DIRECT EXAMINATION

\* \* \*

BY MR. BENN:

Q. Mr. Chamberlin, could you please tell us -- excuse me. I noticed that you have a Ph.D. after your name. Do you prefer that I call you Dr. Chamberlin?

A. I'll settle for Silas. That's perfectly fine. Mr. Chamberlin.

Q. All right. Then we'll call you Silas. Thank you. Silas, you had prepared a letter dated May 13, 2020 on the stationery of York County Economic Alliance, and you had signed that letter vice president, Economic and Community Development. And you addressed that letter to the Pennsylvania Public Utility Commission in relation to this particular case. Do you recall writing that letter?

A. Yes, I did write that letter.

Q. And did you author that letter?

A. Yes, I did.

Q. Are you a full-time employee of the York County Economic Alliance?

A. Yes.

Q. And how long have you been employed by

SILAS CHAMBERLIN  
1 the York County Economic Alliance?

2 A. About two years.

3 Q. Prior to being employed by York County  
4 Economic Alliance, what was your position? Who  
5 did you work for?

6 A. I was the CEO of Downtown Inc., which  
7 is the business improvement district for  
8 Downtown York.

9 Q. And for the record, it's my  
10 understanding that Downtown, Inc. had merged  
11 into the York County Economic Alliance; is that  
12 correct?

13 A. Yes. About two years ago I had been  
14 the CEO of Downtown Inc. for several years.  
15 Then about two years ago we merged with the York  
16 County Economic Alliance. So I have a  
17 county-wide role with the Economic Alliance, but  
18 still oversee our work in Downtown as well.

19 Q. So can you please relate to the court  
20 what the York County Economic Alliance is. What  
21 do they do, what does their scope involve?

22 A. The York County Economic Alliance is  
23 the umbrella organization for the Chamber of  
24 Commerce for York County as well as The Economic  
25 Development Corporation. And we also staff and

SILAS CHAMBERLIN  
1 provide all of the services for a number of  
2 county authorities from the redevelopment --

3 (Whereupon, Ms. Treuthart  
4 joined the hearing.)

5 MR. CHAMBERLIN: -- to the  
6 industry development authority of the  
7 county. So we are pretty much the  
8 voice of business in York County and  
9 also of economic development. Within  
10 that we oversee Downtown, Inc., which  
11 is both a business improvement  
12 district and a Main Street  
13 organization. So very much focused on  
14 the 26 square blocks of the central  
15 business district in York, doing  
16 everything from business recruitment  
17 and retention to beautification,  
18 physical improvement, capital  
19 investment and promotion.

20 BY MR. BENN:

21 Q. And when you were involved with  
22 Downtown, Inc. when it was a separate entity,  
23 what did Downtown, Inc. do?

24 A. We were both a business improvement  
25 district, which is very focused on taking a

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1 small assessment that property owners --  
2 commercial property owners pay and using them to  
3 improve the public environment of the downtown,  
4 so streetscapes, plantings, litter cleanup,  
5 facade improvements, lighting, all sorts of the  
6 nuts and bolts of what makes a downtown  
7 functional and attractive. And then we're also  
8 a Main Street organization and very much focused  
9 on public safety, promotions, events and  
10 economic development.

11 Q. What is the concept of maintaining the  
12 integrity of Historic York, the properties  
13 located in the historic district?

14 A. One of the key tenets of business  
15 improvement districts and Main Street programs,  
16 which is, of course a national model that's been  
17 around for several decades, is the importance of  
18 creating a distinctive sense of place. A key  
19 part of that, of course, are, you know,  
20 aesthetics, so the look and feel of the  
21 downtown, things like litter collection,  
22 avoiding vandalism, public safety. But the  
23 historic integrity of the downtown is really  
24 important. There's lots of communities that  
25 don't have an impact downtown with a lot of

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1 historic architecture. Fortunately the City of  
2 York, because of its Historic Architectural  
3 Review Board and, you know, the commitment of  
4 city council, the mayor and residents for  
5 decades have had a very well impacted historic  
6 district. And we see that as one of our main  
7 draws for tourism and one of our, you know,  
8 powerful elements that give us a distinctive  
9 downtown and attract businesses.

10 Q. In the first paragraph of your letter  
11 you write, "A private property owner," making  
12 reference to Bryan Tate, "of the City of York  
13 who has filed a formal complaint against  
14 Columbia Gas for issues related to the  
15 installation of gas meters in the city."

16 Are you familiar with the installation  
17 of gas meters in the city, and specifically in  
18 the historic district?

19 A. Yes. I'm familiar with them through  
20 conversations with residents and property  
21 owners, conversations with our city's mayor and  
22 city council and through the local media  
23 reporting on it.

24 Q. Have you had any conversations at all  
25 with respect to representatives of Columbia Gas

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1     pertaining to the installation of meters?

2     A.           I don't believe so. I may have been  
3     part of a meeting where a presentative from  
4     Columbia Gas gave a general presentation, but I  
5     couldn't say that with any certainty. I haven't  
6     had any one-on-one conversations with the  
7     utility.

8     Q.           Do you remember being at that  
9     meeting? You say you may have been. Do you  
10    remember being at a meeting where the utility  
11    made a representation to the community?

12   A.           Not in any way that I could really  
13   recount what was said. I mean, I served on the  
14   Better York board of directors. I participated  
15   in some HARB meetings, other authorities, so we  
16   hear a lot of presentations, so I couldn't speak  
17   to that.

18   Q.           You say in your letter, and I'm  
19   quoting it, in the third paragraph, last  
20   sentence, Communities working with other gas  
21   utilities have related a much different  
22   experience, including UGI's work in the City of  
23   Harrisburg's historic district, which allowed  
24   exceptions for historic properties. Do you  
25   remember that?

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1 A. I do, yes.

2 Q. And what knowledge do you have with  
3 regard to the representation that you had made  
4 in that sentence?

5 A. That was a result of me doing a little  
6 bit of outreach to my peers in Harrisburg.  
7 Obviously, someone who works with a lot of  
8 downtown stakeholders you get lots of complaints  
9 about various things, and some of them are  
10 legitimate and some of them aren't.

11 So when the issue of the gas meter  
12 installations first came up, I wasn't sure if it  
13 was people, you know, complaining just because  
14 it was an inconvenience or complaining because  
15 the process was flawed. So one of the few  
16 things that I could do was reach out to folks  
17 who had gone through similar experiences.

18 There's a downtown improvement district in the  
19 City of Harrisburg where a couple of colleagues  
20 that are doing similiar work as we do in York  
21 had some experience with UGI. And in their  
22 description of working with the utility it  
23 sounded, you know, much more productive than the  
24 antidotal evidence I was hearing in the City of  
25 York. We heard examples of historic properties

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1 being protected, the front of them, by moving  
2 meters to different locations. But I think more  
3 importantly we just heard of an overall  
4 experience with UGI that was much more of a back  
5 and forth and community oriented conversation,  
6 where some of the concerns seemed to be taken a  
7 little more seriously than what we were hearing  
8 in York.

9           So that was just purely meant to just  
10 have a sounding board from another community,  
11 and it did sound like they had a different  
12 experience.

13 Q.           What is your position with regard to  
14 meters being placed on the front of the  
15 properties in the historic district?

16 A.           I mean, our -- I guess we don't have a  
17 formal stated position on that as the Economic  
18 Alliance, but we certainly believe that they  
19 should not be placed on the front of buildings  
20 if there is any other alternatives, even if that  
21 alternative is more expensive than placing it at  
22 the front. Because, you know, we spend  
23 considerable public funds and private funds to  
24 maintain a sense of place, streetscapes are safe  
25 and are attractive, historic buildings that over



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1 decades and in some cases centuries have been  
2 protected. There's been a lot of effort and  
3 funding gone into maintaining the look and feel  
4 of downtown York and its historic integrity.

5 So certainly we welcome improvements  
6 to infrastructure, because that's great for our  
7 residents and businesses. But if it comes at  
8 the cost of assets that its taken decades to  
9 protect, we certainly don't think that that's  
10 positive for our downtown.

11 MR. BENN: No further  
12 questions, your Honor.

13 JUDGE HAAS: Okay. Thank  
14 you. Ms. Hirakis, any cross?

15 MS. HIRAKIS: Yes, your  
16 Honor.

17 \* \* \*

18 CROSS-EXAMINATION

19 \* \* \*

20 BY MS. HIRAKIS:

21 Q. Good afternoon, Mr. Chamberlin. How  
22 are you?

23 A. I'm doing well. Thanks.

24 Q. I just have a couple of questions. So  
25 in terms of your letter here, the third

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1 paragraph, where you reference other gas  
2 utilities, specifically UGI. When you spoke  
3 with your peers in Harrisburg, was the  
4 discussion around the communications UGI had  
5 with customers, property owners and the City, or  
6 was it about UGI's meter location practices  
7 specifically?

8 A. I recall it being about both. So on  
9 one hand, UGI's communication both with downtown  
10 organization and the City government, and then,  
11 you know, them citing a couple of -- or several  
12 examples of where the location of meters had  
13 been changed or altered because of it being  
14 located at -- the property being located in the  
15 historic district.

16 Q. Can you be more specific in what you  
17 mean by the location of the meter changed?

18 A. Yes. I think they cited some examples  
19 of where the initial proposal would have been to  
20 place a meter directly in front of a historic  
21 property, but there were either, you know, a  
22 side alley that it could be located or another  
23 access point. I don't know any specific  
24 properties, because I was just looking for their  
25 general experience. But they gave a couple of

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1 examples where through conversation with UGI  
2 they had been able to work out locations that  
3 seemed a little more acceptable to both parties.

4 Q. Understood.

5 MS. HIRAKIS: I have no  
6 further questions.

7 JUDGE HAAS: Okay.  
8 Mr. Benn, any redirect?

9 MR. BENN: No, I do not.  
10 And I would like to move for the  
11 admission of Exhibit-18-10.

12 JUDGE HAAS: Ms. Hirakis,  
13 any objection?

14 MS. HIRAKIS: I have no  
15 objection.

16 JUDGE HAAS: All right.  
17 Then Tate Exhibit-18-10 is admitted.  
18 And, Mr. Chamberlin, thank you for  
19 your testimony. You're excused.

20 MR. CHAMBERLIN: Thank you.

21 JUDGE HAAS: And I believe  
22 we are down to your final witness,  
23 Mr. Benn.

24 MR. BENN: I believe we are.  
25 And I believe Jean Treuthart is on the

1                   SILAS CHAMBERLIN  
2                   phone, so I would like to call Jean  
3                   Treuthart.

4                   JUDGE HAAS: Good afternoon,  
5                   Ms. Treuthart.

6                   MS. TREUTHART: Good  
7                   afternoon.

8                   JUDGE HAAS: Before you  
9                   provide your testimony, would you  
10                  please raise your right hand.

11                  Do you swear or affirm that  
12                  the testimony you're about to give in  
13                  this proceeding will be the truth,  
14                  whole truth, and nothing but the  
15                  truth?

16                  MS. TREUTHART: I do.

17                  JUDGE HAAS: Okay. And  
18                  before I turn you over to Mr. Benn  
19                  would you state and spell both your  
20                  first and last names for the court  
21                  reporter.

22                  MS. TREUTHART: Jean,  
23                  J-E-A-N, Treuthart, T-R-E-U-T-H-A-R-T.

24                  JUDGE HAAS: Thank you. Go  
25                  ahead, Mr. Benn.

                  MR. BENN: Thank you, your

JEAN TREUTHART

Honor.

\* \* \*

DIRECT EXAMINATION

\* \* \*

BY MR. BENN:

Q. Jean, are you a resident of the County  
of York?

A. Yes, I am.

Q. And are you currently employed?

A. Yes.

Q. In what capacity are you employed and  
with whom are you employed?

A. I'm the CEO of YWCA York.

Q. And how long have you held that  
position?

A. It's just coming up on six years.

Q. Prior to that position as the CEO of  
the YWCA what did you do?

A. I was the campus vice president at  
HACC York.

Q. So you have been familiar with York  
for a long time; is that correct?

A. Yes, that's correct.

Q. How long did you hold your position as  
the assistant dean at HACC York?

JEAN TREUTHART

1 A. Around 13 years.

2 Q. You wrote a letter, and it actually  
3 was directed to Judge Steven K. Haas, who is  
4 administering this hearing, dated June 17th,  
5 2020 on the stationery of the YWCA. Do you  
6 remember authoring that letter?

7 A. Yes, I do.

8 Q. You, I believe, have been involved in  
9 some dialogs as it pertains to Columbia both as  
10 a CEO of the YWCA, as well as being involved  
11 with Old Town East Neighborhood; is that right?

12 A. Yes, I have. And then prior to my  
13 coming to the YWCA, the prior administration at  
14 the YWCA has.

15 Q. What was the involvement of the YWCA  
16 as it pertains to Columbia Gas and the  
17 installation of outside meters, gas meters?

18 A. Well, going back to the Elm Street  
19 Revitalization Project would be the first time  
20 that the YW was connected to Columbia Gas in  
21 terms of the placement of gas meters.

22 Q. Excuse me. I'm sorry to interrupt  
23 you, but that would have been in and around  
24 2009; is that right?

25 A. That's correct, yes.

JEAN TREUTHART

1 Q. Okay. Go ahead, please.

2 A. So we were the grand administrator for  
3 a large Elm Street Revitalization project back  
4 in 2009, which replaced sidewalks, planted  
5 trees, added lights, did a number of  
6 improvements. And the placement of the gas  
7 meters came up at that time, and Columbia Gas  
8 agreed to place any new meters that were part of  
9 the project --

10 (Whereupon, Mr. Tubbs joined  
11 the hearing.)

12 MS. TREUTHART: -- to place  
13 any new meters in the basement of the  
14 homes in the Old Town East  
15 neighborhood.

16 BY MR. BENN:

17 Q. And what evolved from that? What  
18 happened after that 2009 dialog?

19 A. To best of my understanding, those  
20 changes were made, and Columbia Gas did agree to  
21 do that. So I think more recently I thought  
22 that that might be how they would go with the  
23 more recent installation of the gas meters. And  
24 I knew that the homeowners were concerned about  
25 the placement of the meters, but I wasn't

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1 involved at that point, because I thought that  
2 they would do what they had done before.

3 Q. In the fourth full paragraph of your  
4 letter, the paragraph that begins, "I personally  
5 was shocked," you state one of the properties,  
6 dubbed YWCA York Serenity Place, had the meter  
7 installed right on a narrow sidewalk even though  
8 there were many other options available. Do you  
9 know what other options were available?

10 A. Yes. I think they certainly could  
11 have placed the meter on the other side of the  
12 stairs, so that they weren't right on the  
13 sidewalk. It reduced the sidewalk to about four  
14 feet. And we have double strollers that go down  
15 Meineke Place. We have some older citizens who  
16 are members, residents who are members in our  
17 aquatics program. And that meter is literally  
18 plunked right down on the sidewalk next to  
19 stairs to a front door.

20 Q. Has that caused any particular issues  
21 with regard to those individuals that you just  
22 referred to? What I mean is, those persons that  
23 had the double strollers, those persons that  
24 would otherwise walk on the sidewalk without  
25 maybe any disability and those persons that



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1 would walk on the sidewalk with a disability?

2 A. No one has filed a complaint of any  
3 type with us. I don't believe that there has  
4 been an accident at this point in time. I have  
5 watched our teachers navigate the strollers  
6 carefully around the parking meter, but we have  
7 not had any claims to date.

8 Q. Did you expect that Columbia Gas was  
9 going to be installing the meter where they had?

10 A. No, no. It struck me that there was a  
11 complete lack of concern as to where they were  
12 going to place it. It was so obvious that you  
13 would not put a meter right at the end of the  
14 stairs along the wall on the sidewalk. It  
15 didn't make any sense. And I have to say also  
16 that when I saw where they were installed in  
17 houses along Market Street I was taken aback as  
18 to how unappealing they were, how intrusive the  
19 meters are. They're collecting garbage. Some  
20 of them are put into some large like plastic  
21 tubes that are completely open. I was really,  
22 really shocked by it.

23 Q. In your letter you make reference to  
24 the Historical Agricultural Review Board, HARB,  
25 which is an advisory board for the City of

JEAN TREUTHART

1 York. Do you have any familiarity with that  
2 board?

3 A. Yes. We're familiar with HARB because  
4 YWCA York is located in the historic district,  
5 and we have had to go before HARB before. And  
6 then, of course, they make recommendations to  
7 the York City Council. So we have had some of  
8 the changes that we wanted to our buildings  
9 turned down by HARB, so I know firsthand how  
10 they operate and they are sticklers for details  
11 in our historic area.

12 Q. Do you think that's good or bad for  
13 the City of York?

14 A. Well, I think it's good for the City  
15 of York, even though it can be inconvenient for  
16 us at times.

17 Q. Do you believe that the meters would  
18 adversely affect the integrity of the historical  
19 nature of these buildings?

20 A. Yes, they do.

21 MR. BENN: I have no further  
22 questions.

23 JUDGE HAAS: Okay.

24 Ms. Hirakis, any cross?

25 MS. HIRAKIS: Yes, your

JEAN TREUTHART

Honor.

\* \* \*

CROSS-EXAMINATION

\* \* \*

BY MS. HIRAKIS:

Q. Good afternoon, Ms. Treuthart. How are you?

A. I am well. Thank you.

Q. Good. I just have a few questions for you. My questions are going to be focused on the portion of your letter that states that the Y had a meter installed at the -- on a narrow sidewalk. When did this occur?

A. Oh, my goodness. I'm not going to be able to accurately tell you that. I would say -- I would say it was at least a year, but I can't honestly say that. I can provide that information to Attorney Benn, but I can't say accurately when that was.

Q. Okay. Did the Y receive any notice from Columbia before the meter was located at that location?

A. I'm not aware of that. But it would have gone to our CFO, because she is in charge of facilities, but I'm not aware of that.

JEAN TREUTHART

1 Q. Okay. So is it fair to say that you  
2 can't testify whether or not Columbia provided  
3 notice to the Y before installing the new meter?

4 A. I cannot -- no, I cannot testify to  
5 that or what communication took place. But I  
6 could provide that information.

7 Q. And being that you don't know if a  
8 communication was received by the Y, do you --  
9 do you have personal knowledge of whether or not  
10 the Y or anyone at the Y informed Columbia Gas  
11 that they objected to the location of the meter  
12 on the sidewalk?

13 A. I don't believe we did follow up with  
14 Columbia Gas. I think that we were not happy  
15 with the placement of the meter, but I don't  
16 think that we followed up at that point.

17 Q. Okay.

18 MS. HIRAKIS: I have no  
19 further questions. Thank you.

20 JUDGE HAAS: Mr. Benn,  
21 anything further?

22 MR. BENN: I do not have  
23 further questions for this witness.  
24 And I would move for the admission of  
25 Exhibit-18-8.

JEAN TREUTHART

1 JUDGE HAAS: Okay.

2 Ms. Hirakis, any objection to  
3 Exhibit-18-8 being admitted?

4 MS. HIRAKIS: No, your  
5 Honor.

6 JUDGE HAAS: Okay. Then  
7 Tate Exhibit-18-8 is admitted.  
8 Ms. Treuthart, thank you for your  
9 testimony. You are excused.

10 MS. TREUTHART: Thank you.

11 JUDGE HAAS: I believe for  
12 today we are finished with Mr. Tate's  
13 presentation. Does -- would anybody  
14 like a short break, or are we ready to  
15 move on to Columbia's witnesses?  
16 Ms. Hirakis, do you have a  
17 preference?

18 MS. HIRAKIS: I am good  
19 moving forward. I believe I heard  
20 Mr. Tubbs join us again. But I do not  
21 withhold a break either, if anyone  
22 needs one.

23 JUDGE HAAS: Mr. Benn, do  
24 you have a preference?

25 MR. BENN: I'm okay.

JEAN TREUTHART

1 JUDGE HAAS: Well, why don't  
2 we press on, then. I thought I heard  
3 Mr. Tubbs. Mr. Tubbs, did you rejoin  
4 the call?

5 THE WITNESS: I did. I'm  
6 here.

7 JUDGE HAAS: Are you in the  
8 clear now for the afternoon?

9 THE WITNESS: I am. Thank  
10 you very much. I'm ready to go.

11 JUDGE HAAS: Ms. Hirakis,  
12 would Mr. Tubbs be your first witness  
13 or is somebody else going first?

14 MS. HIRAKIS: That's  
15 correct, Mr. Tubbs.

16 JUDGE HAAS: Okay. All  
17 right. Mr. Tubbs, if you would  
18 please -- before you testify would you  
19 raise your right hand. Do you swear  
20 or affirm that the testimony you're  
21 about to give in this proceeding will  
22 be the truth, the whole truth, and  
23 nothing but the truth?

24 MR. TUBBS: I do.

25 JUDGE HAAS: And for the

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benefit of the court reporter would  
you just please state and spell your  
first and last names.

MR. TUBBS: Yes. First name  
is Andrew, A-N-D-R-E-W. Last name is  
Tubbs, T-U-B-B-S.

JUDGE HAAS: Okay. Go  
ahead,  
Ms. Hirakis.

MS. HIRAKIS: Thank you.

\* \* \*

DIRECT EXAMINATION

\* \* \*

BY MS. HIRAKIS:

Q. Mr. Tubbs, can you please state who  
your employer is and what your job title is?

A. Yes. I'm the vice president of  
external and customer affairs for Columbia Gas  
of Pennsylvania.

Q. And can you provide a brief  
description of your role as vice president of  
external and customer affairs?

A. Yes. In my role as vice president I  
oversee all regulatory activities for Columbia  
Gas of Pennsylvania, all filings before the PUC,

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1 the management of our chair in compliance with  
2 the tariff, also with the City group that  
3 oversees complaints. In addition, I receive  
4 communications, government relations, large  
5 customer relations and our charitable outreach  
6 effort.

7 Q. Okay. So in your role would you say  
8 that you are familiar with the state statutes  
9 and the regulations that govern gas utility  
10 companies in Pennsylvania?

11 A. Yes.

12 Q. Are you familiar with the construction  
13 project taking place in the City of York,  
14 specifically on South Pine Street?

15 A. I'm aware of the project. I'm not  
16 intimately familiar with the details of that  
17 project. That's handled by our construction  
18 crew. And our communication folks work really  
19 closely with construction about notification of  
20 customers and dealing with making sure that  
21 local residents and officials are aware. But  
22 I'm aware of the project. I'm aware of our  
23 activities and the reasons for them.

24 Q. Okay. Is there a commission  
25 regulation that addresses the location of gas



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1 meters?

2 A. Yes. It's section 5918 of the  
3 commission's regulations.

4 Q. Okay. And does this regulation  
5 provide a general rule as to where a gas company  
6 must locate a gas meter?

7 A. It does. It changed the commission  
8 order back in May of 2014 where the commission  
9 amended this provision of its regulations about  
10 inside meters and where those meters should be  
11 located on the outside. The general rule of  
12 that regulation is that meters should be on the  
13 outside, unless otherwise required. That  
14 regulation went into effect, I believe, in  
15 September of 2014, September 13th. And  
16 basically what that requires is that utilities  
17 like Columbia PA and other gas utilities to move  
18 all inside meters to the outside by 2034. I  
19 think the main driver of that change, if you  
20 read over the Commission's order from 2014, was  
21 a concern of the gas safety division of the  
22 Public Utility Commission about inside meters  
23 and the number of incidents in Pennsylvania  
24 associated with inside meters. At that time you  
25 had a lot of steel service lines, attached

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1 inside meters, and if those lines were hit, it  
2 resulted in gas flowing inside the home.

3 I believe the order actually cited the  
4 number of incidents that they had had in  
5 Pennsylvania because of that. But it's only  
6 that -- you know, the commission felt it was  
7 strongly something to do. But the Commission  
8 did provide some leeway to the utilities to make  
9 a discretion about where the meters should be.

10 The ultimate decision where meters go comes from  
11 the utility and its tariff, but also can address  
12 and consider our customers' concerns about meter  
13 locations.

14 Q. Okay. What is Columbia's position on  
15 the safety of inside meters versus outside  
16 meters?

17 A. At the public hearing in July of 2019  
18 in York we talked about this. And, you know, I  
19 greatly appreciate the residents of York having  
20 concerns about the aesthetics of meters. I  
21 can't testify that a utility meter, either  
22 electric, gas or water, is necessarily an  
23 attractive piece of equipment. But at the same  
24 time, I was very clear that, if possible, it was  
25 our desire to get all inside meters moved to the

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1 outside. And the reason for that is this, I  
2 think I heard testimony earlier today about, you  
3 know, the cleaning off of snow and ice. And if  
4 it's a concern about how Mr. Tate is able to  
5 clean off the snow and ice from his meter, is it  
6 really safe to have it on the outside. I  
7 understand what he's saying and I appreciate  
8 where he's coming from. I'll point out this  
9 difference. Having a meter on the outside and  
10 having it hit or having a leak it's then venting  
11 to the outside. Having a meter located on the  
12 inside of the home, if you have any type of gas  
13 leak, if it's bumped in a resident's basement or  
14 a customer's basement from work being done  
15 around the home or just wear and tear it has a  
16 leak. It's on the inside of the home, and  
17 therefore there isn't venting on the outside.  
18 It's venting and captured inside the home.  
19 That's what you're trying to avoid.

20 I think another thing too is the  
21 commission identified about having inside meters  
22 is that utilities like Columbia Gas are required  
23 to do leak surveys, and that takes it from the  
24 main all of the way up through the meter.

25 In order for us to get access and to

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1 complete that type of leak survey requires us to  
2 have access to the meter. And it's easier at  
3 some point for us to have access to do that  
4 survey when the meter is on the outside of the  
5 home rather than on the inside.

6 Q. Understood. Does Columbia provide  
7 notice to property owners that Columbia will be  
8 relocating the gas meters from the inside to the  
9 outside of a property before it actually takes  
10 action to do so?

11 A. That's a good question. And you said  
12 a property owner, so I'm going to parse a little  
13 bit. Mr. Tate recognized that he did not  
14 receive notice initially, and I think that's  
15 true. And the residence that we're talking  
16 about here is a rental property. And the  
17 customer of record at that location is not  
18 Mr. Tate, it's a tenant. So his tenant received  
19 that, that communication, and that's consistent  
20 with the Commission's regulations. I will  
21 say -- Mr. Tate also talked about the form he  
22 filled out when he lodged -- seeking exemption  
23 to the Commission's regulation and our request  
24 to move the meter from the inside to the  
25 outside. Coming out of that July 31, 2019

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1 public hearing it was clear that there was a lot  
2 of rental properties in the City of York. And  
3 there were, you know, the property owners, who  
4 were not the customers of record, who were still  
5 looking to have that information provided to  
6 them. And in response Columbia modified its  
7 process and has worked with the City of York to  
8 identify those properties on our projects going  
9 forward that have rental properties, to get the  
10 name of the owner of the property so we can  
11 notify both the owner of the property as well as  
12 the customer of record, that is who our  
13 relationship is with and not with the property  
14 owner, to make sure that both parties are  
15 notified.

16 And then at the same time in that July  
17 31 hearing it was clear that what we could do  
18 better is provide a better process to allow  
19 residents and customers to seek a formal  
20 exemption. You know, had Mr. Tate or his tenant  
21 simply now called us and said "I don't want the  
22 meter moved from the inside to the outside" it  
23 would have resulted in the same position we are  
24 in right now.

25 But Russ Bedell on our behalf and our

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1 communication staff put together a form. I do  
2 believe Mr. Tate was first one to use that. And  
3 I'll say largely and for the most part because  
4 there is a lot of people at that July 31st  
5 hearing, but Mr. Tate is the only property owner  
6 or customer in York that we have yet to address  
7 their concerns. We've been really successful in  
8 working with our customers to try to address  
9 their concerns. Unfortunately, we just haven't  
10 been able to get there with Mr. Tate.

11 Q. Understood. So can you now explain  
12 how Columbia addresses the historic district's  
13 exemption within regulation when a property  
14 owner objects to the relocating of a meter  
15 outside?

16 A. Sure. When I say this about the  
17 historic district, let me say this. We treat  
18 all of our customers the same way. But like  
19 Mr. Tate, if you have a customer whose home is  
20 on either historic -- has been marked as a  
21 historical building or is eligible to be on the  
22 historic register, we take that very seriously.  
23 We go and look at the property, and we talk with  
24 the customer about location. And while we're  
25 generally very successful in relocating along

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1 the home or in the back of the house, if  
2 possible, that's not always possible. The  
3 Commission's regulation, in our view, requires  
4 that we consider it, and we always consider it.  
5 And we did here as well. But at the end of the  
6 day, we feel strongly that it's safer to have  
7 the meter on the outside of the home rather than  
8 on the inside of the home.

9           While a regulator is something that's  
10 been used in other areas, it's up to each  
11 utility to decide what's best for its operation.  
12 Columbia has a clear preference to have the  
13 meter on the outside, just because of the  
14 reasons I stated earlier. It could still be  
15 damaged inside the home and you don't have the  
16 venting that you want. It also provides better  
17 access to our crews in case of emergencies in  
18 the local area. That's kind of -- we meet the  
19 customer. We try to find a good location. In  
20 instances where we can't find a good location,  
21 like we have here, we do talk about paint  
22 color. We talk about screening. We do our best  
23 to have it sort of blend in and not stick out  
24 like a sore thumb. But, again, we just weren't  
25 successful at this point in time with Mr. Tate.

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1 Q. When Columbia does make the offer of  
2 painting a gas meter or putting some sort of  
3 screen in, is this an extra expense to the  
4 customer or the property owner?

5 A. No. We take care of that. We work  
6 with local -- like a Sherwin Williams or local  
7 producer of screens. And, again, we'll do our  
8 best to make the screens decorative to match the  
9 exterior of the home. If there's an  
10 architectural aspect to the home, a particular  
11 design, we'll work on that as well.

12 I do believe strongly that the  
13 Columbia Gas of Pennsylvania employees, both  
14 here in this case and all instances, really take  
15 the consumer's request to heart and really do  
16 our best to address their concerns but while  
17 still maintaining our commitment to safety on  
18 our system.

19 Q. Understood. When Columbia Gas is in  
20 the process of looking to paint the gas meter or  
21 providing screening, is the property owner  
22 involved in that process?

23 A. Absolutely. It's something that's  
24 important, again. It's really trying to  
25 maintain a good working relationship. We want



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1 the customers to be happy. You don't want the  
2 customers to not -- somebody wanted to have  
3 their own paint color. So I think that would be  
4 a poor way to approach customer service. We  
5 definitely want to work with the customers to  
6 try to find something that works both for the  
7 customer and for us.

8 Q. Now, at the beginning of your  
9 testimony you mentioned tariffs. Can you  
10 explain what tariffs are?

11 A. Yes. Tariffs are, I guess, simply the  
12 rules of the road of how we do our business.  
13 Those rules are captured and called our tariff.  
14 Those are spelled out very specifically. Those  
15 are public documents available on the  
16 Commission's website as well as our website.  
17 All of those rules are reviewed and approved by  
18 the Commission. And I think the Commission  
19 would view those as having the force and effect  
20 of law. We have to live up to the terms of our  
21 tariff. And if we don't, then we're often  
22 before judges like Judge Haas to have  
23 conversations about whether or not we adhere to  
24 our tariffs or not.

25 Q. Understood. Now, I'm going to refer

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1 you to a document that I have marked Columbia  
2 Hearing Exhibit-10. Let me know when you have  
3 that before you.

4 A. I do. It's in front of me now.

5 Q. Okay. Can you say what Columbia  
6 Hearing Exhibit-10 is?

7 A. Yes. This is the tariff we put into  
8 place following implementation of the  
9 Commission's changes to section 5918 of the  
10 Public Utility code. This is how we changed our  
11 tariff to comply with the inside meter move-out  
12 requirements that the Commission has in place.

13 Q. Okay. And does any portion of this  
14 tariff give the company the right to determine  
15 the location of the meter?

16 A. Yes. In Pennsylvania it's up to  
17 the -- Columbia Gas of Pennsylvania has the  
18 discretion to determine the location of its  
19 meter.

20 I understand that Mr. Tate had  
21 mentioned earlier about having the tariff (sic)  
22 on the back of his home. I think it's a prime  
23 example. You know, clearly, if we could do  
24 that, we would like to do that. But the fact of  
25 the matter is at this point in time the main,

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1 where the gas comes through to serve Pine  
2 Street, is in the front of his home. In order  
3 to put the meter in the back would require  
4 either relocation of the main or really a  
5 lengthy service line going between two homes.  
6 And it's not really good for access in case  
7 there's ever an issue on that service line.

8 So the back of the home wasn't really  
9 an option here. An example, too, is I think  
10 Mr. Tate referenced -- Mr. Brumley will probably  
11 speak to this more eloquently than I -- it's a  
12 causeway and particularly a shared one. My  
13 guess is that there's just limited space there  
14 for a meter to be there, for people to still  
15 walk past and for our employees to do work on a  
16 meter to the extent we ever had to do work on  
17 that meter.

18 Q. Now, you mentioned --

19 A. That's probably why they did not put  
20 them there. Sorry.

21 Q. Understood. You just stated that  
22 locating the gas meter at the rear of Mr. Tate's  
23 property would require a gas main to be back  
24 there. Is installing a new gas main expensive?

25 A. It is. It is expensive. And that's

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1 something that's paid for by our customers like  
2 Mr. Tate and his tenant. So we're very cautious  
3 about how we spend our customers' money. We  
4 realize that they are the ones that pay the  
5 monthly charges for our service, which then goes  
6 into the investment, into the system that  
7 provides them the service. And we do our best  
8 to be good stewards of our customers' dollars.

9 Q. Now, did you hear Mr. Tate's testimony  
10 regarding receiving notices stating that his gas  
11 service would be interrupted?

12 A. I did. It's a tough one. I  
13 understand his frustration with that. But at  
14 the time where he requested an exemption we  
15 determined that we were unable to provide him  
16 one at this time. We have a project going  
17 forward. So the next step is for us to go ahead  
18 and complete the replacement of the main and the  
19 service line in the City of York and in his  
20 neighborhood required to take the main out of  
21 service. And in order to do that, we had to let  
22 him know that. And at that point in time there  
23 was not a complaint. We've had discussions  
24 about it. But it really was sort of the next  
25 step in this process, was to let him know we're

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1 coming in. And as soon as he made the  
2 determination to file the complaint -- I know he  
3 felt like his back was against the wall but  
4 that's also what was necessary to happen to stop  
5 the project and to get us to where we are today  
6 so he has an opportunity to have his concerns  
7 addressed before the Commission. I understand  
8 his frustration with it, but I also think it led  
9 us to giving him his day in court, if you will.

10 Q. Understood. So I'm going to refer you  
11 to a document I have marked Columbia Hearing  
12 Exhibit-9. Do you have that before you?

13 A. I do.

14 Q. Okay. Can you state what this  
15 document represents?

16 A. This actually -- if you look at --  
17 sort of like service continuity. I think you're  
18 probably looking at 13.2, is interruption of  
19 service. That provides us with the authority to  
20 temporarily interrupt service when necessary to  
21 do repairs or maintenance or eliminate a threat  
22 to individuals or property in our system. So it  
23 just provides us the authority to do the  
24 interruption of service to customers like  
25 Mr. Tate's tenant.

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1 Q. Okay. Thank you. Did you also hear  
2 Mr. Tate testify earlier today about his concern  
3 with an outside meter being vandalized?

4 A. I did. And I heard that in July at  
5 the public hearing. I have been with the  
6 company for six years, and I've worked with this  
7 specific regulation since all six years I've  
8 been here. At no time in any of my  
9 conversations internally have I heard of a  
10 situation where we've had vandalism to our  
11 meters. And it's something that I have not  
12 heard about in any of our discussions. It's not  
13 to say it's never happened, but it's certainly  
14 not something that's prevalent to gas meters. I  
15 think turning on a water spigot is one thing,  
16 but people tend to stay away from gas and  
17 electric meters just because most people know  
18 it's something you shouldn't mess with.

19 Q. Okay. Now, you just mentioned it was  
20 the public meeting that happened with the City  
21 of York in July 2019. Can you describe what  
22 occurred at that public meeting? So who from  
23 the company was there and what other entities  
24 participated in that public meeting?

25 A. It was a full house. It followed a

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1 couple of other meetings with local city  
2 officials. I think at that meeting you had  
3 representatives of the Consumer Advocate. I was  
4 there on behalf of the company as well as Russ  
5 Bedell, people from our construction team,  
6 government affair groups were there as well. But  
7 you also had state officials, Mayor Helfrich  
8 from the city. We had a number of residents.  
9 We had representatives from HARB. The woman who  
10 testified earlier, I'm sorry, I forgot --  
11 Crawford, I beleive. I believe she was also in  
12 attendance at that hearing. You had the  
13 Commission's gas safety division, both on stage  
14 as well as in the audience, as well as news  
15 media covering that pubic hearing.

16 Q. Okay. Was the discrepancy between how  
17 Columbia Gas is locating meters in the City of  
18 York and how UGI is locating meters in the City  
19 of Harrisburg discussed?

20 A. It was. I mean, the one thing is the  
21 regulator still results in something on the  
22 outside of the home, but it's not perhaps as  
23 large. But the UGI -- one, UGI is a different  
24 company with its own set of rules, its own set  
25 of -- every gas company operates differently.

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1 We're not all the same. We have different  
2 internal rules on how we do things. But the  
3 conversation about UGI, the location of meters  
4 on the inside of the home in historic  
5 Harrisburg, which my office is right there, so I  
6 walk by them, was addressed. And I believe it  
7 was Paul Metro, who was then the head of the  
8 Commission's gas safety division, stood up to  
9 describe the difference between York and  
10 Harrisburg. And what he said at that meeting  
11 was that the meters in Harrisburg were  
12 different. Because in Harrisburg the basements  
13 in the homes in Harrisburg extend out front  
14 beyond the front of the home. So it made it  
15 really different to locate a meter so far away  
16 from a building even out to the sidewalk. Every  
17 neighborhood, every home has its own unique  
18 circumstances. York is very narrow. York has  
19 very narrow streets and narrow buildings. It  
20 makes it very unique. Harrisburg happens to  
21 have basements extended out beyond the front of  
22 the building, which made it difficult, if not  
23 impossible, to have that outside meter. So I  
24 think that's what Mr. Metro discussed at that  
25 meeting, which is what kind of drove UGI's



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1 decision there.

2 Q. Now, you just testified there was a  
3 full house at the public meeting. We've also  
4 heard testimony from several organizations that  
5 are concerned with locating meters out front who  
6 have said that they are hearing from property  
7 owners. So I'm going to ask you, right now  
8 besides Mr. Tate's complaint before the  
9 Commission, how many complaints do we have  
10 regarding our placement of meters outside?

11 A. No formal complaints.

12 Q. Okay.

13 A. I believe it was Ms. Crawford at that  
14 hearing actually commended Columbia Gas, because  
15 we were actually at that hearing and we were  
16 engaging with the community and working with the  
17 community. I think one of the best things  
18 coming out of that meeting is that we were able  
19 to address, you know, everyone's concerns or  
20 most everyone's concerns at that meeting. And  
21 we continue committed to work with our  
22 customers, including Mr. Tate, to try to make  
23 our system safe but also make them feel pleased  
24 with their homes.

25 The thing is that the rule in

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1 Pennsylvania, every gas meter, you know -- or  
2 just about -- the majority of gas meters in  
3 Pennsylvania will be on the outside if possible.  
4 So I think the majority of homes in the  
5 Commonwealth of Pennsylvania will have outside  
6 meters by 2034. So I think that's something  
7 that we should be paying attention to as well.

8 Q. Okay. Well, thank you.

9 MS. HIRAKIS: Your Honor, I  
10 don't have any further questions at  
11 this time.

12 JUDGE HAAS: Thank you.  
13 Mr. Benn, any cross-examination for  
14 Mr. Tubbs?

15 MR. BENN: Quite a bit  
16 actually.

17 \* \* \*

18 CROSS-EXAMINATION

19 \* \* \*

20 BY MR. BENN:

21 Q. Mr. Tubbs, why is there only a  
22 regulator at 257 East Market Street?

23 A. I'm not familiar with 257 East Market  
24 Street, but I believe Mr. Brumley will be a  
25 witness. You could raise that with him.

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1 Q. Why is there only a regulator outside  
2 Central Market in York?

3 A. Again, I'm not in construction, so I'm  
4 not familiar with that location either.

5 Q. You made reference to section 59.18,  
6 did you not?

7 A. I did.

8 Q. And I think the inference was that the  
9 utility has the right at its sole discretion to  
10 do what it chooses to do; is that not correct?

11 A. I wouldn't put it that way. I believe  
12 our tariff provides us the authority to  
13 determine the location of our meters. And  
14 regulation 59.18 provides that inside meters be  
15 located outside of the home, but it requires  
16 that we consider inside meters when certain  
17 conditions are met.

18 Q. Well, let's refer to section 59.18  
19 subsection D. What does that refer to?

20 A. I don't have that in front of me.  
21 Give me a second. Is that one of your  
22 exhibits?

23 Q. It's part of our complaint. It's part  
24 of your regulations?

25 A. Just give me a second. I'll be happy

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1 to look it up for you.

2 Q. If I told you it dealt with historical  
3 districts, historical places, what does that  
4 mean to you?

5 A. The commission had -- in doing that  
6 regulation had a great deal of interest on the  
7 historical district. So there definitely is a  
8 section about historical districts, about those  
9 homes that were available to seek an exemption  
10 but it did not guarantee them that one would be  
11 provided.

12 Q. Right. It did provide a guarantee,  
13 because it basically allows a discretion to the  
14 utility regardless as to whether it's outside of  
15 the historical district or inside the historical  
16 district.

17 A. That sounds correct to me, yes.

18 Q. Is that not correct? Then what was  
19 the purpose of section 59.18 subsection D?

20 A. You can take that up with the  
21 commission.

22 Q. Meaning, that UGI will work with  
23 customers, but Columbia Gas will not?

24 A. Again, I think I just drew a  
25 distinction between UBI and Columbia Gas. I

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1 guarantee Columbia Gas will work with our  
2 customers, and we have worked with your client,  
3 not to his satisfaction, but we have worked with  
4 him.

5 Q. Well, how do you describe to me and to  
6 the judge that you've worked with Mr. Tate?

7 You've told him where the meter is going to go.

8 You told him that you're not concerned about

9 vandalism. You told him that you're not

10 concerned about the shallow nature of his

11 pavement. But yet you've worked with him

12 because you offered to paint and screen it and

13 put it in one particular place and one

14 particular place only. How have you worked with

15 him?

16 A. Happy to answer. I would say that

17 we're happy to work with him because we did

18 not -- ultimately we decided that the best

19 location is where the X is marked on the outside

20 of his home, but we didn't meet with Mr. Tate at

21 his property to look at other options. We

22 looked at the option of the grocer pathway that

23 he described and found that that would not work,

24 because it's jointly owned and likely would not

25 provide enough space. I also talked about how

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1 we considered the back of the home. That was  
2 also not an option, because of the location of  
3 the main and concerns about the service -- you  
4 have a service line in between the two  
5 buildings. I think that's considering where to  
6 put the meter. We also considered his safety  
7 and the safety of our community and preferred to  
8 have the meter on the outside. Because I don't  
9 want -- if I can have a meter on the outside,  
10 it's better access. It also allows for venting  
11 to be outside, so we did consider it. We talked  
12 about painting and other ways that we tried to  
13 address concerns about aesthetics.  
14 Unfortunately we were unable to get there.

15 Q. You make reference to the fact that  
16 it's safer to have the meter on the outside  
17 because of leaks; is that correct?

18 A. I did, yes.

19 Q. So if I have a gas boiler in my house,  
20 are we not concerned about how it would  
21 otherwise be affected by a leak?

22 A. I'm glad you asked that question. And  
23 I think I said this at the public hearing as  
24 well, I'm not suggesting that having a meter  
25 inside your home is like having a ticking time

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1 bomb inside your house, because that's not the  
2 case. But what I'm suggesting is that -- is it  
3 safe to have the meter on the outside? The  
4 answer is yes. And I believe that's what the  
5 commission's intent is with 59.18. I think  
6 that's the intent of the commission, is coming  
7 out of looking at the federal regulations. It  
8 is just deemed to be safer to have your meter on  
9 the outside rather than the inside. But I'm not  
10 suggesting that it's, you know -- your gas  
11 furnace or your gas meter on the inside is, you  
12 know, going to result in harm to you or your  
13 home.

14 Q. So are we to do away with gas ranges?

15 A. No.

16 Q. Are we to do away with gas stoves?

17 A. No.

18 Q. Are we to do away with gas fireplaces?

19 A. Again, the answer is no. I think I've  
20 answered what you're intending to get at. You  
21 just may not like my answer, and I understand  
22 that.

23 Q. Well, no. I just don't like the  
24 decision that you've made to put the meter in  
25 the right-hand corner of Mr. Tate's property. As

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1 far as your answers, you're certainly entitled  
2 to whatever answer you choose to have.

3 I'm curious, though, as to why if in  
4 fact it's allegedly safer to have it on the  
5 outside, how is it that UGI, because we've put  
6 UGI into play in this case, has decided to put  
7 regulators on the outside but not meters in the  
8 historical district of Harrisburg.

9 MS. HIRAKIS: Objection.

10 Your Honor, Mr. Tubbs testified  
11 earlier that UGI is a separate  
12 company. Though we've discussed UGI  
13 in the context of what other witnesses  
14 know about UGI practices in terms of  
15 locating meters as well as their  
16 communication with customers, property  
17 owners and local organizations, you  
18 know, Columbia is not in a position to  
19 testify what UGI's practices are.

20 JUDGE HAAS: I agree. I'm  
21 not interested in hearing Mr. Tubbs'  
22 thoughts on what may or may not be  
23 UGI's motivations. I'm just not  
24 interested in that, Mr. Benn. Let's  
25 just move on.



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1 BY MR. BENN:

2 Q. You indicated, Mr. Tubbs, that the  
3 tenant received mail notice of the constructions  
4 that were going to take place. When, in fact,  
5 Mr. Tate had indicated by his testimony that the  
6 initial notice that was provided was posted on a  
7 door. Are you familiar with that?

8 A. Yes. Again, if you look through the  
9 Commission's regulations and how this goes, it  
10 would have been a letter, but the door hanger  
11 would have been three days prior to the  
12 beginning of the project, if I'm not mistaken.

13 Q. So you would agree then that the  
14 notice on the door was placed prior to a letter  
15 going out?

16 A. No. I'm suggesting that a letter  
17 would have gone out and then the door hanger  
18 would have followed. So I'm saying there  
19 probably was a letter, but then the door hanger  
20 followed.

21 Q. And when you testified that you treat  
22 all customers the same, you acknowledge that the  
23 property located at 257 East Market Street,  
24 where there's just a regulator on the outside,  
25 and the Central Market, where there's just a

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1 regulator on the outside is, in fact, treated  
2 differently than what you intend to do with  
3 regard to  
4 Mr. Tate?

5 A. Well, I'm not testifying --

6 (Multiple speakers)

7 JUDGE HAAS: All right.

8 Guys, we have to do this one at a  
9 time. Hold on. Mr. Benn, you asked  
10 the question. I think Ms. Hirakis has  
11 an objection.

12 MS. HIRAKIS: Yes, your  
13 Honor. I'm going to object, because  
14 Mr. Tubbs has already testified that  
15 he is not the proper witness to ask  
16 about the specific properties.

17 In fact, we have another  
18 witness scheduled to testify. That is  
19 Raymond Brumley, and he is the manager  
20 of construction. So he would be able  
21 to testify as to the pictures or the  
22 exhibits that Mr. Tate has entered  
23 into the record. I also want to note  
24 that part of the issue here is that  
25 the reference to that other property

1                   ANDREW TUBBS  
2                   actually doesn't have a gas regulator  
3                   on the outside. But, again, I think  
4                   that's more for our other witness to  
5                   respond to.

6                   JUDGE HAAS: All right.  
7                   Let's save those questions --

8                   MR. BENN: Your Honor, the  
9                   reason I asked those questions is  
10                  because it was Mr. Tubbs' testimony  
11                  that Columbia Gas "treats all  
12                  customers the same way."

13                  JUDGE HAAS: Okay. We have  
14                  that testimony, and you test that out  
15                  when you have an opportunity to talk  
16                  to Mr. Brumley.

17                  MR. TUBBS: Mr. Benn, I  
18                  did --

19                  JUDGE HAAS: Mr. Tubbs, go  
20                  ahead.

21                  THE WITNESS: I apologize.  
22                  I didn't mean to cut you off. I was  
23                  going to correct something I stated.  
24                  I think you're right, the letter that  
25                  went to the property would have  
                  been -- the first letter would have

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1       been literally hung on the door rather  
2       than sent in the mail. So I apologize  
3       if I misspoke. I wanted to correct  
4       that for you.

5               MR. BENN: That's okay.  
6       Thank you.

7               The question, your Honor,  
8       was Mr. Tubbs had testified that all  
9       customers are treated the same. And I  
10      used the property on Market Street as  
11      an example that not all customers are  
12      treated the same.

13              JUDGE HAAS: I understand  
14      that, but Mr. Brumley would be able to  
15      explain why there may have been a  
16      difference in the treatment.  
17      Mr. Tubbs has indicated that he can't  
18      answer that question. So I think we  
19      should save that --

20              MR. BENN: Well, but he can  
21      respond to the fact that customers are  
22      treated the same.

23              JUDGE HAAS: Well, he  
24      testified that the company tries to --  
25      the company treats customers the

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1 same. But then there may be a good  
2 reason why the other property was  
3 handled differently. I think  
4 Mr. Brumley is the one to answer those  
5 questions.

6 BY MR. BENN:

7 Q. Mr. Tubbs, when we talk in terms of an  
8 outside meter, is it your experience that there  
9 is never any damage to an outside meter?

10 A. No. I think it happens, right. It's  
11 going to have damage. It can be hit by a lawn  
12 mower or things like that. It can happen, sure.  
13 And I wouldn't testify it never gets damaged.

14 Q. You had indicated that one of the  
15 reasons is -- putting it on the outside is in  
16 the nature of making it easier for reading.  
17 But, in fact, as I understand it, they're not  
18 read any longer by individuals. Aren't they  
19 read electronically?

20 A. I believe I said access for shutoff in  
21 case there was an incident. You're right, meter  
22 reading is done by vehicles now. But the access  
23 for shutoff -- if there was an incident, like we  
24 needed to shut off service to customers on Pine  
25 Street, it's easier for shut off, because we

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1 would not need to access the home to shut off a  
2 meter. We could do it from the outside of the  
3 home.

4 Q. Are you familiar with any repairs that  
5 ever needed to be done on Mr. Tate's meter?

6 A. I am not familiar with that, no.

7 Q. Are you familiar with any meters that  
8 had to be repaired on Pine Street prior to you  
9 putting them on the outside of the property?

10 A. I am not.

11 MR. BENN: I have no further  
12 questions.

13 JUDGE HAAS: Thank you,  
14 Mr. Benn.

15 Ms. Hirakis, any redirect?

16 MS. HIRAKIS: No, your  
17 Honor. But at this time I would  
18 request that the documents marked  
19 Columbia Hearing Exhibits-9 and 10 be  
20 moved into the record.

21 JUDGE HAAS: Okay.

22 Mr. Benn, any objection?

23 MR. BENN: No, your Honor.

24 JUDGE HAAS: Okay. Then  
25 Columbia Hearing Exhibits-9 and 10 are

1                   ANDREW TUBBS  
admitted into the record.

2                   Mr. Tubbs, thank you very  
3 much. You are excused.

4                   MR. TUBBS: Thank you.

5                   JUDGE HAAS: Okay.  
6 Ms. Hirakis, do you want to move on to  
7 your next witness.

8                   MS. HIRAKIS: Yes. Thank  
9 you. At this time, I would like to  
10 call Russell Bedell.

11                  JUDGE HAAS: Okay. Good  
12 afternoon, Mr. Bedell.

13                  MR. BEDELL: Good  
14 afternoon.

15                  JUDGE HAAS: Before you  
16 provide your testimony, please raise  
17 your right hand. Do you swear or  
18 affirm that the testimony you're about  
19 to give in this proceeding will be the  
20 truth, the whole truth, and nothing  
21 but the truth?

22                  MR. BEDELL: I do.

23                  JUDGE HAAS: All right. And  
24 for the benefit of the court reporter  
25 would you please state and spell both

1                   RUSSELL BEDELL  
your first and your last names.

2                   MR. BEDELL: Russell,  
3                   R-U-S-S-E-L-L, Bedell, B-E-D-E-L-L.

4                   JUDGE HAAS: Go ahead,  
5                   Ms. Hirakis.

6                   MS. HIRAKIS: Thank you.

7                   \* \* \*

8                   DIRECT EXAMINATION

9                   \* \* \*

10                  BY MS. HIRAKIS:

11                 Q.           Mr. Bedell, can you provide your job  
12                 title and your employer.

13                 A.           Yes. I am a communications manager  
14                 for Columbia Gas of Pennsylvania.

15                 Q.           And can you provide a brief  
16                 description of what your job duties entail.

17                 A.           Sure. I'm responsible for providing  
18                 internal and external communications for  
19                 Columbia Gas in our service territory in  
20                 Pennsylvania, including media relations,  
21                 emergency communications, regulatory support and  
22                 community relations.

23                 Q.           Okay. And in this role were you  
24                 involved with the construction project taking  
25                 place on South Pine Street?



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1 A. Well, I was not directly involved in  
2 the construction of the project, but I did  
3 provide communication support on the project.

4 Q. Okay. And can you describe what  
5 communications those were specifically and to  
6 whom they were provided to?

7 A. Sure. Notifications were left with  
8 customers in July of 2019 for this project,  
9 letting them know about the project upgrade and  
10 the plan to relocate the meters. And  
11 notifications were also sent to property owners  
12 at the end of August in 2019. Additionally, we  
13 met with city officials and a few residents on  
14 July 22, 2019 to discuss the meter moveout  
15 program and also had a public meeting on July  
16 31st.

17 Q. Okay. Now, I'm going to refer you to  
18 a document that I have marked as Columbia  
19 Hearing Exhibit-1. Do you have that before you?

20 A. Yes.

21 Q. Okay. Can you say what this document  
22 is?

23 A. This document explains Columbia Gas's  
24 plan to upgrade natural gas pipe lines in  
25 customers' neighborhoods and to explain the

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1 process involved and how we'll contact them when  
2 it comes time to have their service interrupted  
3 to hook them up to the new gas main. Also, it  
4 explained that meters and regulators would be  
5 relocated to the outside of the properties and  
6 the regulations that require that.

7 Q. Okay. Does this document also advise  
8 the recipients of what to do if they disagree  
9 with Columbia's activities?

10 A. Yes.

11 Q. Okay. Does it specifically address  
12 properties located in that historic district?

13 A. Yes.

14 Q. And for property owners or customers  
15 within a historic district what does it advise  
16 customers who are objecting to having the meters  
17 relocated do?

18 A. In that section it says, A recently  
19 approved change to section 59.18 of the code now  
20 requires that gas meters and pressure regulators  
21 be located outside. An exception may be granted  
22 if we can readily confirm that the building is  
23 or is eligible to be listed in the National  
24 Register of Historic Places or is located in a  
25 historic district that's listed in the National

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1 Register of Historic Places. Please contact  
2 Columbia Gas using the contact information below  
3 as soon as possible if you believe that your  
4 home may qualify for an exemption for the meter  
5 relocation.

6 Q. Okay. Thank you. So I'm now going to  
7 refer you to a second document. This one is  
8 marked Columbia Hearing Exhibit-2. Do you have  
9 that before you?

10 A. Yes.

11 Q. Okay. Can you state what this exhibit  
12 is?

13 A. This is a letter sent to property  
14 owners informing them of the work being done at  
15 the property that they own, which is accompanied  
16 by the original letter that was provided to the  
17 customers.

18 Q. Okay. So would it be correct to say  
19 that this document, the one marked Columbia  
20 Hearing Exhibit-2, is the cover letter for  
21 Columbia Hearing Exhibit-1?

22 A. Yes, for the second time. The  
23 first -- Columbia-1 is left at the property with  
24 the customer, and then this Exhibit-2, yes, is a  
25 cover letter that accompanies another copy of

RUSSELL BEDELL

1 the original letter. And this goes directly to  
2 the property owner.

3 Q. And did Mr. Tate receive a copy of  
4 these?

5 A. Yes.

6 Q. As part of your involvement with the  
7 construction property, did you become acquainted  
8 with Mr. Tate?

9 A. Yes.

10 Q. Okay. How did that occur? Can you  
11 explain.

12 A. Sure. After the public meeting that  
13 we held on July 31st I went back and I watched  
14 the Facebook Live streaming video of that event  
15 to take notes. And in the replay there were  
16 comments from Mr. Tate that he had tried to  
17 reach out to Columbia Gas and me specifically,  
18 but that we had not responded to him. And I had  
19 not received any messages from Mr. Tate even  
20 though we had been on multiple group emails in  
21 the past. So after seeing these comments I  
22 wanted to proactively reach out to Mr. Tate to  
23 make sure that he could be connected to me and  
24 Columbia Gas.

25 Q. Okay. So how did you reach out to

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1 Mr. Tate?

2 A. I sent him an email.

3 Q. Got it. Upon sending an email what  
4 occurred? We heard Mr. Tate testify earlier  
5 that you personally met with him, I believe,  
6 twice at his property. Can we discuss that?

7 A. Sure. I mean, we had multiple  
8 contacts going forward from that point, several  
9 email exchanges. We talked on the phone. We  
10 also met at the rental property, at 52 South  
11 Pine Street. I only met with him at that  
12 property once. The second time we had other  
13 representatives from Columbia Gas.

14 Q. By the time you met Mr. Tate at the  
15 property were you aware of his objection to the  
16 relocation of the gas meter to the front of his  
17 property?

18 A. Yes.

19 Q. Okay. Can you discuss the meeting  
20 that occurred at Mr. Tate's property?

21 A. Yes. So we met at the property, at 52  
22 Pine Street. Mr. Tate was there and also  
23 representatives from our construction department  
24 and I. And we walked around the property, the  
25 front, the back of the property, the breezeway

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1 or the grocer's alley between his property and  
2 the neighbor's property, and we talked about,  
3 you know, the possibilities of where the meter  
4 could go, because he did identify and ask about  
5 having the meter in the back or having the meter  
6 on the side. And, you know, with construction  
7 there, we noted that there was no room in the  
8 breezeway to place the meter that would, you  
9 know, correspond to code to where we could put  
10 that with clearance and, you know, technical  
11 things like that that aren't really my purview,  
12 but I know that that's what was discussed. And  
13 in the back it was not accessible to a gas main,  
14 to run a service from the back back there. So,  
15 you know, we did also identify the service line  
16 going into the property currently, you know,  
17 went right under those front steps. And we  
18 offered that we could move the service line to  
19 the property nearer to the corner of the  
20 property itself, right before the grocer's  
21 alley, so that would be further away from the  
22 steps. We talked about that we could, you know,  
23 potentially match the paint color of the house,  
24 have the gas meter and regulator painted to  
25 match. We also discussed creating a decorative

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1 screen to go over the meter, also painted to  
2 match the house.

3 Q. Understood. So you just stated that  
4 at this meeting there was discussion about  
5 moving the proposed location of the gas meter  
6 from one side of the property to the other. Are  
7 you saying that Columbia's current proposed  
8 location, which is the front right of the home,  
9 was not Columbia's original proposed location?

10 A. Well, it was more that he expressed  
11 concern that the meter, you know, put in front,  
12 that would be right next to the steps -- because  
13 that's where the service line was coming in,  
14 right under -- I think we all saw a picture  
15 earlier. The service line would go right into  
16 where that was. So we talked about what we  
17 could do was put that meter closer to the corner  
18 of the property so it would have clearance from  
19 the steps.

20 Q. And is that Columbia's now proposed  
21 location for the gas meter?

22 A. Yes.

23 Q. So from communicating with Mr. Tate,  
24 we did determine to move the location of the gas  
25 meter to better accommodate his concerns,

RUSSELL BEDELL

1 correct?

2 A. Right, yeah. Based on where the line  
3 was existing going into the house that we would  
4 move the service line down so that we would have  
5 more clearance at the corner.

6 Q. Okay. How did that meeting conclude?  
7 Was the issue resolved?

8 A. Mr. Tate was very clear that he did  
9 not want the meter out front. And we explained,  
10 you know, what we could do to have it out front  
11 with screening and painting and, again, talking  
12 about the other location. But, no, he was not  
13 happy with that we -- you know, where we were.  
14 The only option that we could see was having the  
15 meter outside on the front of the property.

16 Q. I'm now going to refer you to another  
17 document, the one marked Columbia Hearing  
18 Exhibit-4. Can you explain what this is?

19 A. Give me a second to find that. This  
20 is a form that we created to capture Mr. Tate's  
21 objection to moving the meter out at 52 South  
22 Pine Street, and I sent this form to him on  
23 September 13th.

24 Q. Okay. And did Mr. Tate complete and  
25 return this form, to your knowledge?



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1 A. Yes.

2 Q. Okay. And what did you do with this  
3 form?

4 A. With this form we got the information  
5 from Mr. Tate. You know, really what we wanted  
6 to do was capture his objectives. Because, you  
7 know, when we sent out that 30-day letter, about  
8 the project and about the possibility -- with  
9 moving meters outside, it includes information  
10 on there, I think I read earlier, that, you  
11 know, reach out to us if you have concerns. And  
12 we did have multiple people reach out to us  
13 saying I don't want my meter outside in front of  
14 our house. And with some other people who had  
15 done that we were able to find locations that  
16 were not right in front of the house. There  
17 were people on Pine Street, in fact, where the  
18 meter could be, you know, on the side or in the  
19 breezeway between the buildings where there  
20 actually was a possibility. But in this case  
21 there wasn't, so I did want to make sure that  
22 the objections that Mr. Tate had that we could  
23 capture them. That's why we sent this form to  
24 him to fill out.

25 Q. Okay. So after receiving this

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1 official reconsideration form, did you  
2 personally advise Mr. Tate that Columbia Gas  
3 could not relocate the meter as he requested, to  
4 the side or rear of the home?

5 A. Yes. We sent him an email on December  
6 12th issuing -- addressing all of the things  
7 that he mentioned in -- on this form. We also  
8 had conversations about it, yeah.

9 Q. Conversations --

10 A. We also -- well, I mean even at the  
11 time when we met at the property we talked about  
12 that. But Mr. Tate and I also talked on the  
13 phone about that, that these things were not --  
14 this is where the meter needed to go, and these  
15 were with reasons why we couldn't put it in the  
16 other locations.

17 Q. Understood. So I am now going to ask  
18 you to refer to Columbia Hearing Exhibit-5. Let  
19 me know when you have that before you?

20 A. I've got that.

21 Q. Okay. Can you say what this is?

22 A. Sure. This is the email that I sent  
23 on December 12th explaining that we could not  
24 keep the meter inside of 52 South Pine Street  
25 and going over the reasons. And we talked about

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1 in this response safety concerns and, you know,  
2 some of the other things he brought up,  
3 including vandalism. We also in this response  
4 talked about how this meter would have an excess  
5 flow valve, which would provide extra safety  
6 protection to the meter now that it was outside.

7 Q. Okay. And does this document also  
8 advise Mr. Tate as to his right to reach out to  
9 the PUC if he disagrees with Columbia's  
10 determination?

11 A. Yes. The letter reads, "If you do not  
12 agree with our findings, you may file an  
13 informal complaint with the Pennsylvania Public  
14 Utility Commission to ensure preservation of  
15 your rights. An informal complaint must be  
16 filed within ten days." And the contact  
17 information for the PUC.

18 Q. During this process did Columbia issue  
19 Mr. Tate or the customer of record at 52 South  
20 Pine Street a termination notice related to the  
21 construction work being performed?

22 A. No.

23 Q. I am going to ask you to refer to a  
24 document marked Columbia Hearing Exhibit-3. Let  
25 me know when you have that before you.

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1 JUDGE HAAS: Excuse me, what  
2 document was that?

3 MS. HIRAKIS: Columbia  
4 Hearing Exhibit-3.

5 JUDGE HAAS: Three. Okay.

6 MS. HIRAKIS: Yes, three.

7 JUDGE HAAS: Thank you.

8 BY MS. HIRAKIS:

9 Q. Can you describe what this document  
10 is?

11 A. This is a letter explaining that the  
12 project -- excuse me, upgrade of the natural gas  
13 lines on Pine Street was about to be completed.  
14 And that to finish it we needed to install the  
15 new service line from the new main to the  
16 property at 52 South Pine Street and install the  
17 meter outside. And it noted that the switch  
18 from the old gas line to the new gas line was  
19 scheduled to be completed on December 18th, and  
20 that service would be interrupted unless we  
21 could have access to the building to finish  
22 those upgrades, that we could, you know, do that  
23 with the new service line, the meter, to make  
24 sure they're hooked up to the new gas main. It  
25 also included instructions on how to contact the

RUSSELL BEDELL  
1 on-site project coordinator.

2 Q. Okay. I'll note that this letter is  
3 addressed "Dear Customer." Did Mr. Tate receive  
4 a copy of this document?

5 A. Yeah, yes.

6 Q. Was this document intended to serve as  
7 a termination notice of service?

8 A. No.

9 Q. Did you hear from Mr. Tate after  
10 Columbia sent the document marked Columbia  
11 Hearing Exhibit-3?

12 A. Yes.

13 Q. Okay. How did you hear from Mr.  
14 Tate?

15 A. Mr. Tate sent an email on December  
16 12th asking me if the project would stop if he  
17 filed a complaint with the PUC.

18 Q. And did you respond?

19 A. Yes.

20 Q. And what did you inform Mr. Tate?

21 A. I emailed him on December 13th letting  
22 him know that it was my understanding that if a  
23 complaint is filed with the commission, work  
24 would stop until a decision is rendered.

25 Q. Did Mr. Tate file an informal

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1 complaint at that point?

2 A. He did. That was his response to  
3 that. He sent me an email on December 16th  
4 informing me that he had filed the complaint  
5 with the PUC.

6 Q. Okay. And did you respond to  
7 Mr. Tate?

8 A. Yes.

9 Q. Okay. So I'm going to refer to what  
10 is marked Columbia Hearing Exhibit-6. Do you  
11 have that before you?

12 A. Yes.

13 Q. This exhibit is three pages in length.  
14 Can you say what it is?

15 A. Yeah. This is the email I sent to  
16 Mr. Tate in response to his alerting us that he  
17 had filed a complaint. And in my response I  
18 told him that we would not be doing any work at  
19 52 South Pine Street until the complaint was  
20 resolved with the PUC. And earlier in the  
21 email -- the record of after his complaint  
22 having been filed.

23 Q. Okay. Did Columbia take any action  
24 related to Mr. Tate's property once the informal  
25 complaint was pending?

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1 A. No.

2 Q. Did the commission make a  
3 determination as to the informal complaint?

4 A. Yes.

5 Q. When was that?

6 A. That was on January 23, 2020.

7 Q. Okay. I'm going to ask you to refer  
8 to a document I have marked as Columbia Hearing  
9 Exhibit-7. Let me know when you have that  
10 before you.

11 A. I have that.

12 Q. Can you describe what this document  
13 is.

14 A. This is the commission's determination  
15 of his informal complaint explaining that the  
16 PUC Bureau of Consumer Services cannot decide  
17 where utilities should place a meter as long as  
18 it's not in violation of Pennsylvania statutes  
19 or regulations and stating that the informal  
20 complaint has been closed.

21 Q. Okay. And what is the date of this  
22 informal determination?

23 A. That was January 26th.

24 Q. Okay. I am now going to ask you to  
25 refer to Columbia Hearing Exhibit-8. Let me

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1 know when you have that before you.

2 A. Got it.

3 Q. What is this document?

4 A. This is another letter sent to 52

5 South Pine Street on February 21st, 2020

6 following closing of the complaint, asking to

7 schedule a time to have the meter relocated at

8 52 South Pine Street and have the new service

9 line installed with a new gas main along with

10 the contact information again.

11 Q. To be clear, Columbia issued this  
12 letter after the informal complaint had been  
13 closed, correct?

14 A. Yes, about a month later.

15 JUDGE HAAS: Hold on there  
16 for a second, Ms. Hirakis. I just  
17 want to be clear. It almost sounds  
18 like you're saying "formal complaint."  
19 You mean to be saying "informal  
20 complaint," correct?

21 MS. HIRAKIS: That's  
22 correct, informal complaint.

23 JUDGE HAAS: Okay. I just  
24 want to make sure that Donna has it  
25 correctly. Okay. Go ahead.



RUSSELL BEDELL

MS. HIRAKIS: Thank you.

BY MS. HIRAKIS:

Q. Did Mr. Tate -- was Mr. Tate sent a copy of Columbia Hearing Exhibit-8?

A. Yes. Because I think he had -- he reached out to me after receiving this on February 28th, letting me know that he filed a formal complaint with the commission about the meter on 52 South Pine Street, along with a copy of the complaint, and, again, asked that we not interrupt gas service to that property.

Q. Did you respond to Mr. Tate's email?

A. Yes.

Q. And what did you say in response?

A. I let Mr. Tate know that we had received his email and a copy of the PUC complaint he had attached to it, and let him know that we would not be scheduling an interruption of service at 52 South Pine Street until we had a commission decision on the complaint.

Q. Okay. And have you had further contact with Mr. Tate relating to the work to be done at this property?

A. No.

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1 MS. HIRAKIS: Your Honor, at  
2 this time I don't have any further  
3 questions for Mr. Bedell.

4 JUDGE HAAS: Okay.

5 Mr. Benn, any cross?

6 MR. BENN: Yes, your Honor.

7 \* \* \*

8 CROSS-EXAMINATION

9 \* \* \*

10 BY MR. BENN:

11 Q. Mr. Bedell, I think you had indicated  
12 at the very outset of your testimony that you  
13 are involved with communications -- you're the  
14 communications manager for Columbia Gas; is that  
15 correct?

16 A. Yes.

17 Q. And is that like a -- for lack of a  
18 better phrase, a public relations position?

19 A. That is part of it, sure.

20 Q. Does your job involve any  
21 authorization with regard to where meters shall  
22 be placed?

23 A. No, I don't have any input on where  
24 meters can be placed. I'm not an engineer or in  
25 construction. I don't make that determination.

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1 Q. So any information that you would  
2 convey to a customer relative to an inquiry as  
3 it relates to where meters shall be placed is  
4 from information that's been provided to you by  
5 someone else or others; is that correct?

6 A. Yes.

7 Q. When you made reference to the exhibit  
8 that has been presented both by Mr. Tate as well  
9 as by Columbia Gas showing the facade of his  
10 property, you referenced the X where you  
11 indicated there was going to be an accommodation  
12 to Mr. Tate in terms of placing the meter there.  
13 I believe you also stated, and I'm asking you  
14 this with a question mark so you can correct me  
15 if I'm wrong, that initially Columbia Gas  
16 intended for the meter to be placed where the  
17 steps are located; is that correct?

18 A. No. What I indicated is that is where  
19 the service line was before this project. The  
20 service line that is currently servicing 52  
21 South Pine goes in there.

22 Q. Right. So if the service line goes in  
23 there, was it Columbia Gas's intent before  
24 Mr. Tate raised any issue that the meter be  
25 placed where the steps are located? That's the

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1 nature of my question.

2 A. I mean, in terms of that, I don't  
3 know.

4 Q. So you have no knowledge, if I'm  
5 correct, as to where the intended place was for  
6 the meter, other than where the X is marked on  
7 the photograph on the right-hand side of his  
8 property?

9 A. No, I wouldn't. I mean, that's again  
10 where -- if the service line had gone in where  
11 it was originally, it would be closer to the  
12 steps. But in terms of when we met at the  
13 property, at 52 South Pine Street, and talked  
14 about the different locations then -- where the  
15 X is now is sort of where we -- the construction  
16 folks determined where that meter would go.

17 Q. Right. And I don't want to belabor  
18 the point. I think that I understand, but this  
19 is rather an important issue, so I want to be  
20 clear. You're not testifying that the meter was  
21 intended to go anywhere near the steps relative  
22 to this particular project; am I correct?

23 A. Right.

24 Q. This line is in or about where the  
25 steps are located. It was not your

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1 understanding that a meter was going to be  
2 placed there?

3 A. I don't believe so. I don't have  
4 knowledge of that.

5 Q. All right. And then the only  
6 knowledge that you do have is that Columbia Gas  
7 intended for the proposed meter to be placed in  
8 the right-hand corner of the structure where the  
9 X is marked?

10 A. Yes.

11 Q. All right. And that would require --  
12 me not being an engineer either and knowing  
13 nothing about gas and running away from it,  
14 frankly, that would require that the service  
15 line otherwise be moved; am I not right?

16 A. That is correct. But for this  
17 project, again, my understanding is that we're  
18 putting the new main in the street, and all of  
19 these properties would be getting their service  
20 lines. I don't know that for sure, but that is  
21 my general understanding of the way that works.

22 Q. Okay. That's fine. So I have a  
23 concern, because I'm not sure that I understand  
24 something. I thought that there was testimony  
25 at some point today by someone relative to

RUSSELL BEDELL

1 meters not being placed in and about an area  
2 where windows are located; is that correct?

3 A. I'm not sure. I don't recall that  
4 testimony.

5 Q. Well, I would like to refer you to  
6 your exhibit, Columbia Gas Exhibit-10. Just  
7 tell me when you have it in front of you.

8 A. Got it.

9 Q. So in 4.6.1.2 the last sentence says,  
10 "Meters will not be set in coal cellars under  
11 any circumstances, nor under the deck of show  
12 windows --" and I want you to define show  
13 windows for me, because I'm not sure if I  
14 understand what that is. "-- or in small  
15 closets or in other locations of a like  
16 character." What is the deck of a show window?

17 A. I don't have any information on that.  
18 That's not something that I would access to.  
19 Codes and where to place meters, that sort of  
20 stuff is not something I'm familiar with.

21 Q. All right. Do you have any knowledge  
22 at all relative to the safety of the meter being  
23 placed under a window of any nature?

24 A. I don't have anything on that, no.

25 Q. All right. So most of what you and

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1 your involvement with Mr. Tate was relates to  
2 the communications going back and forth when he  
3 voiced concerns as to his learning that a meter  
4 was going to be placed on the outside of his  
5 property; is that right?

6 A. Yes.

7 Q. And you did create that particular  
8 form that Mr. Tate referred to, and you referred  
9 to as well, as to accommodate the nature of his  
10 complaint; is that correct?

11 A. Yes. So we could capture his  
12 objection, yes. As we said earlier, other  
13 people had reached out after receiving the meter  
14 moveout notification, but we were able to work  
15 with them, each of those properties. When  
16 someone reached out, we were able to --

17 Q. Are you familiar with the property to  
18 the immediate right of Mr. Tate's property?

19 A. Yes. I've been at that location.

20 Q. My understanding relative to that  
21 particular property is that there was a porch  
22 that extended through the entire front of the  
23 property from one side of the property to the  
24 other side of the property. And Columbia Gas  
25 required that the property owner take that porch

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1 down in order to install an outside meter; is  
2 that correct?

3 A. Mr. Tate referenced that when we met  
4 on site, but I don't have the internal  
5 information on that property or the work done on  
6 it.

7 Q. Are you aware of instances at all on a  
8 personal level where Columbia Gas had asked the  
9 property owner to make a modification to their  
10 property so that an outside meter could be put  
11 in place?

12 A. Not that I know of.

13 Q. So you don't know the circumstances of  
14 the neighboring property?

15 A. No. I mean, again, when we met at  
16 that location, Mr. Tate did talk about that  
17 property. What you're saying sounds vaguely  
18 familiar about that property. And, in fact, I  
19 think he also referenced that when we met with  
20 the City. We met at City Hall with  
21 representatives from neighborhood groups. And I  
22 think he referenced that situation as well, but  
23 I don't have record of that. And it is not  
24 something that I've ever researched myself.

25 Q. All right. Thank you. I just want to



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1 ask so that I understand better, Mr. Tate had  
2 testified in terms as to dimensions regarding  
3 his property. And I believe he testified that  
4 the width of the steps were approximately 4 feet  
5 from the front door, so where the railing is and  
6 that flat area. I'm making reference to our  
7 Exhibit-1, this photograph that shows where the  
8 X is. That flat portion of his entrance into  
9 the property is four feet. He also mentioned  
10 that from that structure itself, the actual  
11 facade itself, to the curb was 9 feet, 7  
12 inches. Assuming that his calculations are  
13 correct, if a meter went where his front porch  
14 was, the meter would only have an availability  
15 of 5 feet, 7 inches. And then we would have to  
16 deduct from that the size of the meter; is that  
17 not correct?

18 A. I'm going to assume that what you're  
19 saying is correct, but I don't have information  
20 on the measurements of that. I mean, based on  
21 what you were saying before about the distance  
22 and the distance of the meters that you  
23 mentioned, but I don't have any information on  
24 that.

25 Q. What I'm asking you is, assuming

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1 Mr. Tate's dimensions are correct. Based upon  
2 that, that's the nature of my question. I'm not  
3 telling you that they are right. I'm just  
4 saying, assuming that his dimensions are  
5 correct. And therefore what my question is, if  
6 a gas meter were placed in or about the area of  
7 his steps, would that not create an area of  
8 approximately three feet for somebody to walk  
9 by? Because the meters themselves are a foot  
10 and a half deep, two feet deep.

11 A. So you're saying if a meter were  
12 placed by the steps?

13 Q. Where the current service line is, if  
14 there was a meter placed where the current  
15 service line is, that would only leave an area  
16 of about three and a half feet for somebody to  
17 traverse the pavement; is that not right?

18 A. I'm going to say yes based on the  
19 dimensions you just listed. Yeah, that sounds  
20 right.

21 Q. All right. Thank you. So I'm going  
22 to go to a question that I don't think you have  
23 an answer to, but I'm going to ask it  
24 regardless. And if you don't know, you don't  
25 know.

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1           Mr. Tate had testified that he owns  
2 half of the grocer's alley, that his property  
3 line goes to half of the grocer's alley. And  
4 the grocer's alley, he testified, was about five  
5 feet in width, about six -- a little better than  
6 six feet in height, because he himself is six  
7 foot two and he can walk through the alley. If  
8 he owns five feet of the grocer's alley, what is  
9 the reason why Columbia Gas cannot put a meter  
10 there?

11         A.           Yeah. Again, I'm going to have to  
12 refer you to our construction witness, because,  
13 as you recall, on the day we met and talked  
14 about that possibility it did not -- there was a  
15 reason why that wouldn't work, but I don't know  
16 that point of view.

17                     JUDGE HAAS: Mr. Benn, it  
18 was my understanding from the  
19 testimony that he doesn't own the  
20 whole -- that the entire width of the  
21 alley was five feet and each neighbor  
22 owns half; isn't that correct?

23                     MR. BENN: That's correct.  
24 And that's what I said, that he owns  
25 half of the grocer's alley. So he

1                   RUSSELL BEDELL  
would own about two and a half.

2                   JUDGE HAAS: Okay. Sorry.

3                   MR. BENN: And I have no  
4 further questions of this witness.

5                   JUDGE HAAS: Ms. Hirakis,  
6 any redirect?

7                   MS. HIRAKIS: No, your  
8 Honor. But at this time I would  
9 request to have the documents marked  
10 Columbia Hearing Exhibits-1, 2, 3, 4,  
11 5, 6, 7 and 8 moved into the record.

12                  JUDGE HAAS: Okay.  
13 Mr. Benn, any objection?

14                  MR. BENN: No.

15                  JUDGE HAAS: Okay. Then  
16 Columbia's Exhibits-1 through 8 are  
17 admitted into the record as have  
18 already been Columbia Exhibits-9 and  
19 10.

20                  JUDGE HAAS: All right.  
21 Well, with that, Mr. Bedell, I believe  
22 you are finished. Thank you very much  
23 for your testimony. You are excused.

24                  MR. BEDELL: Thank you, your  
25 Honor.

RUSSELL BEDELL

1 JUDGE HAAS: Okay. Why  
2 don't we press on, Ms. Hirakis, with  
3 your next witness, unless there's  
4 anybody who wants a five or ten-minute  
5 break. Ms. Hirakis?

6 MS. HIRAKIS: I am good.

7 JUDGE HAAS: Mr. Benn?

8 MR. BENN: I'm fine. Thank  
9 you, your Honor.

10 JUDGE HAAS: Okay.  
11 Mr. Brumley, are you ready to  
12 proceed?

13 MR. BRUMLEY: I am, your  
14 Honor.

15 MR. HAAS: Let's proceed  
16 then.

17 Mr. Brumley, before you  
18 testify would you please raise your  
19 right hand.

20 Do you swear or affirm that  
21 the testimony you're about to give in  
22 this proceeding is the truth, the  
23 whole truth, and nothing but the  
24 truth?

25 MR. BRUMLEY: I do.

RAYMOND BRUMLEY

1 MR. HAAS: Would you state  
2 and spell both your first and last  
3 names for the court reporter.

4 MR. BRUMLEY: Sure. First  
5 name is Raymond, R-A-Y-M-O-N-D. Last  
6 name, Brumley, B-R-U-M-L-E-Y.

7 JUDGE HAAS: Thank you. Go  
8 ahead, Ms. Hirakis.

9 MS. HIRAKIS: Thank you.

10 \* \* \*

11 DIRECT EXAMINATION

12 \* \* \*

13 BY MS. HIRAKIS:

14 Q. Mr. Brumley, can you provide your job  
15 title and your employer.

16 A. Yes. I'm employed by Columbia Gas. I  
17 am a manager of construction services.

18 Q. And can you describe what your job  
19 duties consist of?

20 A. Yeah. Briefly, oversee our  
21 construction program. So oversee our  
22 construction department and the installation of  
23 our pipeline and services, including our  
24 contractors, oversight of our contractors doing  
25 work for us as well.

RAYMOND BRUMLEY

1 Q. And how long have you been employed by  
2 Columbia Gas?

3 A. It's going on 29 years.

4 Q. Okay. And how long have you been in  
5 your current position?

6 A. This current position just over a  
7 year. However, for the York area as of October  
8 2nd, due to the existing manager construction  
9 services retiring. So as of October 2nd I have  
10 the York area as well.

11 MR. BENN: Just for clarity,  
12 and I hate to interrupt you. Is that  
13 October 2nd, 2020?

14 MR. BRUMLEY: Yes. I  
15 apologize. Yes October 2nd, 2020.

16 MR. BENN: Thank you.

17 BY MS. HIRAKIS:

18 Q. Can you describe the Columbia  
19 construction project that is occurring on South  
20 Pine Street? And by "describe," can you kind of  
21 break down for us all like what we're doing on  
22 that street?

23 A. Yes. We're replacing approximately  
24 about 2000 feet of cast iron main and installing  
25 about 1,440 feet of new 2-inch plastic medium

RAYMOND BRUMLEY

1 pressure main. The cast iron main, by the way,  
2 is low pressure. We're installing 2-inch  
3 plastic at a medium pressure operation, about 20  
4 pounds on that street and approximately -- in  
5 that area, I should say. And approximately in  
6 61 services involved with this project as well.

7 Q. I'm sorry, how many?

8 A. 61, six one.

9 Q. Got it. And does this project involve  
10 installing new customer service lines and  
11 meters?

12 A. Yes, it does.

13 Q. Why is that necessary?

14 A. Replacing the cast iron at low  
15 pressure and upgrading the system there to  
16 plastic medium pressure, it's required because  
17 of the elevated pressure.

18 Q. Okay. Are you familiar with the  
19 property located at 52 South Pine Street?

20 A. I am.

21 Q. And is this property part of the main  
22 replacement project you just described?

23 A. It is.

24 Q. Now, where in proximity to this  
25 property is the main located?



RAYMOND BRUMLEY

1 A. In the street in front of the home.

2 Q. Okay. Is there a name behind this  
3 home that conserves this property?

4 A. There is not.

5 Q. And you just testified that part of  
6 the project is upgrading the main to medium  
7 pressure. Does that mean that this property  
8 will ultimately be connected to a medium  
9 pressure main?

10 A. It does.

11 Q. And does being connected to a medium  
12 pressure main necessitate a gas regulator being  
13 installed?

14 A. Yes.

15 Q. Can you explain what a gas regulator  
16 is?

17 A. Sure. It is a fitting material that  
18 we use that reduces, cuts the pressure from  
19 pound pressure to inches of water column,  
20 usually seven inches of water column.

21 Q. And does the law require that  
22 regulators be located outside?

23 A. Yes.

24 Q. Okay. I am now going to ask you to  
25 refer to a picture that I have premarked as

RAYMOND BRUMLEY

1 Columbia Hearing Exhibit-11. Do you have that  
2 before you?

3 A. I do.

4 Q. All right. And I'll just note that  
5 Columbia Hearing Exhibit-11 is the same as Tate  
6 Exhibit-1, just in color. What does this  
7 picture show?

8 A. The home at 52 South Pine Street.

9 Q. Okay. And do you see a white X on the  
10 picture?

11 A. I do.

12 Q. And what does this represent?

13 A. That is the proposed meter location  
14 for the home.

15 Q. And that's the current proposed  
16 location, correct?

17 A. That is correct.

18 Q. And are you aware that the property  
19 owner, Mr. Tate, opposes the placement of the  
20 meter at this location?

21 A. I am.

22 Q. Okay. Did Columbia consider other  
23 locations before determining that this should be  
24 where the gas meter is located?

25 A. Yes.

RAYMOND BRUMLEY

1 Q. Okay. Were you on earlier when  
2 Mr. Tate was testifying?

3 A. Yes, I was.

4 Q. Okay. So you heard that he proposed  
5 the side of the property, the grocer's alley?

6 A. Yes, I did.

7 Q. Is that a feasible location for a gas  
8 meter?

9 A. It is not. The width of that grocer's  
10 alley is just under 30 inches. So it is not  
11 feasible to locate a meter in there. There will  
12 be not enough space to work on the meter or pass  
13 through that area, so it is quite small.

14 Q. Okay. And what about the rear of the  
15 property? Did Columbia make a determination as  
16 to locating it to the rear of the property?

17 A. Yes. They discussed that. We  
18 discussed that, but the feasibility of that is  
19 just, you know, a tremendous -- basically there  
20 is no main back there. Multiple properties use  
21 right of way issues, things of that nature, to  
22 lay a line back there to service in the back.

23 Q. Okay. And when discussing where to  
24 put the main -- not the main, the gas meter, did  
25 Columbia consider the prospect that

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1 vehicles --

2 (Whereupon, multiple people  
3 exited hearing.)

4 JUDGE HAAS: Hang on,  
5 Ms. Hirakis. We better wait until  
6 they reconnect.

7 MS. HIRAKIS: I understand.  
8 Whereupon, parties rejoined  
9 hearing.)

10 JUDGE HAAS: Welcome back,  
11 Mr. Benn.

12 MR. BENN: Thank you. We  
13 got cut off right after Mr. Brumley  
14 testified that the grocer's alley had  
15 a width of just under 30 inches. And  
16 he began to testify as to why it was  
17 not feasible to put the meter on the  
18 rear of the property. And after that  
19 we were lost.

20 JUDGE HAAS: We finished  
21 without you, so we're ready to move  
22 on. Obviously, I'm kidding.

23 MR. BENN: Yes.

24 JUDGE HAAS: All right.  
25 Let's go back on the record. Before

RAYMOND BRUMLEY  
1 we do I have a question.

2 \* \* \*

3 (Whereupon, a discussion was  
4 held off the record.)

5 \* \* \*

6 JUDGE HAAS: Okay. All  
7 right. Ms. Hirakis, why don't you  
8 start again with the question about  
9 asking about feasibility of putting  
10 the meter in the back of the property.

11 MS. HIRAKIS: Absolutely,  
12 your Honor.

13 BY MS. HIRAKIS:

14 Q. So did Columbia consider locating the  
15 meter on the rear of the property?

16 A. We did, looked at it. There is no gas  
17 main in the back, as others have mentioned  
18 today. So it would require an extension,  
19 private right-of-ways to be obtained from  
20 multiple parties, from what it looks like. So  
21 the feasibility of it was not there to locate a  
22 meter in the back and service from the back.

23 Q. Thank you. Now, you testified that  
24 you listened to Mr. Tate's testimony. Mr. Tate  
25 had testified that he had concerns with the

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1 meter being located in the front due to  
2 obstructing the sidewalk. How far would the  
3 meter protrude from the home?

4 A. To areas where we have to put it in  
5 front we do our best to limit the depth of the  
6 meter. So we stick build the meters, which  
7 requires -- enables us to get it tight to the  
8 home. In that case, typically they sit about 14  
9 inches off of the wall. So the dimensions are  
10 typically 14 inches off of the wall. Probably  
11 22 to 24 inches high and about 14 inches wide in  
12 those examples.

13 Q. Thank you. So referring to Columbia  
14 Hearing Exhibit-11, so this is the home. If the  
15 gas meter and regulator were installed at the  
16 front right of the property, in your opinion  
17 would either obstruct the sidewalk?

18 A. No.

19 Q. And would the meter and regulator  
20 extend out past the front stoop of the home?

21 A. It would not.

22 Q. Would pedestrians be able to use the  
23 sidewalk immediately in front of the property if  
24 the meter and regulator were installed?

25 A. Yes.

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1 Q. And would the meter and regulator  
2 block the stairway to the front door?

3 A. No.

4 Q. Okay. Mr. Tate also testified that he  
5 had concerns with the meter being vandalized if  
6 installed in the front. Do you share this  
7 concern?

8 A. I do not.

9 Q. Is vandalism of gas meters common for  
10 Columbia?

11 A. It is not. I personally cannot think  
12 of one occasion where meters were vandalized.

13 Q. Okay. I'm now going to ask you about  
14 federal regulation, specifically 49cfr, section  
15 192.353, and I believe this is a fire regulation  
16 that Mr. Tate cited to in his complaint. Are  
17 you familiar with that regulation?

18 A. I am.

19 Q. Okay. Can you summarize what that  
20 regulation requires?

21 A. Sure. That basically says that the  
22 meter and service regulators have to be  
23 protected from corrosion, other damages. You  
24 know, if installed on the outside, vehicle  
25 damage, that may be anticipated, things of that

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1 nature.

2 Q. Okay. Does Columbia comply with this  
3 regulation?

4 A. Yes.

5 Q. Is it Columbia's practice to assess  
6 the likelihood that a vehicle may hit an  
7 exterior gas meter and regulator?

8 A. Yes, it is.

9 Q. And was this assessment made with the  
10 meters on South Pine Street?

11 A. Yes.

12 Q. In terms of concern with the vehicles  
13 hitting the meter if located where Columbia Gas  
14 proposes for this property, is there any design  
15 aspect of the meter that could mitigate the risk  
16 should a vehicle hit the gas meter?

17 A. Yes. On our medium pressure systems  
18 we install what's called an excess flow valve,  
19 which will minimize the shutoff, the flow of gas  
20 in the event that there is -- a vehicle hit the  
21 meter or sheared off a meter. We do install  
22 those, EFVs. That will trigger and shut down  
23 the flow of gas immediately when that happens.

24 Q. Okay. The meter that would be  
25 installed at this property, is it designed to



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1 withstand rain, ice and snow?

2 A. Yes.

3 Q. Did you hear Mr. Tate's testimony  
4 regarding a page on our website or Columbia  
5 Gas's website that advises customers on how to  
6 remove snow and ice from a meter?

7 A. I did.

8 Q. Why does the company recommend that  
9 customers remove snow and ice if the meter can  
10 stand snow and ice?

11 A. That is for visibility and access. If  
12 snow and ice are covering the meter, there is an  
13 inability to notice that there was something  
14 there. That could cause a potential for someone  
15 to back into it and unknowingly hit it  
16 mistakenly. Also, if there is an emergency or  
17 situation, just to have that readily available  
18 access to the meter and valve, to be able to get  
19 to it for emergency responders.

20 Q. A meter that is located inside  
21 someone's home, there's also a risk that those  
22 meters can be bumped into and damaged, correct?

23 A. That is correct.

24 Q. In terms of comparing the risk of a  
25 gas meter being damaged by being run into or

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1 bumped, can you say which is riskier, a outdoor  
2 meter that gets bumped or hit versus an inside  
3 meter that gets bumped or hit by an object?

4 A. The inside meter would pose more risk  
5 because of the element of the component space.  
6 With an inside meter if it does pose a leak, you  
7 know, gets bumped or damaged in any way and it  
8 does have a leak, within a confined space of a  
9 house there is no way for the gas to vent, which  
10 it would get more quickly to that explosive  
11 limit.

12 Q. Okay. What about corrosion? Are  
13 these meters designed to withstand corrosion?

14 A. They are. And in addition to that  
15 with what we do on the front facade, you know,  
16 getting Sherwin-Williams -- you know, to use a  
17 paint that is specifically designed for the  
18 metal surface of the piping and meters. That is  
19 an additional layer of protection against  
20 corrosion, painting that entire set to color  
21 match the facade of the building.

22 Q. What about leaves and trash getting  
23 stuck under the meter? Could this cause meters  
24 to catch fire or explode?

25 A. No.

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1 Q. Okay. So now I am going to ask you to  
2 testify regarding another property, specifically  
3 the one located at 257 East Market Street. Did  
4 you hear Mr. Tate's testimony regarding 257 East  
5 Market Street?

6 A. I did.

7 Q. And are you familiar with the work  
8 that was performed at this property?

9 A. I am.

10 Q. Was the work at 257 East Market Street  
11 related to the construction project on South  
12 Pine Street?

13 A. No, it was not.

14 Q. Can you briefly describe the work that  
15 Columbia performed at the property located at  
16 257 East Market Street?

17 A. Yes, I can. It was performed by our  
18 operations division. They replaced and isolated  
19 a section of bare steel service on an existing  
20 low pressure system. So they replaced a portion  
21 of that service that was bare steel with plastic  
22 and installed a valve at the building and left  
23 the meter inside.

24 Q. Understood. So this location is still  
25 served by a low pressure main?

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1 A. Yes, that is correct.

2 Q. Okay. And you just testified that the  
3 gas meter is inside the property, correct?

4 A. That is correct.

5 Q. Okay. Was a service regulator  
6 installed at this property?

7 A. No, it was not.

8 Q. Now, I'm going to ask you to refer to  
9 the pictures marked Tate Exhibit-8, the second  
10 and third page of that. You let me know when  
11 you have those before you.

12 A. I have them in front of me now.

13 Q. Okay. Looking at these pictures, do  
14 these pictures show service regulators?

15 A. They do not.

16 Q. Can you describe what these pictures  
17 show?

18 A. Sure. The second picture is probably  
19 a little clearer to be able to see, but this is  
20 basically the service that comes up. There is a  
21 valve on the right side of the piping as you're  
22 looking at it, just a shut-off valve and then  
23 some piping that goes back underground to enter  
24 the home. There's also a sleeve around that  
25 riser, we call it, going into that valve. That

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1 sleeve is there as a standard, a procedure, a  
2 safety procedure. If there is a leak  
3 underground and you have hard surface all of the  
4 way to the building, that sleeve allows an  
5 escape route for that gas so that it does not  
6 enter the home or the building. So that's what  
7 the sleeve is that you're seeing, that white  
8 kind of pipe like circle around the existing  
9 riser.

10 Q. Understood. Okay. And earlier you  
11 testified that there were 61 properties involved  
12 in the construction project related to this  
13 South Pine Street construction work, correct?

14 A. That's correct.

15 Q. Is 257 East Market Street one of those  
16 61 properties?

17 A. No, it is not.

18 Q. Okay. Mr. Tate also testified that he  
19 doesn't understand why Columbia installs  
20 different meters throughout the city, I believe  
21 specifically the historic district. Can you  
22 explain why the company may install different  
23 meter styles and pipes?

24 A. Yeah. It's an interesting question.  
25 We re-purpose our meters that we have, so

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1 basically recycle them every so many years. So  
2 when we take them out of service and replace  
3 them with a new one, we do send them back to get  
4 refurbished. You know, they're redone,  
5 repainted, retested, calibrated and sent back  
6 out for use. So they are kind of recycled  
7 meters to reduce the cost and everything. So  
8 when you have that, you do have a tendency to  
9 have different shapes of meters, but basically  
10 they do the same thing.

11 Q. Okay. One final question. Of the 61  
12 meters that are part of this project on South  
13 Pine Street and directly surrounding it, did  
14 Columbia leave any gas meters inside?

15 A. No.

16 Q. Okay.

17 MS. HIRAKIS: Your Honor, at  
18 this time I don't have any further  
19 questions.

20 JUDGE HAAS: Okay.

21 Mr. Benn, any cross?

22 MR. BENN: Yes, your Honor.  
23 Just bear with me a second. I'm  
24 trying to make a note.

25 \* \* \*

RAYMOND BRUMLEY  
CROSS-EXAMINATION

\* \* \*

BY MR. BENN:

Q. Mr. Brumley, I take it, then, that since October 2nd, 2020 you have been in charge of the construction project in York; is that correct?

A. That's correct.

Q. Prior to that, immediately prior to that, I thought you indicated that you did some other work for Columbia Gas. What was that again? Let's say the year previous.

A. I noted that I was manager of construction service for the last -- little over a year. I don't think I went into prior to that, but I can if you want me to.

Q. No. So what is the difference between being a manager of construction service and the position that you held effective October 2nd?

A. There is no difference. It's just a span of control. You know, I acquired -- I had a different area. I had what we call PA South in Maryland, and, you know, I just had added responsibility for the York area.

Q. So am I to understand -- and, again, I

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1 apologize if I just didn't get it before. But  
2 am I to understand as to the project at issue,  
3 the one on Pine Street, you became involved with  
4 that project on October 2nd, 2020?

5 A. I would say it probably started before  
6 that, when we knew that the prior manager of  
7 construction service was retiring. There was a  
8 period of knowledge transfer.

9 Q. Do you recall when that was?

10 A. It was a week or two prior to October  
11 2nd of 2020.

12 Q. So therefore, the complaint that  
13 Mr. Tate had lodged with Columbia Gas relative  
14 to his particular property, all of those  
15 complaints had occurred prior to you being  
16 involved on the Pine Street project?

17 A. That would be correct.

18 Q. When did you go out to Mr. Tate's  
19 property?

20 A. I have not been to -- at his property.  
21 I've seen pictures and with knowledge transfer  
22 with the prior construction -- or manager of  
23 construction services, as well as the front line  
24 leader of construction and the construction  
25 specialist John Baltazar. I had conversations



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1 about it.

2 Q. So you have not been out to his  
3 property; is that right?

4 A. I have not.

5 Q. So all of your testimony relative to  
6 the specifics of the property are based upon  
7 what other people have shared with you?

8 A. I wouldn't say all. With pictures and  
9 Google Maps and our maps, I was able to  
10 determine and ask a lot of questions. But  
11 specifically asking them questions and getting  
12 answers, yes.

13 Q. Well, I'm just kind of curious about  
14 one particular thing. When you talked about the  
15 width of the grocer's alley, your Honor had  
16 indicated that his recollection was that  
17 Mr. Tate had indicated that it was about five  
18 feet wide, and you testified that it was under  
19 30 inches. That's a rather substantial  
20 discrepancy. If you have not been out there,  
21 how can you say how wide it is?

22 A. So, again, when we had the knowledge  
23 transfer, I did my due diligence to make sure  
24 that we did, in fact, go down every path and  
25 exhaust every option for the meter location. So

RAYMOND BRUMLEY

1 the question that I asked to our construction  
2 specialist is about that breezeway or grocer's  
3 alley and specifically the width and the  
4 dimensions of that alley. And he did take  
5 measurements of that for me and got it to me, so  
6 that's how I know it's 30 inches.

7 Q. But you didn't take those  
8 measurements.

9 A. I did not.

10 Q. And you're therefore relying for your  
11 testimony upon what somebody else shared with  
12 you?

13 A. That would be an accurate statement,  
14 yes.

15 Q. Let's go back to Exhibit-1, which  
16 relates to the photograph of Mr. Tate's house.  
17 I frankly don't know what exhibit it is for  
18 Columbia Gas, but in our book it's Exhibit-1.  
19 It's number 11 for you, I believe, Columbia Gas  
20 Exhibit-11. Do you have that photograph?

21 A. I do.

22 Q. Thank you. So the X that's been  
23 placed on the photograph, did you put it there?

24 A. I did not.

25 Q. All right. Do you know when it was

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1 put there?

2 A. That would have been when they sent  
3 the letter.

4 Q. There were a lot of communications  
5 going back and forth. Do you know what letter  
6 you're referring to?

7 A. Yes. Give me a second here. I'll  
8 going through your exhibits. I'm sorry, our  
9 exhibits. Actually, the front structure I see,  
10 it's not the X in that picture, so I would not  
11 know exactly the date that that X was put on  
12 there.

13 Q. I think you're making reference to a  
14 communication of Columbia Gas that had been  
15 sent, I believe, to homeowners. And there on  
16 page two of that is kind of, sort of, a picture  
17 of a structure; is that right?

18 A. Yes.

19 Q. And where it says "front of structure"  
20 then there is an X. What does that X represent?

21 A. That X indicates where the service is  
22 currently, and that's where Mr. Bedell was  
23 referencing under the steps.

24 Q. So it says underneath, the X notes the  
25 meter location on the structure. Does that mean

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1 the intended meter location case or does that  
2 mean where the meter is inside of the house?

3 A. That is where it's at right now, the  
4 service going through. We tried to pull the  
5 meter to the outside if at all possible right  
6 where it's at. So that's indicating where it's  
7 at currently.

8 Q. But I need clarity. What I'm asking  
9 is, does the X evidence where it would go on the  
10 outside? Because it says, "Notes the meter  
11 location on the structure." Or does the X  
12 denote where the meter is inside the house? You  
13 and I would agree that the service line is in  
14 about that area. What I want to know is, in the  
15 house is it directly into the service line, or  
16 is it to the right or left of the service line?

17 A. So the X -- I mean, in the general  
18 location of the service line is where the X is  
19 right now in that picture.

20 Q. Right. And I understand that. What  
21 I'm asking you is, the meter that's currently  
22 inside of the house, would that be directly  
23 where the service line runs or would it be to  
24 the right or to the left of the service line?

25 A. I wouldn't be able to answer that

RAYMOND BRUMLEY

1 without having visited the basement and had  
2 access to the basement.

3 Q. So you don't know where the current  
4 meter is inside of the house?

5 A. I do not. I can assume from prior  
6 projects and work that it would be either to the  
7 right or left as soon as it comes into the  
8 house.

9 Q. All right. Well, I really don't want  
10 you to assume. I only want you to answer what  
11 you know. So if you don't know, you don't  
12 know.

13 A. I don't know.

14 Q. All right. Thank you, and thank you  
15 for the candor and honesty. So the X where it's  
16 shown on this picture that was sent to Mr. Tate,  
17 would otherwise evidence where Columbia Gas  
18 intended to put the meter; am I right?

19 A. With the limited knowledge that we  
20 know before having access to the home and that's  
21 with the "unknown conditions on the interior  
22 could alter this location." So with the limited  
23 access to the home and knowledge of that, yes.

24 Q. Well, right. But it's saying unknown  
25 conditions on the interior could alter the

RAYMOND BRUMLEY

1 location. It's not saying anything about the  
2 exterior. The exterior of the home, if we look  
3 to that picture again, your number 11, my number  
4 one, would otherwise evidence that where that X  
5 is would be where the steps are located?

6 A. Knowing the picture of the home, yes.

7 Q. And would you agree that it would be  
8 inappropriate to put the meter where the steps  
9 are located?

10 A. I would, having seen the home, yes.

11 Q. Okay. And based upon you not having  
12 any personal knowledge as to the width of the  
13 grocer's alley, I presume, and that might get me  
14 in trouble, that you can't really testify as to  
15 whether the meter could go, if there was a meter  
16 to go on the exterior, in the grocer's alley?

17 A. So from the information that I got,  
18 you know, it is 30 inches measured. So, yes, I  
19 have to trust that information that was given to  
20 me. With that information there is not enough  
21 space sufficient to install a meter in that  
22 breezeway or grocer's alley.

23 Q. And I would agree with you. If it was  
24 only 30 inches, therefore Mr. Tate would own 15  
25 inches of it. Based upon what the dimensions

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1 are of the meter and how far it has to be from

2 the building you would not be able to do that.

3 But my question was predicated upon the fact

4 that you personally did not measure nor did you

5 go to the property at issue?

6 A. Personally did not.

7 Q. Okay.

8 JUDGE HAAS: Mr. Benn, let

9 me interrupt. I have a question or

10 two at this point.

11 MR. BENN: Sure.

12 JUDGE HAAS: Mr. Brumley, if

13 in fact the width of the grocer's

14 alley is five feet and each property

15 owner owns half of that, meaning each

16 owner would own about two and a half

17 feet of that, would you -- would it be

18 your belief that there would be

19 sufficient room to install a meter in

20 the alleyway?

21 MR. BRUMLEY: There

22 potentially could be. There is one

23 other concern. Looking at Google

24 Earth and maps and everything that

25 we've had and getting familiar with

RAYMOND BRUMLEY

1 the project, there is a marking for a  
2 sewer lateral that goes in that  
3 general area as well. It looks like  
4 it goes to that grocer's alley. If  
5 there is a sewer lateral located under  
6 there, that will not enable us to  
7 install that service line overtop of  
8 the sewer lateral. So there is  
9 potential that there's another utility  
10 in that area. That would not allow us  
11 to install there. If there is not  
12 another utility and that is, in fact,  
13 five feet wide, which would make  
14 Mr. Tate own two and a half feet,  
15 there is a potential that we can  
16 install it there.

17 JUDGE HAAS: Well, I would  
18 kind of like to know how wide it is,  
19 because this is a pretty big  
20 difference and pretty significant.

21 I think what I'm going to  
22 direct Columbia to do, whether it's  
23 you, Mr. Brumley, or someone else, is  
24 to go out there and measure it, the  
25 actual width of the grocer's alley,



1                   RAYMOND BRUMLEY  
2                   and then submit that as Columbia  
3                   Exhibit-12. Because I would like to  
4                   know that information. We have one  
5                   party saying it's five feet wide and  
6                   another party, who's never been there,  
7                   saying it's less than three feet wide.

8                   Ms. Hirakis, I would like  
9                   somebody to go out and take an actual  
10                  measurement and then submit that  
11                  measurement as Columbia Hearing-12.  
12                  Okay?

13                 MS. HIRAKIS: We will do  
14                 that.

15                 JUDGE HAAS: Mr. Tate, are  
16                 you still on the line?

17                 MR. TATE: I am.

18                 JUDGE HAAS: I would like  
19                 Columbia -- what's your availability,  
20                 Mr. Tate? Are you generally around  
21                 during the daytime or not?

22                 MR. TATE: I live and work  
23                 both in downtown York, so I can make  
24                 myself available.

25                 MR. BENN: And if Columbia  
Gas were able to go out there

1                   RAYMOND BRUMLEY  
2                   tomorrow, I believe Mr. Tate is off  
3                   tomorrow.

4                   MR. TATE: I am.

5                   JUDGE HAAS: Well, I don't  
6                   know if that's possible. But what I'm  
7                   going to direct is that Columbia  
8                   contact Mr. Tate. Because, Mr. Tate,  
9                   I would like you to be there when the  
10                  measurement is taken, so both parties  
11                  are in agreement. And then I want  
12                  that information just put on a piece  
13                  of paper and submitted as Columbia  
14                  Exhibit-12.

15                  Mr. Brumley, do you have any  
16                  idea right now when you might be able  
17                  to get somebody out there to do that?  
18                  Is there any possibility of someone  
19                  going out there? Ideally, I think it  
20                  would be a good idea if it was you so  
21                  you could actually get a firsthand  
22                  look at the property. Any chance you  
23                  could get out there tomorrow, or is  
24                  that not doable?

25                  MR. BRUMLEY: Myself --

                  JUDGE HAAS: Or somebody

1                   RAYMOND BRUMLEY  
2           else. It doesn't necessarily have to  
3           be you, but a representative of  
4           Columbia could --

5                   MR. BRUMLEY: Yeah, I could  
6           do it.

7                   JUDGE HAAS: Okay. You can  
8           have somebody meet with Mr. Tate  
9           tomorrow, take that measurement so  
10          that both parties are in agreement and  
11          provide that information as Columbia  
12          Exhibit-12.

13                   Ms. Hirakis, is that okay  
14          with you?

15                   MS. HIRAKIS: It is. And I  
16          just have Mr. Bedell, who was our  
17          communications witness and who has had  
18          multiple -- with Mr. Tate reach out to  
19          Mr. Tate, if that's okay, and schedule  
20          something.

21                   MR. BENN: Well, we could  
22          give Mr. Brumley Mr. Tate's cell phone  
23          number right now and whomever can  
24          contact him by cell, if that's  
25          acceptable.

                  MS. HIRAKIS: Yes, that is.

RAYMOND BRUMLEY

1 JUDGE HAAS: Let's pin as  
2 much of this down right now as we can.  
3 Why don't -- Mr. Tate, can you give  
4 Ms. Hirakis and Mr. Brumley your cell  
5 phone number now?

6 MR. TATE: Yes, your Honor.  
7 My cell phone number is (717) --

8 JUDGE HAAS: Before you do  
9 that, I don't think this needs to be  
10 part of the transcript, put your cell  
11 phone number out to the world.

12 Donna, just redact the  
13 actual phone number in the transcript  
14 if you would.

15 THE COURT REPORTER: Okay.

16 MR. TATE: I also appreciate  
17 that you think the world is going to  
18 want to read the transcript.

19 JUDGE HAAS: Well, you never  
20 know. This is off the record, what is  
21 your cell phone number?

22 \* \* \*

23 (Whereupon, a discussion was  
24 held off the record.)

25 \* \* \*

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1 JUDGE HAAS: So somebody  
2 from Columbia will contact you, pick a  
3 time tomorrow to meet you so that the  
4 two parties together can take a  
5 measurement of that alleyway and  
6 provide it as Columbia Exhibit-12.  
7 All right. Thank you, everyone. I  
8 don't remember where we -- we were on  
9 cross-examination if I'm --

10 MR. BENN: Yes, you're  
11 correct.

12 JUDGE HAAS: -- my memory is  
13 correct. Go ahead, Mr. Benn.

14 BY MR. BENN:

15 Q. I believe your testimony, Mr. Brumley,  
16 was that the gas main is located in the street  
17 in front of this home. And you had further  
18 indicated that there would be some degree of  
19 difficulty to put the meter -- if a meter were  
20 to be installed at the property and not in the  
21 front of the home or in the grocer's alley,  
22 there would be some degree of difficulty in  
23 putting it at the back side of the house; is  
24 that correct?

25 A. That is correct.

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1 Q. And I'm assuming that the reason for  
2 that is that you would have to run a service  
3 line from the main to the back of the house; is  
4 that right?

5 A. Yes, either a service line or run an  
6 additional main with a service line in the back  
7 of the house, correct.

8 Q. I want to go back to something that  
9 you had raised as a potential issue only because  
10 I, again, would like to have clarity on it.

11 Let's assume for the sake of  
12 conversation -- and frankly I'm not sure whether  
13 this is at all accurate. Let's assume that  
14 there is another utility that has access through  
15 the grocer's alley as you had potentially  
16 alluded to. Would you not -- could not Columbia  
17 Gas secure the right from that utility to run  
18 either, A, a service line where they otherwise  
19 have the right, or would you not be able to have  
20 the right from them, secure the right from them,  
21 to put the meter on the side of the grocer's  
22 alley? Isn't it true that utilities can, in  
23 fact, share whatever rights are otherwise  
24 afforded to them?

25 A. If it is deemed a utility easement.

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1 If it is an exclusive easement, we would not  
2 have the ability to do that nor are able to do  
3 that. Also, by regulation and by code we have  
4 to have one foot horizontal and vertical  
5 separation from any utility. So that would  
6 impair that as well. So there are some factors  
7 to take into consideration there.

8 Q. But it is something that could be  
9 investigated?

10 A. It could be, yes.

11 Q. All right. Thank you. So to the best  
12 of your knowledge, and again I'm sort of putting  
13 words in your mouth, there hasn't really been  
14 any other thought process with regard to putting  
15 the meter by Columbia on Mr. Tate's property  
16 other than where the X is denoted on the  
17 photograph?

18 A. I would not agree. You know, they  
19 looked at the grocer's alley, although I didn't  
20 measure it myself, he did have the measurement  
21 of 30 inches, which would not allow them to put  
22 it in the grocer's alley. In the back of the  
23 house with the extension and pavement and  
24 everything else that they would run into in the  
25 back, it was not feasible. So I would say

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1 that's false, that they did look at other  
2 options.

3 Q. Well, you're stating that there could  
4 be a service line that could run to the back of  
5 the house to service a meter, or the  
6 alternative, put in a main, but we're not really  
7 interested in putting in a main. Meaning, I  
8 don't think Columbia Gas would be interested in  
9 putting in another main. And as far as the  
10 service alley is concerned, we're going to  
11 investigate that. So what I'm asking is, were  
12 there any other alternative positions that  
13 Columbia Gas considered other than where the X  
14 is?

15 A. Again, I would say no. The left side  
16 is completely out of the question with the row  
17 house and adjoining walls. So the only options  
18 you have are the rear, which we discussed, the  
19 grocer's alley, which we're discussing and going  
20 to have resolution on that tomorrow. The only  
21 other option would be the front of the house  
22 where the X is.

23 Q. So what is the issue with regard, if  
24 any, to putting a meter under a window?

25 A. The issue is venting. So there are



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1 codes that we follow, you know, three foot  
2 underneath. It does depend on if it's a window  
3 that opens or if it's a permanent window that  
4 could potentially open and have a venting  
5 regulator, you know, come in. So there are  
6 issues with that. But we can also have the  
7 ability to use a regulator that only requires  
8 one foot radius. It can be installed within one  
9 foot of a window. So we have options to handle  
10 that, but there are codes and regulations  
11 requiring that that we follow.

12 Q. I want to go over the dimension again  
13 with you, just so that I have clarity on that,  
14 because the only dimensions I have as it relates  
15 to the installation of an outside meter is what  
16 Mr. Tate provided. I think you had indicated  
17 that it would be 14 inches off of the wall; is  
18 that correct?

19 A. That is correct.

20 Q. It would be approximately 14 inches in  
21 width; is that correct?

22 A. That is correct.

23 Q. And it would be about two and a half  
24 feet high; is that correct?

25 A. No. 24 inches is what I testified to.

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1 Q. Okay. So it's two feet high?

2 A. Right.

3 Q. All right. You heard testimony this  
4 morning, I believe, about the possibility of a  
5 ramp being placed on that property?

6 A. I did.

7 Q. Is it your position that if a meter  
8 were placed where the X is denoted on Tate  
9 Exhibit-1, your Exhibit-11, that the ramp would  
10 not hinder the meter or the meter would not  
11 hinder the ramp?

12 A. It's my position that I am not an  
13 expert on ADA requirements and codes, but I am  
14 familiar with it with the construction  
15 organization with the ADA ramps that we  
16 require. But I believe Ms. Hirakis mentioned  
17 that as well, that one foot horizontal for every  
18 one foot of rise would not enable that ADA ramp  
19 to be installed to code.

20 Q. All right. So the issue in dispute is  
21 Mr. Tate's contractor indicated that it could  
22 be. My question to you is, would a meter put in  
23 that place hinder a ramp if a ramp were placed  
24 extending from where the grocer's alley begins  
25 or ends up to the front door of Mr. Tate's

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1 house?

2 A. Potentially it could.

3 Q. I think you had indicated that when  
4 Mr. Tate had testified as to what he found at  
5 www.columbiagas.com relative to the snow issues,  
6 you indicated it's a visibility concern. There  
7 is a possibility of somebody might hit it if it  
8 otherwise wasn't apparent, because it was hidden  
9 by snow, that there would be an emergency issue  
10 for emergency vehicles. That site also says  
11 heavy or hard packed snow and ice on a gas meter  
12 could present a condition that temporarily stops  
13 the flow of natural gas or creates indoor  
14 natural gas buildup. What does that mean?

15 A. I'm not an expert on that one. I  
16 would have to refer to someone else on that. To  
17 my knowledge, the snow on there is an access  
18 issue. You know, as far as hinder and stop the  
19 flow, I would have to refer to someone else.  
20 I'm not aware of what that meaning is.

21 Q. You mentioned that a gas meter on the  
22 outside of a property is safer than a gas meter  
23 on the inside of a property; am I correct?

24 A. Yes. In certain situations, yes.

25 Q. What do you mean by "certain

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1 situations"?

2 A. I'm not saying that a gas meter on the  
3 interior of a structure is unsafe. The question  
4 was asked to me, if there was a leak on a meter  
5 or if there was damage or bumping of a meter on  
6 the inside and outside, what are the conditions  
7 and what are the risks. It is riskier to be on  
8 the inside because of a confined space. On the  
9 outside, it's atmosphere and it can vent to the  
10 atmosphere.

11 Q. I would tend to believe that damage to  
12 a meter or interference with a meter by bumping  
13 it, let's say by a human being, would not  
14 necessarily be the same as bumping it with  
15 regard to a vehicle; is that correct?

16 A. I would think that's safe to assume,  
17 yes.

18 Q. You've made reference to the testimony  
19 that Mr. Tate had provided this morning, and  
20 truthfully it's more of an aesthetics issue than  
21 anything else, and that was in terms to the fact  
22 that Columbia Gas is using different meters on  
23 properties predicated upon the fact that they're  
24 recycled meters, they're being reused, they were  
25 otherwise revamped. What does Columbia Gas do

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1 in an effort to try to create consistency on a  
2 particular property so that all of the meters  
3 would be the same or similar in nature, so that  
4 aesthetically it would be more attractive than  
5 having three meters that are all different  
6 shapes and sizes?

7 A. Yes. I don't think there is a program  
8 for that or kind of a written process for that.  
9 I do, however -- if a customer were to bring  
10 that to our attention with meter manifolds, we  
11 would do everything that we could to make sure  
12 there's symmetry or a similar meter if there was  
13 a three or four meter manifold. So we would do  
14 what we could if a customer did approach us with  
15 that.

16 Q. We used a photograph in our Exhibit-8  
17 that referenced properties, I believe, that  
18 were -- I'm sorry, I said Exhibit-8. I'm  
19 incorrect. In Exhibit-4, they were located on  
20 Queen Street in the City of York. Are you  
21 familiar with the installation of those meters?

22 A. I am not.

23 Q. Do you know whether the installation  
24 of those meters are a part of the 61 that you  
25 were making reference to?

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1 A. I do not, off the top of my head, no.

2 Q. Can a regulator be put outside of  
3 Mr. Tate's property with the meter being placed  
4 inside Mr. Tate's property? And I'm not asking  
5 the question from the standpoint of a preference  
6 of Columbia Gas. I'm asking from the standpoint  
7 in terms of whether that can be done.

8 A. Physically without seeing the basement  
9 and everything, yeah, it can be done. We've  
10 done it in the past, have a regulator out,  
11 inside, not specifically in the York area, but  
12 it can be done.

13 Q. Do you happen to know, offhand, what  
14 the size of a regulator is? You gave us the  
15 dimensions of a meter. Can you give us the  
16 dimensions of a regulator?

17 A. Yeah. So if you do regulate that the  
18 same way, it's going to be a little less, but  
19 it's probably going to be eight to ten inches in  
20 depth from the house, from the building and  
21 probably about the same width.

22 Q. So it would be eight to ten inches  
23 away from the front of the building and about  
24 eight to ten inches in width; is that correct?

25 A. Average, yes.

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1 Q. And how about in height?

2 A. Height would be pretty close. I would  
3 say probably 18 to 20, 18 to 22 inches -- 18 to  
4 20 inches height.

5 Q. Okay. Well, thank you very much. I  
6 appreciate your honesty. I appreciate your  
7 candor.

8 MR. BENN: I have nothing  
9 further of this witness.

10 JUDGE HAAS: Thanks,  
11 Mr. Benn.

12 Ms. Hirakis, any redirect?

13 MS. HIRAKIS: Yes, very  
14 quickly.

15 \* \* \*

16 REDIRECT EXAMINATION

17 \* \* \*

18 BY MR. HIRAKIS:

19 Q. Mr. Brumley, do you have access to the  
20 construction records for the project on South  
21 Pine Street?

22 A. I do.

23 Q. And have you reviewed those records  
24 before testifying here today?

25 A. I have.

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1 Q. And do you supervise the construction  
2 team working on this specific project?

3 A. I supervised them as of October 2nd,  
4 yes.

5 MS. HIRAKIS: Nothing  
6 further, your Honor.

7 MR. BENN: That does raise a  
8 couple of questions on my part.

9 \* \* \*

10 RECROSS-EXAMINATION

11 \* \* \*

12 BY MR. BENN:

13 Q. Mr. Brumley, when was the last time  
14 that any construction work was done on Pine  
15 Street since you took over on October 2nd?

16 A. To my knowledge, nothing has been  
17 done. This is the last service that needs to be  
18 completed before we can abandon the old cast  
19 iron. So this is the last thing that needs to  
20 be completed on that project.

21 Q. Do you know when the last work was  
22 done on Pine Street?

23 A. Not off the top of my head. I can  
24 look at the records and find out. But I do not  
25 have that currently.



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1 MR. BENN: All right. Thank  
2 you. That's all.

3 JUDGE HAAS: Okay. Anything  
4 else, Ms. Hirakis?

5 MS. HIRAKIS: Only a request  
6 to get Columbia Hearing Exhibit-11  
7 into the record.

8 JUDGE HAAS: Okay. Which is  
9 a photo that is the same as Tate  
10 Exhibit-1.

11 Any objection, Mr. Benn?

12 MR. BENN: No, your Honor.

13 JUDGE HAAS: All right.  
14 Mr. Brumley, thank you for your  
15 testimony. You are excused.

16 Ms. Hirakis, I believe  
17 that's all of the witnesses that you  
18 have, correct?

19 MS. HIRAKIS: That's  
20 correct, your Honor.

21 JUDGE HAAS: Okay. Well, as  
22 we agreed earlier, Mr. Benn and  
23 Ms. Hirakis, you will talk, I guess at  
24 this point, likely tomorrow or  
25 whenever, but tomorrow, and discuss

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1 the remainder of the letters that have  
2 been submitted in support of Mr. Tate  
3 and see what kind of agreements or  
4 stipulations you can come to. And  
5 then depending on that discussion  
6 we'll know if we need to present more  
7 witnesses on Thursday. Though I would  
8 ask after your discussion if one of  
9 you would send me an email and let me  
10 know what's going on so that I have an  
11 idea of what we're going to be doing  
12 on Thursday. If you're able to come  
13 to a complete agreement and stipulate  
14 to whatever you're able to stipulate  
15 to with the remaining letters, then  
16 Thursday morning will not be needed or  
17 it will be very quick. Otherwise,  
18 we'll have to bring some more  
19 witnesses in. So I don't know when  
20 the two of you will be able to huddle  
21 up tomorrow, but I'd just ask between  
22 the two of you if you'd send me an  
23 email after your discussion and let me  
24 know what's happening. And at this  
25 point we will plan on meeting again

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1 Thursday morning at 10:00.

2 MR. BENN: Your Honor, I'd  
3 just ask Amy, do you have any  
4 availability at 1:00 or 2:00  
5 tomorrow?

6 MS. HIRAKIS: I do. Yes,  
7 that works.

8 MR. BENN: All right. So  
9 let's try to speak to each other  
10 around 1:00.

11 MS. HIRAKIS: Okay.

12 JUDGE HAAS: Okay.  
13 Perfect. All right. And then if  
14 you'll send me another email and let  
15 me know what's happening. And we'll  
16 plan on reconvening Thursday morning  
17 at 10:00, unless there's been a  
18 complete agreement and we don't need  
19 to do that. But I'll plan on talking  
20 to you all again Thursday morning.

21 Ms. Hirakis, anything we  
22 need to discuss before we wrap up for  
23 today?

24 MS. HIRAKIS: No, your  
25 Honor.

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1 JUDGE HAAS: Mr. Benn?

2 MR. BENN: We're good.

3 JUDGE HAAS: All right.

4 It's been a long day. Thanks very  
5 much to all of you, and for the most  
6 part a very cooperative and pretty  
7 easy day today. I appreciate that  
8 from both of you. And I will plan on  
9 talking to you again on Thursday  
10 morning. Thanks very much everyone.

11 (Whereupon, the hearing was  
12 adjourned at 4:20 p.m.)

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C E R T I F I C A T I O N

I, DONNA O'CONNOR, hereby  
certify that the foregoing is a true  
and correct transcript of the  
proceedings held in this matter, as  
transcribed from the stenographic  
notes taken by me on Tuesday,  
November 10, 2020.

A handwritten signature in cursive script, reading "Donna O'Connor", is written over a horizontal dashed line.

DONNA O'CONNOR

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apply to any reproduction of this  
transcript, unless under the direct  
supervision of the certifying  
reporter.)

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|                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <hr/> <b>z</b> <hr/>                                                                                                                                                                        |
|                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Z-U-M-B-R-U-N</b><br>127:14<br>128:15<br><b>zoning</b><br>67:9<br><b>Zumbrun</b><br>117:19<br>127:13,16,<br>17,21,23<br>128:2,8,14,<br>24 136:6<br>138:9<br>139:12,15                    |