

**LARRY R. CRAYNE, PC**  
**Attorney at Law**

238 Johnston Road  
Pittsburgh, PA 15241

[lr crayne@comcast.net](mailto:lr crayne@comcast.net)

(412) 831-5462  
(412) 425-4029

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ELECTRONICALLY FILED

January 6, 2022

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

**Re: Dominic Raneri v. UGI Utilities, Inc.**  
**Complaint Docket No. C-2021-3030082**

Dear Ms. Chiavetta:

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

Sincerely,

  
Larry R. Crayne

cc: Dominic Raneri  
555 S. 18th Street  
Reading, PA 19606  
[ranerii@aol.com](mailto:ranerii@aol.com)

**Commonwealth of Pennsylvania**

**Before the Pennsylvania Public Utility Commission**

In the Matter of:

Dominic Raneri,  
Complainant,

Complaint Docket  
No. C-2021-3030082

VS.

UGI Utilities, Inc.,  
Respondent.

**Preliminary Objections**

**AND NOW** comes Respondent, UGI Utilities, Inc., (UGI), pursuant to 52 Pa. Code, Section 5.101 (a) (1), (4) and (7), and files the following Preliminary Objections:

**A. Legal Insufficiency of Pleading**

1. Complainant asks the Pennsylvania Public Utility Commission (Commission) to “act as an oversight entity with the express purpose of overseeing UGI’s future requests for these restrictive parking practices.” Complainant is in effect asking the Commission to regulate the scheduling of street closures related to restoration work performed by UGI in the City of Reading. The Commission does not have the authority to determine the procedure and length for the posting of streets in the City. UGI avers that the scheduling of the work in the 1900 block of Fairview Street was required to enable UGI to maintain its gas distribution facilities throughout the City of Reading in order to provide service to the public. The City Ordinance for street parking restrictions regulates the manner of street postings in the City. Specifically, Reading Parking Authority, City Ordinance 576-419 states:

*§ 576-419. Daily parking permits.*

*A. Purpose. Daily parking permits are designed to make legal parking more convenient by having motorists prepay a required fee in return for the posting of a no-parking sign by the Reading Parking Authority. These signs are intended for short-term use that will not exceed two weeks; they shall not be used in place of long term off- street parking. Daily parking permits may be issued for all legal on- street parking spaces. They do not permit parking in prohibited parking zones.*

B. *The following regulations govern the issuance of a daily parking permit:*

- (1) *The request for a daily parking permit shall be submitted to the Reading Parking Authority. The Reading Parking Authority may require a separate Police Department-issued "special event" permit for the issuance of four or more signs.*
- (2) *The daily parking permit shall contain the name of the individual or organization requesting the posting of a no-parking sign and the date, time and location of use.*
- (3) *A daily parking permit must be requested at least 24 hours prior to its intended use. Requests for use of a daily parking permit on a Monday shall be submitted no later than the preceding Thursday. The Reading Parking Authority will post a no-parking sign consistent with the daily parking permit that is issued and it shall remove the no-parking sign when the use has ended.*
- (4) *One no-parking sign shall be required for every parking space.*
- (5) *Daily parking permits are exempt from street cleaning.*
- (6) *No refunds will be issued by the Reading Parking Authority due to the rescheduling of events, inclement weather or non-use of the daily parking permit that is issued.*
- (7) *It shall be illegal to alter a no-parking sign or to attempt any use at a date and/or time other than originally specified.*
- (8) *Any violation of any of the above regulations will result in the levy of fines and may result in prosecution. The Reading Parking Authority shall be permitted to charge applicable daily parking permit fees to anyone that misuses a no-parking sign or fails to pay for any such use and shall be permitted to temporarily suspend the use of no parking signs by anyone that takes part in any such misuse.*

C. *An individual that requests a daily parking permit for use in front of his or her residence shall be required to provide proof of residence in the City of Reading. Residential parking permits shall be for personal use only. Commercial use of a residential daily parking permit is prohibited.*

D. *The cost of a daily parking permit shall be as provided in 212-144. The rate for a residential parking permit shall be available for 20 or fewer days for a single residence in one calendar year. The issuance of a residential parking permit for a personal home shall thereafter be charged at the standard rate for general usage in a metered or non-metered parking space.*

2. Only the City of Reading Parking Authority can oversee UGI's requests to close streets. The Commission lacks the authority to regulate how and when UGI requests street closures from the City of Reading Parking Authority pursuant to Ordinance 576-419. In essence, Complainant is seeking to have the Commission extend its powers and jurisdiction to interfere with and usurp the City of Reading's parking rules and UGI's rights under them.

3. The averments of this Complaint fail to allege a violation of the Public Utility Code, Commission regulations or the UGI filed and approved tariff. Since no factual issue pertinent to the resolution of this Complaint exists which the Commission has jurisdiction to consider, a hearing is unnecessary. UGI is entitled to judgment as a matter of law. Granting the UGI motion for dismissal of this Complaint is appropriate in these circumstances.

### **B. Complainant is not Authorized to Represent the Residents of Fairview Street**

1. Complainant states that parking restrictions associated with UGI's work "have caused unwarranted restrictions on the residents of this block as well as adjacent and surrounding residential blocks. The result, as usual, has been a parking nightmare, denied access to homes and an unwarranted safety and health issue for many elderly and handicapped residents of this area." The regulations of the Commission at 52 *Pa. Code*, Section 1.21, provide that individuals may represent themselves. The regulations do not provide that an individual may represent the interests of other individuals, customers or ratepayers. If a customer or ratepayer desires representation by someone else, the person providing the representation must be an attorney at law admitted to practice before the Supreme Court of Pennsylvania. 52 *Pa. Code*, Section 1.22 (a).

2. Complainant Raneri is not an attorney licensed to practice law in Pennsylvania. The Commission's regulations at 52 *Pa. Code* 1.21(b) provide that in adversarial proceedings, a person shall be represented by an attorney except where an individual represents himself or herself.

3. Complainant Raneri has filed a complaint regarding the posting of the 1900 block of Fairview Street in the City of Reading to accommodate restoration work required to be performed in the street. Complainant herein is purporting to generally represent the interests of other residents of Fairview Street and the City of Reading in general. This Complaint should be dismissed for lack of Complainant's authorization to represent the residents of Fairview Street or any other individual, customer or ratepayer.

### C. Lack of Standing to File Complaint

1. Complainant in this proceeding is not a customer of UGI. Further, Complainant's residence is not located on Fairview Street. Complainant is filing this Complaint solely as an officious intermeddler based on an apparent belief that he somehow has the right to demand additional oversight of UGI's construction activities in the City, that he has a right superior to the City of Reading to regulate the manner in which street closings related to utility construction work is performed in the City and that he has a right to demand that UGI pay damages for his perceived beliefs in how street closures occur in the performance of UGI's work in the City.

2. Complainant has filed three previous Formal Complaints regarding parking restrictions for UGI's utility work in the City of Reading at Docket Nos. C-2021-3025226, C-2021-3027378 and C-2021-3029438. Complainant has had opportunities for his day in court. This additional Complaint constitutes an abuse of the Commission formal complaint process and is another attempt by Complainant to usurp the City of Reading's right to police utility street opening permits.

3. Standing to participate in proceedings before an administrative agency is primarily within the discretion of the agency. *Pennsylvania National Gas Association v. T.W. Phillips Gas and Oil Co.*, 75 Pa. PUC 598, 603 (1991). Generally, the Commission has held that a person or entity has standing when the person or entity has a direct, immediate and substantial interest in the subject matter of a proceeding. *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975); *Landlord Service Bureau, Inc. v. Equitable Gas Co.*, 79 Pa. PUC 342 (1993); *Re Equitable Gas Co.*, 76 Pa. PUC 23 (1992).

4. As discussed in the matter of *Luke v. Columbia Gas of Pennsylvania*, Docket No. C-2014-2425948 (Order entered August 27, 2014), page 8, the legal considerations as to whether a party had standing to maintain a complaint were explained as follows:

"The Complainant's interest in the subject matter of the proceeding is direct if her interest is adversely affected by the actions challenged in the complaint, is immediate if there is a close causal nexus between her asserted injury and the actions challenged in the complaint and is substantial if she has a discernible interest other than the general interest of all citizens in seeking compliance with the law. *Ken R. ex rel. C.R. v. Arthur Z.*, 682 A.2d 1267 (Pa. 1996); *In re El Rancho Grande, Inc.*, 437 A.2d 1150 (Pa. 1981); *William Penn Parking Garage, Inc.; Empire Coal Mining & Development, Inc. v. Department of Environmental Resources*, 623 A.2d 897 (Pa. Cmwlth. 1993)."

5. Complainant is not a UGI customer and he does not live on the 1900 block of Fairview Street. He generally alleges that street closures requested by UGI have caused physical and emotional health issues. However, that claim is not described with any factual supporting detail. The Complaint therefore falls short of stating a claim for negligent infliction of emotional distress, it being the law of Pennsylvania that liability therefor must be founded upon Mr. Raneri's personal observation of physical injury negligently inflicted by another upon a third person, which did not happen in this Complaint. *Hoffner v. Hodge*, 47 Pa. Cmwlth. 277, 407 A.2d 940 (1979); see *Sinn v. Burd*, 486 Pa. 146, 404 A.2d 672 (1979). Moreover, Mr. Raneri's reaction to a two day street closing two blocks away from his home is not the sort of "extreme or

outrageous” conduct on which recovery for intentional infliction of emotional distress may be predicated. *See Jones v. Nissenbaum, Rudolph & Seidner*, 244 Pa.Super. 377, 383, 368 A.2d 770, 773 (1976). For these reasons, the Complaint should be dismissed.

#### **D. Lack of Jurisdiction to Award Damages**

1. Complainant requests that the Commission order “[s]ignificant financial damages be awarded to all of the affected residents, including myself, and levied against UGI Industries as this pattern has caused long-term, lasting, severe physical and emotional health issues for those that suffered from these malicious and willfully heinous acts.”

2. The Commission lacks the authority to award the monetary damages that the Complainant seeks. The Public Utility Code does not grant the Commission the authority to award monetary damages. *Terminato v. Pa. National Insurance Co.*, 645 A.2d 1287 (Pa. 1994); *Elkin v. Bell Tel. Co. of Pa.*, 420 A.2d 371 (Pa. 1980); *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977); *Ostrov v. I.F.T., Inc.*, 586 A.2d 409 (Pa. Super. 1991); *Poorbaugh v. Pa. Pub. Util. Comm'n*, 666 A.2d 744 (Pa. Cmwlth. 1995).

3. Because the Commission lacks jurisdiction to award the monetary damages requested by Complaint, the Complaint should be dismissed.

**Wherefore**, UGI is filing these Preliminary Objections requesting that this Complaint against UGI be dismissed as a matter of law. The Complaint fails to allege a violation of the Public Utility Code, Commission regulations or the UGI filed and Commission approved tariff, Complainant is not an attorney authorized to represent other persons, Complainant does not have standing to file this Formal Complaint, and the Commission lacks jurisdiction to award Complainant’s request for damages.

#### **Notice to Plead**

To: Dominic Raneri:

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


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

A copy of your response must also be mailed to:

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

Respectfully submitted,

UGI Utilities, Inc.

By:   
Larry R. Crayne, Esq.

VERIFICATION

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

Date: 1-6-2022

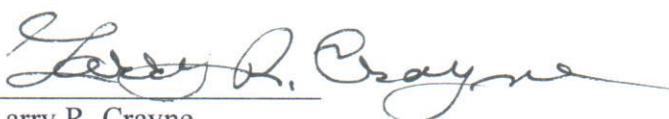
Amy K. Wynn  
Amy Wynn  
Senior Compliance Representative  
UGI Utilities, Inc.

## Certificate of Service

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

Dominic Raneri  
555 S. 18th Street  
Reading, PA 19606  
[ranerii@aol.com](mailto:ranerii@aol.com)

Dated this 6<sup>th</sup> day of JEN, 2022

  
Larry R. Crayne  
238 Johnston Road  
Pittsburgh, PA 15241

Counsel for  
UGI Utilities, Inc.