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ELECTRONICALLY FILED

March 3, 2022

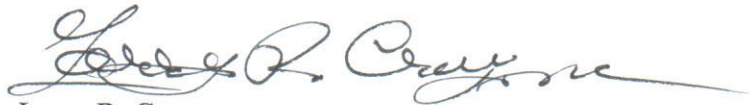
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Luis Benavides v. UGI Utilities, Inc.
Complaint Docket No. C-2022-3030846

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: Luis Benavides
89 Catherine Street
Moosic, PA 18507

Commonwealth of Pennsylvania

Before the Pennsylvania Public Utility Commission

In the Matter of:

Luis Benavides,
Complainant,

Complaint Docket
No. C-2022-3030846

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) and (4), and files the following Preliminary Objections:

A. Lack of Commission Jurisdiction to Award Damages

1. Complainant in this proceeding is requesting the Pennsylvania Public Utility Commission (“Commission”) to award Complainant monetary damages for work he had performed to repair a water line that he alleges was damaged by UGI and its Contractor.
2. Complainant alleges no violation of any Statute, regulation or order which UGI has violated and which the Commission has jurisdiction to administer. Since the actual damage to the water line has been repaired and paid for by Complainant, this matter involves no issue regarding the character of utility service and facilities to Complainant. Complainant makes no allegation regarding the adequacy and performance of the main gas line installation work and work necessary for the replacement of the customer-owned service line in the vicinity of 87 Catherine Street, Moosic, Pa. Furthermore, as stated in UGI’s Answer to the Complaint, UGI denies that it or its contractor damaged the Complainant’s water line, and the Complainant offered no proof thereof.
3. Instead, Complainant requests the Commission to adjudicate what amounts to a matter of tort responsibility for the cost to repair his water line, which work he now claims relates to work performed by UGI and its Contractor.
4. The Commission does not have the statutory jurisdiction to grant the relief requested by the Complainant. Complainant requests that the Commission award him monetary damages for work performed by UGI or its Contractor, which he alleges damaged and caused him to repair his water line. If the Commission should conclude that UGI or its contractor was responsible for the damage to Complainant’s water line, which UGI denies, the Commission does not have the power to grant monetary damages to Complainant. *See 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).

Wherefore, UGI is filing these Preliminary Objections requesting that this Complaint against UGI and its Contractor be dismissed as a matter of law for the reason that this Complaint involves the determination of the responsibility of UGI under tort law for monetary damages claimed by Complainant.

Notice to Plead

To: Luis Benavides:

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

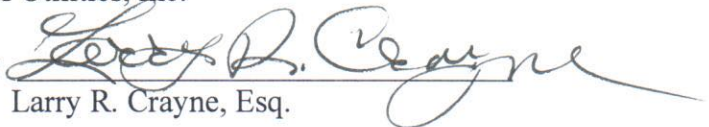
A copy of your response must also be mailed to:

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: 3-3-2022

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)

Luis Benavides
89 Catherine Street
Moosic, PA 18507
andresbenavides2002@yahoo.com

Dated this 3rd day of MAR, 2022



Larry R. Crayne
238 Johnston Road
Pittsburgh, PA 15241

Counsel for
UGI Utilities, Inc.