



May 16, 2022

VIA E-FILING

David P. Zambito

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2 North – Filing Room
Harrisburg, PA 17120

RE: In re: Petition of Westover Property Management Company, L.P. d/b/a Westover Companies for a Declaratory Order Regarding the Applicability of the Gas and Hazardous Liquids Pipeline Act; Docket No. P-2021-3030002

Amended Petition of Westover Companies for Declaratory Order

Dear Secretary Chiavetta:

In accordance with your email of May 13, 2022, I am re-filing the Amended Petition of Westover Companies for Declaratory Order, with a revised Certificate of Service.

Please contact me if you have any question regarding this filing. Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

By: David P. Zambito
Counsel for *Westover Property Management, L.P.*
d/b/a Westover Companies

DPZ:kmg

Enclosures

cc: Per Certificate of Service
Peter Quercetti, Vice President of Operations Management, Westover Companies
Alexander Stefanelli, CFO, Westover Companies

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. P-2021-3030002
	:	
Westover Property Management Company, L.P. d/b/a Westover Companies	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 16th day of May, 2022 served a true copy of the foregoing **Amended Petition of Westover Companies for Declaratory Order**, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA E-MAIL AND OVERNIGHT DELIVERY

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David P. Zambito, Esq.
Counsel for *Westover Property Management
Company, L.P. d/b/a Westover Companies*

VERIFICATION

I, Alexander Stefanelli, hereby state that the facts set forth above 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 a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 5/11/22

Alex Stefanelli

VERIFICATION

I, Pete Quercetti, hereby state that the facts set forth above 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 a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: May 11, 2022

Pete Quercetti

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Petition of Westover Property Management :
Company, L.P. d/b/a Westover Companies for a : Docket No. P-2021-3030002
Declaratory Order Regarding the Applicability of :
the Gas and Hazardous Liquids Pipeline Act :

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.61, you are hereby notified that you have twenty (20) days from the service of the enclosed Amended Petition of Westover Property Management Company, L.P. d/b/a Westover Companies (“Westover”) for Declaratory Order to file an Answer to the Amended Petition. All pleadings, such as an answer, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Westover, and where applicable the Administrative Law Judge presiding over the case.

File with:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Filing Room
400 North Street, 2nd Floor
Harrisburg, PA 17120

With a copy to:

David P. Zambito, Esq. (PA ID #80017)
Jonathan P. Nase, Esq. (PA ID #44003)
Cozen O’Connor
17 North Second St., Suite 1410
Harrisburg, PA 17101



David P. Zambito
Counsel for
*Westover Property Management Company, L.P.
d/b/a Westover Companies*

Dated: May 16, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Petition of Westover Property Management :
Company, L.P. d/b/a Westover Companies for a : Docket No. P-2021-3030002
Declaratory Order Regarding the Applicability of :
the Gas and Hazardous Liquids Pipeline Act :

**AMENDED PETITION OF WESTOVER COMPANIES
FOR DECLARATORY ORDER**

Westover Property Management Company, L.P. d/b/a Westover Companies (“Westover”) files this Amended Petition for Declaratory Order (“Petition”), pursuant to 66 Pa. C.S. § 331(f) and 52 Pa. Code § 5.42, to resolve an actual case and controversy regarding whether certain Westover facilities are subject to the Gas and Hazardous Liquids Pipelines Act, 58 P.S. §§ 801.101 *et seq.* (“Act 127”). Westover respectfully requests that the Pennsylvania Public Utility Commission (“Commission”) declare that these facilities are not subject to Act 127. Consequently, Westover respectfully requests that the Commission declare that Westover’s registration with the Commission as an Act 127 pipeline operator at Docket No. A-2021-3028141 is null and void.

In support thereof, Westover avers and argues as follows:

I. INTRODUCTION

A. On-Going Case and Controversy

1. On December 13, 2021, Westover filed a Petition for Declaratory Order (the “Original Petition”) in the above-referenced matter. Westover alleged that there was an on-going case and controversy regarding whether it is subject to Act 127. Specifically, Westover alleged

that the Commission’s Bureau of Investigation and Enforcement (“I&E”) had commenced an investigation into whether Westover is complying with Act 127. When I&E field investigators notified Westover that it must comply with Federal pipeline safety laws, Westover filed an Act 127 pipeline operator registration with the Commission.¹ Upon further review by counsel, Westover’s position is that it is not an “operator” of a “master meter system” as defined in 49 CFR § 191.3. Original Petition ¶¶ 1-4.

2. The Original Petition asked the Commission to declare that (1) all Westover’s gas facilities are not subject to Act 127; and (2) Westover’s registration with the Commission as an Act 127 pipeline operator is null and void. Original Petition pp. 10-11.

3. On January 3, 2022, I&E filed an Answer in Opposition to the Original Petition.

4. Also on January 3, 2022, I&E filed a Complaint against Westover at Docket No. C-2022-3030125, alleging violations of Act 127 and 49 CFR §§ 192.1-192.1015.

5. On January 25, 2022, Westover filed an Answer and New Matter in response to I&E’s Complaint, and on February 14, 2022, I&E filed its Reply to New Matter.

6. Clearly, there is an on-going case and controversy over whether any or all of Westover’s gas systems² are subject to Act 127.

B. Need to Amend the Original Petition

7. In its Original Petition, Westover described its Systems as follows:

In each complex, Westover purchases gas at a point in Pennsylvania from a Commission-regulated public utility (a natural gas distribution company (“NGDC”)) and distributes it to the tenants in the complex, charging them for the

¹ Westover originally registered with the Commission at Docket No. A-2021-3027219 for the Jamestown Village Apartments. This registration was withdrawn and cancelled in August 2021. Also in August, 2021, Westover registered as a pipeline operator at Docket No. A-2021-3028141, which registration was amended on September 17, 2021 and renewed in February 2022.

² The gas systems that Westover operates at the 17 apartment complexes identified in I&E’s Complaint are referred to here as the “Westover Systems” or the “Systems.”

gas through a meter or rents in compliance with the requirements of 66 Pa. C.S. § 1313 (regarding “Price upon resale of public utility services”).

Original Petition ¶ 5 (footnote omitted).

8. Based on a more detailed review of its Systems in response to discovery in the Complaint proceeding, Westover believes this description of its Systems needs to be expanded and clarified because Westover’s Systems are different in some key respects. Nevertheless, Westover continues to submit that the Commission lacks jurisdiction over any of the Systems.

9. For the reasons discussed below, Westover respectfully requests that the Commission declare that (1) Westover’s Systems are not subject to Act 127; and (2) Westover’s registration with the Commission as an Act 127 pipeline operator is null and void.

II. THE PARTIES

10. Westover is not a Commission-regulated public utility. Its business address is: 550 American Avenue, Suite 1, King of Prussia, PA 19406.

11. Westover’s counsel in this matter are:

David P. Zambito, Esq. (PA ID # 80017)
Jonathan P. Nase, Esq. (PA ID # 44003)
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12. I&E serves as the Commission’s prosecutory bureau for the purposes of representing the public interest in ratemaking and service matters, and enforcing compliance with the Pennsylvania Public Utility Code (“Code”) and Commission Regulations and Orders.

Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered Aug. 11, 2011).

III. LEGAL STANDARDS

13. Section 331(f) of the Code, 66 Pa. C.S. § 331(f), and the Commission's regulations at 52 Pa. Code § 5.42 provide that the Commission may issue a declaratory order to terminate an actual controversy or to remove uncertainty. *Re Duquesne Light Co.*, 61 Pa. P.U.C. 507 (1986). For purposes of a petition for declaratory order, the Commission assumes the facts as alleged are true and issues a decision on the issues accordingly.

IV. ARGUMENT IN SUPPORT OF DECLARATORY ORDER

14. As an agency created by the General Assembly, the Commission has only the powers given to it by the General Assembly, either explicitly or implicitly. *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977). The threshold question presented is whether the Commission has jurisdiction to regulate the Westover Systems.

A. The Commission Lacks Jurisdiction Pursuant to 52 Pa. Code § 59.33

15. Commission regulations at 52 Pa. Code § 59.33 state that the Commission adopts, as the minimum safety standards for all natural gas and hazardous liquid public utilities, the safety standards found in 49 U.S.C. §§ 60101-60503 and 49 CFR Parts 191-193, 195 and 199. Westover is not a public utility as defined in 66 Pa. C.S. § 102. Therefore, the Commission does not have jurisdiction to regulate the Westover Systems pursuant to 52 Pa. Code § 59.33.

B. The Commission Lacks Jurisdiction Pursuant to Act 127

1. Legal Test of a “Master Meter System”

16. In 2011, the General Assembly enacted Act 127 in response to the growth of Marcellus Shale in Pennsylvania. In pertinent part, Section 501(a) of Act 127, 58 P.S. § 801.501(a), gives the Commission the general administrative authority to supervise and regulate “pipeline operators” within this Commonwealth who are subject to Federal pipeline safety laws. The General Assembly also empowered the Commission to adopt regulations consistent with the Federal pipeline safety laws, but the Commission -- after a decade -- has not yet promulgated regulations implementing Act 127 or specifically defining its interpretation of the limits of its powers under Act 127.³

17. The Pennsylvania General Assembly, in enacting Act 127, could have expressly included intrastate natural gas systems, such as Westover’s, within the Commission’s enforcement jurisdiction – but it did not. Construing Act 127 broadly would effectively give the PUC jurisdiction over every landlord in Pennsylvania that provides gas to its tenants using a master meter. There are likely hundreds, perhaps thousands, of such landlords. If the General Assembly intended to effect such a dramatic change in law and public policy, by giving the Commission authority to regulate these entities under Act 127, it would have said so explicitly. The fact that it did not do so reflects the General Assembly’s intent that these entities would not be regulated by the Commission.

³ Under the Pennsylvania regulatory review process, interested parties would have had an opportunity to provide comments on the appropriate implementation of Act 127 and binding norms on all similarly-situated entities could have been developed. Moreover, the Pennsylvania General Assembly would have had an opportunity to review the Commission regulations and assess consistency with the legislative intent of Act 127. *See* Pennsylvania Regulatory Review Act, 71 P.S. §§ 745.1 - 745.15; *see also* Pennsylvania Commonwealth Documents Law, 45 P.S. §§ 1102 - 1208. Without clear binding norms, the risk of selective and discriminatory prosecution is greatly increased.

18. The General Assembly only gave the Commission authority to regulate pipeline operators. A “pipeline operator” is defined as:

A person that owns or operates equipment or facilities in this Commonwealth for the transportation of gas or hazardous liquids by pipeline or pipeline facility *regulated under Federal pipeline safety laws*. The term does not include a public utility or an ultimate consumer who owns a service line on his real property.

58 P.S. § 801.102 (“Definitions”) (emphasis added).⁴

19. I&E contends that Westover is a “pipeline operator” as defined in Act 127 because Westover allegedly owns or operates a “master meter system” as defined by the Federal pipeline safety laws. **Appendix 1** p. 1.⁵

20. Act 127 defines the “Federal pipeline safety laws” as:

The provisions of 49 U.S.C. Ch. 601 (relating to safety), the Hazardous Liquid Pipeline Safety Act of 1979 (Public Law 96-129, 93 Stat. 989), the Pipeline Safety Improvement Act of 2002 (Public Law 107-355, 116 Stat. 2985) and the regulations promulgated under the acts.

58 P.S. § 801.102 (“Definitions”).

21. The Federal pipeline safety laws define a “master meter system” as:

... a pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the

⁴ The definition of “pipeline” in Act 127 reiterates that Act 127 pertains only to pipelines regulated by Federal pipeline safety laws. 58 P.S. § 801.102 (emphasis added) defines a pipeline as:

A part of the physical facilities through which gas or hazardous liquids move in transportation, including a pipe valve and other appurtenance attached to the pipe, compressor unit, metering station, regulator station, delivery station, holder and fabricated assembly. *The term only includes pipeline regulated by Federal pipeline safety laws*. The term does not include a pipeline subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission.

⁵ In addition, as authority for the Commission’s jurisdiction over Westover, **Appendix 1** p. 2 cites a case (*Pa. Pub. Util. Comm’n, Bureau of Investigation and Enforcement v. Brookhaven MHP Management LLC, et al.*, Docket No. C-2017-2613983 (Order entered Aug. 23, 2018)) in which the Commission approved a settlement. That case is inapposite because the parties did not contest the Commission’s jurisdiction and the Commission did not explicitly address its jurisdiction.

ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents[.]

49 CFR § 191.3.

22. Consequently, in order for any of Westover’s Systems to constitute a “master meter system” as defined by the Federal pipeline safety laws, that System must satisfy *all four elements* of the following test:

a. The apartment complex must have a pipeline system for distributing gas within, but not limited to, a definable area, such as an apartment complex.

b. Westover must be the operator of the pipeline system. An “operator” is defined as “a person who engages in the transportation of gas.” 49 CFR § 191.3. The “transportation of gas” is defined as “the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in or affecting interstate or foreign commerce.” *Id.*

c. Westover must purchase metered gas from an outside source.

d. Westover must resell that gas to the ultimate consumer through a gas distribution pipeline system. The ultimate consumer must purchase the gas from Westover directly through a meter or by other means (such as by rents).

2. None of Westover’s Systems Satisfy the Four-Pronged Test of a “Master Meter System”

a. Willow Run Apartments

23. At the Willow Run Apartments, the NGDC delivers gas directly to a meter for each individual apartment. Residents use the gas for heat and cooking (residents use electricity to make hot water). Residents pay the NGDC directly. **Appendix 2.**

24. Willow Run does not constitute a “master meter system” for the following reasons:

a. Westover does not have a pipeline system for distributing gas to residents; the NGDC’s pipeline system is directly connected to the ultimate consumer (the residents).

- b. Westover is not the operator of a pipeline system because it does not gather, transmit, distribute or store any gas; the gas goes directly from the NGDC to the ultimate customer.
- c. Westover does not purchase gas from an NGDC.
- d. Westover does not resell gas to the ultimate consumer. Furthermore, residents do not pay Westover for gas; residents purchase gas directly from the NGDC.

b. Paoli Place Apartments (North Buildings L-R and South Valley Townhomes)

25. At the Paoli Place Apartments (North Buildings L-R and South Valley Townhomes), the NGDC delivers gas to a meter on the apartment building and each apartment has a submeter to calculate the gas bill. Residents consume the gas for heat and hot water and cook with electricity. They pay the NGDC directly for the gas used. **Appendix 3.**

26. These apartment buildings do not constitute “master meter systems” because Westover does not purchase gas from an NGDC and does not resell gas to the ultimate consumer. Furthermore, residents do not pay Westover for gas; residents purchase gas directly from the NGDC. Westover therefore fails to meet the third and fourth elements of the test of a “master meter system.”

c. Lansdale Apartments, Concord Court, and Black Hawk Apartments

27. In these apartment complexes, the NGDC delivers gas to a meter on the apartment building, Westover consumes all the gas in its central boiler, and provides heat and hot water to residents. Tenants use electricity for cooking; they do not consume natural gas at all. **Appendices 4 and 5.**

28. In an opinion letter regarding Bryant College, the U.S. Department of Transportation’s Pipeline Hazardous Materials Safety Administration (“PHMSA”) stated that Bryant College did not meet the definition of a “master meter system” because it used the gas

delivered through its pipeline system to provide heat and hot water to campus buildings. The college was therefore considered the consumer of the gas. **Appendix 6.** Similarly, in an opinion letter regarding another college, the PHMSA stated “if the college-owned gas system consumes the gas and provides another type of service such as heat or air conditioning, to the individual buildings, then the college is not engaged in the distribution of gas. In this instance the college would be the ultimate consumer, and the Federal pipeline safety standards would only apply to mains and service lines upstream of the meter.” **Appendix 7.**

29. PHMSA interpretation letters “reflect the agency’s current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations are not generally applicable, do not create legally-enforceable rights or obligations, and are provided to help the specific requestor understand how to comply with the regulations.” See page 1 of **Appendix 8.** They are not controlling on the Commission.

30. The Commission should find the above-referenced PHMSA opinion letters persuasive because there is clearly a difference between (1) purchasing gas and reselling it to residents, and (2) consuming gas and supplying heat and hot water to residents. The definition of a “master meter system” requires the purchase and resale of gas. 49 CFR § 191.3.

31. The Commission lacks jurisdiction over these apartment complexes because Westover consumes the gas and provides heat and hot water to residents. Act 127 explicitly states that it does not apply to the ultimate consumer of gas. 58 P.S. § 801.102, *supra*.

32. Moreover, because Westover consumes the gas, rather than reselling it to customers, Westover does not meet the first, second, or fourth elements of the test for a “master meter system” at the Lansdale Village, Concord Court and Black Hawk Apartments:

- a. Westover does not have a pipeline system for distributing gas to residents.

b. Westover is not the operator of a pipeline system because it does not gather, transmit, distribute or store any gas; the gas goes directly from the NGDC to the ultimate consumer (Westover).

c. Westover does not resell gas to the ultimate consumer.

d. Woodland Plaza, Country Manor, Norriton East and Paoli Place (Paoli South) Apartments

33. In these apartment complexes, the NGDC delivers gas to a meter on the apartment building, Westover consumes most of the gas in its central boiler to provide heat and hot water to residents, but residents use gas for cooking. **Appendices 3, 4 and 5.**

34. Westover's Systems at these complexes do not meet the first element of the test of a "master meter system" because they are located entirely within a single building. The definition of a master meter system specifically states that the system "has a pipeline system for distributing gas *within, but not limited to*, a definable area, such as . . . [an] apartment complex." The rules of statutory construction apply to regulations. *P.S.P., Bureau of Liquor Control Enforcement v. Benny Enterprises, Inc.*, 669 A.2d 1018, 1021 (Pa. Cmwlth. 1996), *appeal denied*, 681 A.2d 1344 (Pa. 1996). One rule of statutory construction is that a statute is to be construed to give effect to every word. *Habecker v. Nationwide Ins. Co.*, 445 A.2d 1222, 1226 (Pa. Super. 1982). The Commission therefore must give effect to the terms "within, but not limited to" an apartment complex. Since these complexes' distribution systems are located entirely within the apartment building, they do not satisfy the first element of the test of a "master meter system."

35. PHMSA's opinions on whether interior gas lines constitute master meter systems are very fact specific. **Appendix 8.** As stated above, those opinions are not controlling on the Commission. The Commission should not find these PHMSA opinions persuasive because

PHMSA's opinions completely overlook the phrase "within, but not limited to" in the definition of "master meter system." The Commission, in contrast, must give effect to those words.

36. Additionally, Westover's Systems at these apartment complexes do not meet the first element of the test of a "master meter system" because they do not have a pipeline system within the meaning of 49 CFR § 191.3. That regulation defines a pipeline system as "all parts of those physical facilities through which gas moves *in transportation ...*" (emphasis added). Section 191.3 defines the transportation of gas as meaning that the gas is distributed *in or affecting interstate or foreign commerce*. 49 CFR § 191.3 (emphasis added).

37. These complexes do not distribute gas in or affecting interstate or foreign commerce. At these apartment complexes, Westover purchases gas at a meter on a building located in Pennsylvania. This is a transaction in intrastate commerce because an NGDC is considered to be an intrastate gas pipeline facility pursuant to the Federal pipeline safety laws. 49 U.S.C. § 60101(a)(9) (defining an "intrastate gas pipeline facility" as a gas pipeline facility and gas transportation within a state that is not subject to the Federal Energy Regulatory Commission ("FERC") pursuant to 15 U.S.C. § 717). Westover then resells the gas to residents inside the same building, located in Pennsylvania. Westover's transportation of gas therefore does not re-enter interstate commerce; it is entirely intrastate. Moreover, the distribution of gas for residents to cook does not "affect" interstate or foreign commerce. The amount of gas resold to customers at each of these apartment complexes is very small compared to the amount of gas distributed by the pertinent NGDC. For all of the above reasons, Westover's Systems at these apartment complexes do not distribute gas in, and do not "affect," interstate or foreign commerce. Therefore, at these apartment complexes, Westover does not transport gas, does not have a pipeline system, and does not satisfy the first element of the test for a "master meter system."

38. Westover’s research has not located any PHMSA opinion addressing the question of whether the operator of the system was engaged in the gathering, transmission, or distribution of gas “in or affecting interstate or foreign commerce.” As discussed above, the Commission must give effect to every word in the regulation. To the extent that PHMSA’s opinions fail to give effect to the requirement that a “master meter system” distributes gas “in or affecting interstate or foreign commerce,” PHMSA’s opinions are not persuasive and should not be followed by the Commission.

39. Moreover, Westover’s Systems at these apartment complexes do not satisfy the second element of the test of a “master meter system” because Westover is not the “operator” of a “master meter system.” An operator is defined as a person who engages in the transportation of gas. As discussed above, the transportation of gas is defined as the gathering, transmission, distribution or storage of gas “in or affecting interstate or foreign commerce.” PHMSA opinion letters completely ignore this requirement but, as discussed above, in construing a regulation, all words in the regulation must be given effect. As also discussed above, Westover’s Systems at these apartment complexes do not distribute gas in or affecting interstate or foreign commerce. Consequently, Westover’s Systems at these apartment complexes do not meet the second element of the test of a “master meter system.”

40. Finally, Westover’s Systems at these apartment complexes do not satisfy the fourth element of the test of a “master meter system.” Westover does not transport gas, nor does it have a pipeline system as defined by 49 CFR § 191.3, because it does not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38. As a result, they do not meet the fourth element of a “master meter system.”

e. Fox Run and Paoli Place (North Buildings A-K) Apartments

41. At the Fox Run and Paoli Place Apartments, an NGDC meter is located on the building and there is a submeter at each apartment that measures the gas each resident uses for heating. Westover consumes the gas used for heating water and supplies hot water to residents. Residents cook with electricity. **Appendix 3.**

42. Westover's Systems at these apartment complexes do not satisfy the first element of the test of a "master meter system" because they are located entirely within the apartment building, *see* ¶¶ 34-35, *supra*, and because they do not distribute gas in or affecting interstate or foreign commerce, *see* ¶¶ 36-38, *supra*. At these complexes, residents purchase gas to heat their apartments. The amount of gas so consumed by residents is small, compared to the total amount of gas sold by the pertinent NGDCs. Consequently, the amount of gas Westover resells to residents at each of these apartment complexes does not "affect" interstate or foreign commerce.

43. Moreover, Westover's Systems at these apartment complexes do not satisfy the second element of the test of a "master meter system" because they do not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38, 42, *supra*. Consequently, Westover is not the operator of a "master meter system." 49 CFR § 191.3.

44. Finally, Westover's Systems at these apartment complexes do not satisfy the fourth element of the test for a "master meter system." Westover does not transport gas, nor does it have a pipeline system as defined by 49 CFR § 191.3, because it does not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38, 42, *supra*.

f. Mill Creek Village Apartments I and Oak Forest Apartments

45. At these apartment complexes, the NGDC delivers gas to an apartment complex meter. The gas is piped to buildings, where most of the gas is consumed by Westover's central

boiler to produce heat and hot water.⁶ A small amount of gas is used by residents for cooking.

Appendix 9.

46. At these complexes, Westover’s System does not meet the first element of the test of a “master meter system” because it is located entirely within the apartment complex, *see* ¶¶ 34-35, *supra*, and because it does not distribute gas in or affecting interstate or foreign commerce, *see* ¶¶ 36-38, *supra*. At these complexes, residents only purchase gas for cooking. The amount of gas so consumed by residents is small, compared to the total amount of gas sold by the pertinent NGDCs. Consequently, the amount of gas Westover resells to residents at each of these apartment complexes does not “affect” interstate or foreign commerce.

47. Moreover, Westover’s Systems at these apartment complexes do not satisfy the second element of the test of a “master meter system” because they do not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38, 46, *supra*. Consequently, Westover is not the operator of a “master meter system.” 49 CFR § 191.3.

48. Finally, Westover’s Systems at these apartment complexes do not satisfy the fourth element of the test for a “master meter system.” Westover does not have a pipeline system as defined by 49 CFR § 191.3 because it does not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38, 46, *supra*.

g. Gladstone Towers, Main Line Berwyn, and Lansdowne Towers Apartments

49. At these apartment complexes, the NGDC delivers gas to an apartment complex meter. Underground service lines take the gas from that meter to each individual apartment, which has a submeter. Residents consume gas for heat at all of these apartment complexes. At the

⁶ In spring, 2022, the Oak Forest Apartments will be converted to individual metered buildings. When that is completed, the Oak Forest Apartments should be treated like Woodland Plaza, *see* ¶¶ 33-40, *supra*.

Gladstone Towers Apartments, they also consume gas for cooking, and at the Main Line Berwyn Apartments, they consume gas for hot water and cooking as well as heating. **Appendix 10.**

50. At these complexes, Westover's System does not meet the first element of the test of a "master meter system" because it is located entirely within the apartment complex, *see* ¶¶ 34-35, *supra*, and because it does not distribute gas in or affecting interstate or foreign commerce, *see* ¶¶ 36-38, *supra*. The amount of gas consumed by residents at any one of these apartment complexes is small, compared to the total amount of gas sold by the pertinent NGDCs. Consequently, the amount of gas Westover resells to residents at each of these apartment complexes does not "affect" interstate or foreign commerce.

51. Moreover, Westover's Systems at these apartment complexes do not satisfy the second element of the test of a "master meter system" because they do not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38, 50, *supra*. Consequently, Westover is not the operator of a "master meter system." 49 CFR § 191.3.

52. Finally, Westover's Systems at these apartment complexes do not satisfy the fourth element of the test for a "master meter system." Westover does not have a pipeline system as defined by 49 CFR § 191.3 because it does not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38, 50, *supra*.

h. Hillcrest Apartments and Valley Stream Apartments

53. At these apartment complexes, the NGDC delivers gas to an apartment complex meter. Underground service lines then connect the meter to each building in the complex *seriatim*, and to each apartment. At both of these complexes, residents use gas for heat, but at the Hillcrest Apartments, some residents use gas for both heat and hot water, whereas at the Valley Stream Apartments, some residents use gas for both heat and cooking. **Appendix 11.**

54. At these complexes, Westover’s System does not meet the first element of the test of a “master meter system” because it is located entirely within the apartment complex, *see* ¶¶ 34-35, *supra*, and because it does not distribute gas in or affecting interstate or foreign commerce, *see* ¶¶ 36-38, *supra*. The amount of gas consumed by residents at any one of these apartment complexes is small, compared to the total amount of gas sold by the pertinent NGDCs. Consequently, the amount of gas Westover resells to residents at each of these apartment complexes does not “affect” interstate or foreign commerce.

55. Moreover, Westover’s Systems at these apartment complexes do not satisfy the second element of the test of a “master meter system” because they do not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38, 54, *supra*. Consequently, Westover is not the operator of a “master meter system.” 49 CFR § 191.3.

56. Finally, Westover’s Systems at these apartment complexes do not satisfy the fourth element of the test for a “master meter system.” Westover does not have a pipeline system as defined by 49 CFR § 191.3 because it does not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38, 54, *supra*.

i. Park Court Apartments

57. In this apartment complex, the NGDC has two meters in the apartment complex.⁷ A service line connects each meter to a building in the complex. Residents use the gas for heating and cooking. **Appendix 12.**

58. At this complex, Westover’s System does not meet the first element of the test of a “master meter system” because it is located entirely within the apartment complex, *see* ¶¶ 34-35, *supra*, and because it does not distribute gas in or affecting interstate or foreign commerce, *see*

⁷ In spring, 2022, the Park Court Apartments will be converted to individual metered buildings. When that is completed, the Park Court Apartments will be similar to the Gladstone Towers Apartments. *See* ¶¶ 49-52, *supra*.

¶¶ 36-38, *supra*. The amount of gas consumed by residents at Park Court is small, compared to the total amount of gas sold by the pertinent NGDC. Consequently, the amount of gas Westover resells to residents at Park Court Apartments does not “affect” interstate or foreign commerce.

59. Moreover, Westover’s System at this apartment complex does not satisfy the second element of the test of a “master meter system” because it does not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38, 58, *supra*. Consequently, Westover is not the operator of a “master meter system.” 49 CFR § 191.3.

60. Finally, Westover’s System at Park Court Apartments does not satisfy the fourth element of the test for a “master meter system.” Westover does not have a pipeline system as defined by 49 CFR § 191.3 because it does not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38, 58, *supra*.

C. The Commission Lacks Jurisdiction Over any Westover Apartment Complex Pursuant to the Dormant Commerce Clause

61. There is also no federal jurisdiction over Westover under the negative implications of the Commerce Clause of the United States Constitution, also known as the Dormant Commerce Clause. The Natural Gas Act, including 15 U.S.C. § 717, was intended to fill a regulatory gap and define the nature of federal jurisdiction over interstate and intrastate commerce. *Pub. Utils. Comm’n of State of Cal. v. FERC*, 900 F.2d 269, 275 (D.C. Cir. 1990). This was a reaction to the United States Supreme Court’s *ad hoc* and case-by-case definitions of federal jurisdiction over the gas industry under Dormant Commerce Clause cases. The field of federal jurisdiction under the Natural Gas Act is roughly the same as that determined by the Supreme Court in these Dormant Commerce Clause cases; however, the statute intended to make the lines between state and federal jurisdiction clearer. *Fed. Power Comm’n v. E. Ohio Gas Co.*, 338 U.S. 464, 467 (1950).

62. When assessing what constitutes an undue burden on interstate commerce under the Dormant Commerce Clause, courts engage in a balancing test and consider “legitimate state interests” against any burden on interstate commerce that such state-level regulation imposes. *See Arkansas Elec. Coop. Corp. v. Arkansas Pub. Serv. Comm’n*, 461 U.S. 375 (1983). Further, the United States Supreme Court has stated that “the regulation of utilities is one of the most important of the functions traditionally associated with the police power of the State.” *Id.* at 377. Here, while the analysis under the Natural Gas Act already excludes natural gas systems similar to Westover’s (as discussed above), any purported balancing test under the Dormant Commerce Clause would yield the same result because the tenuous connection to interstate commerce by Westover means that any unintended burden on interstate commerce would be minimal. Because Westover engages entirely in intrastate commerce, the Commonwealth has a greater interest than the federal government in regulating its purely intrastate commerce, which outweighs the minimal effect on interstate commerce even where the Pennsylvania General Assembly has knowingly chosen not to regulate.

D. Westover’s Registration is Null and Void Because Westover is not a Pipeline Operator at any of the Pertinent Apartment Complexes

63. At the insistence of I&E personnel, Westover registered as a pipeline operator pursuant to Act 127 at Docket No. A-2021-3028141.

64. The apartment complexes for which Westover registered as a pipeline operator are: Carlisle Park, Gladstone Towers, Hillcrest, Lansdowne Towers, Main Line Berwyn, Mill Creek Village I, Norriton East, Oak Forest, Park Court, Valley Stream and Willow Run. **Appendix 13.**

65. As discussed above, Gladstone Towers, Hillcrest, Lansdowne Towers, Main Line Berwyn, Mill Creek Village I, Norriton East, Oak Forest, Park Court, Valley Stream and Willow Run do not satisfy the four-part test for a “master meter system.”

66. Westover’s facilities at the Carlisle Park Apartments are similar to those at the Hillcrest and Valley Stream Apartments. **Appendix 11.** The NGDC delivers gas to an apartment complex meter. Underground service lines then connect the meter to each building in the complex *seriatim*, and to each apartment. Residents use the gas for heating and cooking; residents use electricity for hot water.

67. Westover’s gas system at Carlisle Park does not satisfy the four-part test for a “master meter system” for the following reasons:

a. Westover’s System does not meet the first element of the test of a “master meter system” because it is located entirely within the apartment complex, *see* ¶¶ 34-35, *supra*, and because it does not distribute gas in or affecting interstate or foreign commerce, *see* ¶¶ 36-38, *supra*. The amount of gas consumed by residents at Carlisle Park is small, compared to the total amount of gas sold by the NGDC. Consequently, the amount of gas Westover resells to residents at Carlisle Park does not “affect” interstate or foreign commerce.

b. Westover’s System does not satisfy the second element of the test of a “master meter system” because it does not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38, 67.a., *supra*. Consequently, Westover is not the operator of a “master meter system.” 49 CFR § 191.3.

c. Finally, Westover’s System at Carlisle Park does not satisfy the fourth element of the test for a “master meter system.” Westover does not transport gas, nor does it have a pipeline system as defined by 49 CFR § 191.3, because it does not distribute gas in or affecting interstate or foreign commerce. *See* ¶¶ 36-38, 67.a., *supra*.

68. Since Westover does not have a “master meter system” at any of the apartment complexes for which it registered as a “pipeline operator,” its registration should be declared null and void.

V. CONCLUSION

WHEREFORE, for the foregoing reasons, Westover Property Management Company, L.P. d/b/a Westover Companies (“Westover”) respectfully requests that the Commission declare that:

- (a) the Westover Systems, and the Westover gas system at Carlisle Park, are not subject to the Gas and Hazardous Liquids Pipelines Act, 58 P.S. § 801.101 *et seq.*; and,
- (b) Westover’s registration with the Commission as an Act 127 pipeline operator is null and void.

Respectfully submitted,



David P. Zambito, Esq. (PA ID # 80017)
Jonathan P. Nase, Esq. (PA ID # 44003)
Cozen O’Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
Phone: (717) 703-5892
E-mail: dzambito@cozen.com
E-mail: jnase@cozen.com

Date: May 16, 2022

**In re: Petition of Westover Property Management Company, L.P.
d/b/a Westover Companies for a Declaratory Order
Regarding the Applicability of the Gas and
Hazardous Liquids Pipeline Act;
Docket No. P-2021-3030002**

**Amended Petition of Westover Companies
for Declaratory Order**

**APPENDIX 1
I&E Letter to Westover Re PUC
Pipeline Safety Regulations
(November 22, 2021)**



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

November 22, 2021

Via Electronic Mail Only

David P. Zambito, Esq.
Cozen O'Connor
17 North Second Street
Suite 1410
Harrisburg, PA 17101

Re: Investigation of Westover Property Management Company, L.P. d/b/a
Westover Companies Relating to Possible Violations of the Gas and
Hazardous Liquids Pipelines Act and Federal Pipeline Safety Laws and
Regulations
Bp8CaseID# 3025977
I&E Letter

Dear Attorney Zambito,

The Bureau of Investigation and Enforcement (“I&E”) is in receipt of your letter dated November 4, 2021, wherein you claim that the natural gas systems of your client, Westover Property Management Company, L.P. d/b/a Westover Companies (“Westover”), are not subject to pipeline safety regulation by the Pennsylvania Public Utility Commission (“Commission”). For the reasons set forth herein, I&E disagrees with Westover’s position.

I&E continues to maintain that the pipeline facilities at some, but not all, Pennsylvania apartment complexes owned or managed by Westover constitute “master meter systems” as defined in 49 CFR § 191.3 of the federal pipeline safety regulations and, consequently, are subject to Commission oversight through the Gas and Hazardous Liquids Pipelines Act (“Act 127”), 58 P.S. §§ 801.101, *et seq.* Therefore, I&E’s position that Westover is a “pipeline operator” as defined in Act 127, Section 801.102 remains unchanged. 58 P.S. § 801.102. I&E has never alleged that Westover is a public utility.

Your claim that Westover’s transportation of gas by pipeline does not *affect* interstate or foreign commerce and therefore renders Westover not to be subject to the federal pipeline safety regulations is incorrect. The minimum federal pipeline safety standards apply broadly to both interstate and intrastate pipelines through the federal Pipeline Safety Act, 49 U.S.C. §§ 60101-60143 (“PSA”).

Pursuant to the PSA, States may assume responsibility for regulating intrastate pipeline facilities by submitting an annual certification to the Secretary of the U.S. Department of Transportation pursuant to 49 U.S.C. § 60105. A State that has submitted a certification under Section 60105(a) of the PSA may adopt additional or more stringent safety standards for intrastate pipeline facilities and intrastate pipeline transportation only if those standards are compatible with the minimum federal pipeline safety standards. 49 U.S.C. § 60104. Pennsylvania, through the Commission's I&E Safety Division, is certified to regulate the safety of intrastate pipelines.

The Pennsylvania General Assembly adopted the federal pipeline safety laws and regulations, as well as all amendments thereto, as the safety standards for non-public utility pipeline operators in Pennsylvania by enacting Act 127. *See* 58 P.S. § 801.302. Additionally, the Pennsylvania General Assembly authorized the Commission to supervise and regulate pipeline operators within Pennsylvania consistent with (but not more stringent than) Federal pipeline safety laws. 58 P.S. § 801.501.

As it relates to Westover, the regulation of intrastate master meter systems fits squarely within the purview of Section 191.3 of the federal pipeline safety regulations, 49 C.F.R. § 191.3. Intrastate gas master meter systems have for decades been subject to pipeline safety regulation either through PHMSA or an authorized State. Since Act 127 became effective, the Commission has enforced violations of Act 127 on pipeline operators operating master meter systems in Pennsylvania. *See Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. Brookhaven MHP Management LLC, et al.*, Docket No. C-2017-2613983 (Order entered August 23, 2018).

Westover's position is contrary to well-established law and the sound policy of the PSA, which is to provide adequate protection against risks to life and property posed by pipeline transportation and facilities.

I&E has attempted for nearly one-year to amicably work with Westover to aid Westover into becoming compliant with the minimum federal pipeline safety standards. Westover's unregulated master meter systems in their current state pose a risk to Westover's residents, employees, and the general public. Should Westover refuse to submit to the Commission's oversight for pipeline safety purposes, I&E will initiate an enforcement action and seek the imposition of civil penalties pursuant to 58 P.S. § 801.502.

Please advise by **December 13, 2021** whether Westover will submit to the Commission's jurisdiction pursuant to Act 127 and finalize the steps necessary to fully comply with the federal pipeline safety regulations. Should Westover respond in the negative and continue to disregard its responsibilities under Act 127, I&E will proceed with formal enforcement action and prepare and file a Formal Complaint.

Sincerely,



Stephanie M. Wimer
Senior Prosecutor, I&E

cc: (via email only)
Michael L. Swindler, Esq., I&E Deputy Chief Prosecutor
Kayla L. Rost, Esq., I&E Prosecutor
Terri C. Cooper Smith, Supervisor – Safety Division
Scott Orr, Engineer – Safety Division

**In re: Petition of Westover Property Management Company, L.P.
d/b/a Westover Companies for a Declaratory Order
Regarding the Applicability of the Gas and
Hazardous Liquids Pipeline Act;
Docket No. P-2021-3030002**

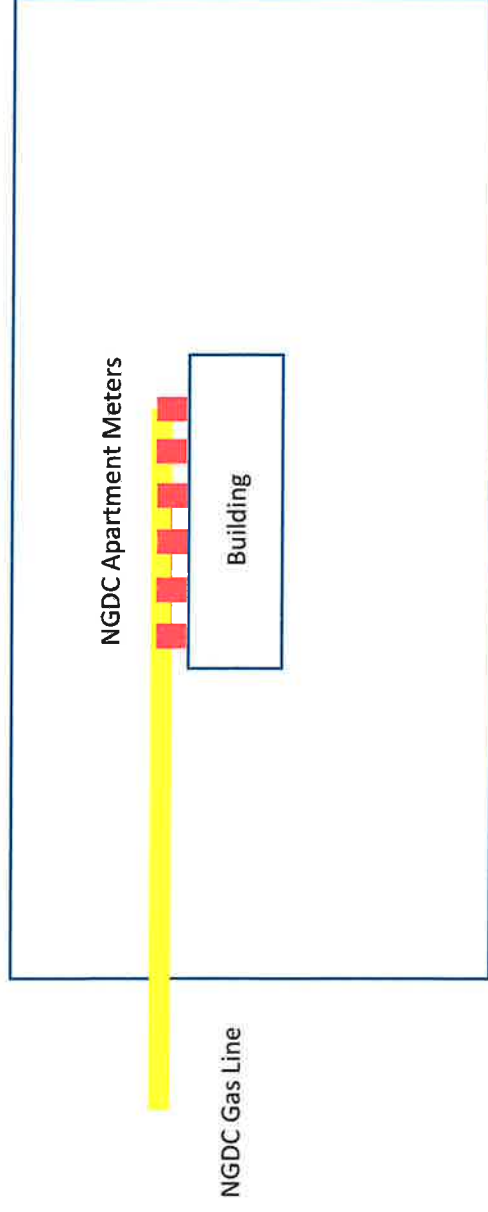
**Amended Petition of Westover Companies
for Declaratory Order**

**APPENDIX 2
Willow Run Apartments Meter**

9. Natural Gas delivered by NGDC to Apartment Meters billed direct by NGDC (Heat and Cooking)

WILLOW RUN APARTMENTS*

*electric Hot water



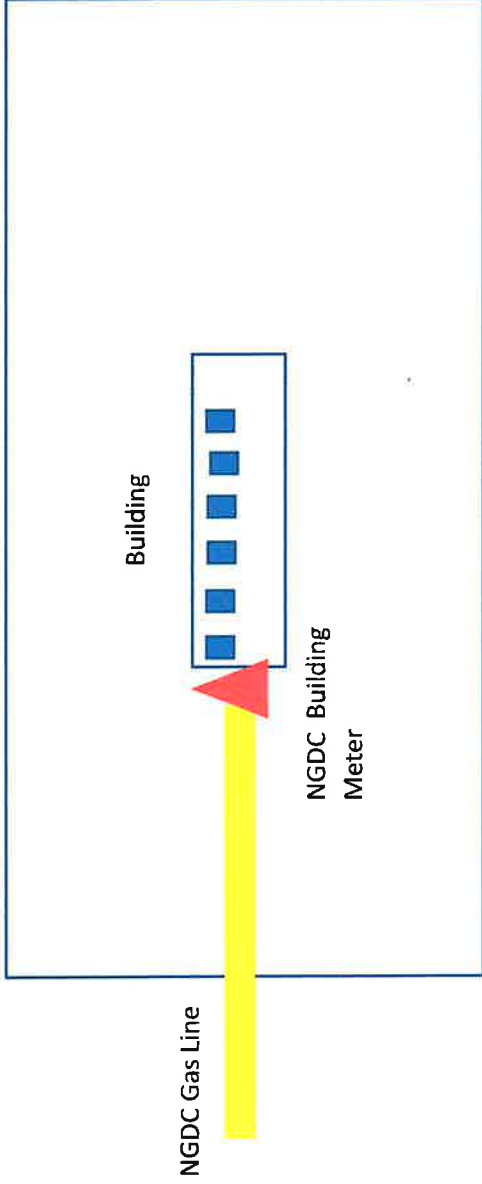
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Docket No. P-2021-3030002**

**Amended Petition of Westover Companies
for Declaratory Order**

**APPENDIX 3
Fox Run Apartments and
Paoli Place Apartments Meter**

2. Natural Gas delivered by NGDC to Meters on the Building. Each Apartment has a submeter to calculate NG bill

Ultimate Consumer of the Natural Gas					
	Heat	Hot Water	Cooking	Resident Pays	Resident Pays
	Resident	Westover	N/A (Electric)	Westover via Meter	Westover via Meter
FOX RUN APARTMENTS					
PAOLI PLACE APARTMENTS					
Paoli North Bldgs. A - K	Resident	Westover	N/A (Electric)	Westover via Meter	Westover via Meter
Paoli North Bldgs. L - R	Resident	Resident	N/A (Electric)	NDGC Direct	NDGC Direct
Paoli South (Arms) Bldgs. A - D (w/ the exception of AB01)	Westover	Westover	Resident	Included in Rent	Included in Rent
South Valley Townhomes Bldgs. A - G (with the exception of VA07 & VB07)	Resident	Resident	N/A (Electric)	NDGC Direct	NDGC Direct
AB01					
VA07					
VB07					



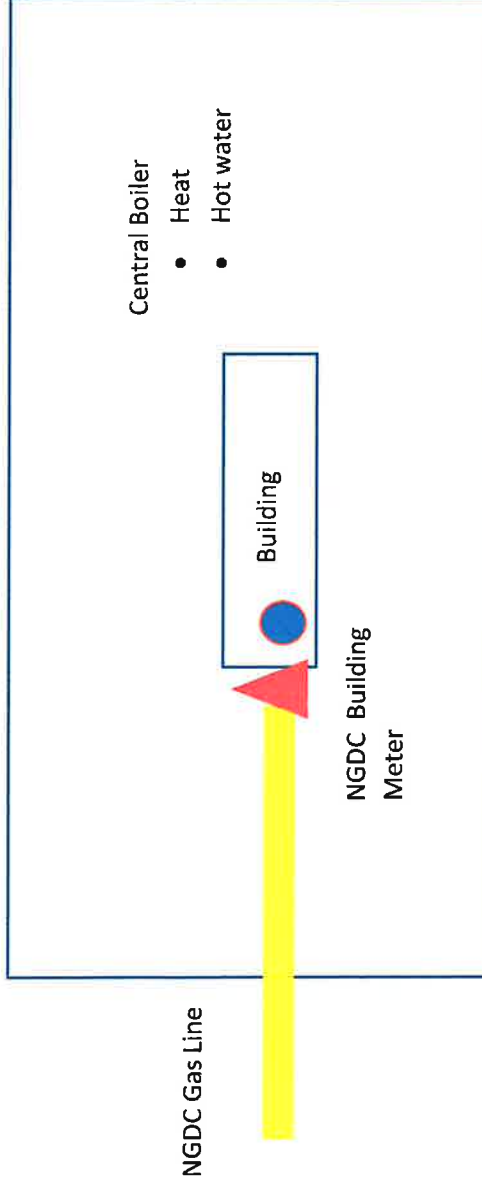
**In re: Petition of Westover Property Management Company, L.P.
d/b/a Westover Companies for a Declaratory Order
Regarding the Applicability of the Gas and
Hazardous Liquids Pipeline Act;
Docket No. P-2021-3030002**

**Amended Petition of Westover Companies
for Declaratory Order**

**APPENDIX 4
Lansdale Village Apartments
Woodland Plaza and
Concord Court Apartments Meter**

1. Natural Gas delivered by NGDC to Meters on the Building. Building has central boiler for Heat and Hot Water. Residents are billed with Allocation (RUBS)

Ultimate Consumer of the Natural Gas				
	Heat	Hot Water	Cooking	Resident Pays
LANSDALE VILLAGE APARTMENTS	Westover	Westover	N/A (Electric)	Westover via Allocation
WOODLAND PLAZA	Westover	Westover	Resident	Westover via Allocation
CONCORD COURT APARTMENTS	Westover	Westover	N/A (Electric)	Westover via Allocation



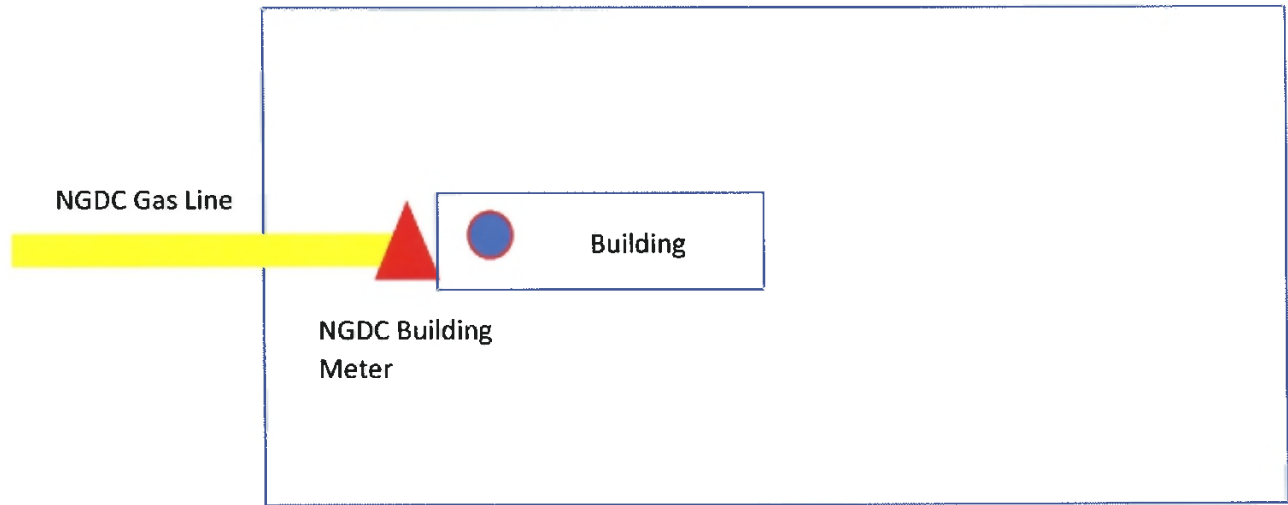
**In re: Petition of Westover Property Management Company, L.P.
d/b/a Westover Companies for a Declaratory Order
Regarding the Applicability of the Gas and
Hazardous Liquids Pipeline Act;
Docket No. P-2021-3030002**

**Amended Petition of Westover Companies
for Declaratory Order**

**APPENDIX 5
Black Hawk Apartments
Country Manor Apartments and
Norriton East Apartments and
Mill Creek Village Apartments II Meter**

3. Natural Gas delivered by NGDC to Meters on the Building. Building has central boiler for Heat and Hot Water. Included in Rent

Ultimate Consumer of the Natural Gas				
	<u>Heat</u>	<u>Hot Water</u>	<u>Cooking</u>	<u>Resident Pays</u>
BLACK HAWK APARTMENTS	Westover	Westover	Electric	Included in Rent
COUNTRY MANOR APARTMENTS	Westover	Westover	Resident	Included in Rent
NORRITON EAST APARTMENTS	Westover	Westover	Resident	Included in Rent
MILL CREEK VILLAGE APARTMENTS II	Westover	Westover	Resident	Included in Rent



**In re: Petition of Westover Property Management Company, L.P.
d/b/a Westover Companies for a Declaratory Order
Regarding the Applicability of the Gas and
Hazardous Liquids Pipeline Act;
Docket No. P-2021-3030002**

**Amended Petition of Westover Companies
for Declaratory Order**

**APPENDIX 6
Letter to D. Ledversis Re Jurisdiction
Status of Gas Distribution System
at Bryant College
(dated February 14, 2003)**

PI-03-0101

U.S. Department of Transportation
Research and Special Programs Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

February 14, 2003

Mr. Don A. Ledversis
Pipeline Safety Engineer
Rhode Island Division of Public Utilities & Carriers
89 Jefferson Boulevard
Warwick, RI 02888

Dear Mr. Ledversis:

This is in response to your request of January 25, 2002, for an interpretation of the jurisdictional status of the campus gas distribution system operated by Bryant College in Smithfield, Rhode Island. The question is whether the campus gas piping system is a *Master Meter System* subject to the gas pipeline safety regulations in 49 CFR Parts 191 and 192. The college claims that this system does not meet the definition of *Master Meter System* because it only uses gas to provide heat and hot water to the campus buildings and does not resell the gas.

To conclude that the Bryant College gas distribution pipeline facilities are subject to safety regulation, we need to determine that the system is a pipeline facility and that the gas is being delivered to consumers who, directly or indirectly, pay for the gas. *Master Meter System* is defined in the pipeline safety regulations at 49 CFR § 191.3:

.. a pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents.

Pipeline facility is defined in the pipeline safety regulations at 49 CFR § 192.3:

...new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation.

Bryant College's system is clearly a pipeline facility. It distributes gas through underground pipelines to campus buildings. It does not appear to meet the definition of *Master Meter System* because it is using the gas delivered through its pipeline system to provide heat and hot water to campus buildings. In this instance the college would be the consumer of the gas.

However, if the Bryant College gas system provides gas to consumers, such as concessionaires, tenants, or others, it is engaged in the distribution of gas, and the persons to whom it is providing gas would be considered the customers even though they may not be individually metered. In this situation the pipelines downstream of the master meter used to distribute the gas to these ultimate consumers would be considered mains and service lines subject to the Federal pipeline safety regulations. The Bryant College pipeline system would then be a *Master Meter System*.

In conclusion, the Bryant College gas distribution system is a *Master Meter System* subject to pipeline safety regulation under 49 CFR Parts 191 and 192 if it is providing gas to customers in addition to providing heat and hot water to campus buildings.

If you have any further questions about the pipeline safety regulations, please contact me at (202) 366-4565.

Sincerely,
Richard D. Huriaux, P.E.
Manager, Regulations
Office of Pipeline Safety

**In re: Petition of Westover Property Management Company, L.P.
d/b/a Westover Companies for a Declaratory Order
Regarding the Applicability of the Gas and
Hazardous Liquids Pipeline Act;
Docket No. P-2021-3030002**

**Amended Petition of Westover Companies
for Declaratory Order**

APPENDIX 7

**Letter to J. Collins from J. Caldwell
(Office of Pipeline Safety – Houston
Regional Field Office) Re: Whether
Master Meter Subject to Federal Gas
Pipeline Safety Regulations
(dated October 24, 1973)**

October 24, 1973

Mr. James H. Collins
Electrical-Mechanical Engineer
1310 Short Street
New Orleans, LA 70118

Dear Mr. Collins:

This is in response to your letter of September 25, 1973, to our Houston Regional Field Office which was forwarded to this office for reply.

Your letter indicates that the gas system concerned is an intermediate pressure (typically 25 psi) distribution system, serving the buildings on a college campus and owned by the college. Gas is supplied through a regulator-metering station from odorized mains of a gas service utility company. The system comprises approximately 4.5 miles of welded steel mains and service lines 5 inch to 1 1/2 inch diameter, serving 45 regulators at campus buildings, installed largely prior to 1970. Cathodic protection was installed in June 1971, monitored weekly at key points by owner-personnel, and checked so far at 16-month intervals by a corrosion engineer.

The gas system as described raises the jurisdictional question of whether the pipelines on the college campus constitute a master meter system subject to the Federal gas pipeline safety regulations or whether the college is the ultimate customer and therefore the lines in the college are not subject to the regulations. In order to assist you in making this determination, if the college owned gas system consumes the gas and provides another type of service such as heat or air conditioning, to the individual buildings, then the college is not engaged in the distribution of gas. In this instance the college would be the ultimate consumer, and the Federal pipeline safety standards would only apply to mains and service lines upstream of the meter.

If the college owned gas system provides gas to consumers such as concessionaires, tenants, or others, it is engaged in the distribution of gas, and the persons to whom it is providing gas would be considered the customers even though they may not be individually metered. In this situation the pipelines downstream of the master meter used to distribute the gas to these ultimate consumers would be considered mains and service lines subject to the Federal pipeline safety standards.

The answers to your specific questions are predicated on the assumption that this system is a distribution system subject to the jurisdiction of the Federal pipeline safety standards.

Question 1. Is an annual report on the monitoring and engineering check of the cathodic protection required to be made by the owner (the college) and if so on what Form?

Answer. Section 192.453 of the Code of Federal Regulations requires that all phases of work performed during design, installation, operation and maintenance including recordkeeping in connection with corrosion control be carried out by, or under the direction of a person qualified by experience and training in pipeline corrosion control methods.

An annual report to the Office of Pipeline Safety (OPS) on the monitoring and engineering check of the cathodic protection of a gas pipeline is not currently required and there are no Federal forms for this purpose. However §192.491 does require each operator to keep records in sufficient detail to demonstrate the adequacy of his corrosion control measures or that a corrosive condition does not exist.

Question 2. Is an annual report on leaks from any cause required to be made by the owner, and if so on what Form?

Answer. Section 191.11, 49 CFR requires that each operator of a distribution system submit an annual report on Department of Transportation Form DOT-F-7100.1-1 (copy enclosed) not later than February 15 for the preceding calendar year.

Your attention is also directed to Section 191.5, 49 CFR which sets out the requirements for telephonic notice of certain leaks by all gas operators.

Question 3. Is a gas detector leakage survey required by OPS regulations, per No. 192.723, and if so, per (b)(1) as in a business district at 1-year intervals, or per (b)(2) as a system outside of principal business areas, at intervals not exceeding 5-years. What Form is available for the report to OPS?

Answer. Your attention is directed to the language of paragraph (b) of Section 192.723, stating that the type and scope of the leakage control program must be determined by the nature of the operations and local conditions, but it must meet the minimum requirements of a gas detector survey (1) at least once a year in business districts, and (2) as frequently as necessary, but at least every 5 years, outside the principal business areas. In the interest of continuing safe pipeline operation it is contemplated by this section that whenever local conditions warrant it surveys will be conducted more frequently than once a year in business districts, and more frequently than every 5 years outside the municipal business areas. It follows that there may very well be instances in which conducting a survey only once a year in a particular business district, or only once in 5 years in a particular area outside of the principal business district would be considered inadequate. An evaluation of the potential hazard due to the nature of buildings such as those on campus and the specific condition and environment of the pipeline system could indicate that consideration to conducting leakage surveys "as frequently as necessary" would mean more frequently than the minimum interval of 5 years.

The answer to the recordkeeping and report filing requirement in question one also applies here.

Question 4. Are periodic tests of odorization per No. 192.625 required of the owner or is he covered by tests made by the supply utility company?

Answer. Section 192.625(f), 49 CFR, requires that each operator shall conduct periodic sampling of combustible gases to assure the proper concentration of odorant in accordance with this section. Based on the assumption that the college is operating a gas distribution system, periodic tests of odorization by the owner are required.

The enclosed literature includes Parts 190 and 192 which you requested.

We trust that this will clarify the matter for you. If we can be of further assistance to you, please let us know.

Sincerely,

\signed\

Joseph C. Caldwell
Director
Office of Pipeline Safety

Enclosures

**In re: Petition of Westover Property Management Company, L.P.
d/b/a Westover Companies for a Declaratory Order
Regarding the Applicability of the Gas and
Hazardous Liquids Pipeline Act;
Docket No. P-2021-3030002**

**Amended Petition of Westover Companies
for Declaratory Order**

APPENDIX 8

**Letter to D. Chislea from USDOT Re
Interpretation of Regulations
PI-16-0012 and PI-73-0112
(dated September 21, 2020)**



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety Administration**

September 21, 2020

Mr. David J. Chislea
Manager of Gas Operations
Michigan Public Service Commission
7109 W. Saginaw Highway
Lansing, MI 48917

Dear Mr. Chislea:

In a May 1, 2019, letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA), you requested an interpretation of 49 Code of Federal Regulations (CFR) § 192.1. Specifically, you requested an interpretation for the applicability of 49 CFR Part 192 in regards to pipelines located within buildings.

You mentioned several PHMSA interpretations on master meter systems which, after a phone call with myself, we summarized into the following question:

Question: Interpretation PI-16-0012 states, “The definition for a master meter system does not prohibit regulation for non-buried gas pipelines. PHMSA does not regulate gas piping inside a building unless the interior piping is used by the gas pipeline operator to distribute gas.” However, interpretations PI-73-0112, PI-76-0114, and PI-01-0113 seem to contradict PI-16-0012. What is the reasoning why PI-16-0012 interprets the Mall of America’s inside gas pipeline as regulated while the other three interpret inside gas pipelines as not being regulated by Part 192?

Answer: PHMSA’s interpretations respond to a unique set of facts presented by the requestor. Should any of the facts change, PHMSA’s response would be subject to change. In addition, PHMSA’s interpretations reflect the agency’s application of the regulations to the specific facts presented by the person requesting the clarification. Prior interpretations given for a different set of facts are not generally applicable. They are provided to help the specific requestor understand how to comply with the regulations. Regarding the interpretations raised by your question, PHMSA does not see a contradiction between these interpretations. The location of gas pipelines is only one of many factors that determine whether a gas pipeline system is a master meter system or not.

Interpretation PI-73-0112 analyzes three master meter scenarios. It provides two characteristics that are common to several master meter systems. First, the “existence of underground or exterior piping serving multiple buildings” and second, “the transfer (sale) of gas (metered or unmetered) from the master meter system operator to the ultimate gas consumers (tenants) for use in the consumers’ appliances.”

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 190-199) in the form of interpretation letters. These letters reflect the agency’s current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations are not generally applicable, do not create legally-enforceable rights or obligations, and are provided to help the specific requestor understand how to comply with the regulations.

In the first scenario discussed by PI-73-0112, a gas line enters a residence unit, proceeds through the unit to serve various appliances, then leaves the unit and services other residence units in a like manner. The interpretation explained that “normally, interior piping is not considered subject to the regulations, [but] in this case where it is one continuous distribution line without separate risers or services for individual units and is under the sole control of the operator,” the interior segments are subject to the regulations to the same extent as the exterior and underground portions.

In scenario 2, PHMSA discusses a residential master meter system in which a gas line enters a multiple residence unit and travels throughout the residence unit tapping off services to the various residence units within the same building. PHMSA concluded the piping inside the wall is not subject to federal regulations because it is considered “customer piping.” PHMSA stated, “[b]ecause it is impractical in many situations to determine who owns the piping in a building, all the gas lines within a single building downstream of the “master” meter are considered by the OPS to be customer’s piping.” The example PHMSA provided was a condominium, in which all the unit owners may own the piping jointly and it is difficult to separate customer piping from a distribution line. PI-16-0012 (the Mall of America interpretation) is not analogous to a condominium. It is not difficult to determine who owns the interior piping in the Mall of America. The interior piping within the Mall of America is owned by the Mall. The customer piping is located within each store and is metered separately. The stores do not jointly and collectively own the Mall’s piping.

In scenario 3 described by PI-73-0112, PHMSA discussed a facility where a gas line leaves a master meter and travels through the ground, serving a plant unit, offices and other units. PHMSA determined it was not a master meter system because the gas was being used by company employees for company purposes on company property. PHMSA noted that, “[o]ne of the characteristics of a master meter system that makes it subject to the [pipeline safety] regulations [is] the transfer of gas from the operator (landlord) to other persons who are the ultimate consumers of the gas.” This principle is reaffirmed in the Mall of America interpretation. The ultimate consumer of gas in the Mall of America interpretation was the store tenants. The Mall, the landlord, distributes gas to the individual stores, who are the tenants.

In PI-76-0114, PHMSA added additional clarity to the classification of interior piping stating “interior piping is only subject to regulation when it is included in an operator’s system which is otherwise located outside.” Thus, interior piping is subject to regulation when it is part of a “regulated system” which would otherwise be located outside.

In PI-01-011, PHMSA found that a particular multi-family housing complex met the definition of a master meter system even if the tenants did not directly pay for utilities. The interpretation only briefly mentions that the interior piping within the buildings, beyond the first penetration of each building wall is non-jurisdictional. Again, this interpretation discussing a particular multi-family housing complex is not analogous to Mall of America, which has many business customers with separate accounts and separate risers.

Moreover, the Mall of America interpretation aligns with several interpretations PHMSA has issued concerning concessionaries on university campuses, a scenario that is analogous to the

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 190-199) in the form of interpretation letters. These letters reflect the agency’s current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations are not generally applicable, do not create legally-enforceable rights or obligations, and are provided to help the specific requestor understand how to comply with the regulations.

Mall of America's system unlike a multi-family housing complex. As noted in interpretations PI-73-030, PI-03-0101, and PI-17-0012, when a university sells gas to businesses, the university is distributing the gas, and the businesses are the ultimate consumer who either purchase the gas directly through a meter or by other means, such as by rents. These interpretations establish a key consideration when seeking to determine whether a system is a master meter: where does transportation end and consumption by the end user start?

As the Mall of America interpretation stated, gas pipelines inside buildings may be regulated where the gas piping is being used by the gas pipeline operator to transport gas to several businesses who are the ultimate consumers of the gas. If there is transportation of gas inside of a building, above ground or underground, Part 192 applies up to the custody transfer point between the gas distributor (LDC or master meter system operator) and the consumer.

If we can be of further assistance, please contact Tewabe Asebe at 202-366-5523.

Sincerely,

**JOHN A
GALE**

Digitally signed by JOHN
A GALE
Date: 2020.09.30
08:02:48 -04'00'

John A. Gale
Director, Office of Standards
and Rulemaking

**In re: Petition of Westover Property Management Company, L.P.
d/b/a Westover Companies for a Declaratory Order
Regarding the Applicability of the Gas and
Hazardous Liquids Pipeline Act;
Docket No. P-2021-3030002**

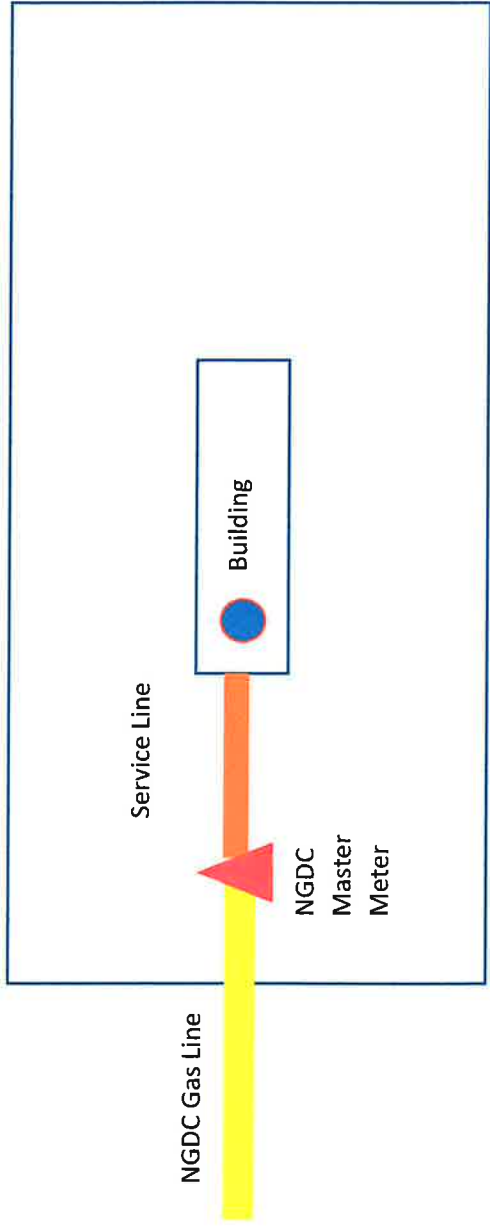
**Amended Petition of Westover Companies
for Declaratory Order**

**APPENDIX 9
Mill Creek Village Apartments I and
Oak Forest Apartments Meter**

5. Natural Gas delivered by NGDC to Apartment Complex meter. Service lines to each building to Central boiler for Heat and Hot Water and then to each apartment for cooking. Included in Rent

Ultimate Consumer of the Natural Gas

MILL CREEK VILLAGE APARTMENTS I		OAK FOREST APARTMENTS	
Heat	Hot Water	Cooking	Resident Pays
Westover	Westover	Resident	Included in Rent
Westover	Westover	Resident	Included in Rent



**In re: Petition of Westover Property Management Company, L.P.
d/b/a Westover Companies for a Declaratory Order
Regarding the Applicability of the Gas and
Hazardous Liquids Pipeline Act;
Docket No. P-2021-3030002**

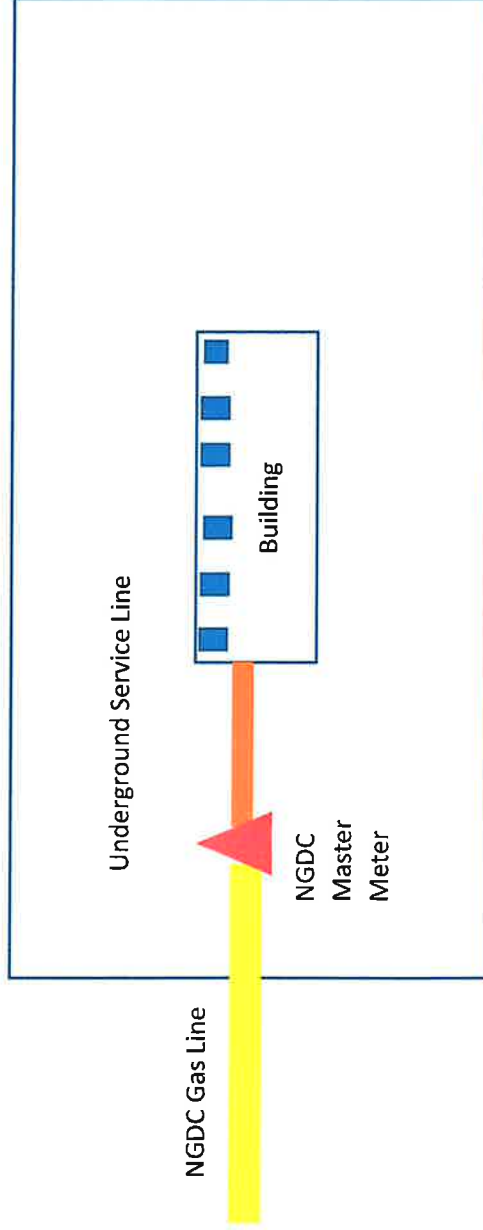
**Amended Petition of Westover Companies
for Declaratory Order**

**APPENDIX 10
Gladstone Towers Apartments,
Main Line Berwyn Apartments and
Lansdowne Towers Apartments Meter**

6. Natural Gas delivered by NGDC to Apartment Complex meter. Service lines to each apartment with a submeter to calculate NG bill

Ultimate Consumer of the Natural Gas

	Heat		Hot Water		Cooking		Resident Pays	
GLADSTONE TOWERS APTS. Exception 3rd Floor facing Railroad tracks	Resident	Resident	Westover	Westover	Resident	Resident	Westover via Meter	Westover via Meter
MAIN LINE BERWYN APTS	Resident	Resident	Resident	Resident	Electric	Electric	Westover via Meter	Westover via Meter
LANSLOWNE TOWERS APARTMENTS	Resident	Resident	Westover	Westover	Resident	Electric	Westover via Meter	Westover via Meter



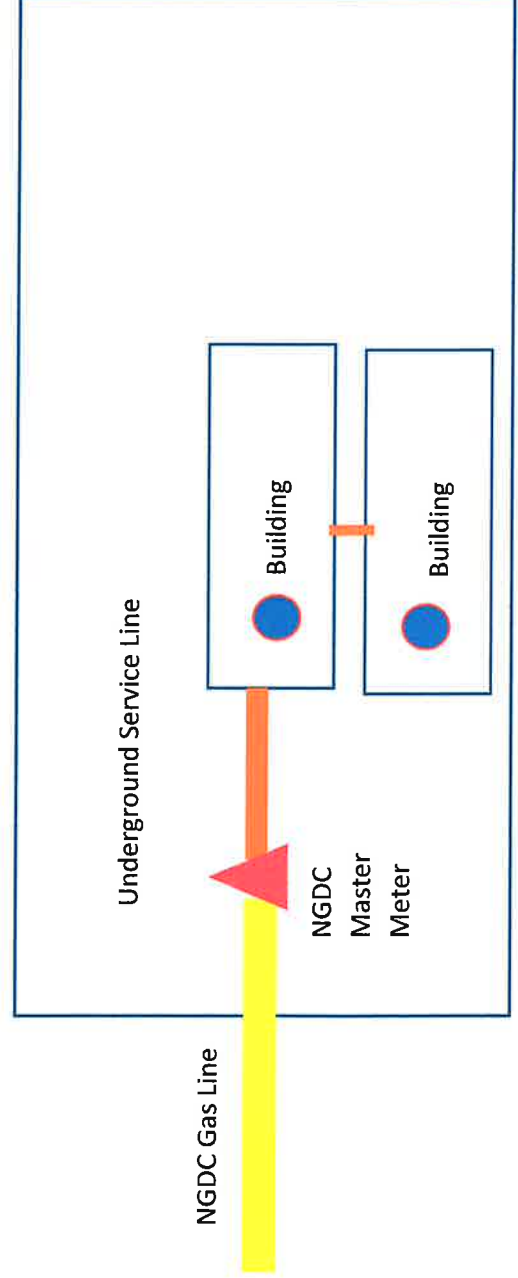
**In re: Petition of Westover Property Management Company, L.P.
d/b/a Westover Companies for a Declaratory Order
Regarding the Applicability of the Gas and
Hazardous Liquids Pipeline Act;
Docket No. P-2021-3030002**

**Amended Petition of Westover Companies
for Declaratory Order**

**APPENDIX 11
Hillcrest Apartments,
Valley Stream Apartments and
Carlise Park Apartments Meter**

7. Natural Gas delivered by NGDC to Apartment Complex meter. Service lines to each building then to each apartment. Included in Rent

Ultimate Consumer of the Natural Gas					
	Heat	Hot Water	Cooking	Resident Pays	
HILLCREST APARTMENTS	Resident	Resident	Electric	Included in Rent	
Some units	Resident	Electric	Electric	Included in Rent	
VALLEY STREAM APARTMENTS					
A-N Buildings	Resident	Westover	Resident	Included in Rent	
O-V Buildings	Resident	Westover	Electric	Included in Rent	
CARLISLE PARK APARTMENTS	Resident	Electric	Resident	Included in Rent	



**In re: Petition of Westover Property Management Company, L.P.
d/b/a Westover Companies for a Declaratory Order
Regarding the Applicability of the Gas and
Hazardous Liquids Pipeline Act;
Docket No. P-2021-3030002**

**Amended Petition of Westover Companies
for Declaratory Order**

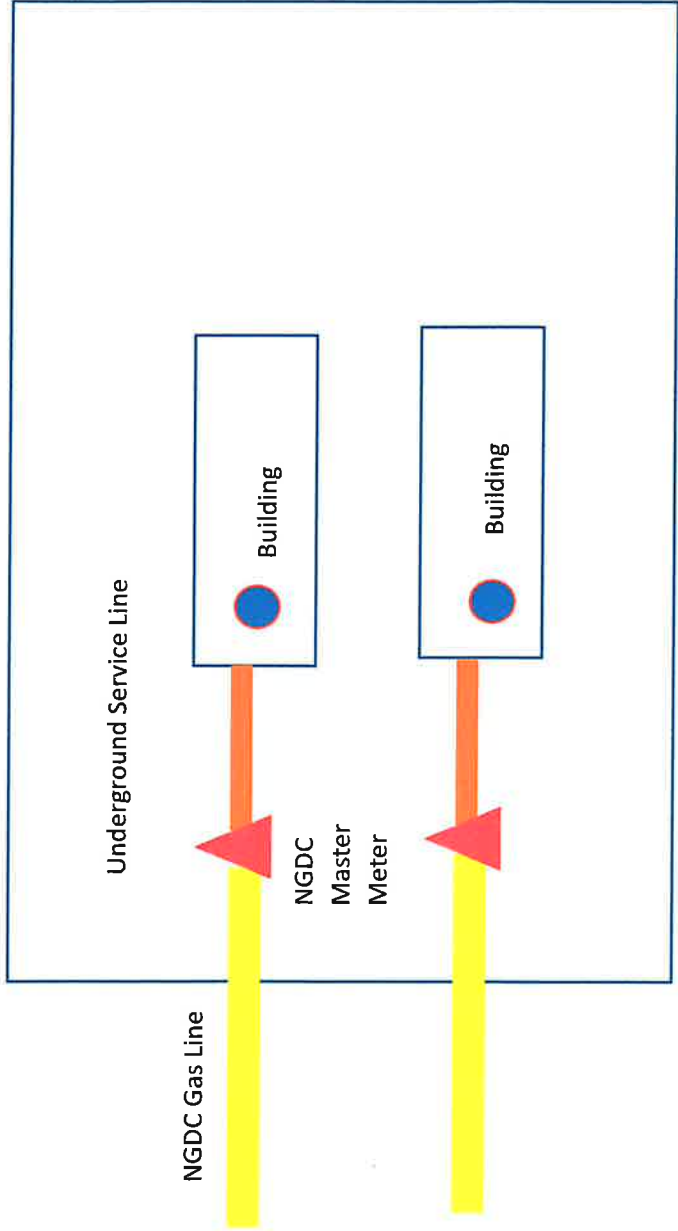
**APPENDIX 12
Park Court Apartments Meter**

8. Natural Gas delivered by NGDC to Two (2) Apartment Complex meter. Service lines to each building. Residents are billed with Allocation (RUBS)

Ultimate Consumer of the Natural Gas

Heat	Hot Water	Cooking	Resident Pays
Resident	Westover	Resident	Westover via Allocation

PARK COURT APARTMENTS



**In re: Petition of Westover Property Management Company, L.P.
d/b/a Westover Companies for a Declaratory Order
Regarding the Applicability of the Gas and
Hazardous Liquids Pipeline Act;
Docket No. P-2021-3030002**

**Amended Petition of Westover Companies
for Declaratory Order**

**APPENDIX 13
eFiling Re PA Pipeline Operator
Annual Registration Form
filed under Protest
(dated February 22, 2022)**



February 22, 2022

Via Electronic Submission Only

PAPUC
400 North Street
Harrisburg PA 17120

Regarding: Docket A-2021-3028141

To whom it may concern.

The attached transmission and filing fee are paid under protest based on the on-going proceedings at Docket Nos. P- 2021-3030002 and C-2022-3030251, in which we contend that we do not need to register pursuant to Act 127.

Sincerely,

Alexander Stefanelli
CFO

CC: Zambito, David DZambito@cozen.com
Nase, Jonathan JNase@cozen.com
Peter Quercetti





Act 127
Pennsylvania Pipeline Operator Annual Registration Form

Please submit completed form by March 31

Registration for Previous Calendar Year Ending: December 31, 2021

Docket Number: A-2021-3028141

If you need help getting your docket number,

- Go to www.puc.pa.gov > Filing & Resources > Issues, Laws & Regulations > Act 127 (Pipeline Act).
- On the Act 127 page you will see a link on the lower section of the page under Pipeline Operators Registry.
- Click on the link to "View Current List of Registered Pipeline Operators."
- Click on the utility code next to your name; find the Docket Number (A-2012-xxxxxx) under the Docketed Cases.

1. Registrant (Full name of pipeline operator): The Westover Companies

Comments: If applicable, explain any changes to your company name or legal status (acquisition, merger, etc.) in the past calendar year.

2. Types of Pipelines and/or Facilities.

Please note that natural gas public utilities are not required to file this form.

Pipelines and/or facilities covered by this form are associated with the following types of facilities and transport the following types of commodities: (select all that apply)

Gas Distribution

Natural Gas Propane Gas

Gas Transmission

Natural Gas
Propane Gas
Other Gas Define:

Gas Gathering

Hazardous Liquid
Other Define:

3. Main Mailing Address:

Provide the address to which the Commission will serve all correspondence relating to this registration.

Street Address/P. O. Box: 550 AMERICAN AVE., SUITE 1

City, State, Zip Code: KING OF PRUSSIA, PA 19406

4. Physical Address:

Provide the address of your primary Pennsylvania facility. This address is needed by the Commission to perform inspections and onsite visits.

Do not provide a post office box number.

Street Address: see attached Exhibit D

City, State, Zip Code:

5. US DOT Operator ID Number:

Provide the number assigned to you by the United States Department of Transportation, Pipeline Hazardous and Materials Safety Administration (PHMSA).

40293

6. PA L&I Propane Registration Number:

Provide your propane registration number with the Pennsylvania Department of Labor and Industry (if applicable). If you do not have a number, please enter "N/A".

7.	Regulatory Contact Information: <i>Complete in full with contact information of the person in your company the Commission can contact for questions and other matters pertaining to your registration and operations.</i>
	Name: ALEXANDER STEFANELLI
	Street Address: 550 AMERICAN AVE., SUITE 1
	City, State, Zip Code: KING OF PRUSSIA, PA 19406
	Email Address: cfo@westovercompanies.com
	Telephone Number: (610) 763-2864
8.	Assessment Contact information: <i>Complete in full with contact information of the person in your company who is responsible for receiving the Commission's assessment (billing) invoices and paying the assessment under Act 127.</i>
	Name: ALEXANDER STEFANELLI
	Street Address: 550 AMERICAN AVE., SUITE 1
	City, State, Zip Code: KING OF PRUSSIA, PA 19406
	Email Address: cfo@westovercompanies.com
	Telephone Number: (610) 763-2864
9.	Federal EIN Number (if applicable):
10.	Pipeline Emergency (PEMA) Contact Information: <i>Complete in full with contact information of the person in your company who the Commission can call in an emergency situation. This information is critical to the Commission's interactions with the Pennsylvania Emergency Management Authority (PEMA).</i>
	Name: PETER QUERCETTI
	Street Address: 550 AMERICAN AVE., SUITE 1
	City, State, Zip Code: KING OF PRUSSIA, PA 19406
	Email Address: pquercetti@westovercompanies.com
	Telephone Number: (302) 388-3569
11.	Attorney (if applicable): <i>Complete this section only if an attorney is filing this registration form on your company's behalf.</i>
	Name:
	Street Address:
	City, State, Zip Code:
	Email Address:
	Telephone Number:
12.	Operational Information:
Comments: Report any newly installed pipeline, and explain any additions, deletions or variations since your previous year's registration.	

- Complete Attachments "A" and "B". For each Pennsylvania gas or hazardous liquids pipeline, provide the in-state mileage in operation as of December 31 of the prior year, by class and by county. Mileage should be reported for each individual pipe. Multiple pipelines in one trench are considered individual pipes for reporting purposes. If you have no miles to report on these attachments, check the appropriate block at the top of the form(s).
- Complete Attachment "C" by providing the country of manufacture and mileage data for all tubular steel products installed in the prior calendar year in Pennsylvania for the exploration, gathering or transmission of natural gas or hazardous liquids. If you have no data to report on this attachment, check the appropriate block at the top of the form.

13. Filing Fee:

The filing fee for this Annual Registration Form is \$250, payable to the "Commonwealth of Pennsylvania."
 The filing fee can either be mailed or electronically paid when eFiling your form with the Commission's eFiling system.
NOTE: If you are a Propane Distributor registered with the PA L&I or a Borough, you are exempt from paying this filing fee.

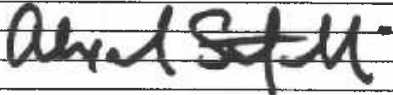
Fee Exemptions (please indicate if either exemption applies):

- Propane Distributor registered with PA L&I
- Borough

14. Verification:

The person responsible (corporate officer or attorney) for filing your Annual Registration Form must affix his or her signature and verify that all information provided on the form is true to the best of his or her knowledge, information and belief. NOTE: Registration Forms that are not verified will not be accepted for filing.

I hereby state that the information in this application is true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Name:	Signature:
Alexander Stefanelli	
Title:	Date:
CFO	2/22/2022

15. Registration:

eFiling:

Registration Forms may be eFiled with the PUC. If eFiling your renewal form, go to <http://www.puc.pa.gov> and click on the eFiling link on the bottom of the page under Issues, News & Reports. Please choose "Existing Case" as the type of filing and enter your docket number where indicated.

By mail:

Send original, signed copy of registration form along with attachments and filing fee (if applicable) to:

Secretary, PA Public Utility Commission
 Keystone Building, 2nd Floor
 400 North Street
 Harrisburg, PA 17120

Reminders:

- It is the responsibility of registrants to keep the Commission notified of any changes to your contact information by providing notice, in writing, to the Commission's Secretary at the above address.
- Incomplete registration forms or those missing any attachments are unacceptable for filing and will be delayed for processing until the required information is sent to the Commission's Secretary's Bureau. If you require assistance or have questions when completing this form, call 717-772-7777.
- Registrations are public records. Accordingly, DO NOT place social security numbers, credit card numbers, bank account numbers or other confidential information on the registration form.

*****PLEASE KEEP A COPY OF YOUR COMPLETED REGISTRATION FORM FOR YOUR RECORDS*****

Additional Comments: Use this section to add any additional information:

Hazardous Liquids Lines
Calendar Year Ending: December 31, 2021
Pipeline Operator: The Westover Companies

Please check here if you have no reportable Hazardous Liquids Lines

Please report mileage to the nearest 1/10th of a mile.

HCA = High Consequence Area

County	Intrastate		Interstate		Total
	Non-HCA	HCA	Non-HCA	HCA	
Adams					0.0
Allegheny					0.0
Armstrong					0.0
Beaver					0.0
Bedford					0.0
Berks					0.0
Blair					0.0
Bradford					0.0
Bucks					0.0
Butler					0.0
Cambria					0.0
Cameron					0.0
Carbon					0.0
Centre					0.0
Chester					0.0
Clarion					0.0
Clearfield					0.0
Clinton					0.0
Columbia					0.0
Crawford					0.0
Cumberland					0.0
Dauphin					0.0
Delaware					0.0
Elk					0.0
Erie					0.0
Fayette					0.0
Forest					0.0
Franklin					0.0
Fulton					0.0
Greene					0.0
Huntingdon					0.0
Indiana					0.0
Jefferson					0.0
Juniata					0.0
Lackawanna					0.0
Lancaster					0.0
Lawrence					0.0
Lebanon					0.0
Lehigh					0.0
Luzerne					0.0
Lycoming					0.0
McKean					0.0
Mercer					0.0
Mifflin					0.0
Monroe					0.0
Montgomery					0.0

Montour					0.0
Northampton					0.0
Northumberland					0.0
Perry					0.0
Philadelphia					0.0
Pike					0.0
Potter					0.0
Schuylkill					0.0
Snyder					0.0
Somerset					0.0
Sullivan					0.0
Susquehanna					0.0
Tioga					0.0
Union					0.0
Venango					0.0
Warren					0.0
Washington					0.0
Wayne					0.0
Westmoreland					0.0
Wyoming					0.0
York					0.0
Total	0.0	0.0	0.0	0.0	0.0

Attachment B

Mileage
 Calendar Year Ending: December 31, 2021
 Pipeline Operator: The Westover Companies

Please check here if you have no miles to report

Act 127 mileage reporting for this form should not include any pipelines subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission.

Please report mileage to the nearest 1/10th of a mile.

County	Number of Farm Taps	Class 1 Gathering (Conventional)	Class 1 Gathering (Unconventional)	Gathering, Transmission & Distribution				
				Class 1 Transmission & Distribution	Class 2 Gathering Transmission & Distribution	Class 3 Gathering Transmission & Distribution	Class 4 Gathering Transmission & Distribution	Total Class 1 T&D + Class 2+3+4 G,T&D
Adams								0.0
Allegheny								0.0
Armstrong								0.0
Beaver								0.0
Bedford								0.0
Berks						0.4		0.4
Blair								0.0
Bradford								0.0
Bucks						0.4		0.4
Butler								0.0
Cambria								0.0
Cameron								0.0
Carbon								0.0
Centre								0.0
Chester						0.4		0.4
Clarion								0.0
Clearfield								0.0
Clinton								0.0
Columbia								0.0
Crawford								0.0
Cumberland						0.4		0.4
Dauphin								0.0
Delaware						0.9		0.9
Elk								0.0
Erie								0.0
Fayette								0.0
Forest								0.0
Franklin								0.0
Fulton								0.0
Greene								0.0
Huntingdon								0.0
Indiana								0.0
Jefferson								0.0
Juniata								0.0
Lackawanna								0.0
Lancaster								0.0
Lawrence								0.0
Lebanon								0.0
Lehigh								0.0
Luzerne								0.0
Lycoming								0.0

McKean								0.0
Mercer								0.0
Mifflin								0.0
Monroe								0.0
Montgomery						1.1		1.1
Montour								0.0
Northampton								0.0
Northumberland								0.0
Perry								0.0
Philadelphia								0.0
Pike								0.0
Potter								0.0
Schuylkill								0.0
Snyder								0.0
Somerset								0.0
Sullivan								0.0
Susquehanna								0.0
Tioga								0.0
Union								0.0
Venango								0.0
Warren								0.0
Washington								0.0
Wayne								0.0
Westmoreland								0.0
Wyoming								0.0
York								0.0
Total	0.0	0.0	0.0	0.0	0.0	3.6	0.0	3.6

Primary	Heating Type	PUC	Address	City State Zip	County	Units	Zip
<u>Carlisle Park</u>	Gas	Y	525 Third Street	Carlisle, PA 17013	Cumberland County	208	17013
<u>Gladstone Towers</u>	Gas	Y	223 Scoldale Road	Lansdowne, PA 19050	Delaware County	121	19050
<u>Hillcrest</u>	Gas	Y	785 W. Providence Road	Lansdowne, PA 19050	Delaware County	84	19050
<u>Lansdowne Towers</u>	Gas	Y	772 E. Providence Road	Alden, PA 19018	Delaware County	231	19018
<u>Main Line Berwyn</u>	Gas	Y	750 Old Lancaster Road	Berwyn, PA 19312	Chester Count	180	19312
<u>Mill Creek</u>	Gas	Y	255 E. Lincoln Highway	Pandol, PA 19407	Bucks County	174	19407
<u>Norriton East</u>	Gas	Y	2520 Dekalb Pike	East Norriton, PA 19401	Montgomery County	80	19401
<u>Oak Forest</u>	Gas	Y	2220 Alsace Road	Reading, PA 19804	Berks County	143	19804
<u>Park Court</u>	Gas	Y	28 S. Water Street	Womelsdorf, PA 19587	Berks County	66	19587
<u>Valley Stream</u>	Gas	Y	2100 N. Line Street	Lansdale, PA 19446	Montgomery County	242	19446
<u>Willow Run</u>	Gas	Y	3505 Moreland Road, # E-621	Willow Grove, PA 19090	Montgomery County	172	19090
						1608	

Eth D

Primary	Property Type	Natural Gas	Address	City State Zip	SQ FT
<u>Bryn Mawr Medical Building</u>	Commercial		600 & 931 Haverford Road	Haverford, PA 19041	82056

Exh
D