

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

238 Johnston Road  
Pittsburgh, PA 15241

[lrcrayne@comcast.net](mailto:lrcrayne@comcast.net)

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

---

ELECTRONICALLY FILED

July 18, 2021

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

**Re: Robert Green v. UGI Utilities, Inc.**  
**Complaint Docket No. C-2022-3033307**

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: Robert Green  
1402 Laubach Avenue  
Northampton, PA 18067

**Commonwealth of Pennsylvania**

**Before the Pennsylvania Public Utility Commission**

In the Matter of:

Robert Green,  
Complainant,

Complaint Docket  
No. C-2022-3033307

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 (2), and files the following Preliminary Objections:

**Legal Insufficiency of Pleading and Lack of Jurisdiction**

1. Complainant has filed a formal complaint with the Commission against UGI, regarding work that was performed in May 2021 to replace the main gas line in East 14th Street, Northampton, PA (the "Street").

2. Complainant is demanding that " ... someone patch up the damage that was caused by one or both of [UGI's] contractors".

3. Complainant is in effect demanding that UGI or its contractors pay Complainant for damage to the curb in the Street, a claim that requires a determination of the proximate cause of the damage.

4. Complainant alleges no violation of any Statute, regulation or order of the Commission which UGI has violated and which the Commission has jurisdiction to administer. Complainant is simply asking the Commission to decide that UGI or its contractors should be required to repair a curb line in the Street.

5. The Commission's regulation at *52 Pa. Code*, Section 5.101(a)(4) permits the filing of a preliminary objection to dismiss a pleading for legal insufficiency. The provision at *52 Pa. Code* § 5.101(a)(4) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. 66 *Pa. C.S.*, Section 703(a); *Lehigh Valley Power Committee v. Pennsylvania Pub. Util. Comm'n.*, 563 A.2d 557 (*Pa. Cmwltth.* 1989); *Lehigh Valley Power Committee v. Pennsylvania Pub. Util. Comm'n.*, 563 A.2d 548 (*Pa. Cmwltth.* 1989); *S.M.E. Bessemer Cement, Inc. v. Pennsylvania*

Pub. Util. Comm'n., 540 A.2d 1006 (Pa. Cmwlt. 1988); White Oak Borough Authority v. Pennsylvania Pub. Util. Comm'n., 103 A.2d 502 (Pa. Super. 1954)

6. This claim for damages is legally insufficient because Complainant alleges no violation of any Statute, regulation or order which UGI has violated and which the Commission has jurisdiction to administer. The Public Utility Code does not confer authority on the Commission to grant monetary damages to a complainant. If the Commission should conclude that UGI was responsible for damages, the Commission does not have the power to enter a judgment for Complainant herein. *Feingold v. Bell of PA*, 777 Pa. 1, 282 A2d 1191 (1977), 1977 Pa. LEXIS 957.

**Wherefore**, UGI moves that this claim for an award of damages to Complainant is beyond the jurisdiction of the Commission, being a proper subject for an action in a civil court that has the power to determine the proximate cause of Complainant's damages, the party's rights and responsibilities and award damages if appropriate. Therefore, UGI requests that this Complaint be dismissed for legal insufficiency and for lack of subject matter jurisdiction without the time and expense of a formal hearing.

### Notice to Plead

To: Robert Green:

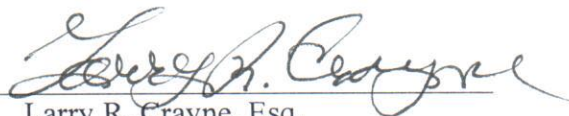
You are hereby notified to file a written response to the above Preliminary Objections within ten (10) days from service hereof or a judgment may be entered against you. The response must be mailed to the Secretary of the Public Utility Commission:

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: 7-18-2022

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)

Robert Green  
1402 Laubach Drive  
Northampton, PA 18067  
rjgreen@gmail.com

Dated this 18<sup>th</sup> day of July, 2022



Larry R. Crayne  
238 Johnston Road  
Pittsburgh, PA 15241

Counsel for  
UGI Utilities, Inc.