**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rita Seben :

:

v. : C‑2022-3030734

:

Peoples Gas Company LLC :

**FIRST POST HEARING ORDER**

Reopen Hearing Record

to Receive Additional

Documentation and Schedule

a Second Hearing

# HISTORY OF THE PROCEEDING

On January 25, 2022, Rita Seben (Ms. Seben or Complainant) filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) against Peoples Natural Gas Company LLC (PNG or Respondent) alleging there was a reliability, safety or quality problem with her natural gas service provided by Respondent. Complainant requested the Commission order PNG to find the cause of a strong natural gas smell at the service address which started in late September 2021 after Respondent’s contractor replaced the service line and gas meter at the service address.

On February 22, 2022, PNG filed an Answer in which PNG admitted it provides natural gas service to Complainant’s residence and has responded more than nine times since August 31, 2021 to Ms. Seben’s complaint about a strong odor at the service address. PNG further alleged the Commission’s Pipeline Safety Division opened an investigation and closed the investigation after PNG ordered a special leak survey that found no leaks.

By Call-In Telephone Hearing Notice dated February 28, 2022, the Public Utility Commission’s Office of Administrative Law Judge (OALJ) scheduled an initial call-in telephonic hearing for Tuesday, April 19, 2022, and sent the Notice to the parties.[[1]](#footnote-1)

On March 2, 2022, the presiding officer issued a Prehearing Order setting forth the date, time and manner of the scheduled hearing and advising the parties about prehearing procedural matters.

On April 19, 2022, the presiding officer convened the parties and conducted the initial hearing. Ms. Seben appeared represented by Jeffrey P. Brahan, Esquire who presented the testimony of Ms. Seben and offered two exhibits, marked Complainant Exhibits A and B. The two exhibits were admitted into evidence.Jennifer L. Petrisek, Esquire, appeared and represented PNG. Attorney Petrisek presented the testimony of two witnesses – Tim Collins and Dan Kuehn - and offered three exhibits, marked Peoples Exhibits A, B and C. The three exhibits were admitted into evidence. Complainant and Respondent made final statements on the record. The transcript of the hearing contained 99 pages.

The presiding officer closed the hearing record by issuing the Interim Order Closing the Hearing Record on May 26, 2022. The hearing record consisted of the transcript and following five exhibits:

Complainant Exhibit A Statement and Invoice of Ferguson Heating

dated 1/11/22

Complainant Exhibit B Statement of Shelton Plumbing dated 12/21/21

Peoples Exhibit A Aerial Map including 133 Argonne Drive,

New Kensington, PA (service address)

Peoples Exhibit B Excel Spreadsheet Summary from 9/18/21 to 1/6/22

Peoples Exhibit C Work Orders from 12/10/19 to 1/19/22

On July 8, 2022, Complainant’s counsel filed the Petition to Re-Open Record (Petition). Complainant requested the hearing record be reopened for the purpose of taking additional evidence concerning test results from a methane gas detector. Complainant asserts a methane gas detector (detector) was purchased after the initial hearing was conducted in April 2022 and was received on July 7, 2022. Complainant’s counsel asserts the detector was used and several video recordings of the use were obtained. Counsel requests, pursuant to 52 Pa.Code § 5.571, the presiding officer should reopen the record. A copy of the Petition was served upon the presiding officer and opposing counsel. To date, the presiding officer has not received an objection or comment from Respondent either opposing or consenting to the Petition.

Discussion

Pursuant to 52 Pa.Code § 5.483 and 66 Pa.C.S.A. § 331(d) and § 332, the presiding officer has various powers to preside over the taking of evidence and to regulate the course of proceedings, including the receipt of evidence. Pursuant to 52 Pa.Code § 5.571(d), the presiding officer may reopen the record prior to the issuance of a decision, after notifying the parties of the need to receive further evidence and when there is reason to believe conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of the proceeding.

In her formal complaint, Complainant alleged Respondent failed to locate the source of a strong natural gas odor at her residence and Respondent failed to correct the problem. As a result of the strong odor, Complainant contended she and her family were unable to use a bedroom located in the basement, and Complainant further asserted the windows had to be open to air out the odor, even in the winter. Complainant argued she wasted money heating the service location during the winter because she had to keep the windows open. She further argued that she felt unsafe in her home because she had to leave the windows open during the nighttime.

Complainant avers new evidence is available - which was unavailable at the time of the initial hearing – in the form of test results from a methane gas detector. Complainant does not allege what the test results revealed about the presence or absence of methane gas at the service address but she requests the Commission reopen the hearing record for the purpose of taking additional evidence relating to the results of the methane gas tests. Respondent has neither objected to nor consented to Complainant’s request to reopen the record.

Complainant has shown new test results which were not available at the time of the initial hearing may have bearing in this proceeding and may indicate the source or consequence of the problem which led Complainant to file the formal complaint. Accordingly, a further hearing will be scheduled in this proceeding. Prior to the date of that hearing, Complainant will be ordered, in the paragraphs below, to provide a copy of any video and/or any documentation which shows or speaks to the presence of methane gas and/or the source of a strong odor at the service address.

THEREFORE,

IT IS ORDERED:

1. That the hearing record in Rita Seben versus Peoples Natural Gas Company at Docket No. C-2022-3030734 is reopened.

2. That Complainant must provide a copy of any documentation which shows or speaks to the presence of methane gas and/or the source of a strong odor at the service address.

3. That an electronic copy of the documentation specified in Ordering Paragraph 2 above shall be provided to Respondent and the presiding officer no more than 14 calendar days from the date of this Order.

4. That a further telephonic hearing will be scheduled to be conducted telephonically with the parties on or after August 15, 2022. The parties will receive a hearing notice from the Office of Administrative Law Judges which schedules the further hearing and advises the parties how to call into the Commission’s bridge conference telephone number and participate in the hearing.

5. That the only purpose for the subsequent hearing is to consider, discuss and, if appropriate, admit the documentation referenced above, through the testimony of Complainant’s sponsoring witness, and to take testimony from Complainant concerning tests for methane gas at the service address.

Date: July 20, 2022 \_\_\_\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Katrina L. Dunderdale

Administrative Law Judge

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1. On March 2, 2022, the OALJ issued a Corrected Hearing Notice which corrected the telephone number and “PIN” number to be used by the parties to connect to the telephonic hearing. [↑](#footnote-ref-1)