

Commonwealth of Pennsylvania
Before the Pennsylvania Public Utility Commission

In the Matter of:

Francene Tearpock-Martini
Complainant
v.

Docket No. C-2022-3033942

UGI Utilities, Inc.
Respondent

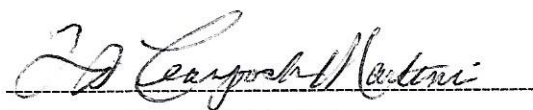
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Answer and New Matter upon the parties listed below, in accordance with the requirements of 52 PA Code relating to service by a Participant.

VIA ELECTRONIC MAIL

Timothy K. McHugh (I.D. 317906)
UGI Corporation
460 N. Gulph Road
King of Prussia PA 19406
Tel. (610) 768-3639

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



Francene Tearpock-Martini
56 South Main Street
Shickshinny, Pennsylvania 18655
Tel. (570) 542-2346

DATE: August 18, 2022

**Commonwealth of Pennsylvania
Before the Pennsylvania Public Utility Commission**

In the Matter of:

Francene Tearpock-Martini
Complainant

Docket No. C-2022-3033942

v.

UGI Utilities, Inc.
Respondent

RESPONSE AND EXCEPTIONS OF COMPLAINANT TO UGI UTILITIES, INC.

AND NOW Complainant Francene Tearpock-Martini, in support of her complaint, avers as follows:

1. No exception
2. No exception
3. No exception
- 4.- 5. Exceptions

The location of the Utility poles along Complainant's property are as follows and have been mischaracterized by UGI Utilities. There is a Utility Pole along SR 11 ROW east side of my property (near my historic stone wall). Parallel to that pole, there is also another Utility pole also east side of my property along SR 11 ROW (near my landscaped hill). My property is divided by a small town-road called Furnace Street. It is at the location of my landscaped hill that the 'guy wires' were placed in trespass both at the land level where they connected deep into the ground and aerial above that hill coming from that Utility Pole east side of my property.

My word is truth and I know my property and what I own. I have proven that the information I provided in two previous hearings through surveys by Certified Land Surveyors, two of them, and my ROW information has been further supported most recently by PENNDOT.

Insults and mischaracterizations of me will not change facts of my ownership and my rights and only causes hard feelings. I am being threatened and harassed or I would not have provided these in my filings. It will get UGI Utilities no benefit to say that I am "fabricating" such because that would not be true.

UGI Utilities provided me with two options to remedy this problem - not three. I provided UGI Utilities with three options safe and cost effective. The ruling by Honorable Judge Barnes was that we get together to resolve our differences. When I received further documentation of my Rights through correspondence with PENNDOT ROW Management, I immediately provided it to UGI Utilities. I spoke

with their lead Engineer Walter Grodzki when he phoned me and we spent another 2 and 1/2 hours on the telephone. Even though I asked him to come to my property personally to go over things, he suggested that we first have the telephone discussion, which we did, but he never came. Instead almost immediately, UGI Utilities came to my property with 5 trucks, 5 men and 2 additional road safety crew members, blocked traffic, had their crew remove the 'guy wires' from the land which was outlined in one of their two Options part A, leaving the overhead aerial trespass remaining, part B, and giving me little recourse but threatening me that if I do not give them a ROW, they will return the overhead wire to the Utility pole parallel to the one presently, both poles are on the east side of SR 11 east of my property which would ultimately run up to the Southwest Pole along my property on Furnace Street - such wire running over the sidewalk area through my specimen tree which is about 40 feet in height as I planted it 45 years ago when I moved here. It is always pruned by a Certified Arborist. By history of records through PUC, you will see that UGI Utilities violated that some years ago and had their bucket truck and employees' trespass 12 feet into my property damaging my specimen tree which has never completely recovered from such injury. They did pay penalties for their trespass as ordered by the Honorable PUC Judge Miello at that time - but the fact remains, they ruined the appearance of my beautiful tree shaping it like a chair, at my beautiful historic property. They came without notice and did that damage.

It seems this is UGI Utilities way of doing things since currently they did the similar thing and came to my property in haste after I sent George Bokrosh and Walter Grodzki by email the additional proof from PENNDOT on their ROW. They rushed in an attempt so to railroad me into providing them with a ROW. George Bokroch of UGI threatened me if such ROW was not provided, they would move the overhead wire back to my specimen tree location.

Attorney Crane for UGI at the previous Hearing was determined to attempt to humiliate me that the photography I provided at Hearing was to flaunt my property but my intention with the photography was specific to providing a visual of the locations of the poles around my property for Exhibits and Information on the alignment of the poles since my property is unique and being surrounded by three streets on an escarpment.

For some historical information, it was the property of the Founder of our town who at one time owned everything and plotted out the town and selected 56 South Main Street for his Homestead. I do not have to flaunt my property. It speaks for itself. I had the opportunity to purchase it in 1977. I restored it and was honored by the Luzerne County Historical Society for restoration and preservation in 2002, and ultimately it was nominated and placed on the National Historic Registry in 2009.

Now in this "Answer of Respondent, UGI Utilities, Inc." by their Corporate Attorney Timothy K. McHugh, Complainant, Francene Tearpock-Martini, will proceed to address each issue individually as presented with 'Exceptions'. Please allow me to be clear that I never in any way mislead anyone into thinking they would get a ROW from me onto my property. I never misrepresented anything. The evidence I provided was thoroughly researched and accurate. UGI left me with a bad situation and little choice by taking it upon themselves to pick their Option which would cause my property the most harm. By decision of Honorable Judge Barnes, her recommendation was to come to some agreement between the Parties - work things out. When I received additional proof from PENNDOT of their ROW I immediately emailed and phoned UGI Utilities with this important information. I provided it to Walter Grodzki and George Bockroch. Instead of working things out, they rushed here to do Option Part A leaving me with threats for Part B. The threats were specific - "ROW or the electric line will return to your specimen tree".

UGI should have known what their ROW was before the Hearing. Every detail should have been fact checked by UGI Engineer, Mr. Grodzki and Senior Tech Mr. Bokroch, before providing incorrect unverified information to the Judge.

All through the years I have contacted UGI Utilities and complained to them about the damages to my property caused by trucks parking on my property, employees of UGI and subsidiaries who rent UGI Utility poles, running up and down my landscaped hill, the safety issues to my property with their 'guy wires' on my property. I asked over and over again to provide proof of any rights they had, and they provided no proof. Eventually during so many time-consuming discussions with UGI Walter Grodzki, he admitted he had no proof. Then at the Hearing, Walter Grodzki and George Bokroch testified providing false information about their ROW and incorrect pole site locations.

If ever there was a case that should be reopened by whatever authority the PUC has to do so, it should be this case. The incorrect information UGI provided at Hearing through Walter Grodzki and George Bokroch, Engineering personnel, should have been fact-checked and verified. Nevertheless, UGI Utilities, Inc. have jumped the gun and are now trying to railroad me into some ROW that will not happen to my historic property. UGI Utilities are causing further stress and hardship to me, threats to further damage my tree, cost and expenses for maintenance, concern and worry, continue to harass me and blame me for the mistakes they are making and have made.

The biggest mistake UGI made back in the 90's was when they moved one of their Utility Poles from the northwest side of Furnace Street to the southwest side of Furnace Street thereby causing all these subsequent problems that continue to the present time due to incorrect placement of that pole from one side of Furnace Street to the other side - north to south side. They threatened me then too. UGI Tim Sutliff told me to pay them \$10,000 and they would move the pole back across Furnace Street, yet at that PUC Hearing he couldn't remember where the pole was initially on Furnace Street. UGI only knew it was on Furnace Street. Judge Miello asked that question and that was how it was answered. I lived at my property here since 1977. I knew where the pole was and I even have photographs of it.

Attorney Crane for UGI accused me of flaunting my property with photographs at the prior PUC Hearing. I provided photographs for evidence and Exhibits, not to flaunt my property. My property speaks for itself.

For your further understanding, there is no Utility pole at the "northeast" side of "Furnace" Street. - let us be clear on that. There is a pole on "SR 11" northeast side" of property. There is a Pole situated on the "southwest" side of "Furnace" Street which is the pole they moved to that location from the "northwest" side to the "southwest side of "Furnace" Street placed into the middle of the sidewalk there in front of my Carriage House. That was done back in the 90's that I protested. (See comment above noting the movement of the pole.)

What is important at the present time for your clear understanding is that UGI overhead electric wire that ran from the "east" side pole at my property "SR 11" location near the stone wall described earlier ran up the sidewalk to the "southwest" location of "Furnace" Street and is what caused the tree issue back in the 90's with continued problems and hardship for Complainant until 2019 when UGI finally moved their wires away from my tree to the other east side pole parallel on "SR11" as described earlier, at the hill area where their guy wires have been trespassing on my property. Now, you are forcing me to accept an Option, part B for more hardship again after you finally remedied the problem you caused me for so many years. Needless to say, this is very stressful and threatening to me and my property.

6. No exception

7. Exception

(b) Complainant has spoken to Utility Company representatives about their harassment and threats. Complainant has asked George Bokroch on two separate occasions not talk to me in a condescending manner. Brian Devine, Engineering Tech was present on the one occasion when I asked Mr. Bokroch not to talk to me in a condescending manner. Complainant has also asked Mr. Bokroch to stop threatening me that he will put the wires back to my tree. It causes me much worry and stress.

Mr. Bokroch had also brought up the Hearing about the tree to me and specifically mentioned Tim Sutliff's name. Oddly Mr. Sutliff is deceased for many years. It was then during that specific conversation standing along my property by Furnace Street that I came to realize Mr. Bokroch had testified at that Hearing back in the 90's regarding my tree along with Tim Sutliff and I knew he was threatening me about moving the wires. I told him he was threatening me and to stop it.

NEW MATTER RESPONSE

8. Complainant incorporates by references responses contained in paragraphs 1 through 7 Responses and Exceptions above fully set forth at length.

9. No Exception

10. No Exception

11. Exception

Complainant notified UGI Utilities over a period of many years about their trespass and she was continuously told they had a right to be on her property. Dating as far back to employee Joe Rymar, Complainant was told UGI had a right to my property. My surveys said otherwise. When asked for proof UGI provided no proof. Prior to PUC Complaint, Engineer Grodzki did finally admit to Complainant that he had "no proof" although at Hearing, testimony was provided by UGI Utilities that they had proof of a ROW of 66 feet which was not correct.

UGI Utilities employees and their subsidiaries who rented space on their Utility poles continued to run up and down on Complainant's landscaped hill. They continued to park trucks on her property. Their trespass was not "inadvertent", it was a safety hazard. It required constant maintenance and was a liability to the Complainant. Complainant provided 3 Options to UGI Utilities to remedy the problem to no avail. Only after the Complaint was filed with the PUC did they begin to pursue possible options for removal of their encroachment.

12. No Exception

13. Exceptions

Although proof was provided by Complainant that UGI ROW was 60 feet, not 66 feet, UGI Utilities, Inc. testified Complainant's surveys were "irrelevant" and mischaracterized their own information as being accurate. UGI Utilities also mischaracterized the location of their poles and the consequences of their

Options which would be a hardship to me. Honorable Judge Barnes encouraged that the Parties work together to implement the removal of the "aerial" guy wires, and agreed because of UGI incorrect information provided that their Options Part A Part B seemed reasonable thus leaving Complainant with subsequent threats, harassment, and bullying by UGI personnel as they continue to trespass misrepresenting the Judge's order stating that they are "doing what the Judge ordered". Honorable Judge Barnes clearly stated she was "not directing the utility to proceed with implementation of one of the three options described by the engineers at the Hearing". Note - There were only two Options provided by UGI Utilities. Complainant provided the three Options.

14. No Exception

15. Exception

Complainant filed Exceptions to Initial Decision December 04, 2021

16. Exceptions

UGI Utilities has provided no proof whatsoever that the new sidewalk anchor guy is within the 60 feet ROW from PENNDOT or even that UGI has a right to access. Complainant's understanding from experience is that PENNDOT does not have unbridled access and the property owner has the liability. Complainant maintains and is responsible for that property and sidewalks. There are liability issues of which Complainant holds responsibility. UGI Utilities has provided no evidence of any Certified Survey that they conducted. Employees of UGI came to Complainant's property with insignificant measuring tapes and was asked to leave. They were not Certified Land Surveyors. They have no permission to trespass. The new activity is violating the "Order of the Court".

Complainant has spent hours in conversation by telephone with UGI Engineer Walter Grodzki who agreed to come to her property but first Mr. Grodzki wanted to discuss by telephone. We did that. When Complainant provided additional proof from PENNDOT of the ROW, and their error, Mr. Grodzki never came but instead UGI Utilities employees, George Bokrosh, Brian Devine, and 3 other men, jumped the gun, ran down to the Complainant's property digging out guy wires and digging in a new contraption, only to partially but not correctly satisfy one part of their Option which was removal of guy wires and leaving overhead high voltage wire trespassing on Complainant's property with verbal threats and harassment to either provide ROW or overhead wire will be moved back to your specimen tree. The Option UGI chose in order to complete both parts A and B was done without discussion with me or even what Option I might even consider. They just went ahead and did what they wanted to do regardless of my rights leaving me with a threat. UGI Utilities has provided Complainant with no Certificate of Liability coverage allowing them to have a hazardous wire over her property or if someone is injured on their new contraption installation at her property. Walter Grodzki told Complainant during their last telephone discussion that he had to research on the internet about Certificate of Liability Insurance and had no knowledge of same.

17. Exceptions

There is still need to follow ROW at issue in this proceeding. Refer to Exception 16 herein 1st and 2nd paragraph.

Although UGI admits its facilities are encroaching and they still are encroaching, UGI has offered no reasonable solution to remedy their aerial encroachment, continues to trespass and is threatening Complainant and attempting to bully Complainant for a ROW which was never an option. They even violated the Judge's decision.

18. Exception

New activity is causing Complainant hardship and is harassing Complainant. Encroachment is not "inadvertent" but a method concocted to gain access of a ROW to Complainant's historic property which is unreasonable and inappropriate. Furthermore, as stated in Exception 16, UGI Utilities has provided Complainant with no Certificate of Liability coverage allowing them to have a hazardous wire over her property or if someone is injured on their new contraption installation at her property.

19. Exception

Premise expressed in Item 19 by Attorney Timothy K. McHugh, Counsel for UGI Utilities, Inc., is further proof of harassment by UGI Utilities, Inc and is insulting Complainant. Complaint of harassment and threats is in and of itself separate from trespass but related in that it all stems from the same cause. UGI Utilities and their subsidiaries have ignored boundaries with the movement of their Utility Poles and wires about her property ongoingly, they have ignored Complainant requests for information, they even misrepresented facts to her and the Court and did not provide any proof when she asked for it, and installed guy wires and contraptions without her approval.

20. Exception

Complainant is troubled with the position that she can't go back and relitigate a case finalized based on false information yet UGI Utilities, Inc. can move forward on incorrect information and further violate rights of Complainant and cause her additional hardship.

Inasmuch as regulations quoted potentially preclude re-litigating a prior final order there is clause unless set aside, annulled or modified on judicial review. Complainant would appreciate Judicial review so as to prevent further hardship to complainant and her property.

21. Exception

Complainant's rights have been violated by mischaracterizations, misrepresentations of facts and false evidence provided by UGI Utilities as well as incorrect information on pole locations being provided by UGI Utilities, Inc. in Court. UGI has not followed recommendations of the Court. Complainant continues to be violated with the harassment and threats being made by UGI George Bokroch, Senior Tech, if ROW is not provided wires will be moved back to your tree. Complainant is being treated differently since she filed Complaints with the PUC.

22. Exception

If ever a case should be relitigated on issue of false information, mischaracterizations of concepts and options, lack of conclusion with their Options thereby attempting intimidation techniques, bullying, threats and harassment for their lack of respect to Complainant's property, to Complainant's requests for factual information over a period of years, causing unnecessary stress and worry, and additional monetary expenses. Not only was the ROW mischaracterized and the Options provided misleading, but were provided in a way, in a method concocted to gain access to complainant's property by force.

UGI has violated Complainant's rights to her property for many years, ignoring for many years her requests to remedy the problem but instead the trespass grew, harassment and threats, and the subsidiaries of which UGI benefited financially from their use of the utility poles further imposed upon the complainant's rights of ownership while UGI benefited from these ancillary violators.

23. Present Complaint filed is not the same. UGI Trespassed. UGI is now harassing and threatening. Complainant is being treated differently since filing a PUC Complaint. Situation has gotten worse. Stress, worry and concern follow conversations with UGI representative George Bokroch and Walter Grodzki and has become hard to bear with condescending remarks from Legal as well. Moving wires to my specimen tree and damage to my tree bring snickers from Mr. Bokroch in my presence following his threats. In several conversations at my property, Complainant reminded Mr. Bokroch to stop being condescending to me. Complaint has evolved from trespass which still continues to harassment and threats, for added violation to property and rights of Complainant, and to Complainant personally.

24. The fact that UGI Utilities provided non-factual information over so a long period of time and also at Hearing proceedings, then continues to trespass with a make shift modification of guy wires but not to the satisfaction of trespass as that still continues, and to add threats and intimidations to satisfy their plot, with accusations that Complainant has not cooperated which is an insult to the Complainant, but even more hurtful, it is an insult to the Judicial process and all of us participants.

Respectfully submitted,


Francene Tearpock-Martini
56 South Main Street
Shickshinny, PA 18655
(570) 542-2346

DATE: August 18, 2022