
Nicholas A. Stobbe

nstobbe@postschell.com
717-612-6033 Direct
717-731-1985 Direct Fax
File #: 201116

June 5, 2023

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Karen Feitt v. Peoples Natural Gas Company LLC
Docket No. C-2023-3040660

Dear Secretary Chiavetta:

Attached for filing is the Preliminary Objection of Peoples Natural Gas Company LLC to the Complaint of Karen Feitt in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully,



Nicholas A. Stobbe

NAS/dmc
Attachments

cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA EMAIL AND FIRST-CLASS MAIL

Karen Feitt
1036 Jackman Avenue
Pittsburgh, PA 15202
kfeitt@gmail.com

Date: June 5, 2023



Nicholas A. Stobbe

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Karen Feitt,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2023-3040660
	:	
Peoples Natural Gas Company LLC,	:	
	:	
Respondent,	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTION WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTIONS MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL FOR PEOPLES NATURAL GAS COMPANY LLC

Jennifer Petrisek (ID # 83411)
Senior Attorney
Peoples Natural Gas Company LLC
375 North Shore Drive
Pittsburgh, PA 15212
Phone: 412-208-6834

E-mail: Jennifer.Petrisek@peoples-gas.com



Anthony D. Kanagy (ID # 85522)
Nicholas A. Stobbe (ID # 329583)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: akanagy@postschell.com
nstobbe@postschell.com

Attorneys for Peoples Natural Gas Company LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Karen Feitt,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2023-3040660
	:	
Peoples Natural Gas Company LLC,	:	
	:	
Respondent.	:	

**PRELIMINARY OBJECTION OF
PEOPLES NATURAL GAS COMPANY LLC TO THE
THIRD COMPLAINT OF KAREN FEITT**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes Peoples Natural Gas Company LLC (“Peoples Natural Gas” or the “Company”) and hereby files this Preliminary Objection, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Commission dismiss the above-captioned Formal Complaint (“*Third Complaint*”) filed by Karen Feitt (“Complainant”) in its entirety and with prejudice as against Peoples Natural Gas because it is legally insufficient and an abuse of administrative process.

This is the *Third Complaint* that the Complainant or a member of her household has filed with the Commission against Peoples Natural Gas Company concerning the Company’s billing practices, including the provision of a “true bill.”¹ All of those Complaints were dismissed by the Commission.

¹ The First Complaint was filed at Docket No. F-2018-3003833. It is attached hereto as **Appendix A**. All potentially confidential information has been redacted from the same. The Commission dismissed Complainant’s claims made in the First Complaint about Peoples Natural Gas’s billing practices – specifically, the rendering of a “true bill of commerce.” See *Karen Feitt and Higinio Mendoza Jr. v. Peoples Natural Gas Co. LLC*, Docket No. F-

Here, the *Third Complaint* is legally insufficient and an abuse of administrative process. The Complainant once again raises issues concerning the Company’s billing practices, including the provision of a “true bill.” The repeated attempts by the Complainant to relitigate claims and issues already ruled on by the Commission should be rejected as legally insufficient and an abuse of administrative process and, therefore, should be dismissed with prejudice.

In support thereof, Peoples Natural Gas states as follows:

I. BACKGROUND

1. Peoples Natural Gas is a “public utility” and an “natural gas distribution company” as those terms are defined under the Public Utility Code, 66 Pa. C.S. §§ 102 and 2202, subject to the regulatory jurisdiction of the Commission.

2. Peoples Natural Gas provides natural gas service to approximately 700,000 customers throughout its service territory which includes a large portion of Western Pennsylvania.

3. On May 15, 2023, Peoples Natural Gas was served with the above-captioned Formal Complaint (“*Third Complaint*”), which challenges the Company’s billing practices and requests a “true bill” for the natural gas service account at 1036 Jackman Avenue, Pittsburgh, PA 15202 (“Service Address”) (*Third Complaint* ¶¶ 5-6).

4. Previously, on July 23, 2018, the Complainant and her cohabitant at the Service Address, Mr. Higinio Mendoza, Jr. (“Mr. Mendoza”) filed a Complaint at Docket No. F-2018-3003833 (“*First Complaint*”) requesting a payment agreement.

2018-3003833 (Initial Decision issued Feb. 8, 2019) adopted without modification (Order entered Mar. 19, 2019) (“*First Complaint Order*”). The *First Complaint Order* is attached hereto as **Appendix B**. The Second Complaint was filed at Docket No. F-2019-3015189. It is attached hereto as **Appendix C**. All potentially confidential information has been redacted from the same. The Commission dismissed the claims made in the Second Complaint about Peoples Natural Gas’s billing practices – specifically, the rendering of a “true bill” for the account at the Service Address. See *Higinio Mendoza Jr. v. Peoples Natural Gas Co. LLC*, Docket No. F-2019-3015189 (Order entered July 15, 2021) (“*Second Complaint Order*”). The *Second Complaint Order* is appended hereto as **Appendix D**.

5. At the evidentiary hearing for the *First Complaint*, the Complainant and Mr. Mendoza instead requested a “true bill of commerce.”²

6. The *First Complaint* was fully litigated and dismissed by the Commission.³

7. Additionally, on or around December 21, 2019, Mr. Mendoza filed a second complaint against the Company at Docket No. F-2019-3015189 (“*Second Complaint*”) regarding the Company’s billing practices and requesting a “true bill” for the natural gas service account at the Service Address.

8. The *Second Complaint* was fully litigated and dismissed by the Commission.⁴

9. Peoples Natural Gas herein files this Preliminary Objection to the *Third Complaint*. For the reasons explained below, Peoples Natural Gas respectfully requests that the Commission summarily dismiss the *Third Complaint* as legally insufficient because it is barred by *res judicata* and is an abuse of administrative process.

II. STANDARD OF REVIEW

10. Pursuant to the Commission’s regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.

² See *First Complaint Initial Decision*, pp. 3-4; *First Complaint Order*.

³ See *First Complaint Order*.

⁴ See *Second Complaint Order*.

- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a) (emphasis added).

11. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwlth.*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (citing *Dep't of Gen. Servs. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005)). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2007). Notwithstanding, any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

12. In addition, the Presiding Officer must determine whether, based on the factual pleadings, if recovery is possible. *See Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlth. 1987). Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. *See Stilp*, at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998).

III. PRELIMINARY OBJECTION

A. PRELIMINARY OBJECTION NO. 1 – THE *THIRD COMPLAINT IS LEGALLY INSUFFICIENT AND SHOULD BE DISMISSED WITH PREJUDICE BECAUSE IT IS BARRED BY RES JUDICATA AND CONSTITUTES AN ABUSE OF ADMINISTRATIVE PROCESS*

13. Peoples Natural Gas incorporates by reference Paragraphs 1 through 12 as if fully set forth herein.

14. The *Third Complaint* should be dismissed as legally insufficient because it is barred by *res judicata* and constitutes an abuse of administrative process.⁵

15. *Res judicata* “prohibits parties involved in a prior litigation from subsequently asserting claims in a later action that were raised, or could have been raised, in the previous adjudication.” *Hillgartner v. Port Auth.*, 936 A.2d 131, 141(Pa. Cmwlth. 2007) (quoting *Montella v. Berkheimer Assocs.*, 690 A.2d 802 (Pa. Cmwlth. 1997)).

16. *Res judicata* also “shields parties from the burden of re-litigating claims with the same parties, or parties in privity with the original litigant, and serves to protect the courts from inefficiency and confusion that re-litigation fosters.” *Id.* (emphasis added) (citation omitted).

17. *Res judicata* also “shields parties from the burden of re-litigating claims with the same parties, or parties in privity with the original litigant, and serves to protect the courts from inefficiency and confusion that re-litigation fosters.” *Hillgartner*, at 141. (emphasis added) (citation omitted).

18. For the doctrine of *res judicata* to apply, a party must demonstrate: (1) identity of issues, (2) identity of causes of action, (3) identity of persons and parties to the action, and (4) identity of the quality or capacity of the parties suing or being sued. *Day v. Volkswagenwerk Aktiengesellschaft*, 464 A.2d 1313, 1316-17 (Pa. Super. 1983).

19. The principle of *res judicata* includes the notion that the results of a decision are binding not only on the actual parties, but those "in privity" with them. See *Balent v. City of Wilkes-Barre*, 669 A.2d 309, 313 (Pa. 1995). Indeed, “the term privity is merely a word used to say that the relationship between one who is a party on the record and another is close enough to include the

⁵ To the extent that the presiding officer and Commission believe that *res judicata* claims should be addressed in motions for judgment on the pleadings, Peoples Natural Gas respectfully requests that the presiding officer and Commission treat this Preliminary Objection as such, given the frivolous nature of the Third Complaint, and the Complainant’s repeated filing of the same or similar Complaints.

other within the res judicata.” *First Options of Chicago, Inc. v. Kaplan*, 913 F.Supp. 377, 383 (E.D. Pa. 1996). Courts have typically found privity to exist in three circumstances: (1) where the nonparty has succeeded to, or shares a concurrent right to the party's interest in, property, (2) where the nonparty controlled the prior litigation, and (3) where the party adequately represented the nonparties' interests in the prior proceeding. *See Id.*; *See also Latham v. Wells Fargo Bank, N.A.*, 896 F.2d 979, 983 (5th Cir. 1990).

20. The *Third Complaint* is barred by *res judicata* because in the *First*, *Second* and the instant Complaint: (1) the issues are about Peoples Natural Gas’s provision of a “true bill” for the account associated with the Service Address; (2) the cause of action is a formal complaint involving Peoples Natural Gas’s billing practices, including the provision of a “true bill;” (3) the parties in the prior action and the instant proceeding are the same or in privity with one another (*i.e.*, Karen Feitt and/or Higinio Mendoza Jr. and Peoples Natural Gas); and (4) the complainant(s) and respondent in the *First* and *Second Complaints* and *Third Complaint* are the same or in privity with one another and, therefore, have identical quality or capacity.

21. In addition, the *Third Complaint* constitutes an abuse of administrative process, due to the Complainant’s repeated filing of Complaints about the same issues.

22. As noted previously, the Complainant previously filed two Complaints against Peoples Natural concerning the Company’s billing practices, including the provision of a “true bill.”

23. Both of those Complaints were dismissed by the Commission.

24. As such, Peoples Natural Gas’s billing practices, including the provision of a “true bill” to the account associated with the Service Address were extensively litigated with the Complainant and Mr. Mendoza before the Commission. *See* note 1, *supra*.

25. In all of those proceedings, the Complainant's – and/or Mr. Mendoza's - allegations were rejected, and the Complaints were dismissed.

26. Moreover, the Complainant's concerns about the Company's billing practices – including the provision of a “true bill” - are undercut by the fact that the Complainant has not made a single payment on her account with Peoples Natural Gas since September 2, 2021 and has defaulted on four payment agreements during that time, including the Peoples Natural Gas Customer Assistance Program (“CAP”).

27. The Commission has also held that serial filing of the same or similar complaints can constitute an abuse of administrative process, with proceeding complaints appropriately dismissed with prejudice. *See Moyer v. PPL Elec. Utils. Corp.*, Docket No. C-2022-3031294 (Order entered Dec. 8, 2022) (“The facts of the present case reflect an egregious example of the Complainant's use of the administrative process to repeatedly raise the same issues which have been previously decided against [Complainant]. This proceeding demonstrates that both the agency and the utility, [], have expended substantial resources to address claims which have been previously reviewed and decided. Accordingly, in these extreme circumstances, in view of the substantial wasteful use of the Commission's and the respondent's time, energy and resources, we conclude that dismissal with prejudice is appropriate.”); *See also Jefferson v. UGI Utilities, Inc.*, Docket No. Z-00269892 (Order entered December 26, 1995), *see also, e.g., Charles Nichols III v. Bell-Atlantic-Pennsylvania*, Docket No. C-00956667 (Order entered August 4, 1995).

28. Here, the Complainant once again raises issues concerning the Company's billing practices, including the provision of a true bill. (*See Third Complaint* ¶¶ 5-6.)

29. Therefore, Peoples Natural Gas respectfully submits that the Complainant's *Third Complaint* constitutes an abuse of administrative process.

30. Thus, the Complainant's *Third Complaint* is legally insufficient and should be summarily dismissed with prejudice pursuant to 52 Pa. Code § 5.101(a)(4).

IV. CONCLUSION

WHEREFORE, Peoples Natural Gas Company LLC respectfully requests that the above-captioned **Third** Formal Complaint filed by Karen Feitt at Docket No. C-2023-3040660 be dismissed in its entirety pursuant 52 Pa. Code § 5.101(a)(4).

Respectfully submitted,



Jennifer Petrisek (ID # 83411)
Senior Attorney
Peoples Natural Gas Company LLC
375 North Shore Drive
Pittsburgh, PA 15212
Phone: 412-208-6834

E-mail: Jennifer.petrisek@peoples-gas.com

Anthony D. Kanagy (ID # 85522)
Nicholas A. Stobbe (ID # 329583)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: akanagy@postschell.com
nstobbe@postschell.com

Date: June 5, 2023

Attorneys for Peoples Natural Gas Company LLC

Peoples Natural Gas Appendix A

***First Complaint* Filed at Docket No. F-2018-3003833**

TIMELY

BCS: 3590154

PEOPLES - EQUITABLE DIVISION

Must be returned by JULY 23, 2018

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name KALEN FEITT AND HIGINIO MENDOZA JR.
Street/P.O. Box 1026 JACKMAN AVE Apt#
City Pott State Pa Zip 15202-2815
County ALLEGHENY

Telephone Number(s) Where We Can Contact You During the Day:

412 584-2082 (home) 419 499-1822 (mobile)

E-mail Address (optional):

Utility Account Number (from your bill)

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

RECEIVED

JUL 23 2018

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

Peoples GAS

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | |
|---|---|
| <input type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER |
| <input checked="" type="checkbox"/> GAS | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> WATER | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> STEAM HEAT | |

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

The utility is threatening to shut off my service or has already shut off my service.

I would like a payment agreement.

Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain)

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

Our demand is for (People Gas) this service provider to follow, the (operation of law) law, regarding payment. Public law, and Chapter 14, is afforded to the public regarding methods of payment, therefore our demand is for the proper form of payment. However I'll be happy to settle the account, if they meet our demand on invoice, signed under their "full, commercial liability" sent to us, regarding coverage for business risk, and payment (one time) afforded by (chapter 14) the responsible utility customer protection act.

(send inq)

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. **Protection From Abuse (PFA)**

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public. *NO, however may be required.*

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare? *N/A*

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. **Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. **Legal Representation**

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. **Verification and Signature**

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

Verification:

I KAREN A Feitt, hereby state that the facts above set forth 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 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).

(ALL RIGHTS RESERVED)
Karen A. Feitt 7/22/2018
(Signature of Complainant) (Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. **Two Ways to File Your Formal Complaint**

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Note: **Formal Complaints sent by fax or e-mail will not be accepted.**

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

Peoples Natural Gas Appendix B

First Complaint Order Dismissing First Complaint
at Docket No. F-2018-3003833

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Karen Feitt and Higinio Mendoza, Jr.

v.

Peoples Natural Gas Company LLC –
Equitable Division

:
:
:
:
:
:
:

F-2018-3003833

FINAL ORDER

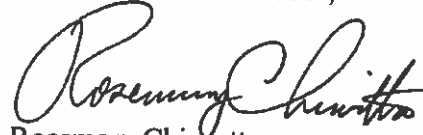
In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Administrative Law Judge Mary D. Long dated February 8, 2019, has become final without further Commission action;

THEREFORE,

IT IS ORDERED:

1. That the formal complaint of Karen Feitt and Higinio Mendoza, Jr. at Docket No. F-2018-3003833 is dismissed.
2. That the Secretary shall mark the docket closed.

BY THE COMMISSION,


Rosemary Chiavetta
Secretary

(SEAL)

ORDER ENTERED: March 29, 2019

Peoples Natural Gas Appendix C

Second Complaint Filed at
Docket No. F-2019-3015189

TIMELY

BCS: 3741142

PEOPLES - EQUITABLE DIVISION

Must be returned by DECEMBER 23, 2019

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Virginia Anderson - JR.

Street/P.O. Box 1036 - CRICKMAN AVE Apt # _____

City POVI State PA Zip 15202

County Allegheny

Telephone Number(s) Where We Can Contact You During the Day:

(412) 584 2082 (home) () (mobile)

E-mail Address (optional): _____

Utility Account Number (from your bill) _____

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

PA PUBLIC UTILITY COMMISSION
SECRETARIES BUREAU
RECEIVED
DEC 21 2019

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

People Gas

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | |
|---|---|
| <input type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER |
| <input checked="" type="checkbox"/> GAS | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> WATER | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> STEAM HEAT | |

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain)

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. **Requested Relief**

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

obtaining
for a "TRUE Bill"/state of account. \$\$\$ returned

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. **Protection From Abuse (PFA)**

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. **Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why. *yes! Customer Service*

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

General practice (CCLA) of law / paralegal.

9. **Verification and Signature**

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must sign and date** this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

Verification: (WITHOUT PREJUDICE / OCC 1-30-19)

I Alvin Mendez, Jr., hereby state that the facts above set forth 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 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).

ALL RIGHTS RESERVED
Alvin Mendez, Jr.

12/27/2019

(Signature of Complainant)

(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. **Two Ways to File Your Formal Complaint**

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Note: **Formal Complaints sent by fax or e-mail will not be accepted.**

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

Peoples Natural Gas Appendix D

***Second Complaint Order Dismissing Second Complaint
at Docket No. F-2019-3015189***

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held July 15, 2021

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
David W. Sweet, Vice Chairman
John F. Coleman, Jr.
Ralph V. Yanora

Higinio Mendoza, Jr.

F-2019-3015189

v.

Peoples Natural Gas Company LLC

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the Exceptions filed by Higinio Mendoza, Jr. (Mr. Mendoza or Complainant) on October 5, 2020, to the Initial Decision (I.D.) of Administrative Law Judge (ALJ) Mary D. Long served on September 23, 2020, in the above-captioned proceeding. Peoples Natural Gas Company LLC (Peoples or Company) filed Replies to Exceptions on October 23, 2020. For the reasons stated below, we shall deny the Complainant's Exceptions and adopt the Initial Decision.

I. History of the Proceeding

On December 21, 2019, Mr. Mendoza filed a Formal Complaint (Complaint) against Peoples. Mr. Mendoza checked the box on the Complaint form indicating that there were incorrect charges on his bill. Complaint, ¶ 4. In the section of the form requesting relief, the Complainant wrote “obtaining a “True Bill”/State of Account. \$\$\$ returned.” *Id.*, ¶ 5. On January 21, 2020, Peoples filed an Answer and New Matter. In the Answer, Peoples denied the material allegations of the Complaint.

In the New Matter, Peoples stated that the Complainant previously filed a Formal Complaint on August 3, 2018, alleging and arguing during the proceeding issues identical to those presented in the current Complaint. Peoples explained that at the time it filed the New Matter, a Petition for Reconsideration filed by the Complainant was pending in the other proceeding. *See Karen Feitt and Higinio Mendoza, Jr. v. Peoples Natural Gas Company LLC - Equitable Division (Feitt)*, Docket No. F-2018-3003833 (Order entered October 8, 2020) (*October 2020 Order*).¹ Peoples averred that the doctrine of *res judicata* should bar the Complainant’s current Complaint. New Matter at 2-3.

A hearing was held on June 18, 2020. The Complainant appeared and testified on his own behalf. Peoples was represented by counsel, who presented the testimony of one witness and two exhibits that were admitted into the record. The hearing generated a transcript of sixty-four pages.

¹ The Commission has since entered the *October 2020 Order*, in which it denied the Petition for Rescission filed by Karen Feitt and Mr. Mendoza, finding, *inter alia*, that Peoples’ required payment methods were reasonable and in compliance with Section 1501 of the Code, 66 Pa. C.S. § 1501.

At the close of the hearing, the Parties were provided with an opportunity to file legal memoranda in support of their positions. Tr. at 62-63. The ALJ's Briefing Order, served on June 18, 2020, directed that the Complainant file his memorandum no later than June 29, 2020, and that Peoples file any response by July 7, 2020. The ALJ also noted that it was appropriate to take official notice of the docket and Commission decisions in the *Feitt* proceeding, and the Parties had the opportunity to object to this in their respective legal memoranda.

The Complainant provided his legal statements dated June 23, 2020 (Memorandum of Law), and June 29, 2020 (Closing Statement). Peoples filed a Response to the Complainant's Legal Memorandum on July 7, 2020. Neither Party objected to the ALJ taking official notice of the *Feitt* proceeding. By Interim Order dated July 9, 2020, the ALJ took official notice of the *Feitt* docket, including the Commission decisions, and the record was closed.

In the Initial Decision, served on September 23, 2020, ALJ Long dismissed the Complaint, finding that the Complainant failed to prove that Peoples' billing practices violated the Public Utility Code (Code) or that Peoples did not have the authority to present the Complainant with a bill for the amount due.

As previously indicated, the Complainant filed Exceptions on October 5, 2020, and Peoples filed Replies to Exceptions on October 23, 2020.

II. Discussion

A. Legal Standards

ALJ Long made six Findings of Fact and reached five Conclusions of Law. I.D. at 3, 6. The Findings of Fact and Conclusions of Law are incorporated herein by

reference and are adopted without comment unless they are either expressly or by necessary implication rejected or modified by this Opinion and Order.

Additionally, any issue or Exception that we do not specifically address has been duly considered and will be denied without further discussion. It is well settled that we are not required to consider, expressly or at length, each contention or argument raised by the parties. *Consolidated Rail Corporation v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

As the proponent of a rule or order, the Complainant in this proceeding bears the burden of proof pursuant to Section 332(a) of the Code, 66 Pa. C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the Complainant must show that the Company is responsible or accountable for the problem described in the Complaint. *Patterson v. The Bell Telephone Company of Pennsylvania*, 72 Pa. P.U.C. 196 (1990). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. denied*, 529 Pa. 654, 602 A.2d 863 (1992). That is, the Complainant's evidence must be more convincing, by even the smallest amount, than that presented by the Company. *Se-Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950). Additionally, this Commission's decision must be supported by substantial evidence in the record. *Mill v. Pa. PUC*, 447 A.2d 1100 (Pa. Cmwlth. 1982). More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980).

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence, also referred to as the burden of persuasion, to rebut the evidence of the customer shifts to the Company. If the evidence presented by the Company is of co-equal value or "weight,"

the burden of proof has not been satisfied. The Complainant now has to provide some additional evidence to rebut that of the Company. *Burleson v. Pa. PUC (Burleson)*, 443 A.2d 1373 (Pa. Cmwlt. 1982), *aff'd*, 501 Pa. 433, 461 A.2d 1234 (1983).

While the burden of going forward with the evidence may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. PUC*, 768 A.2d 1217 (Pa. Cmwlt. 2001).

B. Initial Decision

Initially, the ALJ addressed Peoples' argument that the doctrine of *res judicata* should be applied to the current Complaint because the issues are identical to the issues raised in *Feitt*. I.D. at 4. The ALJ explained that the doctrine of *res judicata* prevents a suit between the same parties on the same cause of action after a court of competent jurisdiction has rendered a final judgment on the merits. For the doctrine to apply, all of the following four requirements must be met: (1) identity of the issues; (2) identity of the causes of action; (3) identity of the persons and parties to the action; and (4) identity of the quality or capacity of the parties. *Id.* (citing *Winston v. Philadelphia Gas Works*, Docket C-2010-2181504 (Order entered April 16, 2012); *Day v. Volkswagonwerk Aktiengesellschaft*, 464 A.2d 1313 (Pa. Super. 1983)).

The ALJ found that while the theme of the current Complaint is similar to the issues raised in *Feitt*, the issues in the two cases are not exactly the same. The ALJ stated that in *Feitt*, the Complainant checked the box requesting a payment arrangement and at the hearing, presented evidence regarding the format of Peoples' bill. I.D. at 4. The ALJ also stated that in the current Complaint, Mr. Mendoza alleged incorrect charges on his bill and that Peoples must issue a Federal Tax form 1099-OID or original issue discount form before the Complainant's account could be paid. *Id.* at 4-5. The ALJ

further stated that, more importantly, the Commission had not yet rendered a final decision in the *Feitt* proceeding. For those reasons, the ALJ determined that it was not appropriate to dismiss the current Complaint on the grounds of *res judicata*. I.D. at 5.

In addressing the merits of the Complaint, the ALJ determined that the Complaint should be dismissed. *Id.* The ALJ reasoned that the Complainant did not cite any support in the Code for his position that Peoples' bill presentation or billing method is unreasonable or violates any statutory or regulatory requirements. *Id.* (citing *Feitt v. Duquesne Light Co.*, Docket No. F-2017-2636316 (Order entered June 13, 2019) (*June 2019 Order*); *Mendoza v. Pa. PUC*, 1095 C.D. 2019 (Pa. Cmwlth. filed December 18, 2019) (unreported) (granting the Commission's application to dismiss the petition for review of the *June 2019 Order*, finding that the complainant's argument that only gold and silver may be used to satisfy a debt was without merit.)). The ALJ concluded that the Complainant did not explain in his testimony or in his legal memorandum how the issuance of a 1099-OID, a federal tax form, would result in the payment of his past due balance. R.D. at 5 (citing Tr. at 22-34). Accordingly, the ALJ found that the Complainant must pay his unpaid balance as provided in Peoples' tariff. I.D. at 6.

C. Exceptions, Replies, and Disposition

1. Complainant's Exception No. 1, Peoples' Reply, and Disposition

In his first Exception, the Complainant avers that neither the ALJ nor the Company provided an Oath of Office pursuant to 22 U.S.C. § 612, as the Complainant requested. Exc. at 1.

In its Replies to Exceptions, Peoples states that the Complainant's request for Peoples' counsel to provide an Oath of Office under 22 U.S.C. § 612 is not applicable

in this proceeding. Peoples avers that Section 612 relates to a registration statement required to be filed by persons acting as an agent of a foreign principal, and as Peoples told the Complainant in correspondence before the hearing, Peoples is not a foreign principal and Peoples' counsel is not an agent for a foreign principle. Peoples explains that its counsel is a licensed attorney in the Commonwealth of Pennsylvania in good standing representing a limited liability company properly registered, and incorporated, in the Commonwealth of Pennsylvania. As such, Peoples submits that no "oath of office" or registration statement is required to be filed with the Commission or provided to the Complainant. R. Exc. at 3.

Section 612 of the United States Code, which is part of the Foreign Agents Registration Act of 1938, pertains to the requirement that an agent of a foreign principal must file a registration statement with the Attorney General. Neither the ALJ nor Peoples' counsel is acting as an agent of a foreign principal, as defined in 22 U.S.C. § 611, in this proceeding. Consequently, Section 612 does not apply to this case, and the Complainant's first Exception is denied.

2. Complainant's Exception No. 2, Peoples' Reply, and Disposition

In his second Exception, the Complainant argues that the Commission lacks subject matter jurisdiction over this case because it involves a tax issue. Exc. at 1.

In reply, Peoples states that it agrees that if a tax issue were involved in this proceeding, the Commission would not have jurisdiction over the issue. However, Peoples avers that in the Complaint, Mr. Mendoza alleged incorrect billing charges and requested that the Complaint be resolved by "obtaining a 'true bill'/state of account. \$\$\$ returned." Peoples asserts that these matters are squarely within the Commission's jurisdiction, and the ALJ's Initial Decision is appropriate and within the Commission's legal authority. R. Exc. at 3.

The issues the Complainant has raised in this proceeding are squarely within the Commission's jurisdiction, because they pertain to the charges on the Complainant's bills for natural gas utility service and the manner in which the Complainant may lawfully pay the Company for this service. While the Complainant is proposing a different method by which to pay Peoples in this case, namely by using a Federal Tax form 1099-OID, this case is similar to other recent Commission cases in which the Complainant proposed to pay his utility bills using forms of payment other than United States currency, and in which the Commission found that the utility's forms of acceptable payment were reasonable and in compliance with the Code and Commission Regulations. *See October 2020 Order; June 2019 Order.*

3. Complainant's Exception No. 3, Peoples' Reply, and Disposition

In his third Exception, the Complainant maintains his request that the Company should voluntarily provide a Federal Tax form 1099-OID to the Complainant so the Complainant can use his credit with the United States Treasury to pay his Peoples utility bill. Exc. at 1.

In response, Peoples states that its witness, Ms. Denise Claudon, a Peoples customer relations specialist, testified that as of the hearing date, there was a \$1,996.42 arrearage on the Complainant's natural gas account. Peoples also states that the last customer payment was made on the account in October 2019 in the amount of \$63.19, and the last third-party grant issued on the account occurred in December 2019. Peoples further states that before that payment and grant, no payments had been made on the account since before April 2019. Peoples notes that Ms. Claudon testified that customers may pay their natural gas bills in United States currency using cash, personal or business checks, money orders, or credit cards and that the Company does not accept promises to pay, or Treasury credits, as a valid form of payment. According to Peoples, Ms. Claudon also testified that the Company does not issue Federal Tax 1099-OID forms to customers

and it is her understanding that such forms are used when one party reports income provided to another party, such as a contractor. R. Exc. at 4.

Peoples continues that the Complainant did not present any evidence or testimony to support his argument that Peoples should issue a Federal Tax form 1099-OID to him, nor did the Complainant present any evidence or testimony to demonstrate that the forms of payment Peoples accepts, namely United States currency, is unreasonable or in violation of the Code, a Commission Regulation, or other law. Peoples argues that the Complainant was also unable to explain how the submission of the requested form would result in a valid payment being issued to Peoples. Peoples states that the United States Internal Revenue Service website explains that the Federal Tax form 1099-OID is used: (i) if original issue discount includible in gross income is at least \$10; (ii) for any person for whom you withheld and paid any foreign tax on OID; or (iii) from whom you withheld (and did not refund) any federal income tax under the backup withholding rules even if the amount of the OID is less than \$101. Peoples contends that none of the intended uses of the Federal Tax form 1099-OID apply to the natural gas service and billing relationship between the Complainant and Peoples. Thus, Peoples believes that the Federal Tax form 1099-OID is not an appropriate form for the Company to provide to the Complainant. *Id.*

Based on our review of the record, we agree with Peoples that the Complainant did not present any evidence or testimony to show that it was appropriate for Peoples to issue a Federal Tax form 1099-OID to the Complainant or to show that the forms of payment Peoples accepts are unreasonable or in violation of the Code, a Commission Regulation, or other law. The Company's witness Ms. Claudon testified that the forms of currency Peoples accepts for payments of bills include cash, personal or company checks, electronic checks, debit cards, money orders, and credit cards. Tr. at 48. This is consistent with the billing and payment terms in Peoples' Tariff Gas – Pa. PUC No. 8. Ms. Claudon also testified that Peoples does not accept promises to pay

or payment assignments from governmental agencies, and Peoples has never dealt with a Federal Tax form 1099-OID or previously had a request from a customer that it accept such a form for payment. Tr. at 49. For these reasons, we will adopt the ALJ's decision to dismiss the Complaint and require the Complainant to pay his unpaid balance as provided in Peoples' tariff.

III. Conclusion

Based on our review of the Exceptions and Replies, the Initial Decision, the record, and the applicable law, we shall deny the Complainant's Exceptions and adopt the Initial Decision; **THEREFORE,**

IT IS ORDERED:

1. That the Exceptions filed by Higinio Mendoza, Jr. on October 5, 2020, are denied.
2. That the Initial Decision of Administrative Law Judge Mary D. Long served on September 23, 2020, is adopted.
3. That the Formal Complaint of Higinio Mendoza, Jr., at Docket No. F-2019-3015189, is dismissed.

4. That the proceeding at this docket be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: July 15, 2021

ORDER ENTERED: July 15, 2021

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA.C.S. §4904 relating to unsworn falsifications to authorities, that she is Heather Doyle-Conley, Vice President Customer Operations of Peoples Natural Gas Company LLC, that she is duly authorized to make this Verification, and that the facts set forth in the foregoing Preliminary Objections are true and correct to the best of her knowledge, information and belief.

Heather Doyle-Conley

DATE: June 5, 2023