

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

FRANCENE TEARPOCK-MARTINI : DOCKET NO.
: C-2022-3033942
v. :
:
UGI UTILITIES, INC. :
:
Initial Telephinc Hearing :

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Judge's Chambers
Commonwealth Keystone Building
400 North Street
Harrisburg, Pa 17120

May 16, 2023
Commencing at 10:00 a.m.

BEFORE:

CHARECE Z. COLLINS, ADMINISTRATIVE LAW JUDGE

REPORTER:

ELISE FITZGERALD, RPR, NOTARY PUBLIC

APPEARANCES:

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

TIMOTHY MCHUGH, ESQUIRE
UGI UTILITIES, INC.
460 North Gulph Road
King of Prussia, Pennsylvania 19406
(717) 608-0742
Mchught@ugicorp.com

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INDEX TO EXHIBITS

COMPLAINANT:	IDENTIFIED/ADMITTED
Complainant Exhibit 1 (Formal Complaint)	11/20
Complainant Exhibit 2 (Answer to Motion for Judgment on the Pleading) not admitted or provided to reporter	11/--

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 Francene Tearpock-Martini

Street/ 56 South Main Street Apt #

City Shickshinny State PA Zip 18655

County Luzerne County

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

(570) 542-2346 (home) (mobile)

E-mail Address (required) ftm@epix.net

Utility Account Number 411003362034

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

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.

UGI Utilities

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

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). Harassment from Utility Company following PUC Complaint regarding trespass on my property.

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.

UGI Utilities is causing undue hardship to me and is back at my property. I am experiencing harassment as a consequence of my recent prior filing with the PUC to remedy trespass. The new activity is violating the order of the Court. I see this as retaliation and I am being treated differently since the PUC Hearing. UGI Utilities, Inc., George Bokroch, et.al. is making threats to me about putting overhead wires over at my specimen tree, an issue that was remedied years ago through another PUC hearing. The nature of my property with 300 feet of frontage makes me game although I have surveys and proof of ownership but being told by UGI they are not relevant. Mr. Bokroch is verbally convoluting the makeup of the Options and Phases of the Options provided by UGI at a recent Hearing regarding another trespass, and he is attempting to distract and is speaking to me in a very condescending manner and making threats to my property. I have asked Mr. Bokroch and his assistant Mr. Devine to cease talking to me in that manner. I might be 76 years of age but I know very specifically there was never any mention of me providing a ROW on the area of my property at the hill where their guy wires and high voltage wires have been trespassing.

To be clear, there had been mention by Senior Engineer Walter Grodzki to potentially ask for a ROW at the Arboretum area of my property during Hearing which is not even in the vicinity of their trespass but nothing was ever mentioned about any ROW at the hill trespass location. Regardless of location, I would never consider anything of the sort be attached to my property. Currently Mr. Bokroch UGI is threatening me to move their high voltage wire to my specimen tree if I don't provide them with a ROW. I have always made myself perfectly clear there would never be any ROWs onto my historic property which I have developed over the 45 years that I live here and into perpetuity. Since my taking ownership of the property in 1977, my property has been placed on the National Historic Register in 2009.

I directly and immediately contacted UGI Utilities and PUC in writing when most recently in July, 2022 new information and facts came to my attention from PENNDOT that could have changed the outcome of the PUC decision concluded in March, 2022. I submitted the information immediately and requested in writing that the Senior Engineer come to my property. Mr. Walter Grodzki, Senior Engineer, instead telephoned me and said we would talk first by telephone which we did for 2 and one half hours but he did not come here. Instead a full crew of Utility workers came in 5 trucks and 2 additional crew members in road safety vehicles, to detach the trespass guy wires from my property and replace with a contraption to their utility pole onto my sidewalks but did not remove the overhead high voltage wire trespass.

The new information that I received from PENNDOT on July 5, 2022, confirmed my RIGHT OF WAY of 60' feet NOT 66' feet as had been presented by UGI Utilities at the Hearing which could have made a difference in the PUC decision which was predicated on faulty information.

UGI Utilities spent several hours at my property almost immediately after my telephone discussion with Mr. Walter Grodzki. They came here removing the guy wires yet the overhead electric wires still remain trespassing. The Options that were presented by UGI Utilities were not the same as orally presented by Senior Technician George Bokroch. Mr. Bokroch instead stated to me what they are doing is what was "Ordered by the Judge" and they will be putting their high voltage wire back over to the specimen "tree" area of my property in their 2nd Phase. He then mentioned – "unless I give them a ROW".

As stated, I had immediately provided Mr. Grodzki and UGI Utilities copies of the new information received from PENNDOT and even submitted it to the PUC Bureau. Our PUC Secretary, Rosemary Chiavetta, recommended that a new complaint be filed. I am attaching all documentation as it pertains to current trespass and recent events and how disingenuous statements are being made with regard to UGI Options and Phases. Their new activity is violating order of the Court, threatening me, and causing undue hardship to me and to my property. It is very stressful. Along with this Complaint I am attaching documents that I provided in writing to UGI Utilities regarding PENNDOT ROW at my location. I am also providing copy of my Deed of Confirmation recorded at the Luzerne County Courthouse including covenants as well as photographs of UGI recent episode.

I would never provide anyone a ROW onto my historic property which I have developed over the 45 years that I live here and into perpetuity. I am being threatened, harassed, and very intimidated by this entire process and am coming to your court seeking redress of this undesirable situation.

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)/ Domestic Violence

Has a court granted you a “Protection From Abuse” order or any other order which provides clear evidence of domestic violence against you 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 or any other 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.

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, (all required contact information). 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 No Legal Representative

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address _____

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.



