

November 9, 2023

Commonwealth of Pennsylvania
Secretary, Public Utilities Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

EXCEPTIONS - INITIAL DECISION - Exceptions
In Re: C-2023-3038237 - C-2023-3038243

Francene Tearpock-Martini v. Frontier Communications of Pennsylvania LLC
Francene Tearpock-Martini v. UGI Utilities Inc.

Dear Secretary Rosemary Chiavetta:

Introduction - Exceptions

Please accept this writing as EXCEPTIONS to the recent decision from ALJ Chad L. Allensworth. I am the Complainant to a series of trespass activities taking place at my property 56 South Main Street, Shickshinny, PA 18655 and damages to my property. I am representing myself, pro se. I have resided at this location and the owner of the property since 1977. I am, in fact, only the 3rd owner of this property since 1861 and it was placed on the National Historic Register in 2009.

It appears the telephones may have been malfunctioning during the Hearing with Judge Allensworth. In fact, I was disconnected during my questioning of Michael Spencer for Frontier Communications and at that point thought that the Hearing had ended. I waited awhile then phoned in again and it appeared that the Hearing was continuing.

My testimony and writings were clear that I talked with Mr. Spencer, Contractor for Frontier only two times when he called me on December 1, 2022 that his workers had reported a problem at my property. Our conversation was brief. He told me he knew where my property was and had maps and that my property was down at the red-light area of town on SR 239. My property is nowhere near the red-light area of town nor is it on SR239. My property is located bordering 3 streets, South Main Street SR 11, Furnace Street which is a small Town-Road, and W. Butler Street another State Road, two blocks away from the red-light area in our Borough. Mr. Spencer informed me that he would come down to my property the next day, Friday, December 2, 2022 to meet with me. Mr. Spencer never came.

I telephoned Mr. Spencer near end of day, December 2nd, and he explained that he was in meetings all day and would be down on Monday. Mr. Spencer never came on Monday and I never spoke to him again.

I did receive phone calls from Teresa Shea, paralegal from Frontier on a couple of occasions and she asked if I had photographs of my property which I informed her that I had many photographs of my property. I provided to the PUC photographs before and after their trespass with damages to my property in my filings of my Complaint.

I also received a phone call from UGI Attorney Devin Ryan, Post & Schell, requesting my take on a solution to the problems and I expressed the concerns with the heavy loads being placed upon the pole which is within a few feet of my stone wall and Carriage House sitting upon my sewer lines and that returning the problem pole back across the street where it was originally located would be of benefit to everyone, an easy fix and solution to their problems of trespass. My photographs of that location were objected to at the Hearing and removed.

It appears in the Complaint and reading the Decision from the Judge that I did not provide enough photographs. That would not be accurate. I did provide before and after photographs of my property and trees and important to note that one photograph specific to this trespass location was objected to by the Attorneys and dismissed and was a significant exhibit of my present Complaint and I was not allowed to address it.

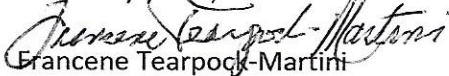
In Hearings I provided a substantial number of photographs of my property but had been accused by Attorney for UGI Utilities that I was "flaunting my property" and those exhibits were eliminated. All photographs for the Complaint were intended to provide accurately the makeup of my property and the three Utility poles that align my property - only 3 poles align my property, and the Utility Pole configurations as they pertain to this location. The photographs removed from Hearing also depict Furnace Street and the area where the problem pole was moved across over within very close proximity to my Historic cut Stone Wall and Carriage House. Photographs show damage to my magnolia tree.

I provided maps from two Registered Certified Land Surveyors establishing my property. Michael Spencer from Frontier provided Google Maps and some photographs of my property which he took at some time following this trespass activity and it is apparent he further trespassed upon my property while taking such photographs from such vantage point. He never met with me.

UGI Utilities, Inc., owner of the Utility Poles, is specifically required to notify Francene Tearpock-Martini in advance of any pruning, trimming, or cutting of vegetation when working at this Historic property location. UGI Utilities, Inc. did not supervise or instruct Frontier Communications utilizing their poles to follow procedures. Both Parties are responsible and negligent. I witnessed this trespass on December 1st.

This letter and attachments serve as EXCEPTIONS to Decision by the Honorable Judge Allensworth.

Very truly yours,



Francene Tearpock-Martini
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COMPLAINANT EXCEPTIONS, REPLIES TO EXCEPTIONS - INITIAL DECISION

Finding of Fact Items - Exceptions

Item 1 - pg. 4 - No Exceptions

Item 2 - pg. 4 - No Exceptions

Item 3 - pg. 4 - No Exceptions

Item 4 - pg. 4 - No Exceptions

Item 5 - pg. 4 - No Exceptions

Item 6 - pg. 4 - No Exceptions

Item 7 - pg. 4 - No Exceptions

Item 8 - pg. 4 - Exceptions - Although UGI employees were not on or near service location on December 1, 2022, UGI Utility had an obligation to provide rules and regulations to any workers under their jurisdictional use of the poles to follows rules and procedures when work is being performed at the Historic Property.

Item 9 - pg. 5 - No Exceptions

Item 10 pg. 5 - No Exceptions

Item 11 pg. 5 - Exceptions - Fiber Optics modern technology is not apparent in antiquated pole agreement created. UGI and employees are negligent in not bringing agreement up to codes for modern day technology causing hardship to customers.

Item 12 pg. 5 - No Exceptions

Item 13 pg. 5 - No Exceptions

Item 14 pg. 5 - No Exceptions

Item 15 pg. 5 - No Exceptions

Item 16 pg. 5 - No Exceptions

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Item 17 pg. 5 - No Exceptions

Item 18 pg. 6 - Exceptions - Frontier Communications were also trespassing onto Complainant's property on foot utilizing cutting equipment which was witnessed by Complainant from her porch which is adjacent within feet from the Magnolia Tree in her Courtyard off her porch.

Item 19 pg. 6 - No Exceptions

Item 20 pg. 6 - Exceptions - Frontier Communications' contractors were trespassing upon Complainant's property when performing work on December 1, 2022 and was witnessed by Complainant.

Item 21 pg. 6 - Exceptions - Frontier Communications' contractors were trespassing upon Complainant's property and had no right of access to dislodge anything from Complainant's property.

Item 22 pg. 7 - Exceptions - Mr. Spencer has two very brief conversations with Complainant over the telephone - one brief discussion on December 1, 2022 and one very brief conversation on December 2, 2022.

Item 23 pg. 7 - Exceptions - There were no limbs on service lines from Complainant's trees. Vegetation management is performed by Complainant and those with whom she hires to perform such work.

Item 24 pg. 7 - No Exception

Item 25 pg. 7 - No Exception

Item 26 pg. 7 - No Exception

Item 27 pg. 7 - Exception - Complainant would have no knowledge of any visit to her property as she was never contacted nor had any further discussions with Mr. Spencer following two brief discussions outlined in Item 22 of Exceptions page 7.

Item 28 pg. 7 - Exceptions -Although it is accurate to state that no specific notice was provided to property owner about any installation of work to be done at or near her property, posters would not be allowed within the vicinity of the Complainant's property as such surrounded by PENNDOT does not allow such postings and would be a violation of PENNDOT rules along their ROWs nor does Complainant allow such postings - nothing of the sort - around her property. Claimant had no prior notification of any activity to be undertaken in or around her property.

Conclusions of Law - Exceptions

Complaint at hand before the PUC is about trespass. Complainant has provided proof of ownership through Deeds and Certified Land Surveys, title searches; whereas violators of trespassing have provided no proof by way of deed, title, or anything even remotely current to present evidence and to this Complaint.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document

Upon this participant, listed below, in accordance with the requirements of 52 Pa. Code 5.553 and 5.535

And shall be attached to the filed EXCEPTIONS relating to service by participant.

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Dated this 9th day of November 2023


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