



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

February 15, 2024

Via Electronic Filing

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

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
UGI Utilities, Inc. - Gas Division
Docket No. C-2023-3044989
I&E Reply to New Matter

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Reply of the Bureau of Investigation and Enforcement to the New Matter of UGI Utilities, Inc. - Gas Division with regard to the above-referenced proceeding.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Colby B. Widdowson', is written over a light blue circular stamp.

Colby B. Widdowson
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 326185
(717) 787-2139
cwiddowson@pa.gov

CBW/ac
Enclosures

cc: Per Certificate of Service
Michael L. Swindler, I&E Deputy Chief Prosecutor (*via email*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3044989
	:	
UGI Utilities, Inc. – Gas Division	:	
Respondent	:	

**REPLY OF THE BUREAU OF INVESTIGATION AND
ENFORCEMENT TO THE NEW MATTER OF UGI
UTILITIES, INC. – GAS DIVISION**

NOW COMES, the Bureau of Investigation and Enforcement (“I&E” or “Complainant”) of the Pennsylvania Public Utility Commission (“Commission”) by and through its prosecuting attorneys, and files this Reply to the New Matter of UGI Utilities, Inc. - Gas Division (“UGI Gas” or “Respondent”), pursuant to 52 Pa. Code § 5.63(a). In support thereof, I&E avers as follows:

1. Admitted.
2. Admitted.
3. Admitted in that the letter is a true and correct copy. Any characterization of the letter is denied, as it is a document the entirety of which speaks for itself.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.

8. Admitted.

9. Any characterization of the GTI Report is denied, as it is a document, the entirety of which speaks for itself. If further answer is necessary, it is denied that the GTI Report “ultimately concludes” that Respondent’s procedures were sufficient to create tight joints. Specifically, the ultimate conclusion of the GTI Report was that:

[T]he findings above strongly suggest that operator error related to proper application of joining force and/or dwell time was the root cause of this butt fusion failure. Also, the failure to reject this joint based on its visually unacceptable beads reflects improper workmanship.

See UGI Gas Exhibit 3, at p. 3. By way of further response, I&E incorporates its factual allegations at Paragraphs 94 and 118-138 of the Formal Complaint.

10. Admitted.

11. Admitted in part and denied in part. Admitted in that the Formal Complaint references the GTI Report, which was prepared at the request of I&E Safety. Any characterization of the GTI Report and Formal Complaint is denied, as they are documents, the entirety of which speaks for themselves.

12. Admitted in part and denied in part. Admitted in that the Formal Complaint quotes the GTI Report. Any characterization of the GTI Report and Formal Complaint is denied, as they are documents, the entirety of which speaks for themselves.

13. Admitted in part and denied in part. Admitted in that Paragraph 13 of New Matter quotes the GTI Report, although with emphasis added by Respondent. Any characterization of the GTI Report and Formal Complaint is denied, as they are documents, the entirety of which speaks for themselves.

14. Admitted in part and denied in part. Admitted in that Paragraph 14 of New

Matter quotes the GTI Report. Any characterization of the GTI Report and Formal Complaint is denied, as they are documents, the entirety of which speaks for themselves.

15. Any characterization of the GTI Report and Formal Complaint is denied, as they are documents, the entirety of which speaks for themselves. If further answer is required, I&E denies that it has ignored the conclusions of the GTI Report, but addresses the shortcomings and inadequacies of the GTI Report at Paragraphs 98 and 99 of the Formal Complaint. I&E incorporates the factual allegations of Paragraphs 98 and 99 of the Formal Complaint here.

16. Admitted.

17. Admitted in that the letter is a true and correct copy. Any characterization of the letter is denied, as it is a document the entirety of which speaks for itself.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted in part and denied in part. Admitted in that the BHC Report is quoted. Any characterization of the BHC Report is denied, as it is a document, the entirety of which speaks for itself. If further answer is necessary, I&E incorporates Paragraphs 110-117 of the Formal Complaint.

23. Admitted.

24. Any characterization of the BHC Report and the Formal Complaint is denied, as they are documents, the entirety of which speaks for themselves.

25. Admitted in part and denied in part. Admitted in that the Formal Complaint

quotes the BHC Report. Any characterization of the BHC Report and Formal Complaint is denied, as they are documents, the entirety of which speaks for themselves.

26. Any characterization of the Formal Complaint is denied, as it is a document, the entirety of which speaks for itself. If further answer is required, I&E denies that it has ignored the conclusions of the BHC Report, but addresses the shortcomings and inadequacies of the BHC Report at Paragraphs 116 and 117 of the Formal Complaint. I&E incorporates the factual allegations of Paragraphs 116 and 117 of the Formal Complaint here.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that, after consideration of the record, the Office of Administrative Law Judge and the Commission deny Respondent's New Matter and request to dismiss the Complaint and find Respondent in violation of each count as set forth in the Complaint.

Respectfully submitted,



Colby Widdowson
Prosecutor
PA Attorney ID No. 326185

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-2139
cwiddowson@pa.gov

Date: February 15, 2024


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3044989
	:	
UGI Utilities, Inc. – Gas Division	:	
Respondent	:	

VERIFICATION

I, Jim Harchar, Fixed Utility Valuation Engineer, hereby state that the facts above set forth 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.

Date: 2/14/2024



Jim Harchar
Fixed Utility Valuation Engineer
Pipeline Safety Division
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3044989
	:	
UGI Utilities, Inc. – Gas Division	:	
Respondent	:	


CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by Electronic Mail:

Michael Swerling, Esq.
UGI Corporation
500 North Gulph Road
King of Prussia, PA 19406
swerlingm@oneugi.com

David B. MacGregor, Esq.
Devin T. Ryan, Esq.
Garrett P. Lent, Esq.
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101
dmacgregor@postschell.com
dryan@postschell.com
glent@postschell.com



Colby B. Widdowson
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 326185
(717) 787-2139
cwiddowson@pa.gov

Dated: February 15, 2024