

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joe Yarzebinski	:	
	:	
v.	:	C-2024-3051085
	:	
Peoples Natural Gas Company LLC	:	

**INTERIM ORDER
GRANTING REQUEST FOR A CONTINUANCE**

On August 21, 2024, Joe Yarzebinski (Complainant) filed a formal complaint against Peoples Natural Gas Company LLC (Peoples). Checking the “other” box on the complaint form, Complainant alleges that Peoples killed a 50-year-old maple tree on his property when Peoples replaced a gas main through his front yard. As relief, he wants Peoples to cut down the dead tree, grind the stump and replant a like-kind tree.

Peoples filed an answer on September 30, 2024. Peoples denied that it is responsible for the death of the tree but stated that it was willing to cut down the dead tree and grind the stump.

Peoples also filed preliminary objections. According to Peoples, the Complainant wants the Commission to award monetary damages. The legal basis for Peoples’ preliminary objection is that the Commission does not have jurisdiction to award monetary damages. On November 12, 2024, I dismissed the preliminary objections noting that Peoples had mischaracterized the Complainant’s request for relief. In my view, the Complainant is not requesting monetary damages but is requesting the restoration of his property.

On November 13, 2024, a hearing was scheduled for January 10, 2025, and a prehearing order was issued.

On December 20, 2024, the Complainant emailed copies of his proposed exhibits to me and to counsel for Peoples, Jennifer Petrisek, Esquire. Ms. Petrisek responded that she is no longer representing Peoples in this matter. She informed Mr. Yarzebinski that Peoples would be represented by Stephen Perrott.

On January 2, 2025, Mr. Perrott filed a motion for a continuance on behalf of Peoples. He represented that Peoples “may have to utilize a subject matter expert to testify as to causation as well as the feasibility of remedies.” However, Peoples’ potential witness would not be available for hearing until after January 16, 2025. Peoples’ motion did not represent that counsel had contacted the Complainant regarding his position on the continuance request.

Mr. Yarzebinski objected to the continuance by email dated January 3, 2025. Mr. Yarzebinski expressed frustration with Peoples because counsel had changed three times since he filed his complaint in August 2024. In his view, Peoples has been disrespectful. Further he observes that Peoples’ counsel has been aware of his proposed exhibits since December 20, 2024.

Commission regulations permit a presiding officer to continue a hearing for “good cause shown.”¹ Generally, the unavailability of a witness can be considered good cause for granting a continuance.

I am not unsympathetic to Mr. Yarzebinski’s frustration. Mr. Yarzebinski filed his complaint over four months ago. Peoples has been aware of the hearing date since November 2024 and could have secured an expert witness long ago.² Peoples’ motion does not provide a reason for failing to arrange for its witnesses before January 2, 2025.

However, it does not appear Mr. Perrott was assigned to this case until late December, in the midst of the holiday season. Nor does it appear that Mr. Yarzebinski will suffer

¹ 52 Pa.Code § 1.15.

² Peoples Answer, filed on September 30, 2024, includes a letter from Daniel H. Adler, President of Adler & Sons, a tree service.

prejudice if the hearing is delayed. Therefore, I will grant a continuance of the hearing in this matter.

THEREFORE,

IT IS ORDERED:

1. That the motion for a continuance of Peoples Natural Gas Company is granted.

2. That the hearing scheduled for Friday, January 10, 2025, is cancelled.

3. That counsel for Peoples shall promptly contact the Complainant and agree on three alternate hearing dates when all parties and witnesses are available for a hearing in February or March 2025. Peoples shall provide the alternative dates by email no later than January 13, 2025.

4. That Stephen Perrott, Esquire shall enter an appearance in accordance with 52 Pa. Code § 1.21 of the Commission's regulations.

5. Commission policy encourages settlement. The Parties are strongly urged to engage in respectful settlement discussions to resolve this dispute.

6. That all other provisions of the November 13, 2024, Prehearing Order remain in effect.

Date: 1/6/2025

/s/
Mary D. Long
Administrative Law Judge

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