

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

STEVE FREMPONG
Complainant

DOCKET NO
C-2025-3052754

v.
PHILADELPHIA GAS WORKS
Respondent

COMPLAINANT'S OPPOSITION TO ~~THE~~ SUBMISSION
AND THE AFFIDAVIT OF KYLE BAMBERSKI

Complainant Steve Frempong files this
opposition to PGW's submission and the
affidavit of Kyle Bamberski and states
the following:

1. The central issue of the case is the
authenticity and correctness of the meter
readings and the resultant billings.
This issue therefore implicates 1) the Meter
Testing and Accuracy; 2) The Meter's
Calibration and Testing; and 3) The
Meter's Calibration Records.

2. GOVERNING BODIES AND REGULATION
REGARDING METER TESTING, ACCURACY
AND CALIBRATION.

First, 49 CFR part 192 governs Meter
Accuracy and calibration. Further,

Pennsylvania Code and Pa. PUC Regulations
Title 52 PA Code, Chapter 59: Gas Service
Regulations also govern this case;
particularly:

- a. § 59.21: Meter Reading and Testing Requirements
- b. § 59.22: Meter Accuracy standards
- c. § 59.23: Testing of Meters.
- d. § 59.24: Installation standards.

3. CALIBRATION & TESTING

NEW METERS:

- a. Factory-tested and must meet $\pm 1\%$ accuracy standard (PUC § 59.22)
- b. Must be certified by P&W or a PUC-approved laboratory before use

4. CALIBRATION RECORDS

Calibration ~~the~~ logs must include serial number, Test Date and Method, Accuracy range and Technician certification. See 49 CFR 192.353, PA PUC.

5. The aforementioned and listed Citations and Authorities provide the legal background and predicate of this case and unfortunately the ~~P&W~~ P&W's supporting Affidavit of Kyle Bamberiski failed woeful to comply with the requisite mandate.

6. Paragraphs 4 through 7, and 17 and 18 of the Affidavit of Kyle Bamberski essentially summarize the meat of the P4W's submission, however the said issue of lack of calibration and testing of the Meter resulting in either erroneous billings or the validity and authenticity of the billings.

7. 52 Pa. Code §59.21 in relevant part states as follows:

"§59.21 Meter Tests

(a) TEST PRIOR TO INSTALLATION: A gas meter may not be installed until it has been tested and adjusted, if necessary, in accordance with §59.22 (relating to meter test accuracy standards), and found to be accurate. A record of the test shall be kept, identifying the meter, the date and results of the test, and the person making the test.

(d) TEST EQUIPMENT: All test equipment shall be kept in good condition and be subject to check calibration and be traceable to the National Institute of Standards and Technology (NIST).

(e) RECORD RETENTION: Records of all meters shall be retained for at least 5 years or until the next test, whichever is longer!"

8. 52 Pa Code § 59.22 provides:
"§ 59.22. METER ACCURACY"

(a) ALLOWABLE ERROR: A meter which has an error in registration of more than 2% fast or slow may not be placed in service or allowed to remain in service"

9. PGW's Affidavit failed to comply with 52 Pa Code §§ 59.21 and 59.22 or cite any code, regulation or authority to justify non-compliance

10. PGW's process and action is clear violation of complainant's due process and property rights due process Amendment due process clause and the 14th & Article I Section 1 of the Pennsylvania Constitution

WHEREFORE complainant Pro se submits that he and his family are entitled to relief and pray for such a relief

RESPECTFULLY SUBMITTED
SA,

STEVE FREMPON4