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File #: 218380

May 22, 2026

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: David Romanoski v. UGI Utilities Inc. – Gas Division
Docket No. C-2026-3060818

Dear Secretary Homsher:

Attached for filing is the Motion in Limine of UGI Utilities – Gas Division (“UGI Gas”) for the above-referenced proceeding.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Alice A. Wade

AAW/bfc
Attachment

cc: The Honorable Charece Z. Collins (w/ attachments via email)
Certificate of Service

CERTIFICATE OF SERVICE


I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA EMAIL

David A. Romanoski
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Nestico Druby P.C.
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Dated: May 22, 2026



Alice A. Wade

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

David A. Romanoski,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2026-3060818
	:	
UGI Utilities, Inc. – Gas Division,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. **IN THE INSTANT MOTION, THE COMPANY REQUESTS AN EXPEDITED RESPONSE PERIOD OF FOUR (4) CALENDAR DAYS TO FACILITATE A RULING ON THE MOTION IN SUFFICIENT TIME BEFORE THE HEARING.** YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Date: May 22, 2026

Counsel for UGI Utilities, Inc. – Gas Division

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

David A. Romanoski,	:	
	:	
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	:	
v.	:	Docket No. C-2026-3060818
	:	
UGI Utilities, Inc. – Gas Division,	:	
	:	
Respondent.	:	

**MOTION IN LIMINE OF
UGI UTILITIES, INC. – GAS DIVISION TO
PROHIBIT THE COMPLAINANT FROM PRESENTING
TESTIMONY AND EXHIBITS RELATED TO
ALLEGATIONS THAT UGI GAS DID NOT HAVE THE RIGHT
TO ACCESS OR USE THE COMPLAINANT’S PROPERTY**

TO ADMINISTRATIVE LAW JUDGE ERIN L. GANNON:

UGI Utilities, Inc. – Gas Division (“UGI Gas” or the “Company”) hereby files this Motion in Limine pursuant to the Pennsylvania Public Utility Commission’s (“Commission”) regulations at 52 Pa. Code § 5.103 and requests that Administrative Law Judge Charece Z. Collins (the “ALJ”) prohibit David A. Romanoski (“Complainant”) from presenting any testimony and exhibits related to whether UGI Gas had a right to enter onto or otherwise use the property that is the subject of this Complaint. It is well-settled that the Commission does not have the authority to adjudicate real property rights. Prohibiting such testimony and exhibits will ensure that the Complainant is limited to Commission jurisdictional claims and irrelevant evidence is not considered.

For these reasons, UGI Gas respectfully submits this Motion in Limine and requests that the Complainant be prohibited from presenting any testimony or exhibits related to property rights at the service address.

In support thereof, the Company states as follows:

I. BACKGROUND

1. UGI Gas is a “public utility” and a “natural gas distribution company” as those terms are defined under the Public Utility Code, 66 Pa. C.S. §§ 102 and 2202, subject to the regulatory jurisdiction of the Commission.

2. UGI Gas provides natural gas distribution service to approximately 650,000 customers, located primarily in south, central, and northeastern Pennsylvania.

3. On March 3, 2026, UGI Gas was served with the Formal Complaint filed by the Complainant, alleging that UGI Gas used his property without a recorded easement.

4. On March 23, 2026, UGI Gas filed its Answer to the Complaint.

5. On March 26, 2026, an Initial Telephonic Hearing Notice was issued, scheduling the hearing for 10:00 AM on May 27, 2026, before the ALJ and providing the call-in details for the telephonic hearing.

6. Also on March 26, 2026, the ALJ issued a Prehearing Order, confirming the call-in details for the hearing and setting forth various procedural rules.

7. On May 19, 2026, the Complainant served exhibits on UGI Gas, which included Exhibit 1 – a deed and Exhibit 2 – a title search.

II. MOTION IN LIMINE

8. UGI Gas respectfully requests that the ALJ grant the instant Motion in Limine and prohibit the Complainant from presenting testimony or evidence related to allegations regarding whether UGI Gas had a right to enter onto or otherwise use the property that is the subject of this Complaint.

9. The Commission’s regulations “vest the presiding officer with all necessary authority to control the receipt of evidence at the hearing, including, but not limited, to the ruling

on the admissibility of evidence and the scope of direct and cross examinations.” *Walden v. PECO Energy Co.*, Docket No. F-2019-3011507, 2020 Pa. PUC LEXIS 600, *12 (Order entered Nov. 19, 2020) (citing 52 Pa. Code § 5.403).

10. Limiting the scope of evidence presented by the Complainant in this proceeding is necessary to prevent an examination of evidence and issues over which the Commission has no jurisdiction.

11. In his Complaint, the Complainant alleges that UGI Gas installed and maintained a gas service line on his property without an easement or right-of-way.

12. As relief, the Complainant asks the Commission (1) require production of documents related to the easement¹, (2) “determine whether the gas line is lawfully located,” and (3) order relocation of the gas line if it was “improperly installed”. (Complaint ¶ 5.)

13. As a creature of statute, the Commission “has only those powers which are expressly conferred upon it by the Legislature and those powers which arise by necessary implication.” *Feingold v. Bell*, 383 A.2d 791, 794 (Pa. 1977) (citations omitted).

14. It is well-established that the Commission lacks authority to adjudicate real property rights, as such disputes are within the exclusive jurisdiction of the courts of common pleas. *See, e.g., Stefanoski v. Pa. Am. Water Co.*, Docket No. C-20078219 (Order entered Sept. 22, 2008); *Perrige v. Metro. Edison Co.*, Docket No. C-00004110 (Order entered July 11, 2003); *Lou Amati/Amati Serv. Station v. West Penn Power Co.*, Docket No. C-00945842 (Order entered Oct. 25, 1995); *Shedlosky v. Pa. Elec. Co.*, Docket No. C-20066937, at pp. 6-7 (Order entered May 28, 2008) (wherein the Commission noted that “any attempt by this Commission to divine the

¹ The Complainant has made no formal discovery requests in the course of this proceeding.

intent of the parties to the 1960 ROW regarding relocation costs, is tantamount to interpreting the ROW.”).

15. Further, “[t]he Commission has no jurisdiction to determine what person or entity owns a particular parcel of real property” and “is not the proper forum for resolving property rights controversies.” *Semrau v. PECO Energy Co.*, Docket No. C-2012-2306879, 2012 Pa. PUC LEXIS 1097 at *11, 12 (Initial Decision dated July 3, 2012) *made final without further Commission action by* (Order entered Aug. 16, 2012).

16. Because of this, any testimony or evidence related to property ownership, deeds, property rights, and whether there existed an easement is irrelevant to any jurisdictional claims that can be brought before the Commission, and therefore should be prohibited in the proceeding.

III. CONCLUSION

WHEREFORE, UGI Utilities, Inc. -- Gas Division respectfully requests that Administrative Law Judge Charece Z. Collins grant this Motion in Limine and prohibit the Complainant from presenting any testimony and exhibits related to allegations regarding whether UGI Gas had a right to enter onto or otherwise use the property that is the subject of this Complaint. Further, the Company respectfully requests that the due date for any Answer to the instant Motion be due within four (4) calendar days of its filing, *i.e.*, by May 26, 2026, and that the ruling on the instant Motion be issued by May 27, 2025, considering the hearing is scheduled for May 27, 2026.

Respectfully submitted,



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Date: May 22, 2026

Counsel for UGI Utilities, Inc. – Gas Division