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District, Inc. and City of Reading*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CENTRE PARK HISTORIC DISTRICT, :
INC. :
 :
 :
 vs. : Docket No. C-2015-2516051
 :
 :
 UGI UTILITIES, INC. :

CITY OF READING, :
 :
 :
 v. : Docket No. C-2016-2530475
 :
 :
 UGI UTILITIES, INC. :

**PREHEARING MEMORANDUM OF
CENTRE PARK HISTORIC DISTRICT, INC. AND CITY OF READING**

BEFORE ADMINISTRATIVE LAW JUDGE MARY D. LONG:

Centre Park Historic District, Inc. (“CPHD”) and the City of Reading (“City”) (collectively referred to as “Petitioners”), by and through their attorneys, Eastburn and Gray, P.C. and Michael J. Savona, Esquire, Michael E. Peters, Esquire, and Zachary A. Sivertsen,

Esquire, hereby submit the following Prehearing Memorandum in connection with the Prehearing Conference scheduled in this matter for July 14, 2016.

I. BACKGROUND

A. Procedural Posture

The above-captioned matters have been consolidated, and are scheduled for a prehearing conference on July 14, 2016.

On March 14, 2016, UGI filed an Answer and Preliminary Objections to the City's Formal Complaint. In its Preliminary Objections, UGI alleged that the issues raised in the City's Formal Complaint must be addressed through the Commission's regulatory amendment procedure. The City filed its Answer to UGI's Preliminary Objections on March 24, 2016.

UGI's Preliminary Objections were dismissed by Administrative Law Judge Mary D. Long on March 29, 2016.

Prehearing conferences occurred on February 11, 2016, and March 30, 2016. During the March 30, 2016 prehearing conference, it was agreed between the parties that UGI would provide the City with UGI's "new policy for meter placement in historic districts" (the "UGI Policy"), referenced in UGI's Answer to the City's Formal Complaint.

UGI has provided the City with a copy of the UGI Policy. UGI has informed the City that the UGI Policy has been adopted, and is being administered, by UGI. The City has reviewed the UGI Policy and is in the process of drafting proposed amendments to the Policy for review by UGI. Proposed amendments will be provided to UGI upon approval by City officials.

A follow-up prehearing conference was scheduled for June 30, 2016, and continued until July 14, 2016.

B. Factual Basis of Claims.

Petitioners incorporate by reference their prior prehearing memorandum. In brief summary, UGI is in the process of relocating gas meters throughout the City of Reading. This includes numerous meters within the City's six (6) nationally or locally designated historic districts. Petitioners respectfully request an adjudication and determination of whether these relocation efforts comply with section 59.18 of the Public Utility Commission's regulations; specifically, the exception for outdoor meter placements in historic districts. To date, where UGI has installed meters in the City's historic districts, it has given no meaningful consideration to inside placements, notwithstanding the exception contained in section 59.18.

In addition to the PUC's regulations, the City has its own ordinances and procedures that apply to work performed in historic districts. UGI has also refused to abide by these ordinances and procedures.

The City has also identified meter placements, that were part of UGI's relocation program, that are installed in dangerous locations; further violations of section 59.18.

II. PRESENTLY IDENTIFIED ISSUES

1. Scheduling. While the City will be providing proposed amendments to the UGI Policy, in order to both move the matter forward and provide the parties an opportunity to continue discussing the policy, Petitioners propose a hearing date in October, with a preceding schedule commensurate with the hearing date.
2. UGI must recognize all historic districts in the City, including locally designated historic districts, for purposes of considering inside meter placements under § 59.18(d).

3. UGI has failed to give appropriate consideration to the inside placement of meters in designated historic districts as required by § 59.18(d).
4. UGI must comply with the City's historic district regulations, and must, *e.g.*, fully complete the City's Street Excavation Form and provide a statement of justification for exterior meter placements that are visible from the public right-of-way.
5. UGI must respect the City's historic districts and, where meters are placed in outside locations that are visible from the public right-of-way, locate meters so that they are unobtrusive and screened from view.
6. Petitioners respectfully request that the Commission provide clarity to the parties regarding the proper application of § 59.18, and provide guidance to UGI and the City concerning the scope of § 59.18 and the responsibilities of UGI in complying with the City's established historic district requirements in light of § 59.18.
7. In locating its exterior gas meters in close proximity to City streets and on narrow sidewalks where they create safety hazards for nearby homeowners, passing pedestrians, and motorists, UGI has failed to "consider potential damage by outside forces," in violation of 52 Pa. Code § 59.18(a)(5).
8. In locating exterior gas meters in close proximity to City streets and on narrow sidewalks where they create safety hazards for nearby homeowners, passing pedestrians, and motorists, UGI has failed to locate gas meters in "protected location[s]" in violation of 52 Pa. Code § 59.18(b)(1).
9. In locating exterior gas meters in close proximity to City streets, UGI has failed to consider "vehicular damage that may be anticipated" in violation of 49 CFR § 192.353(a).

III. WITNESSES

The City intends to call the witnesses identified in their previous prehearing memoranda: John Slifko, City Councilmember; Ralph Johns, Public Works Director; and Michael Lauter, Centre Park Historic District President.

CPHD and the City reserve the right to call such additional witnesses as may be necessary to respond to issues raised by Respondent.

EASTBURN AND GRAY, P.C.

/s/ Michael E. Peters

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