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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 Michael T. Pidgeon,

Esquire, hereby submit the following Prehearing Memorandum in connection with the Prehearing Conference scheduled in this matter for June 15, 2017.

I. BACKGROUND

A. Procedural Posture

The above-captioned matters have been consolidated, and are scheduled for a prehearing conference on June 15, 2017. The pleadings in the above-captioned matters are closed. The City has prepared an extensive list of the meters at issue in this matter (the “Matrix”), which UGI has responded to.

This matter is ready to proceed to adjudication on the merits.

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.

UGI’s meter relocations have also resulted in the placement of meters in dangerous locations. These placements violate Section 59.18, 49 C.F.R. § 192.353(a), and UGI’s own Gas Operations Manual.

These issues are well documented in the City’s Matrix.

II. PRESENTLY IDENTIFIED ISSUES

1. Scheduling. After conferring the parties propose the following schedule: (1) dispositive motions due July 6, 2017; (2) trial to begin on September 11, 2017, and to continue until completion.
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. Section 59.18 provides an exception for exterior meter relocation in historic districts, and permits some level of local historic district regulation.
6. The City's historic district regulations are appropriate pursuant to state and federal law, including Article I, Section 27 of the Pennsylvania Constitution.
7. 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.
8. 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.

9. 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).
10. 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).
11. 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).
12. UGI has relocated meters to dangerous locations in violation of its own Gas Operations Manual.

III. WITNESSES

The City intends to call the following witnesses: John Slifko, City Councilmember; Ralph Johnson, Public Works Director, City of Reading; Kim Brautigan, Mechanical Inspector, City of Reading, Michael Lauter, Centre Park Historic District President, Debra Condrath, City resident, owner of the property located at 312 North 5th Street, City of Reading, the owner of the property located at 351 West Windsor Street, City of Reading, and such other and further property owners to be identified by the City in supplemental discovery responses prior to trial.

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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Dated: June 15, 2017

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