

Allentown
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SECRETARY'S BUREAU

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July 12, 2012

Pennsylvania Public Utility Commission
Attn: Mr. Robert F. Powelson, Chairman
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Comments on Docket No. L-2009-2107155, Rulemaking Re Amendment to 52 Pa. Code Sec. 59.18 Meter Location

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CHAIRMAN'S OFFICE

Dear Chairman Powelson:

The City of Allentown is pleased to take this opportunity to comment on the proposed Rulemaking Amendment to 52 Pa. Code Sec. 59.18 regarding Gas Meter Location. The purpose of this letter is to articulate to the Pennsylvania Public Utility Commission (PUC) the dramatic impact of the proposed amendment on the City of Allentown.

Allentown is the Commonwealth's third largest city with a population of 118,000 residents. UGI has over 70 miles of cast iron pipeline within the borders of the city. As UGI replaces this cast iron pipe, which should be UGI's top priority, they will be replacing the bare steel service lines and moving meters and regulators in order to comply with state and Federal Laws.

The City, which includes Allentown City Council and the Mayor, are united in their request for the Public Utility Commission to consider making changes to the proposed amendment to the rulemaking order for Gas meter location regulation in order to provide the following:

1. Ensure pertinent safety information is shared with local emergency services.
2. Adequate protection for historic properties.
3. Adequate public notice and explanation of customers' rights
4. Adequate protection from vandalism.

SAFETY FIRST

The City maintains its previous position that meters should be located in the safest and least visually obtrusive location possible. Non-Governmental Distribution Companies (NGDCs) should be required to share the specific location of emergency shut-off valves, meters and regulators with local emergency services, especially in instances where the service line to a property or customer is being upgraded or newly installed.

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HISTORIC PROTECTIONS

The City of Allentown has a rich cultural history that includes an abundance of significant architecture. The City and its residents have invested millions of dollars since the late 1970's to preserve and protect these historic resources. The proposed rulemaking order will have a direct impact on the following City of Allentown Historic Resources:

- Three Pennsylvania Historical and Museum Commission (PHMC) Certified Local Historic Districts under the PA Historic District Act that contain over 2,300 parcels and 3,700 buildings.
- 14 individual properties or structures listed on the National Register.
- Areas surveyed and determined potentially eligible for the National Register include over 6,400 parcels that contain 10,506 buildings

The City recognizes that the proposed regulation provides consideration to historic properties by allowing inside meter locations to be considered when "acceptable outside locations are not available due to restrictions in federally approved Historic Districts". However, the regulation is open to a variety of interpretations, and does not require consideration of impacts to historic resources in meter and regulator placement. In order to address this ambiguity, the City of Allentown proposes the following changes to the Proposed Rulemaking Order:

- **DEFINE HISTORIC RESOURCES** - The Proposed Rulemaking Order (Rule) does not clearly define which historic resources qualify for an exception to the outdoor meter replacement requirement. It uses the term "Federally approved Historic Districts," which is not a phrase that is commonly used. If the regulation encompasses all historic districts that are listed in and/or considered eligible for listing in the National Register of Historic Places (National Register), this should be explicitly stated.

If the Rule is indeed referring only to historic districts that are listed in the National Register, it is not affording consideration to Locally Designated Districts under the Pennsylvania Historic District Act or areas that have been determined to be eligible for inclusion on the National Register. Finally, this definition completely overlooks potential impacts to individual historic properties, whether the property is designated locally or eligible for or included in the National Register.

Proposed Changes

The City recommends that the PUC remove the phrase "Federally Approved" Historic District, and replace the term with Historic Resource. Historic Resource should be defined to include any property (individual or district) that has been determined eligible for or listed in the National Register of Historic Places; or is a locally designated PHMC Certified Historic District under the Pennsylvania Historic District Act.

- **ADDRESS THE VISUAL IMPACTS OF OUTDOOR REGULATORS AND SHUT OFFS WHEN IMPACTING A HISTORIC RESOURCE**

The proposed Rule does not address the impacts of installing regulators on the exterior of a structure. Although it allows for meters to be left inside in some cases, the Rule does not require that alternatives be considered to avoid or minimize the impact of installing the meter and/or regulator outside on primary facades. Alternatives to be considered may include: 1) installing the regulator in a discrete location, such as on the side of the building; 2) screening the equipment from view using vegetation or sidewalk vaults; or 3) otherwise minimizing the appearance of the equipment by painting or other treatment.

Proposed Changes

The City of Allentown recommends that, in addition to considering alternatives to outdoor meter placement, the Rule be revised to discuss in a very specific manner how the utility companies are to work with the property owner to consider regulator placement options, and select one that minimizes the visual impact to the property and district. In order to assist utility companies with the consideration of alternatives, the City encourages the PUC to establish Design Guidelines to provide examples of preferred placement of outside meters.

- **IMPROVE PROPERTY OWNER AND COMMUNITY INVOLVEMENT**

Many UGI projects involve entire City blocks and impact the neighborhood as a whole through temporary lane restrictions, parking restrictions, and sidewalk closures. As proposed, the Rule does not specify a process for notifying the immediate neighborhood and property owners about permanent and temporary impacts of the project. As a result, property owners may not be provided with complete information about the project generally, or provided updates once the project is underway or when the homeowner needs to make a specific decision concerning their property.

Proposed Changes

The City of Allentown recommends that the proposed Rule be changed to specify a public process that provides property owners with the information and time that they need to make informed decisions. That process should include preliminary notification by mail and popular media sources, direct contact and consultation with informed representatives of the utility company, and a public meeting that affords them an opportunity to have a dialogue with the utility company. Once alternatives are understood, property owners must be given sufficient time to take any necessary action, such as changing their property from natural gas service to another fuel source, should they choose to do so.

- **DEFINE HIGH VANDALISM DISTRICTS**

The rulemaking refers to high vandalism districts, although that term is undefined and no provisions for its administration are provided. Because of the diversity of Pennsylvania's

communities, what one municipality may feel is a high rate of vandalism may not be shared by another. The PUC should define this term.

Proposed Changes

The City recommends that the PUC provide more detail on this provision including the inclusion of a definition of what constitutes a high vandalism district and how that provision will be administered.

In summary, both Allentown City Council and this Administration feel strongly that the Public Utility Commission's Proposed Rulemaking Order for Gas Meter Location Regulations should be revised to:

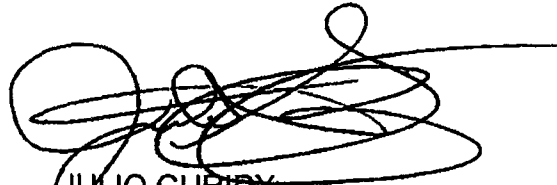
- Ensure that critical safety information is shared with local municipal emergency services.
- Better protect our cultural resources, while still improving public safety.
- Inform customers and the neighborhood about projects, its impacts and their options.

The City of Allentown thanks you for the opportunity and consideration to comment on the proposed rulemaking changes. Please do not hesitate to contact me if we can provide any additional information or assistance in this important matter.

Sincerely,



ED PAWLOWSKI
Mayor



JULIO GURIDY
President, City Council

xc: City Council Members
Francis X. Dougherty, Managing Director
Sara Hailstone, Community and Economic Development Director
Michael Hefele, Bureau of Planning and Zoning Director