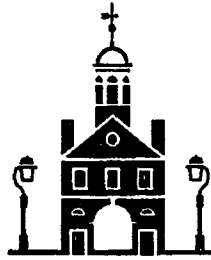


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SOCIETY HILL CIVIC ASSOCIATION

July 6, 2012

Pennsylvania Public Utility Commission
Attention: Secretary
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Rulemaking Re Amendment to 52 Pa. Code Sec. 59.18 Meter Location

Docket No. L-2009-2107155

Mr. Chairman and Members of the Commission:

The Society Hill Civic Association is pleased to submit for your consideration an original and 15 copies of the enclosed comments on the proposed rulemaking referenced above.

Very truly yours,


Steven A. Weixler
President

Encl.

Cc: John Gallery, Preservation Alliance
State Representative Mike O'Brien
State Senator Lawrence Farnese
Mindy Crawford, Preservation Pennsylvania

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PAUL J. C.
SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY COMMISSION

COMMENTS ON PROPOSED RULEMAKING

SUBMITTED BY THE SOCIETY HILL CIVIC ASSOCIATION OF
PHILADELPHIA

Docket No. L-2009-2107155

Rulemaking Re Amendment to

52 Pa. Code Sec. 59.18 Meter Location

Background

The Society Hill Historic District, which is located in Philadelphia, was listed on the National Register of Historic Places in 1971. It is bounded on the north by Walnut Street, on the south by Lombard Street, on the east by the pier line of the Delaware River and on the west by 8th Street. It encompasses 1,350 acres and contains approximately 575 buildings. In 1999 it was designated as a historic district under the Historic Preservation Ordinance of the City of Philadelphia.

The Society Hill Civic Association was incorporated in 1980. It serves more than 5,000 residents in over 3,000 households. Its mission statement provides that it shall promote the preservation and restoration of its historic buildings and represent the residents of Society Hill in connection with these matters.

Identification of Defects in the Proposed Rule and Suggested Remedies

1. General

Pennsylvania is a state rich in historic resources. By far the greater part of these resources are not listed on the National Register of Historic Places or certified for listing, nor are they protected by local historic ordinances. Nevertheless their contribution to the historic character of the communities in which they are located is significant.

That contribution is largely manifested in the facades of the buildings as seen from the street. For that reason it is an unwritten but nevertheless compelling obligation of gas utilities to refrain from actions that would disfigure such facades by the placement of mechanical equipment on them that would be visible from the street.

The properties that are particularly vulnerable to such significant adverse visual impacts are row houses. Consequently we urge that the proposed rule be redrawn to

prevent the placement of meter sets or other mechanical equipment on the street-facing facades of row houses. This problem is particularly acute in Cities of the First Class, Cities of the Second Class, and Cities of the Second A Class.

Exterior meter sets may be placed on the sides of homes that do not face a public way without degrading an existing streetscape. Typically such houses would be stand alone structures or twin houses. We see no objection to the exterior location of mechanical equipment on the sides or rear of such structures where the equipment is not visible from the street.

2. Clarification of “Federally approved Historic Districts”

The proposed rule states in subsection (c)(1)(i) that “An acceptable outside location is not available due to restrictions in Federally approved Historic Districts. . . .” This statement reflects a misconception about the nature of the federal law regarding the listing of historic districts on the National Register of Historic Places. In fact such listing places no restrictions on the alteration or demolition of listed properties. Such restrictions arise primarily from local historic preservation ordinances and façade easements recorded in local land registries.

There are, in addition, historic districts that have been certified for listing on the National Register, but have not been listed. Such districts should be afforded the same treatment under the proposed rule as districts listed on the National Register.

Accordingly, we propose that subsection (c)(1)(i) of the proposed rule be amended to read, in pertinent part, as follows:

“(1) Outside meter locations shall be prohibited:

- (i) on buildings located in historic districts listed on the National Register of Historic Places, or certified as eligible for listing as such districts, buildings individually listed on the National Register of Historic Places, buildings located in locally designated historic districts, and buildings individually designated as historic landmarks;
- (ii) on buildings subject to historic preservation façade easements recorded in local land registries.

3. Risk of Vehicular Damage

49 CFR Sec. 192.353 expressly states that each meter and service regulator shall be protected from vehicular damage. The proposed rule states that each utility shall “consider” the proper location for a meter box using criteria including vehicular traffic.

Philadelphia is a city which derives much of its historic character from its narrow streets. All of these streets present hazards for gas utility equipment placed on the street facing façade of properties. We do not believe that the utility is the proper entity to make the final determination as to the placement of meter sets based on hazards from vehicular traffic as contemplated by subsection (b)(3)(2) of the proposed rule. We strongly recommend that such determination be made by the local streets department and fire department, and that such determination shall be binding upon the utility.

4. Risk of Vandalism

The proposed rule states in subsection (c)(1)(i) that inside meter locations shall be considered when an acceptable location is not available because the meter set would be located in a high risk vandalism district. However, the proposed rule does not identify the entity that is to make the determination of what constitutes a “high risk vandalism district.” However a reading of the General Requirements section of the proposed rule suggests that the determination is to be made by the utility.

We believe that vesting such authority in the utility is improper and presents a potential conflict of interest for the utility, since the proposed rule also provides in subsection (a)(10) that “When the Commission or a utility determines that a meter or regulator must be moved for safety reasons, all costs associated with the relocation of such meter or regulator shall be borne by the utility.”

Consequently we strongly urge that the power to determine what constitutes a “high risk vandalism district” shall be vested exclusively in the local police department.

5. Placement of Shut-off Valves

Subsection (c)(8) of the proposed rule states without qualification that “A utility shall install a readily accessible shut-off valve outside the building.” We believe that this requirement should be subject to the exceptions noted above relating to the historic character of the building, the existence of a historic façade easement, the risk of vehicular damage and the risk of vandalism.

6. Notification of Property Owners

The proposed rule contains no provision for notification of property owners whose properties would be affected by the placement of meter sets on the principal façade of their buildings. Language should be added to the rule requiring that such notice be given to property owners by mail not less than [90] days prior to the date on which the meter set is to be moved, and such notification shall include an illustration of the mechanical equipment proposed to be placed on the façade of the building. In addition, the utilities should be directed to engage in outreach activities utilizing the media and meetings with community groups to explain and respond to questions about the proposed relocation of gas metering and regulating equipment.

Conclusion and Recommendations

1. Redraw the proposed rule to prohibit the placement of meter sets and other mechanical equipment on the street-facing facades of row houses where such equipment would be visible from the street in Cities of the First Class, Cities of the Second Class and Cities of the Second A Class.
2. Clarify the definition of "Federally approved districts" to prohibit the placement of meter sets and related equipment on buildings located in historic districts listed on the National Register of Historic Places, or certified as eligible for such listing, buildings individually listed on the National Register of Historic Places, buildings located in locally designated historic districts, and buildings individually designated as local historic landmarks, and buildings subject to historic preservation façade easements recorded in local land registries.
3. The determination of what constitutes a district that presents a risk of vehicular damage shall be definitively made by the local streets department and the local fire department.
4. The determination of what constitutes a district with a high risk of vandalism shall be definitively made by the local police department.
5. The placement of shut-off valves shall be governed by the restrictions set forth in paragraphs 1, 2, 3 and 4 above.
6. Property owners shall receive written notice by mail not less than [90] days prior to the date on which the meter set is to be moved, and such notification shall include an illustration of the mechanical equipment proposed to be placed on the façade of the building. In addition, utilities shall be required to engage in public outreach activities including use of the media and public meetings with community groups to explain and respond to questions regarding the proposed relocation of gas metering and regulating equipment.

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