

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PA 17120**

**Patrick Kelly  
v.  
Philadelphia Gas Works**

**Public Meeting held August 31, 2017  
2530214 – OALJ  
Docket No. C-2016-2530214**

**STATEMENT OF COMMISSIONER DAVID W. SWEET**

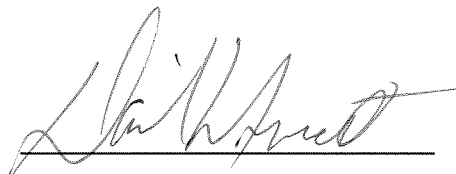
Complainant challenges the amount of a bill issued by PGW for unbilled usage following discovery of a meter bypass and lines installed before the meter at his residence. PGW terminated service and issued a bill for an estimate of the unauthorized usage for the duration of his service, from 2003 to 2015. The ALJ adjusted the total estimated bill downward by approximately \$3000 because it included a gas appliance that was only present in the residence for roughly the second half of that time period.

I believe that the adjustment should be reversed because the Commission is barred by the statute of limitations from granting relief for an action brought more than three years from the date the liability arose. Unfortunately, this issue was not raised by the parties nor by the ALJ, but the statute of limitations is jurisdictional and cannot be waived and should not be ignored. As the decrease was for the years from 2003 to 2009, and the liability arose at the time of gas consumption, no reduction in the estimate is justified and the Complaint should be dismissed.

I see no reason for this Commission to reach beyond our lawful authority in order to give partial relief to this complainant.

Accordingly, I am dissenting in this matter.

**Date: August 31, 2017**



**David W. Sweet  
Commissioner**