



Philadelphia Gas Works

800 West Montgomery Avenue, Philadelphia, PA 19122

Kristine Trock, Paralegal

Legal Department

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May 18, 2009

James McNulty, Secretary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
Harrisburg, PA 17105-3265

Re: Gerald Pasteznick v. PGW, Docket No. C – 2009 – 2103331

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original and three (3) copies of its Preliminary Objections to the Complaint in the above captioned matter.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,

A handwritten signature in blue ink that reads "Kristine Trock". The signature is written in a cursive style with a large initial "K".

Kristine Trock

Enclosure

cc: Mr. Gerald Pasteznick (Regular Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)



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May 18, 2009

Mr. Gerald Pasteznick
2204 Benson Street, 1st Floor
Philadelphia, PA 19152

Re: Gerald Pasteznick v. PGW, Docket No. C – 2009 – 2103331

Dear Mr. Pasteznick:

Enclosed please find a copy of PGW's Preliminary Objections to the Complaint the above referenced matters. Pursuant to 52 Pa. Code §5.61, you have twenty (20) days from the date of service to file a response to the enclosed pleading.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,

A handwritten signature in blue ink that reads "Kristine Trock". The signature is written in a cursive, flowing style.

Kristine Trock

Enclosure

cc: Mr. Gerald Pasteznick (Regular Mail)
Laureto Farinas, Esquire (PGW Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Gerald Pasteznick

v.

Philadelphia Gas Works

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Docket No. C – 2009 – 2103331

**Philadelphia Gas Works’
Preliminary Objections to the Complaint**

Pursuant to 52 Pa. Code §5.101, the Philadelphia Gas Works (“PGW”) hereby files its preliminary objections to the Complaint filed in the above captioned matter. PGW hereby avers the following:

1. On or about April 22, 2009, the Complainant filed the instant formal complaint seeking relief in the form of a payment agreement to cure a defaulted amount release from PGW’s Customer Responsibility Program (CRP) in which he has enrolled for gas service rendered to 2204 Benson Street, 1st Floor, Philadelphia, PA (Service Address).
2. On June 4, 2008, the Complainant enrolled in CRP based on a two (2) person household with an income in the amount of \$1,400. The Complainant’s CRP payment was \$145 per month.
3. Due to the Complainant’s failure to make consecutive and timely CRP payments monthly, the Complainant is \$700 in arrears of CRP payments.
4. The Complainant does not allege any change in status or income since his last recertification for CRP eligibility and PGW has required him to pay the outstanding balance of missed CRP payments.
5. The Bureau of Consumer Services (BCS) decision dated February 23, 2009, which is attached hereto as Exhibit “A,” concluded that the CRP rate is beneficial for the Complainant and that the Complainant owes CRP arrears.
6. The Complainant’s CRP arrears is \$700 and represents several months of unpaid CRP payments. The Complainant does not make monthly payments in full. The actual balance of the Complaint’s account is \$2,038.19. This represents

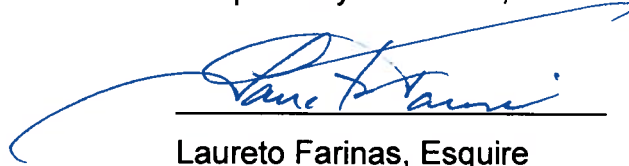
the Complainant's "frozen arrears" under CRP and the unpaid CRP payments. The Complainant's CRP is currently in default status and must bring his CRP payment up to date.

7. As the Complainant's enrollment in CRP represents a payment scheme which is based upon income eligibility, as set forth in 66 Pa. C.S. §1405 (c) and the PGW Gas Service Tariff §13 as approved by this Commission, the Commission lacks authority to grant the relief of a different payment scheme other than to cure the missing CRP payments.

Wherefore, PGW respectfully requests that this Commission dismiss the Complaint.

Respectfully submitted,

May 18, 2009



Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

EXHIBIT A

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- <Case xmlns="x-
  schema:http://pucksi.state.pa.us/DataEx/Schema/ClosingDataSend.xdr">
  <CaseNbr>2497881</CaseNbr>
  <CompanyName>PGW (PHILA. GAS WORKS (NGDC))</CompanyName>
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  <CompanyType>GAS TRANSPORTER</CompanyType>
- <Customer>
  <CustomerFirstName>GERALD</CustomerFirstName>
  <CustomerLastName>PASTELNICK</CustomerLastName>
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- <CustomerServAddress>
  <ServAddress1>2204 BENSON STREET</ServAddress1>
  <ServAddress2>1ST FLOOR</ServAddress2>
  <ServCity>PHILADELPHIA</ServCity>
  <ServState>PA</ServState>
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  TO OFF-SET EXPENSE OF RUNNING CRP PROGRAM; CU OWES CRP ARREARS
  FROM PRIOR ACCOUNT; LAW DOES NOT ALLOW THE PUC TO ISSUE A PAR ON
  CRP RATES; NO PUC PAR GIVEN. VERBAL CLOSING, NO
  DECISION.</Resolution>
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  <BCSInvestigatorLName>CARLIN</BCSInvestigatorLName>
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  <PUCFax FaxAreaCode="717">7876641</PUCFax>
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VERIFICATION

I, Laureto Farinas, hereby declare that I am counsel for the Philadelphia Gas Works. I am authorized to make this verification on its behalf. The facts set forth in the foregoing Answer are true and correct to the best of my knowledge, information and belief. I expect to be able to prove these facts at a hearing held in this matter. This verification is made subject to the penalties of 18 Pa. C.S. §4904, concerning false statements to authorities.

May 18, 2009



Laureto Farinas, Esquire

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Mr. Gerald Pasteznick
2204 Benson Street, 1st Floor
Philadelphia, PA 19152

May 18, 2009



Laureto Farinas, Esquire
Philadelphia Gas Works
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