



Philadelphia Gas Works

800 West Montgomery Avenue, Philadelphia, PA 19122

Kristine Trock, Paralegal

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June 1, 2009

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

Re: Digital 833 Chestnut, LLC v. PECO Energy Company, PGW and UGI Energy Services, Inc., Docket No. C – 2008 – 2068267

Dear Secretary McNulty:

Enclosed please find the Philadelphia Gas Works ("PGW") Prehearing Memorandum 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, flowing style.
Kristine Trock

Enclosure

cc: Administrative Law Judge Koster (E-Mail)
Digital 833 Chestnut LLC (Regular Mail)
Ward Smith, Esquire (E-Mail and Regular Mail)
Charis Mincavage, Esquire (E-Mail and Regular Mail)
Barry A. Naum, Esquire (E-Mail and Regular Mail)
Frank Markle, Esquire (E-Mail and Regular Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Digital 833 Chestnut, LLC	:	
	:	
v.	:	Docket No. C – 2008 – 2068267
	:	
PECO Energy Company	:	
Philadelphia Gas Works	:	
UGI Energy Service, Inc.	:	

Prehearing Memorandum of Philadelphia Gas Works

In compliance with Administrative Law Judge Guy M. Koster's e-mail request of May 22, 2009 in the above captioned matter, the Philadelphia Gas Works ("PGW") hereby files this memorandum and states the following:

- a) The person designated for service to PGW shall be its counsel.
- | | |
|--------------------------|------------------------------|
| Laureto A. Farinas, Esq. | 215- 684-6982 (Office) |
| Philadelphia Gas Works | 215-684-6798 (telefacsimile) |
| Legal Department | laureto.farinas@pgworks.com |
| 800 W. Montgomery Avenue | |
| Philadelphia, PA 19122 | |
- b) PGW has no objection to the consolidation of the above captioned matters. However, in a similar case, *Philadelphia HGI, Associates, LP v. Philadelphia Gas Works*, Docket No. C – 2008 – 2069128, the Administrative Law Judge issued, *sua sponte*, an order to stay the proceeding as a named party, Celeren Corporation, is in bankruptcy and its trustee invoked the automatic stay provisions of the U.S. Bankruptcy Code. In the instant matter, the Celeren Corporation contracted with the Complainant in association with the provision of its utility services to be provided by the Respondents. The factual allegations of this matter involve the course of dealings between the parties and the Celeren Corporation. In the event that the Complainant is successful in this matter, the Celeren Corporation's responsibility for the payment for gas service provided to the Complainant is directly affected. As such, the Celeren Corporation is an indispensable party to this proceeding. PGW requests that the Commission address this question prior to going forward with an evidentiary hearing.

c) Discovery Matters: PGW has received discovery propounded by the Complainant. Pursuant to 52 Pa. Code §5.322, PGW proposes to make an informal agreement or the exchange of information with respect to the discovery.

d) Potential PGW Witnesses:

Anne Marie Cromley,
Philadelphia Gas Works
Customer Review Unit
800 W. Montgomery Avenue
Philadelphia, PA 19122

215- 684-6816 (Office)
Annemarie.cromley@pgworks.com

PGW – Commercial Resource Center Representative (undetermined)
Philadelphia Gas Works
Commercial Resource Center
800 W. Montgomery Avenue
Philadelphia, PA 19122

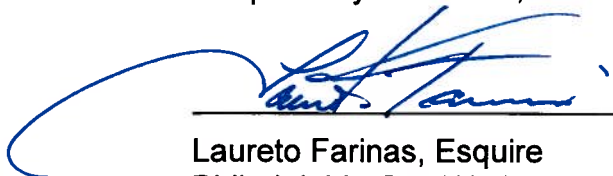
Ms. Cromley will testify on the investigation she conducted on the formal complaint and actions that PGW and the Customer of Record took on the account.

e) PGW contends that each month it billed the appropriate party and expected payment for gas service each month.

f) PGW intends to introduce the relevant sections of its Gas Service Tariff that govern the billing and payment for gas service.

Respectfully submitted,

June 1, 2009



Laureto Farinas, Esquire
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Philadelphia, PA 19122
(215) 684-6982

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:

PECO Energy Company
C/o Ward L. Smith, Assistant General Counsel
2301 Market Street, S23 – 1
Philadelphia, PA 19101 – 8699

Charis Mincavage, Esq.
Barry A. Naum, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
Harrisburg, PA 17108 – 1166

Frank Markle, Esq.
Senior Counsel
UGI Corporation
460 North Gulph Road
King of Prussia, PA 19406

June 1, 2009



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