



Philadelphia Gas Works

800 West Montgomery Avenue, Philadelphia, PA 19122

Kristine Trock, Paralegal

Legal Department

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June 11, 2009

Mr. Robert Johnson
4934 Duffield Street, Apt. 5
Philadelphia, PA 19124

Re: Robert Johnson v. PGW, Docket No. C – 2009 – 2108850

Dear Mr. Johnson:

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,


Kristine Trock

Enclosure

cc: Laureto Farinas, Esquire (PGW Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)



Philadelphia Gas Works

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June 11, 2009

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

Re: Robert Johnson v. PGW, Docket No. C – 2009 – 2108850

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original 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, flowing style.

Kristine Trock

Enclosure

cc: Mr. Robert Johnson (Regular Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Robert Johnson

v.

Philadelphia Gas Works

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Docket No. C – 2009 – 2108850

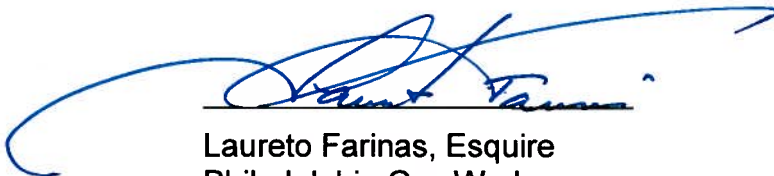
NOTICE TO PLEAD

To: Robert Johnson, Complainant

Pursuant to 52 Pa. Code §5.101, you are hereby notified to file a written response to the enclosed Preliminary Objection within ten (10) days from service hereof or you may be deemed to be in default and relevant facts stated in these pleadings may be deemed admitted and a judgment may be entered against you.

Respectfully submitted,

June 11, 2009



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Robert Johnson

v.

Philadelphia Gas Works

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Docket No. C – 2009 – 2108850

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

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works (“PGW”) hereby files its Preliminary Objection to the Complaint filed in the above captioned matter. PGW hereby avers the following:

1. On or about May 21, 2009, the Complainant filed a formal complaint against PGW with the Commission under Docket No. C-2009-2108850, averring that PGW has given the Complainant a notice that his gas service to 4934 Duffield Street, Apartment #5, Philadelphia, Pennsylvania (Service Address) will be terminated.
2. The Complainant further avers that he recently became unemployed and fell behind on his payment agreement and that PGW and the Commission (Bureau of Consumer Services) told him that there was nothing else than can be done.
3. The Complainant had entered into four (4) previous payment agreements with PGW from January 23, 2008 through August 11, 2008.
4. The Complainant became unemployed some time between August 2008 and February 2009.
5. In February 2009, the Complainant made application for PGW's Customer Responsibility Program (CRP), a low-income customer assistance program, using his unemployment letter as verification of his income level for CRP enrollment.

6. The Complainant's monthly CRP payment was calculated at \$91.40 per month based upon the household income (including the unemployment income) information provided.

7. The Complainant's outstanding balance at the time of his CRP enrollment was \$1,178.78. Under CRP, this amount is deemed as "frozen arrears." The CRP customer earns incremental forgiveness of the frozen arrears when making full and timely monthly CRP payments.

8. Since his enrollment in CRP in February 2009, the Complainant has failed to make any payments of the \$91.40 to PGW, as shown on the statement of account, which is attached hereto as Exhibit "A."

9. To date, the Complainant has failed to make \$259.20 in CRP payments to PGW and has earned no forgiveness of the frozen arrears.

10. The Complainant's income level and life circumstances have remained unchanged since February 2009 when he enrolled in CRP.

11. The Commission has authorized PGW to offer CRP to its customers by its approval of the PGW Gas Service Tariff §13.1 Customer Responsibility Program, which is attached hereto as Exhibit "B."

12. The Complainant's eligibility for CRP as well as the calculation of the monthly CRP payment is determined by the prescribed methodologies in the PGW Gas Service Tariff §13.1.

13. The Complainant's CRP payment level should not be altered, as his household income status has not changed.

14. The Responsible Utility Customer Protection Act 66 Pa. C. S. §§ 1401, et seq. provides further support. At §1405(c), this Act states,

CUSTOMER ASSISTANCE PROGRAMS – Customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission.

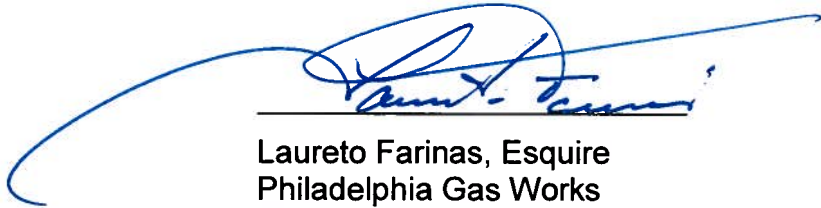
15. Pursuant to 66 Pa. C. S. §§ 1405(c), the Complainant's accumulated arrearage in missed CRP payments is not subject to the creation of a further payment agreement to cure the accumulated arrearage in missed CRP payments.

16. With no authority to grant further relief to the Complainant in the form of an additional payment agreement to cure accumulated arrearage in missed CRP payments, the Commission should dismiss the Complaint.

Wherefore, PGW respectfully requests that this Commission sustain PGW's preliminary objection, and dismiss the Complaint.

Respectfully submitted,

June 11, 2009



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

EXHIBIT A

Specific Service Agreement Statement of Account SA- 7840289760

Customer Name: ROBERT JOHNSON
 From Date: 6/9/2005
 To Date: 6/9/2009

Service Address: 4934 DUFFIELD ST Apt 5 PHIL, PA 191242771
 Account Number: 488980458
 SA Number: 7840289760
 Meter: 2031343
 Rate: GS

STATEMENT

Transaction Date	Type	Reading	Code	Reading	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
07/18/2007	BILL	2628	R	41	13	0.32	4			08/10/2007	\$34.95	\$34.95	\$34.95
08/13/2007	PAY					0.00			Cash		(\$35.00)	(\$0.05)	(\$0.05)
08/16/2007	BILL	2638	R	29	10	0.34	0			09/11/2007	\$29.65	\$29.60	\$29.60
09/17/2007	LPC					0.00					\$0.44	\$30.04	\$30.04
09/17/2007	BILL	2649	R	30	11	0.37	6			10/10/2007	\$30.90	\$60.94	\$60.94
10/02/2007	PAY					0.00			Cash		(\$30.00)	\$30.94	\$30.94
10/16/2007	LPC					0.00					\$0.46	\$31.40	\$31.40
10/16/2007	BILL	2666	R	31	17	0.55	50			11/08/2007	\$41.52	\$72.92	\$72.92
11/06/2007	PAY					0.00			Cash		(\$40.00)	\$32.92	\$32.92
11/15/2007	LPC					0.00					\$0.49	\$33.41	\$33.41
11/15/2007	BILL	2716	R	30	50	1.67	325			12/11/2007	\$102.53	\$135.94	\$135.94
12/17/2007	LPC					0.00					\$2.03	\$137.97	\$137.97
12/17/2007	BILL	2811	R	30	95	3.17	725			01/14/2008	\$176.48	\$314.45	\$314.45
01/17/2008	LPC					0.00					\$4.67	\$319.12	\$319.12
01/17/2008	BILL	2911	R	33	100	3.03	838			02/12/2008	\$198.68	\$517.80	\$517.80
01/28/2008	PAY					0.00			Cash		(\$207.00)	\$310.80	\$310.80
02/15/2008	BILL	3011	R	29	100	3.45	851			03/12/2008	\$194.68	\$505.48	\$505.48
02/29/2008	PAY					0.00			Check		(\$154.00)	\$351.48	\$351.48
03/17/2008	BILL	3101	R	29	90	3.10	731			04/10/2008	\$174.79	\$526.27	\$526.27
04/16/2008	LPC					0.00					\$7.89	\$534.16	\$534.16
04/16/2008	BILL	3169	R	32	68	2.12	514			05/09/2008	\$136.76	\$670.92	\$670.92
05/05/2008	PAY					0.00			Cash		(\$200.00)	\$470.92	\$470.92

Transaction Date	Type	Reading Code	Reading Code	# of Days	CCF Usage	Average CCF/Days	Heating DDP's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
05/15/2008	BILL	3213	R	29	44	1.52	164		06/10/2008	\$95.69	\$566.61	\$566.61
06/16/2008	BILL	3247	R	30	34	1.13	66		07/10/2008	\$75.75	\$642.36	\$642.36
07/16/2008	LPC					0.00				\$9.63	\$651.99	\$651.99
07/16/2008	BILL	3273	R	32	26	0.81	0		08/08/2008	\$67.23	\$719.22	\$719.22
07/21/2008	PAY					0.00		Cash		(\$150.00)	\$569.22	\$569.22
07/28/2008	PAY					0.00		Cash		(\$150.00)	\$419.22	\$419.22
08/14/2008	BILL	3296	R	29	23	0.79	0		09/09/2008	\$60.85	\$480.07	\$480.07
08/18/2008	PAY					0.00		Cash		(\$200.00)	\$280.07	\$280.07
09/15/2008	BILL	3318	R	30	22	0.73	0		10/08/2008	\$58.16	\$338.23	\$338.23
10/14/2008	BILL	3353	R	31	35	1.13	62		11/06/2008	\$84.60	\$422.83	\$422.83
11/13/2008	LPC					0.00				\$6.34	\$429.17	\$429.17
11/13/2008	BILL	3409	R	30	56	1.87	373		12/09/2008	\$126.95	\$556.12	\$556.12
12/17/2008	LPC					0.00				\$8.24	\$564.36	\$564.36
12/17/2008	BILL	3513	R	33	104	3.15	811		01/14/2009	\$222.97	\$787.33	\$787.33
01/16/2009	LPC					0.00				\$11.59	\$798.92	\$798.92
01/16/2009	BILL	3629	R	31	116	3.74	920		02/11/2009	\$244.15	\$1,043.07	\$1,043.07
01/26/2009	PAY					0.00		Credit Card		(\$200.00)	\$843.07	\$843.07
02/17/2009	LPC					0.00				\$12.64	\$855.71	\$855.71
02/17/2009	BILL	3760	R	29	131	4.52	957		03/12/2009	\$263.07	\$1,118.78	\$1,118.78
02/24/2009	CRPFRZ					0.00				(\$1,118.78)	\$0.00	\$0.00
03/17/2009	BILL	3872	R	31	112	3.61	823		04/09/2009	\$86.40	\$86.40	\$86.40
04/17/2009	BILL	3941	R	30	69	2.30	507		05/12/2009	\$86.40	\$172.80	\$172.80
05/15/2009	BILL	3968	R	29	27	0.93	157		06/10/2009	\$86.40	\$259.20	\$259.20

EXHIBIT B

13. Universal Service And Energy Conservation Programs

13.1 CUSTOMER RESPONSIBILITY PROGRAM.

13.1.A. Eligibility and Enrollment. A Customer is eligible for the Customer Responsibility Program if it is determined at the time of application (or recertification) that the Customer's annual household gross income is at or below 150% of the federal poverty level. The Customer shall provide all documentation necessary for PGW to determine the household income including but not limited to proof of household income, verification of family size, and character of service requested (Heating or Non-Heating). PGW has the right to verify a Customer's income by means including but not limited to verification through governmental agency and checking credit reports. Enrollment shall be ongoing and open year-round. Customers selecting Transportation Service will no longer qualify for the CRP Program and will be responsible for the tariffed rates under General Service - Rate GS.

13.1.B. Requirements. A Participant must abide by the following provisions. The failure of a Participant to comply with one of the following could result in dismissal from the CRP Program:

13.1.B.1. A Participant shall make regular monthly Customer Responsibility Payments. Failure to do so may lead to termination of service.

13.1.B.2. A Participant shall recertify annually, based upon the Participant's anniversary date of enrollment.

13.1.B.3. It is the Participant's responsibility to notify PGW when there is a change in the household's income or size. Adjustments to a Participant's bill will be made anytime there is a change in income or family size.

13.1.B.4. When eligible, a Participant must apply for and assign at least one energy assistance grant, such as a LIHEAP grant, to PGW annually.

13.1.B.5. Participants must take the necessary actions to participate in the Conservation Works Program (CWP) or other conservation programs and to abide by established consumption limits.

13.1.B.6. A Participant must allow access to their property for meter readings or for the installation of an AMR. Failure to allow access for four consecutive months will result in dismissal from CRP.

13.1.B.7. A Participant shall be responsible for seeking assistance and guidance from PGW, including budget counseling, in the event that the Participant is unable to meet the above responsibilities.

13.1.C. Applicable Rates. A Participant's CRP Payments will be based upon the Participant's family size and gross household income. A Participant will pay a percentage of his/her gross household income depending on where that Participant falls within the Federal Poverty Guidelines (FPL). Rates are calculated under rate schedule GS, including riders.

13.1.C.1. For payment purposes CRP Participants will be defined as follows:

13.1.C.1.a. Group A: Participants whose gross household income has been verified as being from 0 – and up to and including 50% of FPL.

13.1.C.1.b. Group B: Participants whose gross household income has been verified as being greater than 50% and up to and including – 100% of FPL.

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.

June 11, 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).

For Complainant:

Robert Johnson
4932 Duffield Street, Apt. No. 5
Philadelphia, PA 19124

June 11, 2009



Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
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