



Philadelphia Gas Works

800 West Montgomery Avenue, Philadelphia, PA 19122

Kristine Trock, Paralegal

Legal Department

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June 15, 2009

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

Re: Francene Haven v. PGW, Docket No. C – 2009 – 2112222

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: Ms. Francen Haven (Regular Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Francene Haven

v.

Philadelphia Gas Works

:
:
:
:
:

Docket No. C – 2009 – 2112222

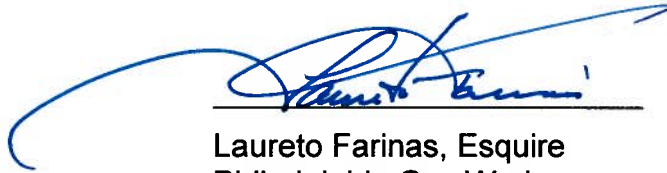
NOTICE TO PLEAD

To: Francene Haven, 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 16, 2009



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Francene Haven :
 :
 v. : **Docket No. C – 2009 – 2112222**
 :
 Philadelphia Gas Works :

**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 June 1, 2009, the Complainant filed a formal complaint against PGW with the Commission under Docket No. C-2009-2112222, averring that the Complainant would like a payment agreement to catch-up on her delinquent payments under the Customer Responsibility Program (CRP) for gas service to 7913 Williams Avenue, Philadelphia, PA (Service Address).

2. The Complainant has \$990.64 in delinquent CRP payments, which she must pay in order to bring her enrollment in CRP in good standing.

3. The Complainant has been enrolled in CRP on a more or less continuous basis since before January 2000 with several intermitted periods of nonpayment and/or failure to re-certify eligibility for that program.

4. The Complainant has reached the maximum level of Medication Certification holds on the termination of gas service (3 Certifications).

5. After several months of nonpayment of the CRP monthly payment, the Complainant has accumulated a total of \$990.64 in delinquent CRP payments as shown on the Statement of Account, which is attached hereto as Exhibit “A.”

6. As late as May 13, 2009, PGW reviewed the Complainant’s enrollment in CRP and, in comparing it to a regular budget payment agreement, the CRP payment totaling \$127.96 was determined to be the most beneficial for

the Complainant at this time as the payment of the budget plan would be \$149 per month (without a payment toward arrears).

7. A decision of the Bureau of Consumer Services of May 20, 2009 dismissed the complaint stating the Complainant is enrolled in CRP and must make the delinquent payments.

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

9. 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.

10. 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.

11. 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 16, 2009



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

EXHIBIT A

Account Financial History: Haven, Francene

Account... 0091 1366 6999 Name: Haven, Francene

Trans Date	Type	Service	Actual Amount	Actual Balance	Current Amount	Current Balance	Deposit on Hand
06/02/2009	PAY	UN	-127.96	4,026.83	-127.96	990.64	0.00
05/26/2009	BILL	UN	122.96	4,154.79	127.96	1,116.60	0.00
05/07/2009	PAY	UN	-127.00	4,031.83	-127.00	990.64	0.00
04/24/2009	BILL	UN	122.96	4,158.83	127.96	1,117.64	0.00
04/03/2009	PAY	UN	-255.92	4,035.87	-255.92	989.68	0.00
03/26/2009	BILL	UN	122.96	4,291.79	127.96	1,245.60	0.00
02/26/2009	BILL	UN	122.96	4,168.83	127.96	1,117.64	0.00
01/27/2009	BILL	UN	116.21	4,045.87	121.21	989.68	0.00
12/26/2008	BILL	UN	116.21	3,929.66	121.21	868.47	0.00
11/21/2008	BILL	UN	116.21	3,813.45	121.21	747.26	0.00

Financial Details...

Account Financial History: Haven, Francene

Account... 0091 1366 6999 Name: Haven, Francene

Trans Date	Type	Service	Actual Amount	Actual Balance	Current Amount	Current Balance	Deposit on Hand
11/21/2008	BILL	UN	116.21	3,813.45	121.21	747.26	0.00
10/22/2008	BILL	UN	116.21	3,697.24	121.21	626.05	0.00
09/24/2008	BILL	UN	116.21	3,581.03	121.21	504.84	0.00
09/03/2008	NSFCHG	U	20.00	3,464.82	20.00	383.63	0.00
09/03/2008	NSFPAY	mU	0.00	3,444.82	0.00	363.63	0.00
09/03/2008	CANP	UN	121.21	3,444.82	121.21	363.63	0.00
08/22/2008	BILL	UN	116.21	3,323.61	121.21	242.42	0.00
08/06/2008	PAY	cUN	-121.21	3,207.40	-121.21	121.21	0.00
07/24/2008	BILL	UN	116.21	3,328.61	121.21	242.42	0.00
06/24/2008	BILL	UN	116.21	3,212.40	121.21	121.21	0.00

Financial Details...

Account Financial History: Haven, Francene

Account... 0091 1366 6999 Name: Haven, Francene

Trans Date	Type	Service	Actual Amount	Actual Balance	Current Amount	Current Balance	Deposit on Hand
06/24/2008	BILL	UN	116.21	3,212.40	121.21	121.21	0.00
06/03/2008	CRPFRZ	N	3,096.19	3,096.19	0.00	0.00	0.00
06/03/2008	CRPFRZ	U	-3,096.19	0.00	-3,096.19	0.00	0.00
06/03/2008	CRPFRZ	U	2,863.77	3,096.19	2,863.77	3,096.19	0.00
06/03/2008	CRPFRZ	N	-2,863.77	232.42	-20.00	232.42	0.00
06/03/2008	BILL	UN	116.21	3,096.19	121.21	252.42	0.00
06/03/2008	BILL	UN	116.21	2,979.98	121.21	131.21	0.00
06/03/2008	BSEGNC	mU	0.00	2,863.77	0.00	10.00	0.00
06/03/2008	CANB	U	-125.40	2,863.77	-125.40	10.00	0.00
06/03/2008	BSEGNC	mU	0.00	2,989.17	0.00	135.40	0.00

Financial Details...

Account Financial History: Haven, Francene

Help

Account... 0091 1366 6999 Name: Haven, Francene

Trans Date	Type	Service	Actual Amount	Actual Balance	Current Amount	Current Balance	Deposit on Hand
06/03/2008	BSEGEN	mU	0.00	2,989.17	0.00	135.40	0.00
06/03/2008	CANB	U	-125.40	2,989.17	-125.40	135.40	0.00
05/23/2008	BILL	cUN	125.40	3,114.57	130.40	260.80	0.00
04/24/2008	CRPFOR	N	-95.49	2,989.17	0.00	130.40	0.00
04/24/2008	BILL	cUN	125.40	3,084.66	130.40	130.40	0.00
04/04/2008	PAY	UN	-48.00	2,959.26	-48.00	0.00	0.00
03/26/2008	BILL	UN	25.00	3,007.26	30.00	48.00	0.00
03/03/2008	PAY	UN	-42.00	2,982.26	-42.00	18.00	0.00
02/26/2008	BILL	UN	25.00	3,024.26	30.00	60.00	0.00
02/01/2008	PAY	UN	-42.00	2,999.26	-42.00	30.00	0.00

Financial Details...

Account Financial History: Haven, Francene

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Account... 0091 1366 6999 Name: Haven, Francene

Trans Date	Type	Service	Actual Amount	Actual Balance	Current Amount	Current Balance	Deposit on Hand
02/01/2008	PAY	UN	-42.00	2,999.26	-42.00	30.00	0.00
01/28/2008	BILL	UN	25.00	3,041.26	30.00	72.00	0.00
12/27/2007	BILL	UN	18.00	3,016.26	21.00	42.00	0.00
12/07/2007	PAY	UN	-42.00	2,998.26	-42.00	21.00	0.00
11/26/2007	BILL	UN	18.00	3,040.26	21.00	63.00	0.00
10/24/2007	BILL	UN	18.00	3,022.26	21.00	42.00	0.00
09/25/2007	CRPFOR	N	-95.49	3,004.26	0.00	21.00	0.00
09/25/2007	BILL	UN	18.00	3,099.75	21.00	21.00	0.00
09/07/2007	PAY	UN	-41.99	3,081.75	-41.99	0.00	0.00
08/24/2007	BILL	UN	18.00	3,123.74	21.00	41.99	0.00

Financial Details...

Account Financial History: Haven, Francene

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Account... 0091 1366 6999 Name: Haven, Francene

Trans Date	Type	Service	Actual Amount	Actual Balance	Current Amount	Current Balance	Deposit on Hand
08/24/2007	BILL	UN	18.00	3,123.74	21.00	41.99	0.00
08/07/2007	PAY	UN	-21.00	3,105.74	-21.00	20.99	0.00
07/26/2007	BILL	UN	18.00	3,126.74	21.00	41.99	0.00
07/02/2007	PAY	UN	-21.00	3,108.74	-21.00	20.99	0.00
06/26/2007	BILL	UN	17.99	3,129.74	20.99	41.99	0.00
05/25/2007	CRPFOR	N	-95.49	3,111.75	0.00	21.00	0.00
05/25/2007	BILL	UN	18.00	3,207.24	21.00	21.00	0.00
05/07/2007	PAY	UN	-21.00	3,189.24	-21.00	0.00	0.00
04/26/2007	CRPFOR	N	-95.49	3,210.24	0.00	21.00	0.00
04/26/2007	BILL	UN	18.00	3,305.73	21.00	21.00	0.00

Financial Details...

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 16, 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:

Ms. Francene Haven
7913 Williams Avenue
Philadelphia, PA 19150

June 16, 2009



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