



Philadelphia Gas Works

800 West Montgomery Avenue, Philadelphia, PA 19122

Kristine Trock, Paralegal

Legal Department

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July 10, 2009

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

Re: Sorena Gary v. PGW, Docket No. C – 2009 – 2115227

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,


Kristine Trock

Enclosure

cc: Ms. Sorena Gary (Regular Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Sorena Gary

v.

Philadelphia Gas Works

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Docket No. C – 2009 – 2115227

NOTICE TO PLEAD

To: Sorena Gary, 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,

July 10, 2009



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sorena Gary

v.

Philadelphia Gas Works

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Docket No. C – 2009 – 2115227

**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 24, 2009, the Complainant filed a formal complaint against PGW with the Commission under Docket No. C – 2009 – 2115227, averring that PGW has given the Complainant a notice that his gas service to 89 E. Herman Street, 2nd Floor, Philadelphia, Pennsylvania (Service Address) will be terminated.
2. The Complainant further avers that she can not afford the monthly payments and that PGW told her that there was nothing else than can be done.
3. In November 2006, the Complainant made application for PGW’s Customer Responsibility Program (CRP), a low-income customer assistance program.
4. The Complainant’s monthly CRP payment was calculated at \$168.10 per month based upon the household income information provided.
5. The Complainant’s outstanding balance at the time of his CRP enrollment was \$1,606.50. 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.
6. Since his enrollment in CRP in November 2006, 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.”

7. To date, the Complainant has failed to make \$504.30 in CRP payments to PGW and has earned no forgiveness of the frozen arrears.

8. The Complainant's income level and life circumstances have remained unchanged since November 2006 when he enrolled in CRP.

9. 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."

10. 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.

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

12. 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.

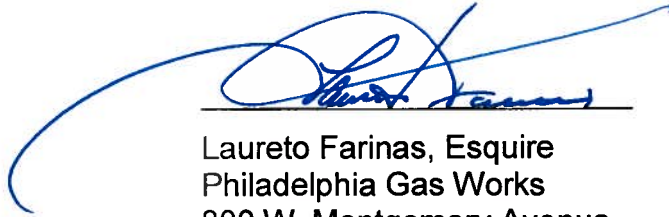
13. Pursuant to 66 Pa. C. S. §§ 1405(c), the Complainant's calculated monthly CRP payment is not subject to the creation of a payment agreement by negotiation.

14. With no authority to grant further relief to the Complainant in the form of a lower monthly CRP payment, the Commission should dismiss the Complaint.

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

Respectfully submitted,

July 10, 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- 1375229194

Customer Name	From Date	To Date
SORENA GARY	7/10/2005	7/10/2009

Service address	Account Number	SA Number	Meter	Rate
89 E HERMAN ST Apt 2F PHIL, PA 191442016	157661188	1375229194	1591784	GS

STATEMENT

Transaction Date	Type	Reading	Code	Reading	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Transaction Due Date	Transaction Amount	Current Balance	Actual Balance
12/22/2005	BILL	5769	R	5769	36	206	5.72	1017		01/18/2006	\$397.16	\$397.16	\$397.16
01/25/2006	LPC						0.00				\$5.95	\$403.11	\$403.11
01/25/2006	BILL	5931	R	5931	34	162	4.76	816		02/17/2006	\$342.68	\$745.79	\$745.79
02/25/2006	LPC						0.00				\$11.09	\$756.88	\$756.88
02/25/2006	BILL	6083	R	6083	30	152	5.07	819		03/21/2006	\$311.36	\$1,068.24	\$1,068.24
03/07/2006	CRPFRZ						0.00				(\$1,068.24)	\$0.00	\$0.00
03/24/2006	BILL	6193	R	6193	28	110	3.93	685		04/19/2006	\$130.00	\$130.00	\$130.00
03/31/2006	PAY						0.00		Check		(\$97.74)	\$32.26	\$32.26
04/13/2006	BOLIHP						0.00				\$97.74	\$130.00	\$130.00
04/25/2006	BILL	6250	R	6250	32	57	1.78	330		05/18/2006	\$130.00	\$260.00	\$260.00
05/24/2006	BILL	6284	R	6284	29	34	1.17	138		06/19/2006	\$130.00	\$390.00	\$390.00
06/05/2006	PAY						0.00		Check		(\$34.21)	\$355.79	\$355.79
06/23/2006	BILL	6317	R	6317	30	33	1.10	4		07/19/2006	\$130.00	\$485.79	\$485.79
07/25/2006	BILL	6352	R	6352	32	35	1.09	0		08/17/2006	\$130.00	\$615.79	\$615.79
08/23/2006	BILL	6381	R	6381	29	29	1.00	0		09/18/2006	\$130.00	\$745.79	\$745.79
09/22/2006	BILL	6413	R	6413	30	32	1.07	19		10/17/2006	\$130.00	\$875.79	\$875.79
10/12/2006	BPTOCG						0.00				\$123.23	\$999.02	\$999.02
10/12/2006	PAY						0.00		Credit Card		(\$193.76)	\$805.26	\$805.26
10/12/2006	CRPFRZ						0.00				\$929.98	\$1,735.24	\$1,735.24
10/23/2006	LPC						0.00				\$10.42	\$1,745.66	\$1,745.66
10/23/2006	BILL	6447	R	6447	29	34	1.17	132		11/15/2006	\$74.23	\$1,819.89	\$1,819.89
11/09/2006	CRPFRZ						0.00				(\$1,819.89)	\$0.00	\$0.00

Transaction Date	Type	Reading	Reading Code	Reading	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
11/22/2006	BILL	6520	R		32	73	2.28	461		12/15/2006	\$168.10	\$168.10	\$168.10
12/26/2006	BILL	6626	R		30	106	3.53	701		01/22/2007	\$168.10	\$336.20	\$336.20
12/29/2006	PAY						0.00		Credit Card		(\$168.10)	\$168.10	\$168.10
01/05/2007	PAY						0.00		Check		(\$98.25)	\$69.85	\$69.85
01/22/2007	BOLIHP						0.00				\$98.25	\$168.10	\$168.10
01/26/2007	BILL	6793	R		35	167	4.77	862		02/21/2007	\$168.10	\$336.20	\$336.20
02/23/2007	PAY						0.00		Credit Card		(\$336.20)	\$0.00	\$0.00
02/26/2007	BILL	7020	R		29	227	7.83	1195		03/21/2007	\$168.10	\$168.10	\$168.10
03/26/2007	BILL	7155	R		28	135	4.82	752		04/19/2007	\$168.10	\$336.20	\$336.20
04/20/2007	PAY						0.00		Credit Card		(\$167.02)	\$169.18	\$169.18
04/25/2007	BILL	7276	R		32	121	3.78	493		05/18/2007	\$168.10	\$337.28	\$337.28
05/11/2007	PAY						0.00		Check		(\$392.99)	(\$55.71)	(\$55.71)
05/24/2007	BILL	7314	R		29	38	1.31	109		06/19/2007	\$168.10	\$112.39	\$112.39
06/01/2007	PAY						0.00		Cash		(\$112.39)	\$0.00	\$0.00
06/25/2007	BILL	7349	R		30	35	1.17	4		07/19/2007	\$168.10	\$168.10	\$168.10
07/25/2007	BILL	7384	R		32	35	1.09	0		08/17/2007	\$168.10	\$336.20	\$336.20
08/23/2007	BILL	7414	R		29	30	1.03	6		09/18/2007	\$168.10	\$504.30	\$504.30
08/24/2007	PAY						0.00		Cash		(\$168.00)	\$336.30	\$336.30
09/21/2007	PAY						0.00		Credit Card		(\$176.85)	\$159.45	\$159.45
09/24/2007	BILL	7450	R		30	36	1.20	13		10/17/2007	\$168.10	\$327.55	\$327.55
10/23/2007	BILL	7487	R		31	37	1.19	40		11/16/2007	\$168.10	\$495.65	\$495.65
11/09/2007	PAY						0.00		Check		(\$116.91)	\$378.74	\$378.74
11/16/2007	PAY						0.00		Cash		(\$324.21)	\$54.53	\$54.53
11/23/2007	BILL	7601	R		30	114	3.80	494		12/18/2007	\$168.10	\$222.63	\$222.63
11/26/2007	BOLIHP						0.00				\$116.91	\$339.54	\$339.54
12/26/2007	BILL	7800	R		30	199	6.63	912		01/22/2008	\$168.10	\$507.64	\$507.64
12/28/2007	PAY						0.00		Cash		(\$127.72)	\$379.92	\$379.92
01/25/2008	BILL	8014	R		34	214	6.29	937		02/20/2008	\$168.10	\$548.02	\$548.02
02/25/2008	BILL	8202	R		29	188	6.48	908		03/19/2008	\$168.10	\$716.12	\$716.12
02/26/2008	PAY						0.00		Credit Card		(\$169.97)	\$546.15	\$546.15
03/25/2008	BILL	8374	R		31	172	5.55	729		04/17/2008	\$168.10	\$714.25	\$714.25
04/04/2008	PAY						0.00		Check		(\$487.98)	\$226.27	\$226.27

Transaction Date	Type	Reading	Reading Code	Reading	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
04/16/2008	CRPRI						0.00				(\$226.27)	\$0.00	\$0.00
04/23/2008	BILL	8460	R	29	86	2.97	340	05/16/2008			\$168.10	\$168.10	\$168.10
05/22/2008	BILL	8498	R	29	38	1.31	190	06/17/2008			\$168.10	\$336.20	\$336.20
06/17/2008	PAY					0.00			Credit Card		(\$165.33)	\$170.87	\$170.87
06/23/2008	BILL	8534	R	30	36	1.20	19	07/17/2008			\$168.10	\$338.97	\$338.97
07/18/2008	PAY					0.00			Cash		(\$89.36)	\$249.61	\$249.61
07/23/2008	BILL	8567	R	32	33	1.03	0	08/15/2008			\$168.10	\$417.71	\$417.71
08/21/2008	BILL	8599	R	29	32	1.10	0	09/16/2008			\$168.10	\$585.81	\$585.81
09/22/2008	BILL	8631	R	30	32	1.07	4	10/15/2008			\$168.10	\$753.91	\$753.91
10/21/2008	BILL	8674	R	31	43	1.39	121	11/14/2008			\$168.10	\$922.01	\$922.01
11/04/2008	PAY					0.00			Cash		(\$116.18)	\$805.83	\$805.83
11/14/2008	PAY					0.00			Check		(\$268.10)	\$537.73	\$537.73
11/20/2008	BILL	8821	R	30	147	4.90	478	12/16/2008			\$168.10	\$705.83	\$705.83
11/28/2008	BOLHP					0.00					\$268.10	\$973.93	\$973.93
12/24/2008	BILL	9051	R	33	230	6.97	937	01/21/2009			\$168.10	\$1,142.03	\$1,142.03
01/26/2009	BILL	9432	R	32	381	11.91	1139	02/19/2009			\$168.10	\$1,310.13	\$1,310.13
02/24/2009	BILL	9768	R	31	336	10.84	975	03/19/2009			\$168.10	\$1,478.23	\$1,478.23
03/24/2009	BILL	9982	R	28	214	7.64	673	04/17/2009			\$168.10	\$1,646.33	\$1,646.33
03/27/2009	PAY					0.00			Check		(\$714.94)	\$931.39	\$931.39
04/23/2009	BILL	82	R	30	100	3.33	435	05/18/2009			\$168.10	\$1,099.49	\$1,099.49
05/22/2009	BILL	123	R	29	41	1.41	107	06/17/2009			\$168.10	\$1,267.59	\$1,267.59
06/23/2009	BILL	159	R	32	36	1.12	19	07/17/2009			\$168.10	\$1,435.69	\$1,435.69

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.

Philadelphia Gas Works

13.1.C.1.c. Group C: Participants whose gross household income has been verified as being greater than 100% – and up to and including 150% of FPL.

13.1.C.2. A CRP Participant will be responsible for paying the following rates for service or \$18 per month, whichever is greater.

13.1.C.2.a. Group A: 8% of gross income.

13.1.C.2.b. Group B: 9% of gross income.

13.1.C.2.c. Group C: 10% of gross income

13.1.D. Arrearages. Participants making regular monthly Customer Responsibility Payments will earn forgiveness on their pre-program Arrearages. The amount of and criteria applicable to Arrearage forgiveness shall be consistent with applicable Commission Orders. Participants choosing an NGS are responsible for all outstanding balances owed to PGW.

13.2. CONSERVATION WORKS PROGRAM (CWP). PGW shall establish fair, effective and efficient Gas usage reduction programs for low-Income Customers. Such programs are intended to maintain affordable Gas Service and to reduce uncollectible accounts and the collection and termination expenses of PGW by enabling low income Customers to conserve energy and reduce their Gas usage.

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.

July 10, 2009



Laureto Farinas, Esquire

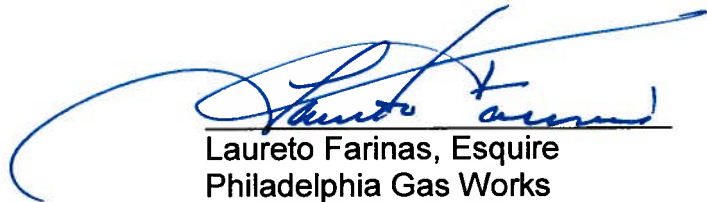
CERTIFICATE OF SERVICE

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. Sorena Gary
89 E. Herman Street, 2nd Floor
Philadelphia, PA 19144

July 10, 2009



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