



Philadelphia Gas Works

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August 3, 2009

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

Re: Cars R Us v. PGW, Docket No. C – 2008 – 2033437

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.553(d), the Philadelphia Gas Works ("PGW") hereby files the original and nine (9) copies of its Reply to Complainant's Exceptions 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".

Kristine Trock

Enclosure

cc: Mr. Holman Copeland (Regular Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

meter no. 201287 opened and allowed gas to flow to the Service Address.⁵ On June 21, 2007, a PGW serviceperson with a person from Southern Graphic Systems traced the fuel line through the Southern Graphic Systems building, which leads to the party wall to the Complainant's body shop business, where he could trace no further. The PGW serviceperson (PGW Witness, Wayne Carroll) walked around the block to the front entrance of the Complainant's business, announcing that he was from the gas company tracing a fuel line. He noticed two (2) big heater units, but did not get a chance to further investigate because the Complainant, Mr. Copeland rather adamantly asked him to leave his property. The PGW serviceperson, Carroll terminated gas service by removing the meter.⁶

On September 21, 2007, the Complainant contacted PGW to install gas service to the Service Address. PGW calculated the cost of the new service to be \$40,212 as the metering and piping apparatus that had been traced through the Southern Graphic Systems building could no longer be used and but rather routed from mains located in the street closer to the Complainant's building.

An Initial Hearing was held on March 30, 2009. An Initial Decision was issued on June 11, 2009 ("Initial Decision"). The Initial Decision dismissed the Complaint finding that it is more likely than not that the Complainant used the gas when it was available and that the Complainant used the gas estimated to be at \$4,137.03.

The Complainant filed a document in the nature of a request for an extension in time to file exceptions to the Initial Decision in the matter and a statement (exception) that the Complainant never had gas in the building. This reply follows.

⁴ Initial Decision, p. 5

⁵ Initial Decision, Findings of Fact 7, p. 3

⁶ Initial Decision, Findings of Fact 8, pp. 3 and 4

II. REPLY

A. The Complainant has Failed to Show Good Cause for the Commission to Grant the Complainant's Request for an Extension of Time in Which to File Exceptions.

The Commission issued the Initial Decision on June 11, 2009. By the cover letter of the Initial Decision, the Commission gave notice to the Complainant that exceptions were to be filed within twenty (20) days of that date July 1, 2009. Even though the Complainant alleges that he received the Initial Decision on July 8, 2009, the Complainant waited an additional 14 days before notifying the Commission of its need for more time. As such, this exception is beyond the permitted time to file exceptions. Further, the Complainant has failed to show good cause, pursuant to 52 Pa. Code §1.15, that the extension of time should be granted. The Commission should deny the Complainant's request for more time to file exceptions.

B. The Exception Fails To Show That Complainant Met the Burden of Proof That No Gas Was Used at the Service Address.

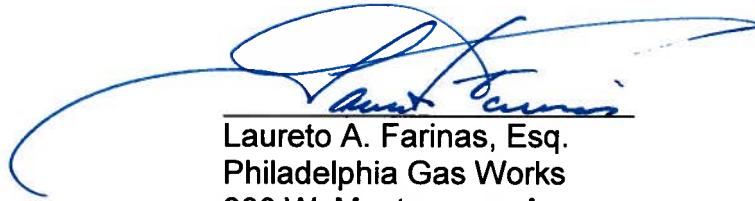
The Complainant's exception fails to point to any error in fact or law contained in the Initial Decision. The Exception merely restates the bald assertion that he did not use gas at the Service Address. The Complainant had failed to meet the burden of proof. The Initial Decision is replete with record evidence that more than substantially supporting the finding that it is more likely than not that the Complainant used the gas when it was available and that the Complainant used the gas estimated to be at \$4,137.03.

III. CONCLUSION

For the reasons stated above, the Commission should deny the Complainant's request for additional time in which to file exceptions to the Initial Decision and deny the Complainants exception to the Initial Decision.

Respectfully submitted,

August 3, 2009



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

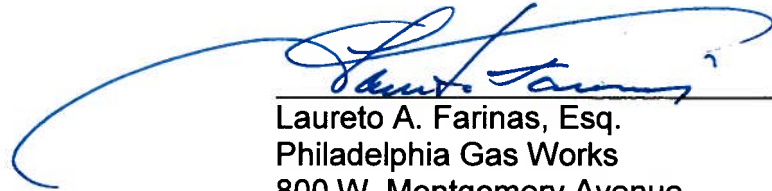
CERTIFICATE OF SERVICE

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:

**Mr. Holman Copeland
Cars R Us Collision
3001 Stokley Street
Philadelphia, PA 19129**

August 3, 2009



Laureto A. Farinas, Esq.
Philadelphia Gas Works
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Philadelphia, PA 19122