



Philadelphia Gas Works

800 West Montgomery Avenue, Philadelphia, PA 19122

Kristine Trock, Paralegal

Legal Department

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August 12, 2009

Ms. Annternet Lee
1644 Foulkrod Street
Philadelphia, PA 19124

Re: Annternet Lee v. PGW, Docket No. C – 2009 – 2120359

Dear Ms. Lee:

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 ten (10) 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,

A handwritten signature in blue ink that reads "Kristine Trock". The signature is written in a cursive, flowing style.

Kristine Trock

Enclosure

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



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August 12, 2009

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

Re: Annternet Lee v. PGW, Docket No. C – 2009 – 2120359

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, appearing to read "Kristine Trock". The signature is written in a cursive, flowing style.

Kristine Trock

Enclosure

cc: Ms. Annternet Lee (Regular Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Annternet Lee

v.

Philadelphia Gas Works

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Docket No. C – 2009 – 2120359

NOTICE TO PLEAD

To: Annternet Lee, 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,

August 12, 2009



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Annternet Lee

v.

Philadelphia Gas Works

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Docket No. C – 2009 – 2120359

**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 July 23, 2009, the Complainant filed a formal complaint against PGW with the Commission under Docket No. C-2009-21203559, averring that PGW has given the Complainant a notice that his gas service to 1644 Foulkrod Street, Philadelphia, Pennsylvania (Service Address) will be terminated.
2. The Complainant had previously enrolled in PGW’s Customer Responsibility Program (CRP).
3. The Complainant’s monthly CRP payment was calculated at \$32.68 per month based upon the household income information provided.
4. The Complainant’s outstanding balance at the time of her CRP enrollment was approximately \$5,115.75. 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.
5. Since her enrollment in CRP in April 2009, the Complainant has failed to make any payments of the \$32.68 to PGW, as shown on the statement of account, which is attached hereto as Exhibit “A.”
6. To date, the Complainant has failed to make \$110.72 in CRP payments to PGW and has earned no forgiveness of the frozen arrears.
7. The Complainant’s income level and life circumstances have remained unchanged since April 2009 when she enrolled in CRP.

8. 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."

9. 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.

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

11. 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.

12. 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.

13. 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,

August 12, 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- 5461972688

Customer Name	From Date	To Date
ANNTERNET LEE	6/1/2005	8/11/2009

Service address	Account Number	SA Number	Meter	Rate
1644 FOULKROD ST PHIL, PA 191242739	9114077570	5461972688	1538414	GS

STATEMENT

Transaction Date	Type	Reading	Reading Code	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
07/14/2005	BILL	7927	R	20	14	0.70	0		08/08/2005	\$33.10	\$33.10	\$33.10
08/15/2005	BILL	7948	R	30	21	0.70	0		09/08/2005	\$43.64	\$76.74	\$76.74
09/15/2005	BILL	7971	R	33	23	0.70	0		10/10/2005	\$47.45	\$124.19	\$124.19
10/14/2005	BILL	7992	R	29	21	0.72	32		11/08/2005	\$47.22	\$171.41	\$171.41
10/25/2005	CRPFRZ					0.00				(\$171.41)	\$0.00	\$0.00
11/15/2005	BILL	8052	R	32	60	1.88	341		12/09/2005	\$101.25	\$101.25	\$101.25
12/15/2005	BILL	8195	R	30	143	4.77	833		01/11/2006	\$101.25	\$202.50	\$202.50
01/18/2006	BILL	8369	R	34	174	5.12	903		02/10/2006	\$101.25	\$303.75	\$303.75
01/19/2006	XFER					0.00				(\$301.45)	\$2.30	\$2.30
02/16/2006	BILL	8539	R	29	170	5.86	731		03/14/2006	\$101.25	\$103.55	\$103.55
03/17/2006	BILL	8677	R	29	138	4.76	739		04/11/2006	\$101.25	\$204.80	\$204.80
04/17/2006	PAY					0.00		Cash		(\$103.55)	\$101.25	\$101.25
04/18/2006	BILL	8771	R	29	94	3.24	477		05/11/2006	\$101.25	\$202.50	\$202.50
05/17/2006	BILL	8802	R	32	31	0.97	156		06/12/2006	\$101.25	\$303.75	\$303.75
06/16/2006	PAY					0.00		Cash		(\$101.74)	\$202.01	\$202.01
06/16/2006	BILL	8827	R	30	25	0.83	34		07/12/2006	\$101.26	\$303.27	\$303.27
07/18/2006	BILL	8849	R	32	22	0.69	0		08/10/2006	\$101.25	\$404.52	\$404.52
08/16/2006	BILL	8867	R	29	18	0.62	0		09/11/2006	\$101.25	\$505.77	\$505.77
08/17/2006	PAY					0.00		Cash		(\$109.03)	\$396.74	\$396.74
09/13/2006	PAY					0.00		Cash		(\$98.17)	\$298.57	\$298.57
09/15/2006	BILL	8888	R	30	21	0.70	7		10/10/2006	\$101.26	\$399.83	\$399.83
09/29/2006	PAY					0.00		Cash		(\$121.40)	\$278.43	\$278.43

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
10/11/2006	PAY						0.00		Cash		(\$24.28)	\$254.15	\$254.15
10/16/2006	BILL	8913	R	29	25	0.86	0.86	123	Cash	11/08/2006	\$101.25	\$355.40	\$355.40
11/13/2006	PAY						0.00		Cash		(\$77.70)	\$277.70	\$277.70
11/15/2006	BILL	8999	R	32	86	2.69	2.69	400	Credit Card	12/08/2006	\$181.85	\$459.55	\$459.55
11/17/2006	PAY						0.00		Credit Card		(\$194.24)	\$265.31	\$265.31
11/17/2006	CRPRI						0.00				(\$265.31)	\$0.00	\$0.00
12/15/2006	BILL	9128	R	30	129	4.30	4.30	587	Credit Card	01/12/2007	\$181.84	\$181.84	\$181.84
01/12/2007	PAY						0.00		Credit Card		(\$181.84)	\$0.00	\$0.00
01/19/2007	BILL	9277	R	35	149	4.26	4.26	744	Check	02/13/2007	\$181.85	\$181.85	\$181.85
01/26/2007	PAY						0.00		Check		(\$90.99)	\$90.86	\$90.86
02/12/2007	BOLIHP						0.00				\$90.99	\$181.85	\$181.85
02/13/2007	PAY						0.00		Cash		(\$181.85)	\$0.00	\$0.00
02/16/2007	BILL	9501	R	28	224	8.00	8.00	1105	Cash	03/14/2007	\$181.85	\$181.85	\$181.85
03/14/2007	PAY						0.00		Credit Card		(\$181.85)	\$0.00	\$0.00
03/19/2007	BILL	9694	R	29	193	6.66	6.66	921	Credit Card	04/12/2007	\$181.85	\$181.85	\$181.85
04/18/2007	BILL	9830	R	32	136	4.25	4.25	614	Credit Card	05/11/2007	\$181.85	\$363.70	\$363.70
05/17/2007	BILL	9869	R	29	39	1.34	1.34	141	Credit Card	06/12/2007	\$181.85	\$545.55	\$545.55
06/18/2007	BILL	9897	R	30	28	0.93	0.93	25	Credit Card	07/12/2007	\$181.85	\$727.40	\$727.40
07/15/2007	PAY						0.00		Check		(\$90.99)	\$636.41	\$636.41
07/15/2007	PAY						0.00		Credit Card		(\$91.00)	\$545.41	\$545.41
07/17/2007	PAY						0.00		Cash		(\$37.17)	\$508.24	\$508.24
07/18/2007	BILL	9922	R	32	25	0.78	0.78	0	Cash	08/10/2007	\$181.85	\$690.09	\$690.09
07/22/2007	PAY						0.00		Check		(\$326.39)	\$363.70	\$363.70
07/28/2007	PAY						0.00		Credit Card		(\$145.59)	\$218.11	\$218.11
08/06/2007	CANP						0.00		Credit Card		\$326.39	\$544.50	\$544.50
08/06/2007	NSFPAY						0.00				\$0.00	\$544.50	\$544.50
08/06/2007	NSFCCHA						0.00				\$20.00	\$564.50	\$564.50
08/16/2007	BILL	9943	R	29	21	0.72	0.72	0	Check	09/11/2007	\$181.85	\$746.35	\$746.35
09/17/2007	BILL	9966	R	30	23	0.77	0.77	17	Check	10/10/2007	\$181.85	\$928.20	\$928.20
10/15/2007	PAY						0.00		Cash		(\$236.74)	\$691.46	\$691.46
10/16/2007	BILL	9992	R	31	26	0.84	0.84	51	Cash	11/08/2007	\$181.85	\$873.31	\$873.31
11/09/2007	PAY						0.00		Check		(\$91.69)	\$781.62	\$781.62

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
11/12/2007	PAY						0.00		Cash		(\$272.98)	\$508.64	\$508.64
11/15/2007	BILL	47	R	30	55	1.83	338		Cash	12/11/2007	\$181.85	\$690.49	\$690.49
11/26/2007	BOLIHP					0.00					\$91.69	\$782.18	\$782.18
12/17/2007	BILL	180	R	30	133	4.43	816			01/14/2008	\$181.85	\$964.03	\$964.03
01/17/2008	BILL	325	R	33	145	4.39	869			02/12/2008	\$181.85	\$1,145.88	\$1,145.88
01/22/2008	PAY					0.00			Credit Card		(\$274.09)	\$871.79	\$871.79
02/14/2008	PAY					0.00			Check		(\$273.81)	\$597.98	\$597.98
02/15/2008	BILL	500	R	29	175	6.03	875			03/12/2008	\$181.85	\$779.83	\$779.83
02/24/2008	PAY					0.00			Credit Card		(\$183.79)	\$596.04	\$596.04
02/25/2008	PAY					0.00			Credit Card		(\$91.03)	\$505.01	\$505.01
03/17/2008	BILL	653	R	29	153	5.28	791			04/10/2008	\$181.85	\$686.86	\$686.86
03/19/2008	PAY					0.00			Credit Card		(\$90.99)	\$595.87	\$595.87
03/21/2008	PAY					0.00			Credit Card		(\$50.16)	\$545.71	\$545.71
03/24/2008	PAY					0.00			Check		(\$91.00)	\$454.71	\$454.71
04/04/2008	CRPFRZ					0.00					\$2,610.91	\$3,065.62	\$3,065.62
04/04/2008	CRPRI					0.00					\$68.29	\$3,133.91	\$3,133.91
04/08/2008	CRPFRZ					0.00					(\$3,133.91)	\$0.00	\$0.00
04/08/2008	BPTOCC					0.00					\$123.23	\$123.23	\$123.23
04/08/2008	PAY					0.00			Cash		(\$123.23)	\$0.00	\$0.00
04/16/2008	BILL	723	R	32	70	2.19	526			05/09/2008	\$215.38	\$215.38	\$215.38
05/15/2008	BILL	748	R	29	25	0.86	164			06/10/2008	\$215.38	\$430.76	\$430.76
06/16/2008	BILL	769	R	30	21	0.70	66			07/10/2008	\$215.38	\$646.14	\$646.14
07/16/2008	BILL	786	R	32	17	0.53	0			08/08/2008	\$215.38	\$861.52	\$861.52
08/14/2008	BILL	800	R	29	14	0.48	0			09/09/2008	\$215.38	\$1,076.90	\$1,076.90
09/15/2008	BILL	814	R	30	14	0.47	0			10/08/2008	\$215.38	\$1,292.28	\$1,292.28
09/22/2008	PAY					0.00			Check		(\$96.75)	\$1,195.53	\$1,195.53
10/14/2008	BILL	831	R	31	17	0.55	62			11/06/2008	\$215.38	\$1,410.91	\$1,410.91
11/13/2008	BILL	850	R	30	19	0.63	387			12/09/2008	\$215.38	\$1,626.29	\$1,626.29
11/14/2008	PAY					0.00			Check		(\$293.19)	\$1,333.10	\$1,333.10
11/28/2008	BOLIHP					0.00					\$293.19	\$1,626.29	\$1,626.29
12/17/2008	BILL	982	R	33	132	4.00	830			01/14/2009	\$215.38	\$1,841.67	\$1,841.67
01/16/2009	BILL	1129	R	31	147	4.74	971			02/11/2009	\$215.38	\$2,057.05	\$2,057.05

Transaction Date	Type	Reading	Reading Code	# of Days	CCF Usage	Average CCF/Days	Heating	Heating	Payment	Transaction	Current	Actual
							DDP's	Type	Amount	Balance	Balance	
02/17/2009	BILL	1295	R	29	166	5.72	1077			\$215.38	\$2,272.43	\$2,272.43
03/17/2009	BILL	1412	R	31	117	3.77	823			\$215.38	\$2,487.81	\$2,487.81
04/08/2009	BPTOCG					0.00				\$123.23	\$2,611.04	\$2,611.04
04/08/2009	BPTOCW					0.00				(\$123.23)	\$2,487.81	\$2,487.81
04/17/2009	BILL	1465	R	30	53	1.77	507			\$27.68	\$2,515.49	\$2,515.49
05/15/2009	BILL	1502	R	29	37	1.28	157			\$27.68	\$2,543.17	\$2,543.17
06/16/2009	BILL	1529	R	32	27	0.84	36			\$27.68	\$2,570.85	\$2,570.85
07/16/2009	BILL	1552	R	30	23	0.77	3			\$27.68	\$2,598.53	\$2,598.53

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.

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.

August 12, 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. Annternet Lee
1644 Foulkrod Street
Philadelphia, PA 19124

August 12, 2009



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