



Philadelphia Gas Works

800 West Montgomery Avenue, Philadelphia, PA 19122

Kristine Trock, Paralegal

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October 15, 2009

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

Re: F & F Acquisitions, Inc. v. PGW, Docket No. F – 2009 – 2132069

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 black ink, appearing to read "Kristine Trock", is written over a horizontal line.

Kristine Trock

Enclosure

cc: F & F Acquisitions, Inc. (Regular Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

F & F Acquisitions, Inc.

v.

Philadelphia Gas Works

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:
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:
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: Docket No. F – 2009 – 2132069

NOTICE TO PLEAD

To: F & F Acquisitions, Inc., 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,

October 15, 2009



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

5. The Complaint requests that the Commission grant relief by “placing the balance in the previous tenant’s name” and release the Complainant from the charge.

6. The Commission’s Rules of Administrative Practice and Procedure at 52 Pa. Code §5.101(a)(5) state that Preliminary Objections may be available to parties and be limited to, *inter alia*, “nonjoinder of a necessary party...”
52 Pa. Code §5.101(a) (5) (Emphasis added)

7. In this case, as the Complainant seeks to have the remaining \$8.45 placed back into his former tenant’s account, stating that she is the responsible party.

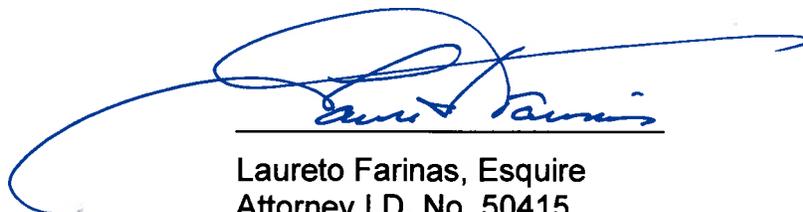
8. If the Complainant is successful, the rights of his tenant, Ms. Hurst will be affected. As such, Ms. Hurst is a necessary party to this proceeding.

9. The Complainant’s request for relief ignores the holding of this Commission in *Afshari v. PPL Electric Utilities Corporation and Kim and Mike Fantazier*, Docket No. C – 20055547, Entered April 9, 2008, requiring that the tenant be joined as a party to this matter.

Wherefore, PGW respectfully requests that this Commission sustain PGW’s preliminary objection to the Complaint and issue an order requiring the Complainant to join his tenant Ms. Monica Hurst as a party to this proceeding.

Respectfully submitted,

October 15, 2009



Laureto Farinas, Esquire
Attorney I.D. No. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

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.

October 15, 2009



Laureto Farinas
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:

F & F Acquisitions, Inc.
13 Creekview Terrace
Lafayette Hill, PA 19444

October 15, 2009



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