



Philadelphia Gas Works

800 West Montgomery Avenue, Philadelphia, PA 19122

Kristine Trock, Paralegal

Legal Department

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February 1, 2010

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

Re: Tyrone Thomas v. PGW, Docket No. C – 2010 – 2151886

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: Rhonda Hill Wilson, Esquire (Regular Mail)
Mr. Tyrone Thomas (Regular Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Tyrone Thomas,
Complainant**

v.

**Philadelphia Gas Works,
Respondent**

:
:
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:

Docket No. C – 2010 – 2151886

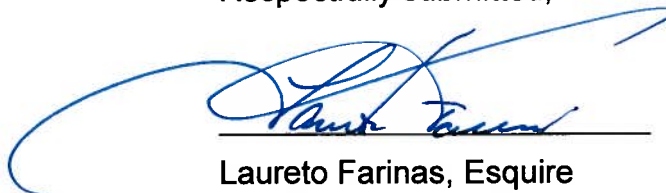
NOTICE TO PLEAD

To: Tyrone Thomas, 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 a judgment may be entered against you.

Respectfully submitted,

February 1, 2010



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tyrone Thomas,	:	
Complainant	:	
v.	:	Docket No. C – 2010 – 2151886
	:	
Philadelphia Gas Works,	:	
Respondent	:	

**Philadelphia Gas Works'
Preliminary Objection to the Complaint**

Pursuant to 52 Pa. Code §§5.61 and 5.101(a)(3), the Philadelphia Gas Works ("PGW") hereby files its Preliminary Objection to the Complaint filed in the above captioned matter on the grounds that there is insufficient specificity of the one pleading of the Complaint. PGW hereby avers the following:

1. On or about January 11, 2010, the Complainant filed a formal complaint against PGW with the Commission under Docket No. C -2010-2151886 regarding three account numbers associated with 2101 N. Wanamaker Street, 1st and 2nd Floors, Philadelphia, Pennsylvania (Service Address), which is attached hereto as Exhibit "A." This Service Address is not the Complainant's mailing address as listed in the complaint.
2. The Complaint, Paragraph 4 contains no further factual averments or description of circumstances in support of the averment that there is a complaint.
3. The Complainant is not the Customer of Record on any gas account for the Service Address.
4. A search of PGW records does not reveal a connection between the Complainant and the Service Address.
5. According to the Board of Revision of Taxes document, which is attached hereto as Exhibit "A," shows the owner of the Service Address to be Gertrude Payne.
6. A further search of PGW records found that letter informing Gertrude Payne of an impending filing of a lien pursuant to the Municipal Claim

and Tax Lien Law, Act 153 of 1923, P.L. 207 53 P.S. §7101, the City of Philadelphia, on behalf of PGW, reserves the right to collect on debt owed to PGW for gas service to the Service Address.

7. The Complainant does not aver any specific relationship to Gertrude Payne, the owner of the Service Address that would enable the Complainant to speak on her behalf.

8. Under the Commission's Rules of Administrative Practice and Procedure at 52 Pa. Code §5.101, the treatment of preliminary objections is comparable to that of Pennsylvania civil practice. (See: Order Sustaining Preliminary Objection in *Paul W. Fricker v. PECO Energy Company*, Docket No. C-2009-2094757 (May 21, 2009))

The Commission's regulations provide, in relevant part:

(a) *Grounds.* Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections...must state specifically the legal and factual grounds relied upon and be limited to the following:

(3) Insufficient specificity of a pleading.

(5) Lack of capacity to sue,...
52 Pa. Code §§5.101(a) (3) and (5)¹

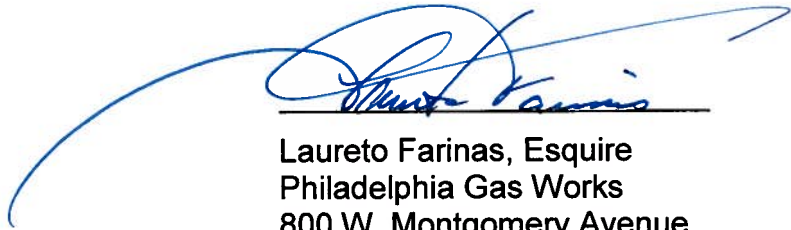
9. The Complaint, in its current form, fails to show significant connection to the Customer of Record, the owner of the Service Address or to any gas user at not aver any specific relationship to Gertrude Payne, the owner of the Service Address or to any gas user at 2101 N. Wanamaker Street. Thus, the Complaint containing the pleading of "other" with a plea to dissolve the bill, lacks sufficient specificity to permit the drafting of meaningful answer for filing with this Commission.

¹ 52 Pa. Code §§5.101(a) (3) and (5) emphasis added.

Wherefore, PGW respectfully requests that this Commission sustain PGW's preliminary objection on the grounds of insufficient specificity of pleading in the Complaint, pursuant to 52 Pa. Code §5.101(a)(3).

Respectfully submitted,

February 1, 2010



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

EXHIBIT A



The Board of Revision of Taxes

Property Location	
Address:	2101 N WANAMAKER ST
Unit Number:	
Zip Code:	19131-3022

Owner Information	
Owner(s):	PAYNE GERTRUDE
Account Number:	522228800
Mailing Address:	PAYNE GERTRUDE, 532 ELM AVE UPPER DARBY PA, 19082-2125

Property Characteristics	
Land Area:	1253.86 SqFt
Improvement Description:	ROW 2 STY MASONRY
Improvement Area:	1863 SqFt
Beginning Point:	NEC LEBANON AVE
Exterior Condition:	Average

Certified Values for 2010	
Market Value:	\$44,100
Assessed Land (Taxable):	\$2,142
Assessed Improvement (Taxable):	\$11,970
Assessed Land (Exempt):	\$0
Assessed Improvement (Exempt):	\$0
Total Assessment:	\$14,112

Sale Information	
Sale Date:	10/22/1980
Sale Price:	\$23,000
Tax Information	
Real Estate Tax:	\$1,166.22

Certified Values							
Year	Market Value	Assessed Land (Taxable)	Assessed Land (Exempt)	Assessed Improvement (Taxable)	Assessed Improvement (Exempt)	Total Assessment	Gross Tax
2010	\$44,100	\$2,142	\$0	\$11,970	\$0	\$14,112	\$1,166.22
2009	\$44,100	\$2,142	\$0	\$11,970	\$0	\$14,112	\$1,166.22
2008	\$44,100	\$2,142	\$0	\$11,970	\$0	\$14,112	\$1,166.22
2007	\$43,600	\$2,118	\$0	\$11,834	\$0	\$13,952	\$1,152.99
2006	\$43,600	\$2,118	\$0	\$11,834	\$0	\$13,952	\$1,152.99
2005	\$43,600	\$2,118	\$0	\$11,834	\$0	\$13,952	\$1,152.99
2004	\$43,600	\$2,118	\$0	\$11,834	\$0	\$13,952	\$1,152.99

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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.

February 1, 2010



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:

Mr. Tyrone Thomas
1131 West Thompson Street
Philadelphia, PA 19122

Rhonda Hill Wilson, Esquire
1500 JFK Boulevard, Suite 820
Philadelphia, PA 19102

February 1, 2010



Laureto Farinas, Esquire
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