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March 15, 2010

VIA FEDERAL EXPRESS

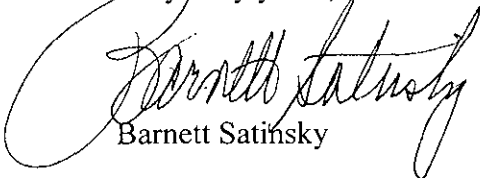
James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**Re: Ellington Condominium Association v. Trigen-Philadelphia
Energy Corporation
Docket No. C-2009-2092612**

Dear Secretary McNulty:

Enclosed for filing are an original and three (3) copies of Trigen-Philadelphia Energy Corporation's Motion for Sanctions in the above-referenced matter. Kindly date-stamp one of the extra copies of this letter and the Certificate of Service, and return them to me in the self-addressed, stamped envelope provided. Thank you for your cooperation.

Very truly yours,



Barnett Satinsky

BS:cs

Enclosures

cc: All parties listed on Certificate of Service (w/enclosure)
Administrative Law Judge Cynthia Williams Fordham (via hand delivery, w/enclosure)
Lawrence W. Plitch, Esq. (via email, w/enclosure)
Mr. Michael J. Smedley (via email, w/enclosure)
Christine Soares, Esquire (via email, w/enclosure)

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**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ellington Condominium Association :

v. :

Trigen-Philadelphia Energy :
Corporation :

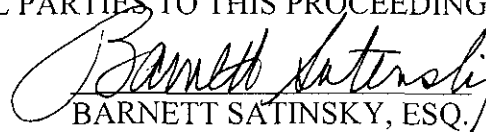
Docket No: C-2009-2092612

NOTICE TO PLEAD

To: Richard Rochlin, Esquire
Scott P. Sigman, Esquire
Sigman & Rochlin, LLC
1515 Market Street, Suite 1360
Philadelphia, PA 19102

YOU ARE HEREBY PUT ON NOTICE THAT, PURSUANT TO 52 PA. CODE § 5.103, YOU HAVE TWENTY (20) DAYS FROM SERVICE OF THE ENCLOSED MOTION TO FILE A RESPONSIVE PLEADING, UNLESS A DIFFERENT PERIOD OF TIME IS FIXED BY THE COMMISSION OR THE PRESIDING OFFICER.

YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION WITH COPIES TO THE PRESIDING ADMINISTRATIVE LAW JUDGE AND ALL PARTIES TO THIS PROCEEDING.



BARNETT SATINSKY, ESQ.
PA Attorney I.D. #15767
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2000 Market Street, 20th Floor
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MAR 15 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

*Attorneys for Trigen-Philadelphia Energy
Corporation*

DATED: March 15, 2010

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ellington Condominium Association :
 :
 v. : **Docket No: C-2009-2092612**
 :
Trigen-Philadelphia Energy :
Corporation :

TRIGEN-PHILADELPHIA ENERGY CORPORATION'S MOTION FOR SANCTIONS

Respondent Trigen-Philadelphia Energy Corporation ("Trigen"), by its attorneys, pursuant to 52 Pa. Code § 5.103, files this Motion for Sanctions against Ellington Condominium Association ("Ellington"), the basis of which is as follows:

BACKGROUND

1. The instant matter is a complaint proceeding commenced by Ellington against Trigen alleging that Ellington was charged incorrectly for steam consumption during a period of three months in 2008.

2. In her Prehearing Order dated December 9, 2009, Administrative Law Judge Cynthia Williams Fordham directed, inter alia, that Complainant "make payments on the undisputed amount of the bill pending a final Commission Order in this matter." A copy of the December 9, 2009 Prehearing Order is attached hereto as Exhibit "A."

3. Prior to January 29, 2010, Ellington paid to Trigen \$58,834.84, representing the undisputed principal portion of the bills in question. However, Trigen's tariff provides for a 2% per month finance charge on the base amount of any unpaid balance, which as applied to the \$58,834.84 was approximately \$16,000. The \$16,000 finance charge on the undisputed portion of the bills in question was not paid and has not been paid to date.

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SECRETARY'S BUREAU

4. During a January 29, 2010 scheduling conference call among counsel for Ellington, counsel for Trigen and the Administrative Law Judge, Trigen requested the Administrative Law Judge to clarify the December 9, 2009 Order and to specifically require that Ellington pay the \$16,000 finance charge pending resolution of this matter.

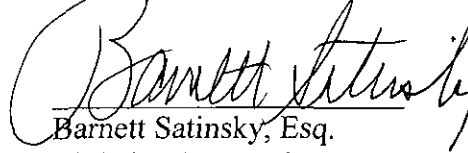
5. By Prehearing Order #3, issued January 29, 2010, a copy of which is attached as Exhibit "B", the Administrative Law Judge directed, in relevant part:

"1. That the Complainant shall make payments on the undisputed amount of the bill pending a final Commission Order in this matter. This includes the finance charges on the undisputed amount."

6. Notwithstanding the terms of the December 9, 2009 Prehearing Order and the January 29, 2010 Prehearing Order #3, and the passage of more than 30 additional days, Ellington has neither paid the requisite \$16,000 nor offered any explanation for its failure and refusal to do so.

WHEREFORE, Trigen-Philadelphia Energy Corporation requests that an order be entered dismissing Ellington's Complaint for its failure to comply with the terms of the January 29, 2010 Prehearing Order #3, and granting such other relief as is just and proper.

Respectfully submitted,



Barnett Satinsky, Esq.

Christine Soares, Esquire

FOX ROTHSCHILD LLP

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Philadelphia, PA 19103-3222

(215) 299-2088/2864

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bsatinsky@foxrothschild.com

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Attorneys for Trigen-Philadelphia Energy Corporation

Dated: March 15, 2010

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ellington Condominium Association :

v. :

Trigen-Philadelphia Energy Corporation :

Docket No: C-2009-2092612

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served a true copy of Trigen-Philadelphia Energy Corporation's Motion for Sanctions upon the participants listed below, in accordance with the requirements of 52 Pa. Code § 1.54 by the methods set forth below, postage prepaid.

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(By Federal Express)

Cynthia Williams Fordham, ALJ
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
(By Hand Delivery)

Richard A. Rochlin, Esquire
Scott Sigman, Esquire
Sigman & Rochlin LLC
1515 Market Street, Suite 1410
Philadelphia, PA 19102
(By Hand Delivery)



BARNETT SATINSKY, ESQUIRE
CHRISTINE SOARES, ESQUIRE
Fox Rothschild LLP
Attorneys for Trigen-Philadelphia Energy
Corporation

Dated: March 15, 2010

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ellington Condominium Association :
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v. :
 :
Trigen-Philadelphia Energy Corporation :

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SECRETARY'S BUREAU

PREHEARING ORDER

On November 19, 2009, I was assigned as the presiding officer in this case. The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. This case is scheduled to be heard in an available hearing room on the 4th floor at 801 Market Street on Wednesday, February 3, 2010 at 10:00 a.m. (The entrance is on 8th Street.)

On February 23, 2009, Ellington Condominium Association ("Association" or "Complainant") filed a complaint with the Pennsylvania Public Utility Commission ("Commission") against Trigen-Philadelphia Energy Corporation ("Trigen" or "Respondent") alleging, among other things, the following: that there are incorrect charges on the bill; that the bill for service from June 12, 2008 through July 14, 2008 was \$83,678.02 for 4,078.9 Mlbs of steam; that the bill was more than quadruple the Complainant's average usage over the past seven years; that the bill for service from July 14, 2008 through August 8, 2008 was \$34,852.56 for 1,807.9 Mlbs of steam; that since this bill was in line with past bills for that time period the Complainant paid the bill; that the bill for service from August 8, 2008 through September 9, 2008 was \$58,791.39 for 3,610.6 Mlbs of steam; that the bill was more than triple the Complainant's average usage over the past seven years; that when the Complainant complained, the Respondent denied that there was a problem with the meter. The Complainant wants the Respondent to acknowledge that the bills for the periods of June 12 through July 14, 2008, and August 8 through September 9, 2008, are not accurate and to make adjustments to those bills.

On March 23, 2009, Anthony J. Ripanti, the Respondent's Project Engineer, submitted a letter response to the complaint. He explained that a meter technician investigated the Complainant's high bill complaint on August 5, 2008 and October 1, 2008. He stated that the Respondent has responded to several high bill complaints from the Complainant. He asserted that each complaint occurred during a period when cooling steam was being utilized. The Respondent performed an energy audit in November 2006 and identified areas that needed attention. However, to the best of the Respondent's knowledge, the Complainant has not implemented the recommendations made in the audit. Although the Complainant refers to usage for seven years, the Complainant has only been the Respondent's customer for four years. Mr. Ripanti referred to the Bureau of Consumer Service's resolution of the informal complaint filed by the Complainant regarding the same issue.

Please note that the Commission's regulations require corporations to be represented by an attorney admitted to practice before the Supreme Court of Pennsylvania. 52 Pa. Code §§ 1.21, 1.22. An attorney licensed in another jurisdiction may appear before the Commission if a Motion Pro Hac Vice is granted. 52 Pa. Code §§ 1.21, 1.22. The Respondent is not currently represented by counsel. Counsel for the unrepresented Respondent should file a notice of appearance pursuant to 52 Pa. Code §§ 1.24(b) and 1.25 no later than January 12, 2010. (I note that the complaint was sent to Kevin E. Brown, Vice President and General Counsel, Trigen Philadelphia Energy Group, 2600 Christian Street, Philadelphia, PA 19146. If Mr. Brown is counsel for the Respondent, he should file a notice of appearance.) The Respondent's counsel should indicate that he/she is a member of the Pennsylvania bar or have a member of the Pennsylvania bar file a Motion Pro Hac Vice on his/her behalf pursuant to 52 Pa. Code § 1.22(b) and Pa. B.A.R. No. 301.

The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. § 332(a). The Complainant must pay the undisputed portion of the bill while this proceeding is pending.

The Respondent must submit the applicable account statement and the applicable BCS decision(s).

If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code § 5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it. The written subpoena application must be submitted to the presiding officer, the Secretary of the Commission, opposing counsel and the person to be subpoenaed. 52 Pa. Code § 5.421 (a, b).

If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), please bring a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record. Please keep a copy for yourself. 52 Pa. Code § 5.409.

Pursuant to 52 Pa. Code § 1.15(b), requests for postponements or continuance of hearings must be submitted in writing no later than five (5) days prior to the hearing. Requests for postponement or continuance of hearings are to be sent to the presiding officer with copies to the Scheduling Office and the other party of record. The address for the Scheduling Office is P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265. My contact information is:

Administrative Law Judge Cynthia Williams Fordham
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
Telephone: (215) 560-2105
Fax: (215) 560-3133

All witnesses should be prepared to testify during the February 3, 2010 hearing.

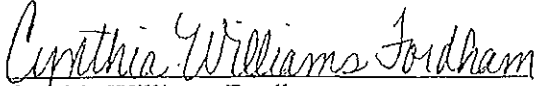
ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complainant shall make payments on the undisputed amount of the bill pending a final Commission Order in this matter.
2. That the parties shall comply with the procedural rules and regulations discussed herein.

Date: December 9, 2009


Cynthia Williams Fordham
Administrative Law Judge

Ellington Condominium Association v. Trigen-Philadelphia Energy Corporation
Docket No. C-2009-2092612

SERVICE LIST

Pamela R. Clifton
Property Manager
Ellington Condominium Association
1500 Chestnut Street
Apartment 4-I
Philadelphia PA 19102

Richard A. Rochlin, Esquire
Scott Sigman Esquire
Sigman & Rochlin LLC
1515 Market Street
Suite 1410
Philadelphia PA 19102

Anthony J. Ripanti, Project Engineer
Trigen-Philadelphia Energy Corporation
2600 Christian Street
Philadelphia PA 19146

B

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ellington Condominium Association

v.

Trigen-Philadelphia Energy Corporation

C-2009-2092612

PREHEARING ORDER #3

By correspondence dated January 27, 2010, Scott Sigman, Esquire, counsel for Ellington Condominium Association (“Association” or “Complainant”) requested a continuance of the hearing scheduled for February 3, 2010. By correspondence dated January 27, 2010, Barnett Satinsky, Esquire, counsel for Trigen-Philadelphia Energy Corporation (“Trigen” or “Respondent”) responded that he did not have an objection if two conditions were met. A conference call was arranged to discuss the matter.

During the conference call which was held on January 29, 2010, Mr. Satinsky stated that the Complainant owes \$16,000.00 to comply with the undersigned’s December 9, 2009 Prehearing Order. Although the Complainant paid the principal amount, it failed to include the finance charge on the undisputed amount. Mr. Sigman stated that he would advise his client to pay the unpaid finance charges. With respect to outstanding discovery, Mr. Satinsky explained that the discovery was due on January 27, 2010 since it was served on January 7, 2010. Mr. Satinsky agreed to allow extra time for Mr. Sigman to respond since his client has not been available to respond. We agreed that the discovery responses are due by Tuesday, February 16, 2010. The Respondent will file a Motion to Compel if the responses are not received by the deadline.

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**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

Prior to the conference call the parties provided the undersigned with dates that they were available for the hearing. The hearing scheduled for Wednesday, February 3, 2010 at 10:00 a.m. is hereby cancelled and will be rescheduled.

It is noted that a subpoena application was granted by Order #2, dated January 26, 2010 for the February 3, 2010 hearing. The subpoena will be changed to reflect the new hearing date after the hearing has been rescheduled.


ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complainant shall make payments on the undisputed amount of the bill pending a final Commission Order in this matter. This includes the finance charges on the undisputed amount.
2. That the hearing scheduled for February 3, 2010 is cancelled.
3. That the discovery responses are due by Tuesday, February 16, 2010.
4. That the parties shall comply with the procedural rules and regulations discussed herein.

Date: January 29, 2010


Cynthia Williams Fordham
Administrative Law Judge

Ellington Condominium Association v. Trigen-Philadelphia Energy Corporation
Docket No. C-2009-2092612

SERVICE LIST

Richard A. Rochlin, Esquire
Scott Sigman Esquire
Sigman & Rochlin LLC
1515 Market Street
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Philadelphia PA 19102

Barnett Satinsky, Esquire
Christine Soares, Esquire
Fox Rothschild LLP
2000 Market Street, 20th Floor
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Pamela R. Clifton
Property Manager
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1500 Chestnut Street
Apartment 4-I
Philadelphia PA 19102

From: Origin ID: REDA (215)299-2000
Barnett Satinsky
FoxRothschild
2000 Market Street



Philadelphia, PA 19103

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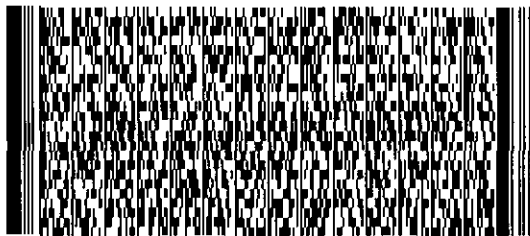
BILL SENDER

James J. McNulty
PA Public Utility Commission
400 North St
Commonwealth Keystone Bldg
Harrisburg, PA 171200001

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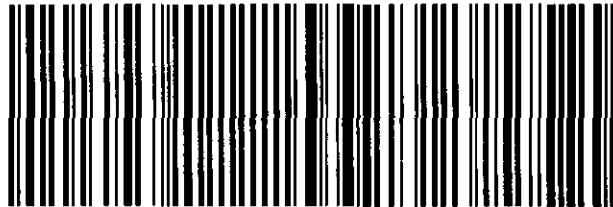


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2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.