

Philadelphia Gas Works



800 West Montgomery Avenue, Philadelphia, PA 19122
Laureto A. Farinas, Senior Attorney
Legal Department
Direct Dial: 215-684-6982
FAX: 215-684-6798
E-mail: laureto.farinas@pgworks.com

April 20, 2010

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

RE: Agron Vata v. PGW, Docket No. C – 2009 – 2149960

Dear Secretary McNulty:

This is to request and extension in time to file a reply to the Complainant's exceptions to the Initial Decision, in the above referenced matter ("Initial Decision"). Due to a change in support staff managing formal complaints and an increasing volume of complaints served upon PGW in the recent weeks, PGW misdated the due date for the reply exceptions.

PGW respectfully requests that it be granted a 5 day extension to file its reply to the Complainant's exceptions.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,


Laureto Farinas

cc: Service List
Kaye Best, (PUC)
Anne Marie Cromley

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:

For Complainant:

***Agron Vata
1015 Thrush Lane
Huntingdon Valley, PA 19006***

April 20, 2010



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Agron Vata

v.

Philadelphia Gas Works

:
:
:
:
:

Docket No. C – 2009 – 2149960

**REPLY OF PHILADELPHIA GAS WORKS
TO COMPLAINANT’S EXCEPTION**

Pursuant to Pa. Code §5.535, and the Secretary’s letter dated April 5, 2010 in the above captioned matter, the Philadelphia Gas Works, (“PGW”) hereby files its reply to the exception document filed by the Complainant, Helen A. Rogers

Introduction

In this matter, the Complainant challenges the filing of a lien for unpaid gas service rendered to a property owned by the Complainant at 3324 Primose Road, Philadelphia, Pennsylvania (Service Address). By Initial Decision dated March 17, 2010, the Commission dismissed the Complaint sustaining PGW’s Preliminary Objection averring that the Commission lacks jurisdiction of the subject matter of the Complaint. The Initial Decision found, inter alia, that, the City of Philadelphia, as owner of PGW, may file a municipal lien upon the Subject Property for the unpaid debt for gas service to the Subject Property, pursuant to the Municipal Claim and Tax Lien Law, Act 153 of 1923, P.L. 207 53 P.S. §7101, et seq. (Municipal Lien Act), Under the Municipal Lien Act, the City of Philadelphia as owner of PGW has the right to collect on municipal claims owed to PGW for gas service to a Service Address. As such the Commission has no jurisdiction of matters involving the Municipal Lien Act.

Further, the Natural Gas Choice and Competition Act, 66 Pa. C.S.A Section 2201 et seq., section 2212(n), which specifically provides, “Nothing contained in this title shall abrogate the power of a city natural gas distribution operation to collect delinquent receivables through the imposition of liens pursuant to section 3 of the act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law, or otherwise” confirms that the Commission has no jurisdiction over the filing of such a

lien.¹ *Nathaniel Lewis Mooney v. PGW*, Docket No. C-2009-2134673 (Final Decision and Order entered January 13, 2010) Pursuant to the Responsible Utility Customer Protection Act at 66 Pa. Cons. Stat. § 1414, which states: “[a] city natural gas distribution operation furnishing gas service to a property is entitled to impose or assess a municipal claim against the property and file as liens of record claims for unpaid natural gas distribution service and other related costs, including natural gas supply ...,” clarifies and confirms such rights to impose a lien.

II. Reply to Exception

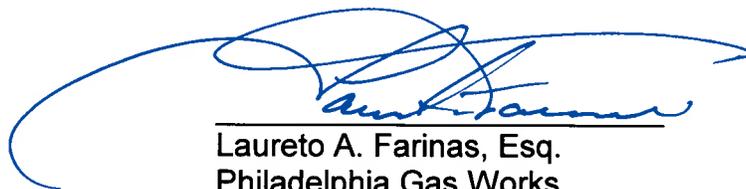
The Complainant has not presented any argument showing an error of fact or law that would contradict the finding of that the Commission lacks the necessary jurisdiction over matters involving the Municipal Lien Act. The Complainant’s suspicions, however, heartfelt and her assertions of conflict with her tenant do not support her argument for her requested relief. “Mere bald assertions, personal opinions or perceptions do not constitute evidence.”² This exception document should be denied.

CONCLUSION

For the foregoing reasons, PGW respectfully requests that this Commission deny the Complainant’s Exceptions and affirm the Initial Decision in this matter.

Respectfully submitted,

April 20, 2010



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

¹ 52 Pa. Code §5.101(a) (1)

² *Pennsylvania Bureau of Corrections v. City of Pittsburgh*, 532 A.2d 12 (1987)

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

Agron Vata
1015 Thrush Lane
Huntingdon Valley, PA 19006

April 20, 2010



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