



**Philadelphia Gas Works**

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September 15, 2010

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

**Re: Jose M. Cruz v. PGW, Docket No. C – 2009 – 2132648**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §§1.15(b), the Philadelphia Gas Works ("PGW") hereby requests a continuance of the hearing in this matter scheduled for Monday, September 27, 2010 as part of the Commission's "Call of the Docket."

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 "Danielle Ross". The signature is written in a cursive, flowing style.

Danielle Ross

Enclosure

cc: Mr. Jose M. Cruz  
Anne Marie Cromley (PGW Mail)  
Linda Pereira (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jose M. Cruz,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C – 2009 – 2132648
	:	
	:	
Philadelphia Gas Works,	:	
	:	
Respondent	:	

**MOTION FOR CONTINUANCE OF HEARING**

Pursuant to 52 Pa. Code § 1.15(b), Philadelphia Gas Works, the Respondent (PGW) hereby requests a continuance of the hearing in this matter scheduled for Monday, September 27, 2010 as part of the Commission's "Call of the Docket." PGW expects that the hearing of this unauthorized gas usage matter will exceed the time allotted for cases on the docket for that day. In support of its motion, PGW states as follows:

1. On September 28, 2009, the Commission served the Respondent with the Complaint filed in the above captioned matter, which is a dispute concerning, *inter alia*, the billing of unauthorized usage.
2. On October 19, 2009, PGW filed an Answer to the Complaint in the above captioned matter.
3. By Notice dated August 30, 2010, the Commission scheduled an In Person Hearing in this matter for September 27, 2010 at 9:30 a.m., before a member of the Office of Administrative Law Judge in the Commission's Philadelphia office, as part of a "Call of the Docket" day for the hearing of complaints against PGW.
4. On September 27, 2010, there are six (6) cases scheduled for hearing at the Call of the Docket, four of which are scheduled for the morning (9:30 a.m.) and two of which are scheduled for the afternoon (1:00 p.m.).
5. All of the cases scheduled for the September 27, 2010 "Call of the Docket" involve payment agreement and/or billing disputes, save the instant matter.
6. The instant matter involves a dispute of the billing due to the discovery of tampering with the automatic meter-reading device (AMR) at the Complainant's Service Address, as well as a dispute of the AMR tampering itself.

7. In a hearing for a dispute over AMR tampering and the resulting bill, the presentation of PGW's case normally involves testimony from several PGW witnesses to include: [a] circumstances concerning the discovery of the tampering, [b] the effect of the tampering of the AMR, [c] the calculation of the resulting bill and; [d] other generic testimony regarding the communication and other activity on the Complainant's account.
8. The time required for such a hearing, whether combined with the presentation of the Complainant's case or not, may take several hours for direct and cross examination of PGW's witnesses and leaves little or no time for the hearing of the other cases.
9. While it is PGW's normal practice to engage complainants in all cases before the Commission is settlement negotiations, none of the six (6) cases scheduled for September 27, 2010 have been settled.
10. At this time, PGW believes that there is little likelihood that the parties will resolve the instant matter by settlement and that it will require several hours for hearing the testimony of the parties on a day separate for the Call of the Docket.
11. PGW has attempted to contact the Complainant to obtain agreement to a continuance of the hearing in this matter, but to date, PGW has received no response.

**WHEREFORE**, Complainant requests that the hearing scheduled for Monday, September 27, 2010 in the above captioned matter be continued and rescheduled for another time and date that is not a Call of the Docket day.

Respectfully submitted,

September 15, 2010



Laureto Farinas

**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.

Dated: September 15, 2010



Laureto Farinas, Esquire

**CERTIFICATE OF SERVICE**

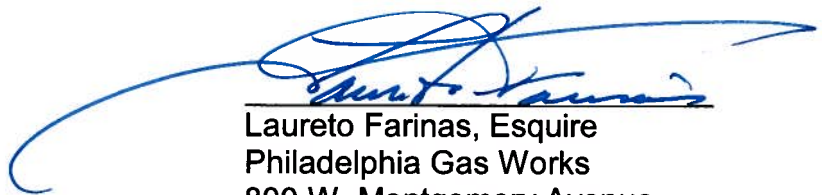
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Mr. Jose M. Cruz  
4233 Markland Street  
Philadelphia, PA 19124

September 15, 2010



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