



Philadelphia Gas Works

800 West Montgomery Avenue, Philadelphia, PA 19122

Danielle Ross, Paralegal

Legal Department

Direct Dial: (215) 684-6862

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E-mail: Danielle.Ross@pgworks.com

October 11, 2010

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

Re: Herbert E. Johnson v. PGW, Docket No. F – 2010 – 2200018
Michael Johnson v. PGW, Docket No. C – 2010 – 2196457

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original Motion to Consolidate the above captioned matters.

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. Herbert E. Johnson c/o Michael Johnson, Administrator
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Herbert E. Johnson	:	
	:	
v.	:	Docket No. F – 2010 – 2200018
	:	
Philadelphia Gas Works	:	

And

Michael Johnson	:	
	:	
v.	:	Docket No. C – 2010 – 2196457
	:	
Philadelphia Gas Works	:	

**Philadelphia Gas Works
Motion to Consolidate Formal Complaints**

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works (“PGW”) hereby files this Motion to Consolidate the above captioned matters. In support of its motion, PGW hereby avers the following:

1. On August 25, 2010, the Complainant, Michael Johnson filed a formal complaint with the Commission on behalf of the estate of his father, Herbert Johnson, under Michael Johnson v. PGW, Docket No. C-2010-2196457. The matter complained of by the Complainant concerned the refund of a \$700 check that the late Mr. Johnson inadvertently sent to PGW in a PGW bill payment envelope while having an active gas service at 6065 Cedarhurst, Philadelphia, Pennsylvania (Service Address), to which PGW timely filed an answer to that Complaint on September 20, 2010. PGW’s Answer indicates that PGW had credited the \$700 payment back to Mr. Johnson’s banking institution, which are attached hereto as Exhibit “A.”
2. On September 17, 2010, Michael Johnson filed another Complaint on behalf of the Complainant, Herbert Johnson and his estate, under Herbert Johnson v. PGW, Docket No. F-2010-2200018. In the latter Complaint, the Complainant is represented by counsel, Howard B. Segal, Esq. The matter complained of by the

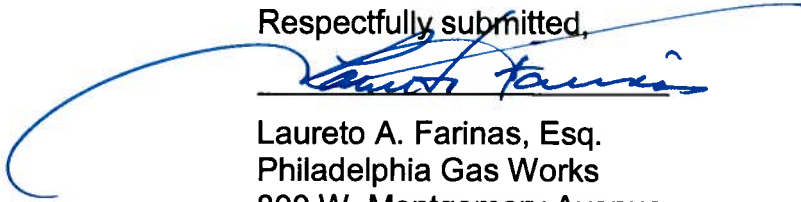
Complainant concerned the refund of a \$700 check that the late Mr. Johnson inadvertently sent to PGW in a PGW bill payment envelope while having an active gas service at 6065 Cedarhurst, Philadelphia, Pennsylvania (Service Address), to which PGW timely filed an answer to that Complaint on September 20, 2010. PGW's Answer indicates that PGW had credited the \$700 payment back to Mr. Johnson's banking institution, which are attached hereto as Exhibit "B."

3. By Order dated September 23, 2010, Chief Administrative Law Judge Charles E. Rainey, Jr. issued an interim order setting a settlement conference between the Complainant and PGW.
4. On October 11, 2010, PGW timely filed an answer to that Complaint, indicating that PGW had credited the \$700 payment back to Mr. Johnson's banking institution.
5. The parties have scheduled a Settlement Conference including the Complainant's counsel for October 13, 2010 at 2:30 p.m.
6. Both matters, Michael Johnson v. PGW, Docket No. C-2010-2196457 and Herbert Johnson v. PGW, Docket No. F-2010-2200018, involve the same parties and revolve around the factual events concerning the mistaken payment.
7. The witnesses for both parties would be the same in both matters.
8. The principle of judicial economy would be best served if the hearings for both matters were conducted at one time as time and resources would be used efficiently in the disposition of these matters.

Wherefore, PGW respectfully requests that this Commission consolidate the matters, Michael Johnson v. PGW, Docket No. C-2010-2196457 and Herbert Johnson v. PGW, Docket No. F-2010-2200018.

October 11, 2010

Respectfully submitted,



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

EXHIBIT A



Philadelphia Gas Works

800 West Montgomery Avenue, Philadelphia, PA 19122

Danielle Ross, Paralegal

Legal Department

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E-mail: Danielle.Ross@pgworks.com

September 20, 2010

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

Re: Michael Johnson v. PGW, Docket No. C – 2010 – 2196457

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original Answer to 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,

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Danielle Ross

Enclosure

cc: Mr. Michael Johnson
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Johnson

v.

Philadelphia Gas Works

:
:
:
:
:

Docket No. C – 2010 – 2196457

Answer of the Philadelphia Gas Works

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby answers the Complaint filed in the above captioned matter. PGW hereby avers the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. (a-b) Admitted in part. Denied in part. PGW admits that Michael Johnson is the Power of Attorney for Herbert Johnson

PGW admits that the Complainant filed an informal complaint on February 5, 2010 regarding a payment for the services at 6065 Cedarhurst Street, Philadelphia, PA 19143 (Service Address).

PGW admits that a payment of \$700.00 was credited to Herbert Johnson's account on November 2, 2009.

PGW admits that no one from PGW contacted Herbert Johnson or the Complainant for account routing numbers, account numbers or other information required to authorize an electronic fund transfer. By way of further answer, PGW did not receive the \$700 payment on November 2, 2009 by electronic transfer.

PGW admits that PGW records show that Herbert Johnson was at a PGW office on December 2, 2009 regarding the \$700 payment mailed to PGW in error.

PGW admits that the Complainant contacted PGW on January 13, 2010 regarding the \$700 payment on Herbert Johnson's account.

PGW admits that the bill due on February 22, 2010 was for \$169.48.

PGW admits that it did not issue a refund check to Herbert Johnson.

By way of further answer, Herbert L. Johnson established service under account number 71-1961-8194 on January 1, 1960 at the Service Address. The account is listed as a residential non-heating location. The Service Address is equipped with an Automatic Meter Reading device (AMR). The bills are based on actual gas usage.

On November 2, 2009, a payment of \$700.00 posted to Herbert Johnson's account.

On November 30, 2009, Herbert Johnson was at a PGW district office to request a refund on the overpayment of \$700 on his account.

On December 2, 2009, a PGW Accounts Management Department representative (AMD) noted that the check for \$700.00 was not written out to PGW. PGW cashed the payment in error. The AMD representative noted that a refund could not be issued to Herbert Johnson and a request was forwarded to have Herbert Johnson's checking account credited.

On January 13, 2010 a PGW Mail Receipts Department representative noted that a payment of \$700.00 was made payable to SBI Federal C/U. A credit was sent back to Herbert Johnson's banking institution.

The Bureau of Consumer Services (BCS) decision dated August 18, 2010, which is attached hereto as Exhibit "A," concluded that a decision is issued, the money was returned to Herbert Johnson's bank.

5. Denied. The averments contained in this paragraph are request for relief to which no response is required. PGW therefore denies this averment.

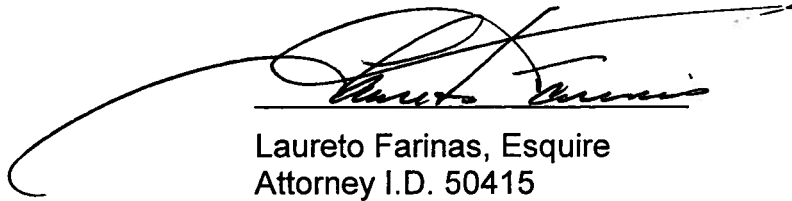
6. Admitted.

7. Admitted.

Wherefore, PGW respectfully requests that this Commission find against the Complainant, and affirm the decision of the BCS in this matter.

Respectfully submitted,

September 20, 2010

A handwritten signature in black ink, appearing to read "Laureto Farinas", is written over a horizontal line. The signature is stylized and includes a long, sweeping flourish that extends to the left and then curves back towards the right.

Laureto Farinas, Esquire
Attorney I.D. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

EXHIBIT A

```

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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.

September 20, 2010



Laureto Farinas, Esquire

CERTIFICATE OF SERVICE

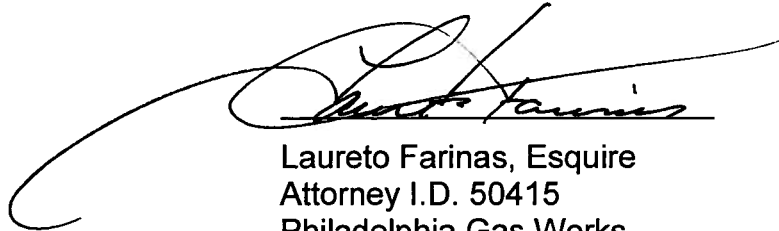
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Mr. Michael Johnson
Administrator for Estate of Herbert E. Johnson
116 N. Bonsall Avenue
Glenolden, PA 19036

September 20, 2010



Laureto Farinas, Esquire
Attorney I.D. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

EXHIBIT B



Philadelphia Gas Works

800 West Montgomery Avenue, Philadelphia, PA 19122

Danielle Ross, Paralegal

Legal Department

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October 11, 2010

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Room B-20, North Office Building
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2. Admitted.
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PGW admits that the Complainant filed an informal complaint on February 5, 2010 regarding a payment for the services at 6065 Cedarhurst Street, Philadelphia, PA 19143 (Service Address).

PGW admits that a payment of \$700.00 was credited to Herbert Johnson’s PGW account on November 2, 2009.

PGW admits that the PGW bill issued on November 24, 2009 showed an account balance brought forward of \$665.09 credit.

PGW admits that no one from PGW contacted Herbert Johnson or the Complainant for account routing numbers, account numbers or other information required to authorize an electronic fund transfer. By way of further answer, PGW did not receive the \$700 payment on November 2, 2009 by electronic transfer.

PGW admits that PGW records show that Herbert Johnson was at a PGW office on December 2, 2009 regarding the \$700 payment mailed to PGW in error.

PGW admits that the Complainant contacted PGW on January 13, 2010 regarding the \$700 payment on Herbert Johnson's account.

PGW admits that the bill due on February 22, 2010 was for \$169.48.

PGW admits that it did not issue a refund check to Herbert Johnson.

By way of further answer, Herbert L. Johnson established service under account number 71-1961-8194 on January 1, 1960 at the Service Address. The account is listed as a residential non-heating location. The Service Address is equipped with an Automatic Meter Reading device (AMR). The bills are based on actual gas usage.

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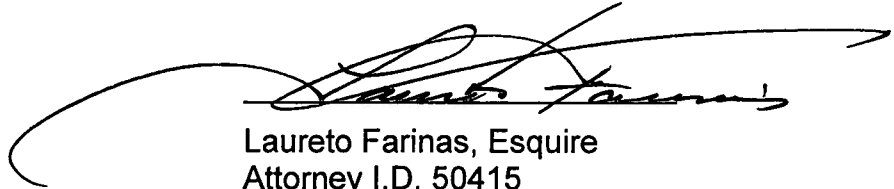
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Wherefore, PGW respectfully requests that this Commission find against the Complainant, and affirm the decision of the BCS in this matter.

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Laureto Farinas, Esquire
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800 W. Montgomery Avenue
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EXHIBIT A

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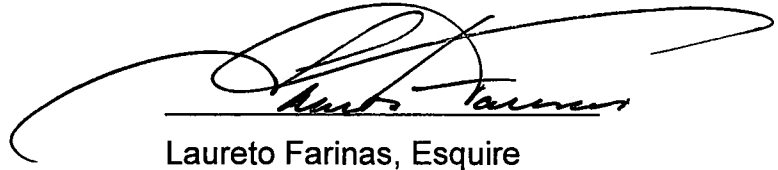
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```

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.

October 6, 2010, 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).

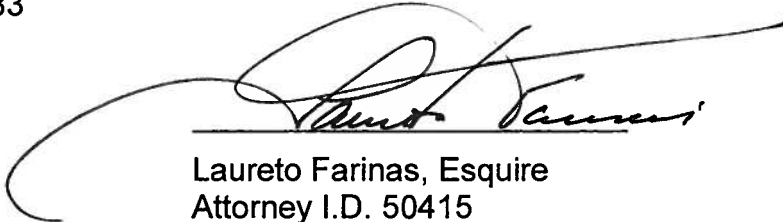
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Howard B. Segal, Esq.
525 West Chester Pike, Suite 200
Havertown, PA 19083

October 6, 2010

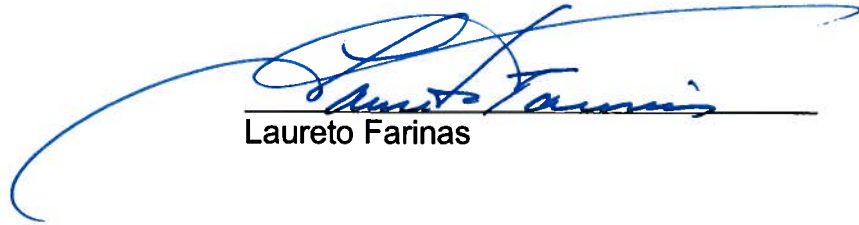


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Date: October 11, 2010



Laureto Farinas

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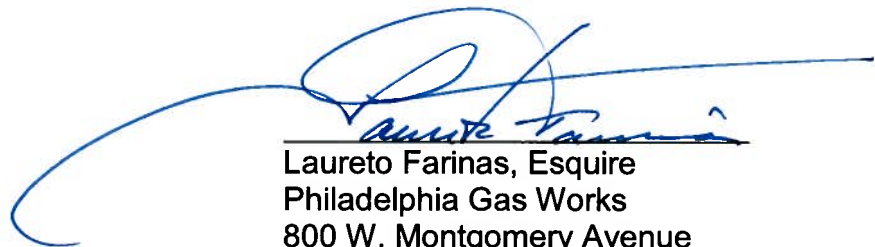
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For Complainant:

Howard B. Segal
525 West Chester Pike, Suite 200
Havertown, PA 19083

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