



COMMUNITY LEGAL SERVICES  
OF PHILADELPHIA

November 3, 2010

By eFiling

Secretary Rosemary L. Chiavetta  
Secretary's Bureau  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17205-3265

**Re: José López v. Philadelphia Gas Works, Docket No. C-2010-2198297**

Dear Secretary Chiavetta,

On behalf of José López, enclosed for eFiling is a Motion for Sanctions Against Philadelphia Gas Works for Failure to Answer José López's Interrogatories and Requests for Production of Documents, Set I, which was served upon the parties today. The Motion for Sanctions includes a notice to PGW to respond within five (5) days as required by 52 Pa. Code § 5.371(b).

Respectfully submitted,

  
Robert W. Ballenger  
Staff Attorney  
Energy Unit

Enclosure

cc Laureto Farinas, Esq., counsel for PGW  
José López

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOSÉ LÓPEZ	:	
Complainant	:	
v.	:	Docket No. C-2010-2198297
	:	
PHILADELPHIA GAS WORKS	:	
Respondent	:	

**NOTE: Responsive pleading shall be filed within  
5 days of the date of service.**

**Motion for Sanctions Against Philadelphia Gas Works for Failure to Answer José López’s  
Interrogatories and Requests for Production of Documents, Set I**

Pursuant to 52 Pa. Code § 5.371, Complainant José López, through counsel Community Legal Services, Inc., hereby moves for sanctions against Respondent Philadelphia Gas Works (hereinafter “PGW”) for failure to answer José López’s Interrogatories and Requests for Production of Documents, Set I (hereinafter the “Interrogatories”). In support of this motion, Complainant states as follows:

1. On or about September 10, 2010, Complainant, José López, filed a Formal Complaint with the Commission claiming that, in terminating his gas service without prior notice and refusing to restore service, PGW violated the Public Utility Code Section 1501, 66 Pa. C.S.A. § 1501 (requiring a utility to provide “reasonably continuous service”), Public Utility Code Section 1406(c), 66 Pa. C.S.A. § 1406(c) (establishing grounds for immediate termination of service and imposing certain notice obligations), the Commission’s regulations at 52 Pa. Code § 56.91 (requiring advance notice of termination of service), 52 Pa. Code § 56.96 (requiring post-

termination notice) and Section 8.3.C of PGW's Tariff (prohibiting PGW from refusing to provide gas service to an applicant who is not responsible for unauthorized use of gas).

2. On September 15, 2010, Complainant served PGW with the Interrogatories via electronic service and U.S. mail and filed a certificate of service with the Commission.

3. On or about October 13, 2010, PGW requested, and Complainant agreed, to provide PGW with additional time to answer the Interrogatories, and that such answers would be provided on or around October 25, 2010.

4. On or about October 28, 2010, Complainant, through counsel, informed PGW that no answers to the Interrogatories had been received and informed PGW that if answers were not received by November 1, 2010, this motion for sanctions would follow.

5. Pursuant to the Commission's regulations, at 52 Pa. Code § 5.342(d), answers or objections to written interrogatories in formal complaint proceedings are due within 20 days after service of the written interrogatories.

6. To date, more than 45 days after the Interrogatories were served, PGW has not filed any objections or served any answer upon Complainant with respect thereto.

7. Complainant, through counsel, seeks to obtain through the Interrogatories, among other things, PGW records described in the Commission's Informal Complaint Decision, dated June 30, 2010, BCS # 2695356, which would assist Complainant in refuting allegations by PGW that Complainant is responsible for unauthorized usage at the service address, which allegations Complainant denies.

8. Complainant avers that his former roommate, Mr. Lionel Nieves, was PGW's customer of record and the sole lessee at the service address prior to his death in January 2010,

that he never established service with PGW at the service address prior to January 2010 and that he never authorized anyone to act on his behalf to establish such service.

9. Following Mr. Nieves' death, Complainant sought to establish gas service with PGW and was, at that time, informed that he would have to pay \$7,603.82 allegedly representing previously unauthorized usage at the premises.

10. Complainant is being deprived by PGW of necessary gas service to provide heat, hot water and cooking gas and, despite providing PGW ample time, in excess of the amount of time provided in the Commission's regulations, to respond, Complainant is also being deprived by PGW of answers he is entitled to.

11. PGW's failure to answer the Interrogatories is unnecessarily delaying meaningful investigation as to PGW's basis for holding Complainant responsible for alleged unauthorized usage.

WHEREFORE, Complainant moves that the Commission order sanctions, pursuant to the Commission's regulations at 52 Pa. Code § 5.371, against PGW for failure to comply with the Commission's regulations at 52 Pa. Code § 5.342(d), including, without limitation:

- A. An Order entering judgment in favor of Complainant and requiring Respondent PGW to permit Complainant to establish new residential gas utility service without imposition of any charges for prior unauthorized usage at the service address.
- B. An Order prohibiting Respondent PGW from alleging or introducing any evidence in support of Respondent's claims that Complainant was responsible for unauthorized usage at the service address.

C. An Order providing such other relief as the Commission determines to be just and reasonable.

Respectfully submitted,



Robert W. Ballenger, Esquire  
Thu B. Tran, Esquire

For Complainant José López

COMMUNITY LEGAL SERVICES, INC.  
1424 Chestnut Street  
Philadelphia, PA 19102  
215-981-3788

November 3, 2010

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOSÉ LÓPEZ

Petitioner

vs.

PHILADELPHIA GAS WORKS

Respondent

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Docket No. C-2010-2198297

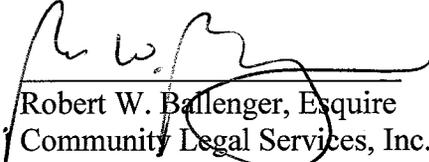
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day, served a copy of José López's Motion for Sanctions upon the participant, listed below, in accordance with the requirements of 52 Pa.Code §1.54 (relating to service by a participant).

By First-Class Mail, E-Mail and/or Facsimile, as indicated:

Laureto A. Farinas, Esquire  
Philadelphia Gas Works  
Legal Department  
800 West Montgomery Avenue  
Philadelphia, PA 19122  
[Laureto.Farinas@pgworks.com](mailto:Laureto.Farinas@pgworks.com)  
Fax: 215-684-6798

Dated this 3rd day of November, 2010.

  
Robert W. Ballenger, Esquire  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102