

Jones, Angela

From: Gregory Berry [gregoryberry@gmail.com]
Sent: Tuesday, January 11, 2011 10:52 AM
To: Jones, Angela; Farinas, Laureto A
Subject: permission to amend Reply Brief Docket No. F-2010-2163390

Dear Judge Jones:

I am writing to request permission to amend the Complainant's Reply Brief in the above-captioned matter. Something important has come to my attention that is dispositive of this case. The amendment will be very brief, one page at the most, but it is a point I feel must be made to aid the court in its decision.

Given that the Defendant PGW was allowed to amend its Answer to the Formal Complaint over my objections and potentially to my prejudice, I believe equity and an interest in ultimate justice militates that I be allowed to make this amendment.

Thank you for your time and consideration.

Sincerely,

Greg

Gregory Berry, pro se
P.O. Box 13291
Philadelphia, PA 19101
415-321-9683
gregoryberry@gmail.com

Jones, Angela

From: Farinas, Laureto A [Laureto.Farinas@pgworks.com]
Sent: Tuesday, January 11, 2011 12:32 PM
To: Jones, Angela
Cc: Gregory Berry
Subject: RE: permission to amend Reply Brief Docket No. F-2010-2163390

Dear Judge Jones:

PGW objects to the Complainant's request for further argument of this matter. It is unnecessary to amend the briefing schedule to continue the briefing of this matter. Both parties have had the opportunity to submit briefs and reply briefs.

If the Complainant is permitted to extend the final disposition of this matter through the filing of a re-reply brief, PGW must have the opportunity to respond. If PGW responds to the Complainant's latest filing, undoubtedly, the Complainant will seek to convey some additional nuance of the argument. And on it goes...

In its letter of January 6, 2011, PGW stated that in reliance upon your instruction at the conclusion of the initial hearing, PGW exercises its option not to file a Reply Brief to the Complainant's main brief. PGW will rely upon the strength of its main brief, the evidence of record, the applicable sections of the Pennsylvania Public Utility Code and the Commission's well-reasoned policies and case law governing a jurisdictional utility's treatment of a "user without contact."

Similar to the Complainant's request for oral argument, the Complainant's new request for an extension of the briefing schedule, fails to appreciate the grasp that your Honor has for the issues associated with the *billing for previously unbilled service to a "user without contract."*

Therefore, please deny the Complainant's request to amend and extend the briefing schedule in this matter.

Thank you,

Laureto A. Farinas, Esq.
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Thank you very much.

Jones, Angela

From: Gregory Berry [gregoryberry@gmail.com]
Sent: Tuesday, January 11, 2011 1:24 PM
To: Jones, Angela; Farinas, Laureto A
Subject: Re: permission to amend Reply Brief Docket No. F-2010-2163390

Dear Judge Jones:

Mr. Farnias's objection is illogical. I am requesting to amend by one page my Reply Brief. The amendment is not in response to anything new that PGW has filed--PGW did not file anything new. It was merely an oversight on my part that I wish to correct.

I would certainly not object to Mr. Farinas filing a one-page reply to my Main Brief simultaneously with me filing my one-page amendment. Anything else would be unfair and against the spirit of your honor's briefing schedule of simultaneous filings.

As this court has shown PGW wide latitude throughout these proceedings, in particular in giving it the opportunity to amend its Answer, equity and the demands of justice militate toward granting my request.

Your honor, accusations such as the one Mr. Farinas made regarding my appreciation for this court are so outside the bounds of acceptable behavior for an attorney, I must respectfully insist he be fined, censured, reprimanded, sanctioned, or whatever is the appropriate remedy. It is so far outside the bounds of professional conduct I honestly do not know what the sufficiently severe remedy would be. That this is a representative of PGW acting out against one of its customers doubles the severity of the breach.

Thank you again for your time and consideration.

Sincerely,

Greg

Gregory Berry, pro se
P.O. Box 13291
Philadelphia, PA 19101
415-321-9683
gregoryberry@gmail.com

On Tue, Jan 11, 2011 at 12:32 PM, Farinas, Laureto A <Laureto.Farinas@pgworks.com> wrote:

> Dear Judge Jones:

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> PGW objects to the Complainant's request for further argument of this
> matter. It is unnecessary to amend the briefing schedule to continue
> the briefing of this matter. Both parties have had the opportunity to
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