

Background

In 2006, Shira Meng and Master Holding, LP, purchased Subject Property. Between 2006 and 2008, Ms. Meng and Master Holding, LP spent in excess of \$25,000.00 in renovating, upgrading and remodeling the Subject Property.

Chicken on the Run, LLC was a Philadelphia-based establishment, originally located at 4728 Oxford Avenue, Philadelphia, PA, with a PGW account #: 04-4600-0318, which was opened on July 02, 2008. A deposit of \$1,616 was required. On December 08, 2008, PGW closed account with a balanced owed of \$408.80. Chicken on the Run, LLC then re-established an account at the Subject Property as of December 05, 2008. According to conversations Complainant Shira Meng had with PGW representative, PGW required a deposit for new accounts. Although Chicken on the Run, LLC had previously tendered a deposit with PGW for 4728 Oxford Avenue; PGW negligently failed to require Chicken on the Run, LLC to post a security deposit for gas service at Subject Property. In February, 2009, Chicken on the Run, LLC vacated Subject Property, but PGW failed to monitor and/or turn-off said gas, before issuing Chicken on the Run's refund of approximately \$1,600.00. Thereafter, Shira Meng and Master Holding, LP was beset by a lien for payment of outstanding gas charges in the amount of \$2,426.92, as of August 31, 2010.

Legal Standard

The Pennsylvania legislature has empowered the Public Utility Commission to direct and enforce safety standards and proper procedures for public utilities, including disposition of gas within the City of Philadelphia.

It is well-settled under Pennsylvania law that to prove a negligence claim, Plaintiffs/Petitioner/Complainant are required to establish: a legally recognized duty or obligation owed them; a breach of that duty; a causal connection between the breach of duty and resulting injury; and actual loss or damage suffered by Plaintiff/Petitioner/Complainant. Reilly v. Tiergarten Inc., 633 A.2d 208, 209-210 (Pa.Super.1993). Under Pennsylvania Public Utility Code, the public to whom a public utility owed the duty of care, includes landowner and employees thereon. (*See West Penn Power Co. v. Pa. P.U.C.*, 199 Pa. Super. 25, 184 A.2d 143 (1962)). Therefore, Pennsylvania Public Utility Code must be broadly construed to protect the public-at-large. Commonwealth v. Mchugh, 406 Pa. 566, 178 A.2d 556 (1962) (further citations omitted).

Pennsylvania courts have routinely enforced such limitations of damages and liability clauses, which are favored under Pennsylvania law. Such clauses are not

subject to stringent standards. Limitations of liability clauses are a way of allocating “unknown or undeterminable risks.” K & C, Inc. v. Westinghouse Elc. Corp., 437 Pa. 303, 263 A.2d 390, 393 (1970).

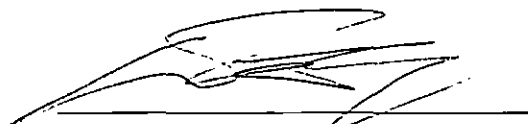
Application

In the case at bar, PGW was the true tortfeasor and responsible for erroneously leaving the gas services on at Subject Property. While Chicken on the Run, LLC vacated Subject Property in February, 2009, it was not until April –May, 2010, that PGW notified Shira Meng and Master Holding, LP of a lien notice for gas services at Subject Property from 2009 into 2010. Even though Chicken on the Run, LLC vacated Subject Property in February, 2009, at no time did PGW turn off gas service and/or monitor said Subject Property. It is worth noting, in April, 2010, after I received Lien Notice, I immediately contacted PGW, who instantaneously turned-off gas service to Subject Property.

In light of the above-stated, PGW is the true tort-feasor resulting in unpaid gas services to Subject Property in the amount of \$2,426.92. As such, the lien on Subject Property is not sustainable herein. It is respectfully requested that Pennsylvania Public Utility Commission release said lien on Subject Property, WITHOUT FURTHER DELAY.

We thank this Honorable Tribunal for review of their findings herein and welcome discussing this matter in greater detail. As such, please contact me directly at 212.965.1982/646.378.8877.

Respectfully submitted,



Shira Meng
Master Holding, L.P.
P.O. Box 34
New York, New York 10013

Dated: April 10, 2011

TO: Secretary of the Commission
Second Floor
Keystone Building
400 North Street
Harrisburg, PA 17105

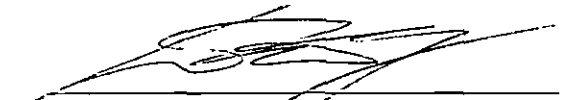
Office of Special Assistants
Third Floor
Keystone Building
400 North Street
Harrisburg, PA 17105

Laureto Farinas, Esquire
Attorney for Philadelphia Gas Works
800 West Montgomery Avenue
Philadelphia, PA 19122
215.684.6982

VERIFICATION

I, Shira Meng, hereby declare that I am a principal for complainant Master Holding, LP. I am authorized to make this verification on behalf of Master Holding, LP. The facts set forth in the foregoing are true and correct to the best of my knowledge, information and belief. As to matters upon information and belief, I believe them to be true based upon records and files maintained herein. This verification is made subject to the penalties of perjury.

Dated: April 10, 2011



Shira Meng
MASTER HOLDING, LP

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CERTIFICATE OF SERVICE

I hereby certify that I have this day of April 11, 2011, served a true copy, in conformity with the rules and regulations promulgated herein, of the Exceptions document upon the participants listed below, VIA EXPRESS MAIL. This document is executed subject to the penalties of perjury.

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Secretary of the Commission
Second Floor
Keystone Building
400 North Street
Harrisburg, PA 17105

Office of Special Assistants
Third Floor
Keystone Building
400 North Street
Harrisburg, PA 17105

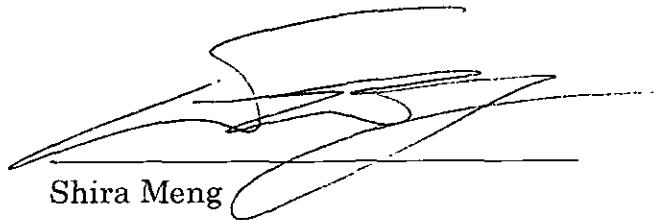
Laureto Farinas, Esquire,
Attorney for Philadelphia Gas Works
800 West Montgomery Avenue
Philadelphia, PA 19122
215.684.6982

DATED: New Rochelle, New York
April 11, 2011

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PA PUBLIC UTILITY COMMISSION
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Shira Meng
Master Holding, LP
P.O. Box 34
New York, New York 10013
212.965.1982/646.378.8877

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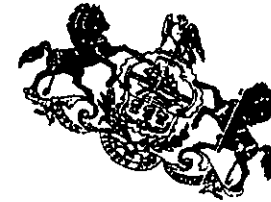
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