

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265

Ray Thomas v. Philadelphia Gas Works
(PGW)

Public Meeting held April 28, 2011
2186628-ALJ

Docket No. C-2010-2186628

STATEMENT OF COMMISSIONER WAYNE E. GARDNER

Mr. Ray Thomas is the landlord of a residential rental property in Philadelphia. The issue in this case involves a lien placed on Mr. Thomas' rental property for the unpaid utility services of a tenant who lived at the premises. Mr. Thomas filed a complaint arguing that the lien was improper, and the ALJ dismissed the case for lack of subject matter jurisdiction.

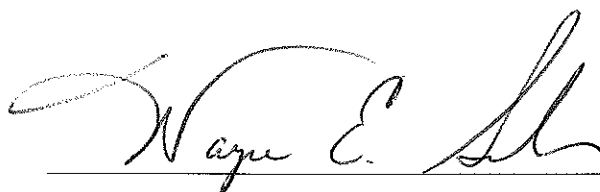
The law is clear as to PGW's rights in these situations. PGW is a city natural gas distribution operation and is owned by the city of Philadelphia. As such, the city has the authority to file a lien on behalf of PGW, pursuant to the Municipal Claims and Tax Lien Act at 53 P.S. §§ 7101 *et. seq.*, when it provides natural gas service to an entity within the city and is not paid for those services. Any challenges to the validity of the lien and the enforcement of the lien are within the jurisdiction of the Court of Common Pleas.

Nevertheless, one cannot help but notice the apparent inequities involved here. Landlords are held responsible for a utility bill which they did not incur. Even more problematic is that landlords are not privy to the billing and payment histories of their tenants in order to attempt to cure the problem before a lien is placed on the property.

To its credit, PGW has established a Landlord Cooperation Program (LCP). This program is offered to residential rental property owners and is designed to assist owners in avoiding the placement of gas liens on registered properties. According to PGW, property owners who provide full and complete cooperation and compliance with LCP are not subjected to the placement of liens on registered properties. Given the number of cases that have come before this Commission involving this same issue and the complexities involved, I encourage PGW to continue to actively promote enrollment in its LCP. I also encourage PGW to continue to evaluate its LCP and to refine the program as necessary in order to notify property owners of the potential consequences.

4/28/11

DATE



WAYNE E. GARDNER, COMMISSIONER