



PHILADELPHIA GAS WORKS

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June 22, 2011

Administrative Law Judge Angela T. Jones
Pennsylvania Public Utility Commission
Suite 4063
801 Market Street
Philadelphia, PA 19107

RE: Roy Winston v. Philadelphia Gas Works, Docket No. C – 2010 – 2181504

Dear Judge Jones:

Pursuant to 52 Pa. Code § 1.15(b), Respondent, Philadelphia Gas Works (PGW) hereby requests a continuance of the hearing in this matter scheduled for Friday, July 1, 2011, as PGW anticipates that neither the Complainant's representative nor a representative of the Complainant's estate will appear.

If you need additional information about this matter, please contact me at my direct-dial number above. Thank you.

Sincerely,



Laureto Farinas

cc: Rosemary Chiavetta, Secretary
Service List
Anne Marie Cromley

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Roy Winston

v.

Philadelphia Gas Works

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Docket No. C – 2010 – 2181504

**Petition for Continuance of
Hearing Scheduled for July 1, 2011**

Pursuant to 52 Pa. Code § 1.15(b), Respondent, Philadelphia Gas Works (PGW) hereby requests a continuance of the hearing in this matter scheduled for Friday, July 1, 2011, as PGW anticipates that neither the Complainant's representative nor a representative of the Complainant's estate will appear.

In support of its motion, PGW states as follows:

1. On April 2, 2010, the Complainant, Roy Winston filed a formal complaint with the Commission against PGW under Docket No. F-2010-2171931, appealing an unfavorable decision of the Commission's Bureau of Consumer Services disputing his PGW bills issued for gas service to 3029 Germantown Avenue, Philadelphia, Pennsylvania, PGW Account No. 3112236239 (Service Address).

2. PGW filed a timely answer denying all material averments in the complaint on May 17, 2010.

3. On or about June 1, 2010, Roy Winston filed a second complaint at the Docket Number captioned above with the Commission that was materially identical to the complaint under Docket No. F-2010-2171931.

4. PGW filed a timely answer denying all material averments in the second complaint on June 21, 2010

5. By notice dated April 6, 2011, the Commission scheduled an Initial Hearing in Docket No. F-2010-2171931, for May 20, 2011, before Administrative Law Judge (ALJ) Angela T. Jones, which was later changed to a telephonic hearing.

6. On April 7, 2011, PGW filed a motion to consolidate the matters under Docket Nos. F-2010-2171931 and C-2010-2181504.

7. To date, the Commission has not acted upon PGW's motion to

consolidate the matters.

8. On May 20, 2011, ALJ Angela T. Jones presided over the telephonic hearing of this matter. PGW appeared at the hearing with one potential witness. The Complainant failed to appear. PGW moved to dismiss that matter for lack of prosecution.

9. At the hearing of May 20, 2011, ALJ Jones and PGW noted that they obtained information indicating that the Complainant is deceased.

10. The telephone number provided by the Complainant as his contact number in both matters has been disconnected.

11. The gas service at the Service Address is no longer in the Complainant's name.

12. By notice dated May 27, 2011, the Commission scheduled an Initial Hearing in the instant matter, under Docket No. C-2010-2181504, for July 1, 2011, before ALJ Angela T. Jones.

13. On June 16, 2011, the Commission issued an Initial Decision dismissing the first Complaint under Docket No. F-2010-2171931, for lack of prosecution. That Initial Decision noted that the Prehearing Order, which was mailed on April 7, 2011, was returned to the Commission indicating that the Complainant was deceased.

14. Through additional research, using the Complainant's Social Security Number in the "Accruint" person search engine, PGW has received additional information that the Complainant passed away on July 21, 2010.

15. Despite its efforts to resolve the Complainant's disputes, PGW is neither aware of nor has had contact with the Complainant's family or successor in interest in the Complainant's affairs.

16. PGW believes that it is very likely that no representative of the Complainant or his estate will appear at the hearing scheduled for July 1, 2011.

17. The Commission may take Official Notice of its decision of June 16, 2011, dismissing the complaint under Docket No. F-2010-2171931, for lack of prosecution.

18. Even though the Initial Decision under Docket No. F-2010-2171931 is not final, the Complainant should be precluded from pursuing the instant matter, as there exists a pending decision dismissing the same controversy.

19. If the hearing scheduled for July 1, 2011 is continued until the final disposition of the complaint under Docket No. F-2010-2171931, the Complaint in the instant matter may be subject to dismissal on the principal of *res judicata*.

WHEREFORE, PGW respectfully requests that the hearing scheduled for July 1, 2011 in this matter be continued until the Commission's final disposition of the Initial Decision in Docket No. F-2010-2171931.

Respectfully submitted,

June 22, 2011



Laureto Farinas, Esq.
Counsel: Philadelphia Gas Works

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.

June 22, 2011



Laureto Farinas, Esquire

CERTIFICATE OF SERVICE

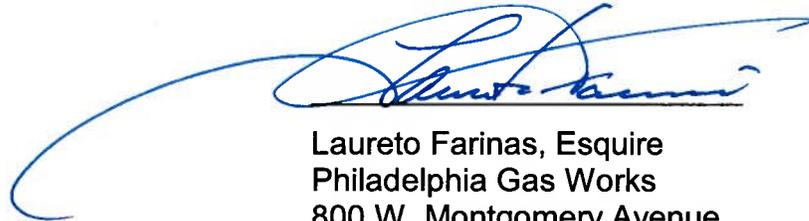
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Mr. Roy Winston
3029 Germantown Avenue
Philadelphia, PA 19133

June 22, 2011



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