

**ROBERT E. COLE, P.C.**

**LAW OFFICES**

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June 30, 2011

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

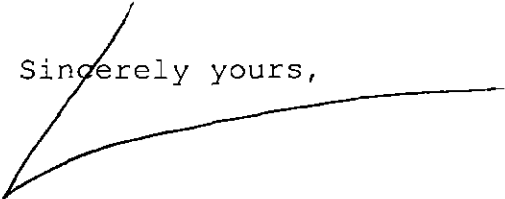
RE: ADAMO PETERS, LLC V. PGW  
NO. C-2011-2243716

Dear Mrs. Chiavetta;

Please find enclosed an original and one (1) copy of Reply to Preliminary Objections/Motion to Strike regarding the above matter. Kindly file the original of record and return a time-stamped copy in the enclosed envelope.

Thank you for your courtesy.

Sincerely yours,

  
Robert E. Cole

REC:gk  
Enclosures  
cc: Adamo Peters, LLC  
Laureto Farinas, Esquire

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PA P.U.C.  
SECRETARY'S BUREAU

**ROBERT E. COLE**  
Attorney At Law

IN THE COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROBERT E. COLE  
ATTORNEY I.D. NO. 73263  
STERLING COMMERCE CENTER  
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PHILADELPHIA, PA 19103  
(215) 563-9280

Attorney For Plaintiff

PA P.U.C.  
SECRETARY'S BUREAU

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ADAMO PETERS, LLC :

Complainant :

V. : No. C-2011-2243716

PGW :

Respondent :

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**COMPLAINANT'S REPLY TO PRELIMINARY OBJECTIONS/MOTION TO STRIKE**

1. Admitted.

2. Admitted.

3. Admitted.

4. Denied. While respondent has been steadfast in refusing to cooperate with complainant in learning the identity of accountholders to which respondent holds complainant liable, complainant has learned that some accounts are many years old.

5. Admitted in part, denied in part. Admitted that respondent has placed liens as aforesaid. Denied, in that the law cited is simply inapposite. Firstly, the law does not address the current situation in that it does not give respondent the right to lien property the accountholders do not

own. Secondly, the law does not give respondent the right to lien property at all, as gas service is not an enumerated service under the auspices of the Act.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted in part, denied in part. Admitted that respondent has not placed said accounts into complainant's name. Denied as to the remainder of said paragraph, as any impediment to the real property complainant owns is a liability to complainant itself.

10. Denied. Complainant would not argue with respondent's assertion should it be proven that the accounts as to which liens against complainant's real estate were placed were in fact complainant's accounts. However, respondent is placing liens upon complainant's real estate for accounts that are not complainant's. The laws respondent cites are simply inapposite to the instant matter.

11. Denied. Again, the law cited stands for the proposition that an accountholder may suffer lien for arrearages of its own failure to pay gas account. The law does not stand for the proposition indicated by respondent.

12. Admitted.

13. Admitted in part, denied in part. Admitted that complainant disputes the liens. Denied in that the Complaint needs be read in its entirety to determine its reasons for filing the instant Complaint.

14. Admitted.

15. Denied. Complainant would hope that respondent is aware Newberry Township concerns trash fines rendered by a second class township to a citizen and as such is inapposite here. Not only does Newberry Township not concern a city of the first class such as Philadelphia, it does not concern gas service. Respondent should be cautioned for citing authority it knows (or should know) does not remotely stand for the proposition cited.

16. Admitted.

17. Admitted in part, denied in part. Admitted that respondent has not transferred said accounts to complainant. Denied as to the remainder of said paragraph, as complainant now bears impediment on its real estate through no fault of its own due to respondent's actions.

18. Denied. Complainant has properly alleged pecuniary loss sufficient to bring this issue before the Commission. It has alleged some \$50,000.00 in liens placed against its property. As such, this matter falls squarely within the ambit of the Commission's purview.



VERIFICATION

Robert E. Cole, Esquire hereby states that he is attorney for the complainant in this action and verifies that the averments set forth in the foregoing are true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements therein made are subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

6/30/11

Date



Robert E. Cole, Esquire  
Atty. I.D. No. 73263  
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Philadelphia, PA 19103  
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IN THE COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Attorney For Plaintiff

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ADAMO PETERS, LLC :  
Complainant :  
V. : No. C-2011-2243716  
PGW :  
Respondent :


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VERIFICATION OF SERVICE

Robert E. Cole, Esquire, verifies that on this day, he served upon Laureto Farinas, Esquire, attorney for PGW, respondent above, plaintiff's Reply to Preliminary Objections/Motion to Dismiss and accompanying documentation by depositing same with the United States Postal Service, First Class Mail and directing it to the following address:

PGW  
800 West Montgomery Avenue  
Philadelphia, PA 19122

6/30/11  
Date

  
Robert E. Cole, Esquire  
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