

LAW OFFICE
William J. Faust, II, Esquire

1301 S. Broad Street
Suite 205
Philadelphia, PA 19147-4906

Attorney and Counsellor-at-law

(215) 334-4313
FAX (215) 334-0110

VIA OVERNIGHT MAIL

August 19, 2011

Secretary of the Commission
PO Box 3265
Harrisburg, PA 17105-3265

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AUG 19 2011

RE: Faye Payne v. Philadelphia Gas Works
Case ID No.: C-2011-2247124

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

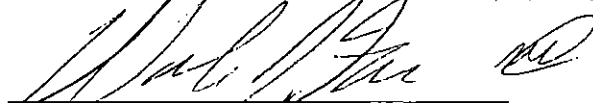
To Whom It May Concern:

Enclosed please find the Exceptions of Complainant Faye Payne to an adverse decision of the Pennsylvania Public Utility Commission.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

LAW OFFICE OF WILLIAM J. FAUST, II, ESQUIRE



William J. Faust, II, Esquire

WJF/MLD
Enclosures: none

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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AUG 19 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Faye Payne

:

:

v.

:

Docket No.: C-2011-2247124

:

Philadelphia Gas Works

:

**EXCEPTIONS OF COMPLAINANT FAYE PAYNE TO
THE INITIAL DECISION SUSTAINING PRELIMINARY OBJECTIONS AND
DISMISSING COMPLAINT**

1. On June 6, 2011, Complainant Faye Payne (hereinafter "Ms. Payne") filed a Formal Complaint with the Pennsylvania Public Utility Commission against Respondent Philadelphia Gas Works (hereinafter "PGW"). The Complaint is included herein as "Exhibit A" and is incorporated by reference into this Exception.
2. Ms. Payne's Complaint alleged, among other things, that the billing charges by PGW were both incorrect in amount and that Ms. Payne was not responsible for the charges.
3. PUC has jurisdiction to hear controversies concerning incorrect billing amounts and responsibility for billing charges.
4. On July 7, 2011, PGW sent a letter to Ms. Payne acknowledging receipt of the Complaint and instructed Ms. Payne that the Pennsylvania Public Utility Commission (hereinafter "PUC") would hold a hearing before an Administrative Law Judge to resolve the Complaint. The July 7 letter is included herein as "Exhibit B" and is incorporated by reference into this Exception.
5. PGW's July 7 letter advised Ms. Payne that the PUC would send a letter to Ms. Payne within "the next few weeks" with "detailed instructions about the hearing date, time, and hearing room location and other requirements." The letter also stated that Ms. Payne would have an opportunity to prove her case before the ALJ.
6. On July 19, 2011, PUC sent a letter to Ms. Payne that an Initial Hearing would be scheduled at a later date and that the parties would be promptly notified by mail of the date, time and location of the hearing. The letter also stated that a Judge was assigned to the case. The July 19 letter is included herein as "Exhibit C" and is incorporated by reference into this Exception.
6. Ms. Payne did not receive any further letters concerning the date, time or place of a hearing from either PUC or PGW between July 19, 2011 and August 1, 2011.

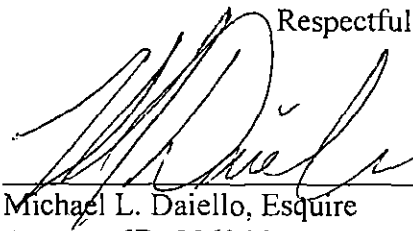
7. On August 2, 2011, PUC sent a letter to Ms. Payne informing her that the Judge assigned to the case issued an adverse ruling. Ms. Payne was not informed of the hearing by either PUC or PGW prior to the hearing. Ms. Payne had no reason to know a hearing would be held on August 2, 2011 because PUC's letter July 19, 2011 letter stated that the Initial Hearing would be scheduled at a later date and that notice would be given to Ms. Payne. The August 2 letter is included herein as "Exhibit D" and is incorporated by reference into this Exception.

8. As a result of the lack of notice given to Ms. Payne by PUC, Ms. Payne did not receive a full and fair hearing or indeed any hearing at all.

9. PGW failed to mitigate its damages related to this incident. Specifically, PGW should have discontinued service to the tenants before allowing multi-thousand dollar bill accrue.

10. Wherefore, Complainant Faye Payne respectfully requests that this Commission set aside its Initial Decision Sustaining Preliminary Objections and Dismissing Complaint.

Respectfully submitted,



Michael L. Daiello, Esquire
Attorney ID: 206056

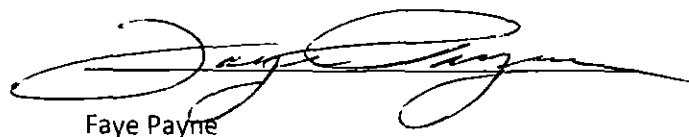
Attorney for Complainant Faye Payne
1301 South Broad Street, Suite 205
Philadelphia, PA 19147

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

I, Faye Payne, hereby declare that I am the Complainant in this action. The facts set forth in the foregoing Exceptions of Complainant Faye Payne to the Initial Decision Sustaining Preliminary Objections and Dismissing Complaint 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.



Faye Payne

Date: August 18, 2011

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Exhibit A

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print in ink or type.

1. CUSTOMER (COMPLAINANT) INFORMATION

Your name, mailing address, county, telephone number, utility account number and service address:

Name Faye Payne

Street/P.O. Box 1717 S Napa St Apt # _____

City Phila State PA Zip 19145

County _____

Daytime Telephone Number Where We Can Contact You: (215) 840-9809

E-mail Address (optional): _____

Utility Account Number _____
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name Faye Payne

Street/P.O. Box 2832 S Cantrell St

City Phila State PA Zip 19145

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

TELEPHONE (e.g., taxi, moving company, limousine)
(local, long distance)

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other (explain).

B. State the facts of your complaint.

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

5. RELIEF

How do you want your complaint to be resolved? Use additional paper if you need more space.

I want the PLLC to order the Gas Company to take the amounts due off of my payments & to go after the individuals that used the gas & not me since I had no idea the gas bill was due, because I did not use it.

Also, the letter I received from the gas company (PGW) says that effective 4/18/09, PGW has the ability to collect from tenants or family member of a family residence. This was not a family residence & the bill was created in 2006-2007-2008. So, as the landlord (at the time) I am not responsible. I have not been a landlord for the property since 2008, so putting the lien on my property because I didn't register in 2009 is unacceptable.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a billing problem, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES (includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

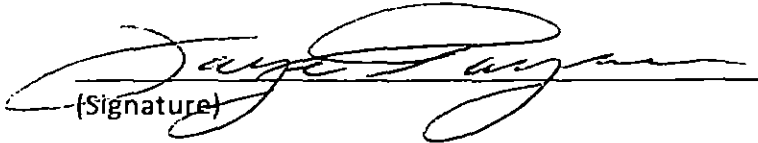
Area Code/Phone Number _____

E-mail Address (If Known) _____

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: I Faye Payne, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

 _____
(Signature) 5/16/11
(Date)

Title of authorized employee or officer

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

| | |
|---|--|
| Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265 | Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120 |
|---|--|

Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

Exhibit B

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



PHILADELPHIA GAS WORKS
800 West Montgomery Avenue • Philadelphia, PA 19122

#4,483.06

Danielle Ross, Paralegal
Legal Department
Direct Dial: 215-684-6862
FAX: 215-684-6798
E-mail: danielle.ross@pgworks.com

July 7, 2011

Ms. Faye Payne
1717 Napa Street
Philadelphia, PA 19145

RE: Faye Payne v. PGW, Docket No. C – 2011 – 2247124

Dear Ms. Payne:

We have received a copy of the Formal Complaint you have filed with the Pennsylvania Public Utility Commission (PUC). In response, PGW has filed an Answer to your Formal Complaint, responding to your position and telling PGW's side of the dispute. Please read it carefully. The PUC will schedule a formal hearing before a PUC Administrative Law Judge (ALJ) to resolve this complaint. That hearing will occur in a hearing room at the PUC offices in Philadelphia.

At the hearing, the ALJ will give you and PGW the opportunity to present testimony and other evidence. To win your case, you must prove to the ALJ with your evidence that PGW has violated the Public Utility Code or a PUC regulation or order, so that the PUC can grant you the relief that you requested in your complaint. PGW will provide testimony and documentation in support of its position. PGW, through its attorney, may want to question you and any witnesses that you present. You are permitted to question PGW's witnesses at the hearing.

In the next few weeks, the PUC will send to you and to PGW a hearing notice and a Prehearing Order with more detailed instructions about the hearing date, time, hearing room location, and other requirements. This process, from the filing of your Formal Complaint to a final PUC order, may take a number of months. To expedite this matter, PGW would like to discuss settlement with you. I am confident that after you discuss your concerns with PGW, we may arrive at a settlement.

Upon receipt of this letter, please contact Danielle Ross, PGW Paralegal at 215-684-6862 to schedule a telephonic settlement conference. If we are not able to discuss and settle this matter, you must attend the hearing that the PUC will schedule in this matter. Thank you.

Sincerely,


Danielle Ross

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AUG 19 2011

cc: Customer Review Unit – PGW

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Exhibit C

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AUG 19 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
July 19, 2011

IN REPLY PLEASE
REFER TO OUR FILE

Re: C-2011-2247124

FAYE PAYNE
1717 SOUTH NAPA STREET
PHILADELPHIA PA 19145

Faye Payne v. Philadelphia Gas Works

Billing dispute.

Motion Judge Assignment Notice

This is to inform you that Administrative Law Judge David A. Salapa has been assigned as the Presiding Officer in the above captioned proceeding. Judge Salapa will be responsible to resolve any issues which may arise during this preliminary phase of the proceeding.

An Initial Hearing, if necessary, will be scheduled at a later date, and the parties will be promptly notified by mail of the date, time and location for the hearing.

Procedural questions or comments should be directed to the judge at:

PO Box 3265
Harrisburg, PA 17105-3265
Phone: 717.783.5452
Fax: 717.787.0481

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

C-2011-2247124 - FAYE PAYNE v. PHILADELPHIA GAS WORKS

FAYE PAYNE
1717 SOUTH NAPA STREET
PHILADELPHIA PA 19145
215.840.9809

LAURETO FARINAS ESQUIRE
PHILADELPHIA GAS WORKS
4TH FLOOR
800 W MONTGOMERY AVENUE
PHILADELPHIA PA 19122
215.684.6982

Exhibit D

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AUG 19 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

August 2, 2011

C-2011-2247124

TO ALL PARTIES:

Faye Payne
v.
Philadelphia Gas Works

TO WHOM IT MAY CONCERN:

Enclosed is a copy of the Initial Decision of the Office of Administrative Law Judge.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. An original and nine (9) copies of your signed Exceptions to the decision, if any, **MUST BE FILED WITHIN TWENTY (20) DAYS OF THE ISSUANCE DATE OF THIS LETTER**, WITH THE SECRETARY OF THE COMMISSION, 2ND FLOOR, KEYSTONE BUILDING, 400 NORTH STREET, HARRISBURG, PA; OR, MAILED TO P.O. BOX 3265, HARRISBURG, PA 17105-3265; OR DOCUMENTS MAY BE E-FILED ACCORDING TO THE E-FILEING PROCEDURES.

IN ADDITION, BY THE SAME DATE AND TIME INDICATED ABOVE, A COPY OF EXCEPTIONS MUST BE IN THE HANDS OF THE OFFICE OF SPECIAL ASSISTANTS, 3RD FLOOR, KEYSTONE BUILDING, 400 NORTH STREET, HARRISBURG, PA; AND, A COPY IN THE HANDS OF EACH PARTY OF RECORD. 52 Pa. Code §1.56(b) cannot be used to extend the prescribed period for the filing of Exceptions or Replies to Exceptions.

Parties are also requested to provide the Commission's Office of Special Assistants with a copy of the Exceptions or Replies to Exceptions on CD-ROM or DVD, in Microsoft Word 2007 format. If Word 2007 is not available, any Microsoft Office compatible format is acceptable including PDF.

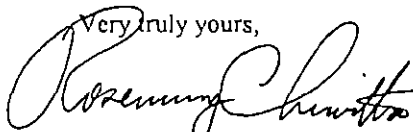
Replies to Exceptions, if any, must be served on the Secretary of the Commission, Office of Special Assistants, and each party of record, in the manner described above, **WITHIN TEN (10) DAYS OF THE DATE THAT THE EXCEPTIONS ARE DUE.**

It is your responsibility to serve all the parties with your Exceptions and Replies to Exceptions. Failure to do so may render your filing unacceptable. A certificate of service shall be attached to the filed Exceptions or Replies to Exceptions.

Exceptions and Replies to Exceptions shall obey 52 Pa. Code 5.533 and 5.535 particularly the 40-page limit for Exceptions and the 25-page limit for Replies to Exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)". Any reference to specific sections of the Administrative Law Judge's initial Decision shall include the page number(s) of the cited section of the decision.

If no Exceptions are received, the decision of the Administrative Law Judge may become final without further Commission action. You will receive written notification if this occurs.

Encls.
Certified Mail
Receipt Requested

Very truly yours,

Rosemary Chiavetta
Secretary

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Faye Payne

v.

Philadelphia Gas Works

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:
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:

C-2011-2247124

**INITIAL DECISION SUSTAINING PRELIMINARY OBJECTIONS AND DISMISSING
COMPLAINT**

Before
David A. Salapa
Administrative Law Judge

HISTORY OF THE PROCEEDING

On June 6, 2011, Faye Payne (Complainant) filed a complaint with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (Respondent). The complaint states that the Complainant wants the Commission to “take the amounts due off of my payment & to go after the individuals that used the gas & not me since I had no idea the gas bill was due because I did not use it”. The complaint further states that the Complainant has not been a landlord since 2008, so placing a lien on her property is unacceptable.

The Respondent filed an answer as well as preliminary objections on July 7, 2011. The answer admits that the City of Philadelphia (City) filed a lien against the Complainant’s property in the amount of \$2,016.48 for a claim for unpaid gas service rendered to the property. The answer requests that the Commission find against the Complainant.

5. On July 7, 2011, the Respondent filed preliminary objections.
6. The Complainant did not file an answer to the preliminary objections.

DISCUSSION

The Commission's Rules of Practice and Procedure permit parties to file preliminary objections. The grounds for preliminary objections are limited to those set forth in 52 Pa. Code § 5.101(a) as follows:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.

Here the Respondent's preliminary objections assert lack of Commission jurisdiction pursuant to 52 Pa. Code § 5.101(a)(1) and the inclusion of impertinent matter in the complaint pursuant to 52 Pa. C.S. § 5.101(a)(2). I will first address the preliminary objection alleging that the Commission lacks jurisdiction over the complaint.

Commission preliminary objection practice is analogous to Pennsylvania civil practice regarding preliminary objections. Equitable Small Transportation Intervenors v. Equitable Gas Company, 1994 Pa PUC LEXIS 69, Docket No. C-00935435 (Order entered July 18, 1994). A preliminary objection asserting lack of Commission jurisdiction, pursuant to

563 A.2d 557 (Pa. Cmwlth. 1989); S.M.E. Bessemer Cement, Inc. v. Pennsylvania Pub. Util. Comm'n., 540 A.2d 1006 (Pa. Cmwlth. 1988); White Oak Borough Authority v. Pennsylvania Pub. Util. Comm'n., 103 A.2d 502 (Pa. Super. 1954).

The Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code. Tod and Lisa Shedlosky v. Pennsylvania Electric Co., Docket No. C-20066937 (Order entered May 28, 2008); Feingold v. Bell Tel. Co. of Pa., 383 A.2d 791 (Pa. 1977). The Commission must act within, and cannot exceed, its jurisdiction. City of Pittsburgh v. Pennsylvania Pub. Util. Comm'n., 43 A.2d 348 (Pa. Super. 1945). Jurisdiction may not be conferred by the parties where none exists. Roberts v. Martorano, 235 A.2d 602 (Pa. 1967) Subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy. Hughes v. Pennsylvania State Police, 619 A.2d 390 (Pa. Cmwlth. 1992) alloc. denied 637 A.2d 293 (Pa. 1993).

Viewing the complaint in this case in the light most favorable to the Complainant, the Complainant owns property in the City. The Complainant at one time leased the property to a tenant. The tenant failed to pay the Respondent for the utility service it provided to the property. The Complainant was unaware that the tenant did not pay for the utility service rendered by the Respondent. As a result of the tenant's failure to pay for the utility service, a lien was placed on the Complainant's property for natural gas usage by the tenant.

Accepting these facts alleged in the complaint as true for purposes of disposing of its preliminary objection, the Respondent contends that the Commission has no jurisdiction over the filing of the lien, any challenges to the validity of the lien or the enforcement of the lien. The preliminary objection contends that the filing of the lien, any challenges to the validity of the lien and the enforcement of the lien are all solely within the jurisdiction of the Court of Common Pleas pursuant to the Municipal Claim and Tax Lien Law. I agree.

The Public Utility Code at 66 Pa. C. S. § 2212(n) limits the authority of the Commission regarding the imposition of liens. The statute at 66 Pa. C.S. § 2212(n) states:

respective property interests involved.” Borough of Towanda v. Brannaka, 434 A.2d 889; 891 (Pa. Cmwlth. 1981).

The procedure which the City must follow to establish a lien on a specific property is set forth in the Municipal Claim and Tax Lien Law. 53 P.S. §§ 7106(b), (c), 7143. The lien is docketed with the prothonotary or clerk of the court and maintained in an *in rem* index by property identification rather than by party name. 53 P.S. § 7106(b). The Court of Common Pleas enforces the lien with due process safeguards provided to protect the rights of interested parties. Newberry Twp. v. Stambaugh, 848 A.2d 173 (Pa.Cmwlth. 2004), alloc. denied, 860 A.2d 491 (Pa. 2004), 53 P.S. §§ 7106(c), 7283. The City can recover the amount of the municipal claim resulting in the lien through a court-ordered sheriff’s sale. 53 P.S. § 7283. Having provided this brief explanation of the lien process set forth in the Municipal Claim and Tax Lien Law, I will now address the Commission’s jurisdiction over municipal liens.

As set forth above, the filing of the lien, any challenges to the validity of the lien and the enforcement of the lien are all within the jurisdiction of the Court of Common Pleas, pursuant to the Municipal Claim and Tax Lien Law. No provision of the Municipal Claim and Tax Lien Law grants the Commission jurisdiction over any aspect of a municipal lien proceeding. Municipal lien proceedings, pursuant to the Municipal Claim and Tax Lien Law, are exclusively within the jurisdiction of the Court of Common Pleas, not the Commission. The Commission simply lacks jurisdiction over any aspect of a municipal lien proceeding, pursuant to either the Public Utility Code or the Municipal Claim and Tax Lien Law.

In 2004, the General Assembly reaffirmed the Respondent’s and the City’s ability to impose liens on property in order to collect claims for unpaid natural gas distribution service by enacting 66 Pa.C.S.A. § 1414(a) which states:

- (a) **General rule.**--A city natural gas distribution operation furnishing gas service to a property is entitled to impose or assess a municipal claim against the property and file as liens of record claims for unpaid natural gas distribution service and other related costs, including natural gas supply, in the court of common pleas of the county in which the property is situated or, if the claim for

Implementation Order) that appears to contradict its holdings in those cases. A review of the Second Implementation Order indicates that it is not applicable to this case.

In the Second Implementation Order, the Commission discussed the authority, under Chapter 14 of the Public Utility Code, of the Respondent to refuse to provide service to an applicant for service who has a pending lien or judgment unless the applicant enters into a payment arrangement covering the amount of the lien or judgment. The Commission stated:

Even more significant, it appears, is that the General Assembly placing this authority under the Public Utility Code puts the full power and authority of Commission jurisdiction over the lien process, 66 Pa.C.S. §501, and the accessibility of the Commission's formal complaint procedures to PGW customers who have a dispute with the lien process. 66 Pa. C.S. §701; 52 Pa. Code §§ 56.140-181.

Second Implementation Order, 69.

The quoted statement in the Second Implementation Order refers to 66 Pa.C.S. § 1414(c), which states:

(c) Refusal of service.--The commission shall permit a city natural gas distribution operation to refuse to provide service to an applicant if the applicant has a pending lien or civil judgment by the city natural gas distribution operation outstanding against the applicant or against property owned in whole or in part by the applicant unless the applicant enters into a payment arrangement for the payment of the amount associated with the lien or judgment that remains outstanding at the time of the application.

66 Pa. C.S. § 1414(c)

The statute at 66 Pa. C.S. § 1414(c) does not confer jurisdiction on the Commission to adjudicate the validity of the City's lien, empower the Commission to remove the City's lien or direct the Respondent to remove the City's lien. Such a reading of the statute would be contrary to the clear language contained in 66 Pa. C.S. §§ 2212(n) and 1414(a), authorizing the City to file liens in order to collect amounts for unpaid natural gas service. Such

CONCLUSIONS OF LAW

1. The Commission has no jurisdiction to determine the validity of a lien filed pursuant to the Municipal Claim and Tax Lien Law.
2. It is just, reasonable and in the public interest that the complaint filed at Docket No. C-2011-2247124 is dismissed with prejudice.
3. Lien proceedings are matters within the exclusive jurisdiction of the Court of Common Pleas, pursuant to the Municipal Claim and Tax Lien Law.
4. The Complainant must seek relief under the procedures established by the Municipal Claim and Tax Lien Law.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the preliminary objections filed by Philadelphia Gas Works at Docket No. C-2011-2247124 are sustained.
2. That the complaint of Faye Payne at Docket No. C-2011-2247124 against Philadelphia Gas Works is dismissed for lack of jurisdiction.



EG686979858US

Addressee Copy
Label 11-B, March 2004

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)

| | | |
|---|--|---|
| PO ZIP Code 19148 | Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Day | Postage \$ 17.60 |
| Date Accepted 7/29/11 | Scheduled Date of Delivery Month 7 Day 20 | Return Receipt Fee \$ |
| Mo. Day Year | Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 3 PM | COB Fee Insurance Fee \$ \$ |
| Time Accepted 4:00 PM | Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day | Total Postage & Fees \$ 17.60 |
| Flat Rate <input type="checkbox"/> or Weight lbs. ozs. | Int'l Alpha Country Code | Acceptance Emp. Initials [Signature] |

DELIVERY (POSTAL USE ONLY)

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| Delivery Attempt | Time | <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Delivery Date | Time | <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Mo. Day | Time | <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |

CUSTOMER USE ONLY

WAIVER OF SIGNATURE (Domestic Mail Only)
Additional merchandise insurance is void if customer requests waiver of signature.
I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY
 Weekend Holiday Mailer Signature

FROM: (PLEASE PRINT) PHONE ()

William J. Faust, II, Esq
Law Office of William J. Faust, II
1301 S, Broad St, Ste 200
Phila, PA 19147

TO: (PLEASE PRINT) PHONE ()

Secretary of the Commission
PO Box 3265
Harrisburg, PA 17105-3265

ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)

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FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

PRESS HARD. YOU ARE MAKING 3 COPIES.

FOR PICKUP OR TRACKING

Visit www.usps.com

Call 1-800-222-1811

