

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17105-3265**

**Gila Williams**  
v.  
**Philadelphia Gas Works**

**Public Meeting held July 19, 2012**  
**2197891-ALJ**  
**Docket No. C-2010-2197891**

**MOTION OF COMMISSIONER WAYNE E. GARDNER**

On September 2, 2010, Ms. Williams filed a Formal Complaint alleging that PGW's service line running under her house and into her basement was allowing water to leak into her basement. PGW filed an Answer denying responsibility.

Ms. Williams lives in a town house which has a half basement. PGW's service line runs into the wall in the front of the house and into either a crawl space or under a concrete pad which runs under the living room floor until it reaches the basement. The service line is contained within a conduit. It is clear from the record that the conduit is causing water to run into the basement and needs repair. In order to access the service line, Ms. Williams' living room floor would have to be removed. In the beginning of 2010, Ms. Williams contacted PGW and asked it to make repairs. In response, PGW excavated the service line at the outside foundation wall where it entered the area under her house and repaired the area outside the wall. It also made repairs inside her basement. Because it could only access the service line on the other side of the foundation wall through her living room floor, it could not make repairs on that side of the wall. The repairs slowed the flow of water into the basement but did not completely end the leaking. Ms. Williams again contacted PGW and was informed that PGW had no further responsibility in the matter.

At the hearing, PGW argued that it had no further obligations because it did not have access to the service line and faulty conduit. PGW further stated that it would make the repairs but it was Ms. Williams' responsibility to provide access by opening a space in her living room floor. Ms. Williams argued that she would allow PGW access through her floor, but it should be responsible for the cost of removing and replacing her floor. The Administrative Law Judge (ALJ) found that PGW owned and is responsible for the service line but that it is not responsible for removing and replacing the floor. She dismissed the Complaint stating that because PGW did not have access to the conduit, it had no further responsibilities. The ALJ also found as fact that the service line was installed at the time the structure was built. However, the testimony relied upon by the ALJ to make that finding is merely conjecture on the part of Ms. Williams' witness.<sup>1</sup>

Because it is unknown when the service line was installed and under what conditions, this case is to be remanded for further fact finding regarding the circumstances under which the conduit pipe and service line were installed. The Commission is unable to determine from the

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<sup>1</sup> Transcript at 22-23. The witness, Williams' plumber, also stated that he did not know when the service line was installed. Transcript at 22.

evidence on the record whether or not PGW knew or should have known that the service line and conduit would be under the living room floor and, therefore, difficult and costly to access for repair.

Upon remand, the Parties are to answer the following questions:

- When was the service line installed?
- When was the house built?
- Was an addition added over the service line after it was installed?
- When did PGW first become aware of the repair logistics of the service line?
- How does PGW typically handle similarly situated service line and conduit repairs? Who typically pays for such repairs?
- What is PGW's standard practice when installing service lines?
- How has PGW been conducting its leak surveys at this residence?

Furthermore, I recommend that this matter be referred to the Bureau of Investigation and Enforcement's Gas Safety Division to investigate whether there is a safety issue with Complainant's service line and to take whatever further action may be warranted.

**THEREFORE, I MOVE THAT:**

1. This matter be remanded for further action consistent with this Motion.
2. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

**July 19, 2012**  
Date

  
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Wayne E. Gardner, Commissioner