



**PHILADELPHIA GAS WORKS**

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January 9, 2013

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

**Re: Dominic Leone Jr. v. PGW, Docket No. C – 2012 – 2339813**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original Answer to the above captioned matter. Under a separate cover letter, on this day PGW has filed Preliminary Objections to the Complaint in the above captioned matter.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,

  
Danielle Leva

Enclosure

cc: Dominic Leone Jr. (Regular Mail)  
Anne Marie Cromley (PGW Mail)  
Linda Pereira (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                               |   |                                     |
|-------------------------------|---|-------------------------------------|
| <b>Dominic Leone Jr.</b>      | : |                                     |
|                               | : |                                     |
| <b>v.</b>                     | : | <b>Docket No. C– 2012 – 2339813</b> |
|                               | : |                                     |
| <b>Philadelphia Gas Works</b> | : |                                     |

**Answer of the Philadelphia Gas Works**

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works (“PGW”) hereby answers the Complaint filed in the above captioned matter. PGW hereby avers the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. (a-b) Denied in part. Admitted in part. PGW admits that the Complainant owns the property at 112 W. Sharpnack Street, Philadelphia, PA (Service Address). By way of further answer, City of Philadelphia records show that the Complainant purchased the property on May 15, 2006.

PGW denies that it unlawfully placed a lien of \$11,207.90 against the property at the Service Address. By way of further answer, the City of Philadelphia as owner of PGW filed two municipal liens totaling \$4,105.76 against the Service Address.

Pursuant to the Municipal Claim and Tax Lien Law, Act 153 of 1923, P.L. 207 53 P.S. §7101 et seq. (Municipal Lien Act), Under the Municipal Lien Act, the City of Philadelphia has the right to collect on debt owed to PGW for gas service to the Service Address.

PGW lacks sufficient information to determine the truth of the averment that the Complainant was notified by a title company of liens totaling \$11,207.90 in the summer of 2012. Therefore, PGW denies these averments.

1. PGW lacks sufficient information to determine the truth of the averments concerning the information the Complainant received from other gas utility companies regarding their lien process. Therefore, PGW denies these averments. By way of further answer, other gas utilities in this area are not municipally owned and therefore do not have the power to file Municipal Liens under the Municipal Lien Act.

PGW denies that the Complainant is not personally liable for the bill because he did not use the gas. By way of further answer, the nature of a lien is such that it encumbers the real estate, regardless who caused the event, which results in the imposition of a municipal claim. PGW may collect as a municipal claim, unpaid debt for gas service rendered, even when the gas service was not rendered to the owner of the property. *Newberry Township v. Ray Stambaugh*, 848 A.2d 173; (Pa. Cmwlth. 2000)

PGW lacks sufficient information to determine the truth of the averment that the Complainant never received a bill or lien notice. Therefore, PGW denies this averment.

2. PGW lacks sufficient information to determine the truth of the averment concerning the conversation between the Complainant and PGW representative regarding the ordinance that allows PGW to hold landlords responsible for unpaid bills at the their properties. Therefore, PGW denies this averment.

PGW admits that it did not contact the Complainant about a tenant's bill. By way of further answer, PGW cannot provide information about a customer to a property owner that is otherwise considered private information, without proper reason and authority.

PGW admits that the Complainant was a Customer of Record at the Service Address. By way of further answer, the Complainant is currently a Customer of Record at 112 Sharpnack Street, 1F, Philadelphia, PA.

3. PGW admits that the Complainant is registered as a landlord with Licenses and Inspection.

4. PGW denies that the Complainant was not notified on the Landlord Cooperation Program (LCP). By way of further answer, PGW advertised LCP at

various community events, social media, and PGW's website. LCP information is also available at Licenses and Inspections when a person renews their license.

PGW admits that the Complainant registered with LCP. By way of further answer, the Complainant registered with LCP in August 2012 after the imposition of the liens against the Service Address.

5. PGW admits that it terminated the gas service under the account of Errol Thomas, a tenant several years ago.

6. PGW admits that it did not contact the Complainant directly to gain access to meters at the Service Address to perform shut offs. By way of further answer, the Complainant was not registered in LCP; therefore, PGW would not have contacted him to shut off the service.

7. PGW lacks sufficient information to determine the truth of the averment that the Complainant contacted PGW and PGW could not verify that it sent out liens or LCP notices to the Complainant. Therefore, PGW denies these averments.

8. PGW admits that the Complainant contacted LCP managers. By way of further answer, the Complainant contacted an LCP manager in August 2012.

PGW denies that LCP told the Complainant that PGW has no ongoing mechanisms for contacting property owners whose tenant's bills are overdue and being placed as lien against the properties.

9. PGW admits that the Complainant had a title search completed and that PGW reported the debts owed at that Service Address to the title company. By way of further answer, the total debt reported was \$11,207.90 ( unpaid gas balances- liened and unliened) on August 12, 2012 to Quaint Oak Abstract, LLC.

10. PGW lacks sufficient information to determine the truth of the averment that when the Complainant discovered the liens, he told PGW that he would allow access to the meter of the tenants to stop the bills from mounting. Therefore, PGW denies this averment.

11. PGW lacks sufficient information to determine the truth of the averment of the Complainant's credit score. Therefore, PGW denies this averment.

PGW admits that the Complainant is a Customer of Record at the Service Address and that the account in his name is current.

12. PGW lacks sufficient information to determine the truth of the averments of the conversation between PGW and the Complainant regarding debt collection. Therefore, PGW denies these averments.

13. PGW lacks sufficient information to determine the truth of the averment that the Complainant was told by PGW that there was no limit to how high his liability could have gone. Therefore, PGW denies these averments

14. PGW lacks sufficient information to determine the truth of the averments of the conversations between PGW and various representatives of PGW's Lien Department. Therefore, GPW denies these averments

The Bureau of Consumer Services (BCS) decision dated November 20, 2012, which is attached hereto as Exhibit "A," concluded, *inter alia*, the case is closed. On April 19, 2010 a lien for \$1,714.71 was filed against the property and on February 18, 2011 a lien of \$2,027 was filed against the property due to a tenant's unpaid balances.

5. Denied. The averments contained in the Complaint that are requests for relief to which no response is required. PGW therefore denies this averment.

6. Admitted.

7. Admitted.

**Wherefore**, PGW respectfully requests that this Commission find against the Complainant and dismiss the Complaint.

Respectfully submitted,

January 9, 2013



Laureto Farinas, Esquire  
Attorney I.D. 50415  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6982

# Exhibit A

**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.

January 9, 2013



Laureto Farinas, Esquire

**CERTIFICATE OF SERVICE**

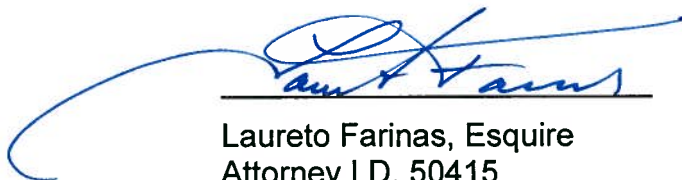
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Mr. Dominic Leone Jr.  
1018 Mermaid Lane  
Wyndmoor, PA 19038

January 9, 2013



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Attorney I.D. 50415  
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