

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

Thai Van Thieu  
v.  
Philadelphia Gas Works

Public Meeting held January 10, 2013  
C-2012-2326598  
2326598-ALJ

**STATEMENT OF COMMISSIONER WAYNE E. GARDNER**

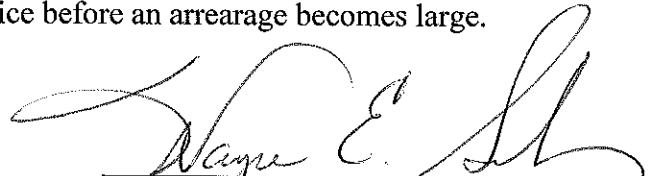
In this case, the Complainant claims that he was erroneously billed for \$4,672 of gas service from January 1, 2007 through September, 2012, which his tenant used. The Complainant questioned why PGW allowed the debt to accrue over five years instead of shutting off gas service to the tenant. Also, the Complainant averred that PGW never notified him that the tenant was not paying her gas bills over the years in question.

The ALJ correctly dismissed this Complaint on PGW's preliminary objection finding that the Commission has repeatedly recognized its lack of subject matter jurisdiction in cases involving a dispute over a municipal lien placed upon a property. See, *Josephine Pitt v. Philadelphia Gas Works*, Docket Number C-2009-2140025, Final Order entered April 29, 2010, (*Pitt*) and cases cited therein. See, also, *Agron Vata v. Philadelphia Gas Works*, Docket Number C-2009-2149960, Opinion and Order adopted August 18, 2010, entered August 24, 2010 (*Vata*).

I wish to address the Complainant's argument that PGW is at fault because it did not terminate service when the tenant failed to pay and allowed the \$4,672 arrearage to accumulate.<sup>1</sup> PGW's Preliminary Objections state that the Complainant did not belong to PGW's Landlord Cooperation Program (LCP). It should be noted that membership in the LCP would have protected the Complainant from the lien process. I strongly urge PGW to continue to reach out to Philadelphia area landlords who have not enrolled in the program.

That being said, I wish to remind PGW that allowing large arrearages to accumulate is detrimental to its financial bottom line, is detrimental to other ratepayers who eventually pay for uncollectibles in rates, and is detrimental to payment challenged customers who have a better chance of retaining or regaining service before an arrearage becomes large.

**January 10, 2013**  
**Date**

  
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**Wayne E. Gardner, Commissioner**

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<sup>1</sup> Because this Complaint was not brought to hearing, there is no record evidence regarding why the arrearage was allowed to accumulate or whether it accumulated over five years as was alleged, or some shorter period. However, the ALJ correctly determined that without subject matter jurisdiction, we do not have the authority to order the City to remove or reduce the lien on the Complainant's property. The Complainant's argument that the lien should be erased because PGW is partially responsible for the arrearage can be raised by the Complainant as a defense in the appropriate court with jurisdiction. I.D. at 7-8; *Griffin v. Philadelphia Gas Works*, Docket No. C-2011-2251780 (Order entered November 14, 2011).