

January 8, 2013

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Bldg., 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

RE: Nikolai Fortouna v. PGW  
Docket No. C-2012-2338711

Dear Secretary Chiavetta:

Please find enclosed a copy of Complainant's Reply With New Matter to the Answer of PGW.

If you require any additional information or wish to discuss this matter, please contact me at the letterhead address. I am, by copy of this letter advising PGW of this communication. Thank you for your consideration.

Sincerely,



Paul Brownstein

Enclosure

cc: Mr. Nikolai Fortouna  
Laureto Farinas, Esquire (Regular Mail, Fax and Email)

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LAW OFFICES OF PAUL BROWNSTEIN  
By: Paul Brownstein, Esquire  
I.D. No.: 02439  
Lakeside Office Park, Suite 702  
Southampton, PA 18966-4020  
(215) 364-1550

Attorneys for Complainant

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nikolai Fortouna :  
 :  
v. : Docket No. C-2012-2338711  
 :  
Philadelphia Gas Works :

**Reply With New Matter to Answer  
Of Philadelphia Gas Works**

NOW COMES Complainant, NIKOLAI FORTOUNA, by his counsel, Paul Brownstein, Esquire, who in reply to the Answer says:

1. No answer required
2. No answer required
3. No answer required
4. In reply to the averment that Complainant is responsible for the bill, Complainant avers that PGW was notified that there was a tenant in possession during the relevant period. A true and correct copy of email communications to PGW under the Landlord Cooperation Program on multiple instances so notifying PGW is attached hereto and incorporated herein by reference as Exhibit "A." Moreover, PGW acknowledged receipt of at least one of those messages in an email dated 7/28/10 at 6:31 PM. A true and correct copy of such email is incorporated herein by reference as Exhibit "B." As to the remaining averments in this paragraph, no further answer is required.
5. No answer required
6. No answer required
7. No answer required

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**New Matter**

8. The foregoing averments are incorporated by reference as if recited in full.

10. On May 7, 2010, PGW communicated with Complainant advising that there was usage on the meter to which Complainant responded via the Landlord Cooperation Program website. As may be seen in Exhibit "A" on this and multiple other occasions, notwithstanding, PGW failed to act upon Complainant's communication. A true and correct copy of the May 7, 2010, email is attached hereto and incorporated herein by reference as Exhibit "C."

11. Notwithstanding multiple communications in which Complainant informed PGW that there is a tenant on the property, PGW failed to follow through.

12. PGW knew or should have known that there was usage on the property during the relevant time period and knew or should have known that there was a tenant on the property.

13. Complainant had neither knowledge nor reason to believe prior to communication from PGW that there was a bypass on the meter, nor would Complainant have any reason to determine or verify such. Moreover, Complainant is not qualified to identify such a bypass, which in any event he denies knowledge of.

14. Consistent with the requirements of the Landlord Cooperation Program, Complainant has complied fully with all requirements of PGW including providing access to the property when requested, but PGW failed to identify a bypass even though it had all necessary evidence to do so.

15. Complainant was at all times in full compliance with the Landlord Cooperation Program for the servicing address and as such is not liable for the bill.

WHEREFORE, Complainant respectfully requests that the Commission find against PGW and grant the relief requested.



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Paul Brownstein, Esquire  
Attorney for Complainant

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## VERIFICATION

I, Paul Brownstein, Esquire, am counsel for the Complainant, Nikolai Fortouna and because of my representation I am familiar with the facts in this matter and verify that the statements made in the foregoing are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 PA. C.S. §4904 relating to unsworn falsification to authorities.

1/8/13  
Date

  
Paul Brownstein, Esquire

PGW  
Landlord cooperation program

Property Address: 4047 Ormond St Philadelphia PA 19124

Premise Action History

Date	Description	Work Order Number
6/29/2012	Change:Y-->N	0
6/29/2012	Uncooperative-UWAC	481751
6/15/2012	Email 10 days Shut off Notice-UWAC	472750
6/12/2012	72 hours Waiting-UWAC	470188
6/4/2012	Tenant in premise	464944
6/1/2012	Owner Revert and notification-UWAC	464494
10/8/2010	Tenant in premise	130914
10/8/2010	Owner Revert and notification-UWAC	130871
7/29/2010	Tenant in premise	113320
7/29/2010	Tenant in premise	113318
7/28/2010	Owner Revert and notification-UWAC	112695
7/28/2010	Owner Revert and notification-UWAC	112336
7/7/2010	Tenant in premise	105354
7/7/2010	Owner Revert and notification-UWAC	105140
5/7/2010	Tenant in premise	70656
5/7/2010	Owner Revert and notification-UWAC	69861

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EXHIBIT A

# Gas Usage Detected at Your Rental Property

From: [lcp@pgworks.com](mailto:lcp@pgworks.com)  
Sent: Wed 7/28/10 6:31 PM  
To: [nikolai\\_fortouna@hotmail.com](mailto:nikolai_fortouna@hotmail.com)

Dear NIKOLAI FORTOUNA,

As we previously notified you, according to our records, the prior customer at 4047 ORMOND ST/PHILA,PA had gas service discontinued in his/her name. Recently, we discovered usage on the meter for this property, and you told us that someone was using service at that time.

Unfortunately, due to a system difficulty, PGW was unable to fully process your response to that email and requests that you provide us with updated information for this address.

In order to avoid an automatic revert of service into your name, please click this link within ten (10) days to review and select one of the available options. The link will open the LCP log in page. If we do not hear from you within the ten (10) day period, the gas service at the above property will be transferred to your name.

If you have any questions, please contact PGW via email at [lcp@pgworks.com](mailto:lcp@pgworks.com).

Thank you,

PGW Landlord Cooperation Program (LCP)

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EXHIBIT B

# Gas Usage Detected at Your Rental Property

From: [lcp@pgworks.com](mailto:lcp@pgworks.com)  
Sent: Fri 5/07/10 6:30 AM  
To: [nikolai\\_fortouna@hotmail.com](mailto:nikolai_fortouna@hotmail.com)

Dear NIKOLAI FORTOUNA,

According TO our records, THE PRIOR customer AT 4047 ORMOND ST/PHILA,PA had gas service discontinued IN his/her NAME. Recently, we discovered USAGE ON THE meter FOR this property, indicating that someone IS now USING service.

IN ORDER TO avoid an AUTOMATIC revert OF service INTO your NAME, click this LINK WITHIN ten (10) days TO review AND SELECT one OF THE available options. THE LINK will OPEN THE LCP LOG IN page. IF we DO NOT hear FROM you WITHIN THE ten (10) DAY period, THE gas service AT THE above property will be transferred TO your NAME.

IF you have ANY questions, please contact PGW via email AT [lcp@pgworks.com](mailto:lcp@pgworks.com).

Thank you,

PGW Landlord Cooperation Program (LCP)

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EXHIBIT C

The Law Offices of:

**PAUL BROWNSTEIN**

Attorney and Counsellor

Lakeside Office Park, Suite 702  
Southampton, PA 18966-4020



Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Bldg., 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

17120\$0079 0000

