



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

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

February 21, 2013

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

Re: Jose Aponte v. PGW, Docket No. F – 2012 – 2325059

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §1.82 (a), the Philadelphia Gas Works ("PGW") hereby files this petition to withdraw the appeal of the decision of the Commission's Bureau of Consumer Services ("BCS") dated August 14, 2012 under BCS Case No. 2969627.

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

Sincerely,

A handwritten signature in blue ink that reads "Danielle Leva". The signature is written in a cursive style.

Danielle Leva

Enclosure

cc: Jose Aponte (Regular Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jose Aponte,	:	
Complainant/Appellee	:	
	:	Docket No. F-2012-2325059
v.	:	
	:	
Philadelphia Gas Works,	:	
Respondent/Appellant	:	

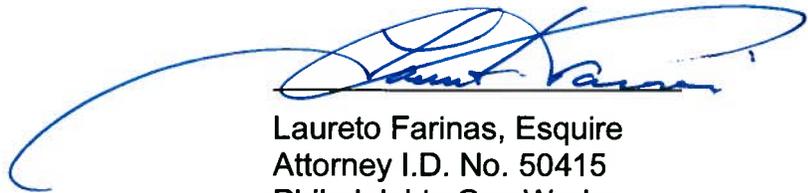
NOTICE OF RIGHT TO FILE OBJECTION

To: Jose Aponte, Complainant/Appellee

Pursuant to 52 Pa. Code §1.82(a), if you object to the Philadelphia Gas Works' Petition to Withdrawal Complaint/Appeal of the Decision of the Bureau of Consumer Services dated, August 14, 2012; Case No. 2969627, you are hereby notified to file a written Objection to the enclosed petition within ten (10) days from service of this document.

Respectfully submitted,

February 21, 2013



Laureto Farinas, Esquire
Attorney I.D. No. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jose Aponte,	:	
Complainant/Appellee	:	
	:	Docket No. F-2012-2325059
v.	:	
	:	
Philadelphia Gas Works,	:	
Respondent/Appellant	:	

**Philadelphia Gas Works' Petition to Withdrawal Complaint/Appeal
of the Decision of the Bureau of Consumer Services
Dated, August 14, 2012; Case No. 2969627**

Pursuant to 52 Pa. Code §1.82, the Philadelphia Gas Works ("PGW") hereby files this petition to withdraw the appeal of the decision of the Commission's Bureau of Consumer Services ("BCS") dated August 14, 2012 under BCS Case No. 2969627. PGW hereby avers the following:

1. In September 2012, PGW filed the instant matter against Jose Aponte, the Customer of Record of 2935 N. Reese Street, Philadelphia, Pennsylvania 19133 ("Service Address"), PGW Acct No. 0003 5544 5804.
2. The Complaint is an appeal of the BCS decision dated August 14, 2012 under BCS Case No. 2969627 in which the BCS found that there was no evidence of meter tampering at the Service Address and treated the PGW bill of \$3,477.93 issued for previously unbilled service as meter error and not Unauthorized Usage. This enabled Mr. Aponte to have a payment agreement rather than requiring payment of the full bill before service restoration.
3. PGW averred facts leading to the reasonable conclusion that the meter at the Service Address was the object of tampering in order to avoid the payment for gas service and further, that the BCS abused its discretion in finding that there was no theft to enable the provision of a payment agreement and restore gas service to the Service Address.
4. PGW sought a *de novo* review of the facts of this matter in order to demonstrate that theft of service had been conducted at the Service Address by tampering with the meter and metering apparatus.

5. On September 19, 2012, the Commission served a copy of PGW's Appeal/Complaint upon Mr. Aponte, who was provided notice that he was obligated to file an Answer to the Appeal/Complaint on or before October 9, 2012.

6. To date, Mr. Aponte has not filed an Answer to contest this matter. Thus, the instant Appeal/Complaint remains an uncontested matter.

7. The Commission has scheduled an Initial In-Person Hearing of this matter for Friday, March 8, 2013 before Administrative Law Judge Angela T. Jones at the Commission's Philadelphia offices.

8. Since the service of the Appeal/Complaint upon Mr. Aponte, PGW and Mr. Aponte have discussed and completed the restoration of gas service to the Service Address and found that the Aponte household would otherwise qualify for, and has enrolled in, PGW's Customer Responsibility Program.

9. On February 20, 2013, PGW contacted Mr. Aponte by telephone and informed him of its intention to withdraw the instant Appeal/Complaint.

10. Mr. Aponte has indicated that he does not object to PGW's withdrawal of the matter.

Wherefore, PGW respectfully requests that this Commission grant leave to PGW to withdraw this uncontested matter, pursuant to 52 Pa. Code §1.82.

February 21, 2013

Respectfully submitted,

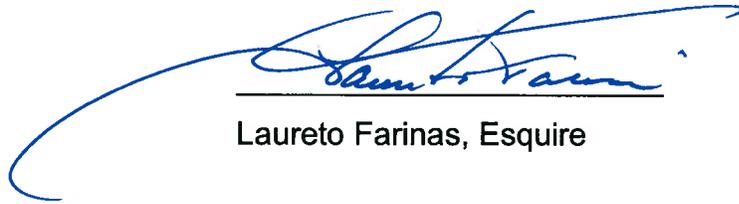


Laureto Farinas, Esquire
Attorney I.D. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

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.

February 21, 2013


Laureto Farinas
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. Jose Aponte
2935 N. Reese Street
Philadelphia, PA 19133

February 21, 2013



Laureto Farinas, Esquire
Attorney I.D. 50415
Philadelphia Gas Works
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