



PHILADELPHIA GAS WORKS

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May 15, 2013

Administrative Law Judge Cynthia W. Fordham
Pennsylvania Public Utility Commission
801 Market Street
Suite 4063
Philadelphia, PA 19107

Re: 1305 Walnut Street Corp. d/b/a/ Holiday Inn Express, v. PGW,
Docket No. C – 2012 – 2337290

Dear Judge Fordham:

Pursuant to 52 Pa. Code §1.15(b), Philadelphia Gas Works, the Respondent (PGW) hereby answers and opposes the Complainant's motion for a continuance of the hearing scheduled for May 22, 2013.

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

Sincerely,


Danielle Leva

Enclosure

cc: Rosemary Chiavetta, Secretary
William McNamara (Regular Mail)
Joshua Grimes, Esq. (Regular Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

1305 Walnut Street Corp.	:	
d/b/a/ Holiday Inn Express,	:	
Complainant	:	
v.	:	Docket No. C – 2012 – 2337290
	:	
Philadelphia Gas Works,	:	
Respondent	:	

**Answer of Philadelphia Gas Works to
Complainant's Request for Continuance of Hearing**

Pursuant to 52 Pa. Code §1.15(b), Philadelphia Gas Works, the Respondent (PGW) hereby answers and opposes the Complainant's motion for a continuance of the hearing scheduled for May 22, 2013. In support of its answer, PGW states as follows:

1. Admitted.
2. Admitted. By way of further answer, the Commission had previously scheduled the Initial Hearing for March 21, 2013. At the request of Complainant's counsel, the Commission granted a continuance by Prehearing Order dated April 12, 2013.
3. Admitted in part. Emphatically denied in part. PGW admits that the Complainant filed a motion to compel on May 8, 2013 (served upon PGW on May 10, 2013) to which PGW filed an answer on May 13, 2013. PGW emphatically denies that it has failed to response to respond to the discovery requests. By way of further answer, on April 25, 2013, PGW served responses to each and every interrogatory and request for production of documents. These represented approximately 114 pages of account information, PGW records and photographs responsive to the discovery requests. PGW provided all of the information that it has in response to the discovery requests. PGW further recognized the continuing nature of the discovery. As of this date, PGW personnel who performed the search of records, Emil Oetinger, states that he has provided all known records of PGW's visitation to the Complainant's Service Address. Further, PGW's record retention policy is four (4) years. PGW cannot provide records that are not in its possession. PGW emphatically denies that its responses to the Complainant's discovery requests are deficient.

4. Denied. PGW denies that it has not complied with material aspects of the discovery requests. By way of PGW admits that on April 26, 2013, the Complainant sent to PGW an e-mail outlining the Complainant's view of the way in which the responses were deficient. PGW responded to the Complainant's listing with an e-mail stating that although PGW provided documentation of visits by PGW personnel to the Complainant's service address, PGW is not obligated to provide additional detailed narrative on the information that the PGW personnel possesses. PGW further advises that PGW's answer represents a summary of the information possessed by PGW witnesses. With regard to the documentation provided about visits to the Service Address, all of the information about the visit appears on the face of the document, dates, personnel, reason for visit. PGW has offered a technical conference to explain the data on the documentation where it is not apparent, dates, reason for visit, etc. In this way, the Complainant has information and clarity more swiftly than with additional written responses, which may be potentially subject of additional accusations of inadequacy.

5. Admitted.

6. Denied. The Complainant has had ample time to prepare for the hearing of this matter, as it possess all the discoverable materials that PGW has in its possession that is responsive to the discovery requests. Prior to the filing of the formal complaint, the Complainant had many months to request and analyze information about its account and any operational issues regarding PGW service. PGW opposes any request for a continuance on the grounds that the Complainant has incomplete discovery as such a request attempts to further delay the final disposition of this matter.

7. Denied. On May 13, 2013, PGW filed its answer to the Complainant's motion to compel discovery. In it, PGW advised this Commission and the Complainant that it opposed any request for a continuance.

8. Denied. PGW denies that there is insufficient time for the Complainant to prepare for the hearing of this matter by the scheduled hearing dated, May 22, 2013. The Complainant's request for a second continuance seeks to delay the final disposition of this matter and payment of the outstanding balance of the Complainant's account. The Complainant has failed to show good cause for the grant of a second

continuance of the Initial Hearing of this matter.

WHEREFORE, PGW requests that the Commission deny the Complainant's request for a second continuance of the Initial Hearing scheduled for May 22, 2013.

Respectfully submitted,

May 15, 2013

Laureto Farinas 104

Laureto Farinas

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.

Dated: May 15, 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).

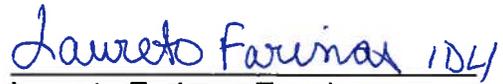
Service List:

For Complainant:

Joshua Grimes, Esq.
Grimes Law Offices, LLC
123 South Broad Street
Philadelphia, PA 19109

Mr. William McNamara
1305 Walnut Street Corp. D/B/A Holiday Inn Express
1305 Walnut Street
Philadelphia, PA 19107

May 15, 2013


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