



PHILADELPHIA GAS WORKS

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June 13, 2013

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

Re: Bertha Jones v. PGW, Docket No. C – 2013 – 2364858

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.101, the Philadelphia Gas Works ("PGW") hereby files the original of its 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: Bertha Jones (Regular Mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bertha Jones

v.

Philadelphia Gas Works

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Docket No. C – 2013 – 2364858

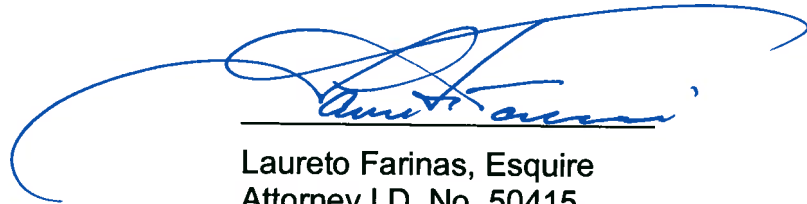
NOTICE TO PLEAD

To: Bertha Jones, Complainant

Pursuant to 52 Pa. Code §5.101, you are hereby notified to file a written response to the enclosed Preliminary Objections within ten (10) days from service hereof or you may be deemed to be in default and relevant facts stated in these pleadings may be deemed admitted and a judgment may be entered against you.

Respectfully submitted,

June 13, 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**

| | | |
|-------------------------------|---|--------------------------------------|
| Bertha Jones | : | |
| | : | |
| v. | : | Docket No. C – 2013 – 2364858 |
| | : | |
| Philadelphia Gas Works | : | |

Philadelphia Gas Works' Preliminary Objections

Pursuant to 52 Pa. Code §5.101, the Philadelphia Gas Works ("PGW") hereby files these Preliminary Objections to the Complaint filed in the above captioned matter on the grounds that the Complaint lacks averments with sufficient specificity pursuant to 52 Pa. Code §5.101(a)(3).

In support of its preliminary objection, PGW hereby avers the following:

1. On or about May 3, 2013, the Complainant filed a formal complaint against PGW with the Commission under the above captioned docket (Complaint) regarding debt for gas service to 6538 Cutler Street, Philadelphia, Pennsylvania (Service Address).
2. On May 24, 2013 the Commission served a copy of the Complaint on PGW, stating that there are incorrect charges on the bill for the Service Address in the name of a person other than the Complainant.
3. Paragraph 4 of the Complaint does not contain any other facts in support of the requested relief for the refund of money collected at settlement
4. The Complaint Paragraph 5 specifies no form of relief.
5. PGW received no factual averments or a narrative attached to the Complaint.
6. Under the Commission's Rules of Administrative Practice and Procedure at 52 Pa. Code §5.101, the treatment of preliminary objections is comparable to that of Pennsylvania civil practice. The Commission's regulations provide, in further relevant part:

(a) *Grounds.* Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections...must state specifically the legal and factual grounds relied upon and be limited to the following:

...

(3) Insufficient specificity of a pleading.
52 Pa. Code §§5.101(a)(3)¹

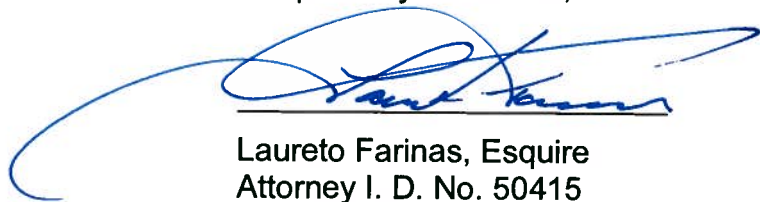
7. In this case, the Complaint fails to provide any facts in support the conclusion that there are incorrect charges on the bill for gas service to the Service Address. Further the Complaint fails to aver the connection to the Customer of Record of the Service Address to merit the ability to bring this dispute of billing charges.

8. Without sufficient factual averments in the Complaint, PGW cannot investigate and respond with other facts that will aid in the disposition of this matter. Without sufficient factual averments in the Complaint, PGW cannot formulate a defense for any violation of the Public Utility Code.

Wherefore, PGW respectfully requests that this Commission sustain PGW's preliminary objections to the Complaint and order the Complainant to amend the complaint to provide sufficient factual averments in support of the requested relief or dismiss the Complaint.

Respectfully submitted,

June 13, 2013



Laureto Farinas, Esquire
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¹ 52 Pa. Code §5.101(a) (3) emphasis added.

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.

June 13, 2013


Laureto Farinas, Esquire

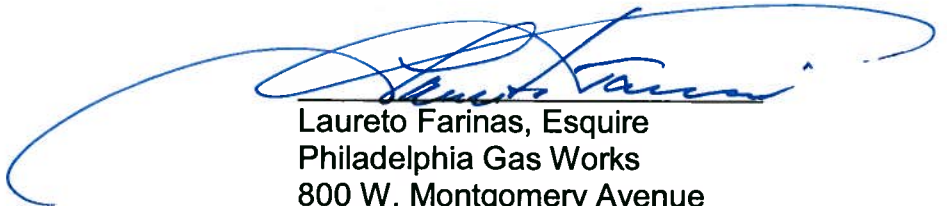
CERTIFICATE OF SERVICE

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).

For Complainant:

Ms. Bertha Jones
6538 Cutler Street
Philadelphia, PA 19126

June 13, 2013



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