



COMMUNITY LEGAL SERVICES  
OF PHILADELPHIA

September 20, 2013

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA17105-3265

Re: Petition of Tenant Union Representative Network and Action Alliance of Senior Citizens for Declaratory Order, Docket No. 2009-2109912

Dear Secretary Chiavetta:

Community Legal Services represents Tenant Union Representative Network and Action Alliance of Senior Citizens (collectively "TURN *et al.*") in the above captioned matter.

Enclosed please find for filing Petition of Tenant Union Representative Network and Action Alliance of Senior Citizens to Withdraw Petition of May 27, 2009, thereby ending the above-captioned matter. Copies have been served on all interested parties in accordance with the attached Certificate of Service.

If you have questions about this filing, please do not hesitate to contact me at 215-981-3702.

Very truly yours,

Philip A. Bertocci, Esquire

Enclosure

cc: Attached Certificate of Service w/enc.

Tenant Union Representative Network and Action Alliance of Senior Citizens v. Philadelphia  
Gas Works (Petition for Declaratory Order), Docket No. P-2009-2109912

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Petition of Tenant Union Representative Network and Action Alliance of Senior Citizens to Withdraw Petition of May 27, 2009 in accordance with the requirements of 52 Pa. Code § 1.52 (relating to service by a participant).

SERVICE BY FIRST CLASS MAIL

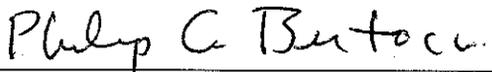
Abby L. Pozefsky, Esquire  
Senior Vice President and General Counsel  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

Tanya J. McCloskey, Esquire  
Christy Appleby, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923

Daniel Clearfield, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
P.O. Box 865  
Harrisburg, PA 17108-0865

Denise Adamucci, Esquire  
Vice President, Regulatory Compliance  
& Customer Programs  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

Date: September 20, 2013

  
\_\_\_\_\_  
PHILIP A. BERTOCCI

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Tenant Union Representative Network</b>	:	
<b>and Action Alliance of Senior Citizens of</b>	:	
<b>Greater Philadelphia</b>	:	
<b>Petitioners</b>	:	<b>Docket No. P – 2009-2109912</b>
<b>v.</b>	:	
<b>Philadelphia Gas Works</b>	:	
<b>Respondent</b>	:	

**PETITION OF TENANT UNION REPRESENTATIVE NETWORK  
AND ACTION ALLIANCE OF SENIOR CITIZENS TO WITHDRAW  
PETITION OF MAY 27, 2009**

The Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (hereinafter “TURN *et al.*”) through counsel Community Legal Services, Inc., hereby petition the Pennsylvania Public Utility Commission (herein after “Commission”), pursuant to 52 Pa. Code §5.904, to withdraw the above-captioned petition of May 27, 2009 (hereinafter “Petition”) concerning the proposal of the Philadelphia Gas Works (hereinafter “PGW”) to make a Write-off Reactivation Plan applicable to a class of current customers receiving service as of April 1, 2009. As alleged by the May 27, 2009 Petition, the class of customers affected by this Plan consists of customers who at some time prior to April 1, 2009 had been terminated for non-payment, who had obtained reconnection prior to April 1, 2009 upon payment of sums which were less than the total pre-termination write-off, and whom PGW had not, after reconnection, billed for the remaining write-off balance (hereinafter “Customer Class”). In response to the filing of the Petition, PGW agreed not to implement its Plan for

write-off reactivations for this particular Customer Class pending settlement negotiations. Although no formal settlement was reached, four years have passed, and PGW has not implemented this part of its Write-off Reactivation Plan. TURN *et al.* wish to withdraw the Petition without further litigation, because TURN *et al.* have determined that the interests of the Customer Class are now adequately protected by the Public Utility Code and existing PUC Regulations.

In support of this Petition to Withdraw, TURN *et al.* state as follows:

1. On May 27, 2009, TURN *et al.* filed its Petition of Tenant Union Representative Network and Action Alliance of Senior Citizens for Declaratory Order requesting that the Commission declare that PGW's Write-off Reactivation Plan as applied to the Customer Class was not consistent with applicable law and regulations requiring accurate and fair monthly billing and adequate, efficient and reasonable service.
2. PGW did not file an Answer to the Petition. By letters dated June 5, 2009 and June 11, 2009, counsel for PGW notified the Commission that PGW and TURN *et al.* had agreed to continue proceedings on the Petition generally, while the parties attempted to reach a negotiated settlement of the issues raised by the Petition. PGW also agreed that pending settlement negotiations, it would not implement that part of its Write-off Reactivation Plan which affected the Customer Class.
3. On June 15, 2009, the Office of Consumer Advocate (hereinafter "OCA") filed a Notice of Intervention.
4. Although the parties were unable in settlement negotiations to reach agreement on the merits,

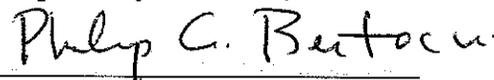
PGW maintained the status quo with regard to the Customer Class. Neither PGW nor TURN et al. has exercised its right to end the general continuance, which would have required PGW then to answer or otherwise respond to the Petition.

5. At this point in time, all the write-off balances which PGW sought to reactivate are more than four years old. TURN et al. has determined that the interests of the Customer Class are adequately protected by applicable law and regulations, without the need for a Commission order on the merits of the Petition.

6. PGW and OCA have indicated that they do not object to this Petition to Withdraw.

WHEREFORE, TURN *et al.* respectfully request that the Commission: (1) permit the withdrawal of TURN et al.'s May 27, 2009 Petition for a Declaratory Order; (2) grant any other relief deemed appropriate under these circumstances.

Respectfully submitted,



Philip A. Bertocci, Esquire  
Thu B. Tran, Esquire

Attorneys for TURN *et al.*  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102  
(215) 981-3702

## VERIFICATION

I, Philip A. Bertocci, Esquire, hereby state that I am authorized to make this verification on behalf of the TURN *et al.*, that the facts contained in the foregoing Petition of Tenant Union Representative Network and Action Alliance of Senior Citizens to Withdraw Petition of May 27, 2009 are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Signed:

*Philip A. Bertocci*

Philip A. Bertocci, Esquire

Date:

9/20/13