



PHILADELPHIA GAS WORKS

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November 4, 2013

Administrative Law Judge Angela T. Jones
Pennsylvania Public Utility Commission
801 Market Street
Suite 4063
Philadelphia, PA 19107

Re: Willow Management Corporation, c/o Ron Higman v. PGW,
Docket No. C – 2011 – 2273241

Dear Judge Jones:

Pursuant to 52 Pa. Code §1.15(b), Philadelphia Gas Works, the Respondent (PGW) hereby requests a continuance of the hearing scheduled for Tuesday, November 18, 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
Ron Higman (Fed Ex)
Sandra W. Morris, Esq. (Fed Ex)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Willow Management Corporation,	:	
c/o Ron Higman,	:	
Complainant	:	Docket No. C – 2011 – 2273241
v.	:	
	:	
	:	
Philadelphia Gas Works,	:	
Respondent	:	

MOTION FOR CONTINUANCE OF HEARING

Pursuant to 52 Pa. Code § 1.15(b), Philadelphia Gas Works, the Respondent (PGW) and Willow Management Corporation, the Complainant, (together, the "Parties") through its counsel, Sandi Morris, Esq., hereby request a continuance of the Initial Hearing in this matter scheduled for November 18, 2013. In support of its motion, PGW states as follows:

1. On or about November 11, 2011, the Complainant filed a formal complaint with the Commission under the above caption, disputing a bill for previously unbilled services to the Complainant in April 2011 for approximately \$31,000 for the period for January 28, 2011 through April 4, 2011 for its commercial operation.

2. On November 16, 2011, the Commission served the Respondent, PGW with the Complaint, to which PGW answered timely on December 6, 2011.

3. Pursuant to an Interim Order Setting Resolution Conference, the Parties had initial settlement discussions in January 2012. The Parties did not reach a resolution.

4. By Notice dated July 5, 2012, the Commission scheduled an Initial Hearing for September 12, 2012 at 10:00 a.m., before Administrative Law Judge Angela T. Jones in the Commission's Philadelphia Office.

5. On September 12, 2012 that hearing was continued at the request of the Complainant's new counsel who entered his appearance on September 28,

2012.

6. By Notice dated October 26, 2012, the Commission scheduled a Further Hearing for November 21, 2012 at 10:00 a.m., before Administrative Law Judge Angela T. Jones. That hearing was continued at the request of the Parties in order to engage in informal discovery and settlement negotiations. The Parties were not able to reach a settlement, but were willing to continue settlement discussion.

7. On November 21, 2012 that hearing was continued at the Complainant's to allow the Parties to continue settlement discussions.

8. By Notice dated December 10, 2012, the Commission scheduled a Further Hearing for February 20, 2013 at 10:00 a.m., before Administrative Law Judge Angela T. Jones. That hearing was changed to a Prehearing Conference at PGW's in order to clarify the Complainant's subpoena and/or discovery requests.

9. By Notice dated February 26, 2013, the Commission scheduled a Further Hearing for May 8, 2013 at 10:00 a.m., before Administrative Law Judge Angela T. Jones.

10. The Complainant retained new/present counsel who entered her appearance on May 6, 2013.

11. The May 8, 2013 hearing was continued at the request of the Complainant's new counsel in order to familiarize herself with the matter.

12. Although the Parties have engaged in some settlement discussion, discussions have also concerned explanation of the nature of the PGW services provided to the commercial Complainant in this matter.

13. By Notice dated May 6, 2013, the Commission scheduled a Further Hearing for September 10, 2013 at 10:00 a.m., before Administrative Law Judge Angela T. Jones.

14. The Complainant's counsel has expressed the need to conduct further discovery by deposing various PGW employees with knowledge of the events associated with the installation of the conversion apparatus and the issuance of the disputed bill.

15. By Notice dated August 29, 2013, the Commission scheduled a Further Hearing for November 18, 2013 at 10:00 a.m., before Administrative Law Judge Angela T. Jones.

16. While November 18, 2013 hearing approached, the Parties engaged in an informal discovery with a meeting to discuss information and settlement and discuss the depositions.

17. To date and by mutual agreement the Complainant as deposed one potential PGW witness, Ralph T. Savage, III, Director, Commercial Resource Center – PGW on Friday, October 28, 2013. The Parties have also agreed to identify additional persons to be deposed.

18. The litigation schedules of both Parties' counsels have delayed the coordination and scheduling of additional depositions of PGW personnel involved in the metering of gas service, particularly the metering equipment used by the Complainant for its commercial account.

19. The Parties have concluded that the additional depositions cannot take place before the Further Hearing of this matter scheduled for November 18, 2013 and one more continuance would be needed to complete discovery and perhaps settlement discussions once the Parties are fully aware of the facts to be presented at the hearing.

20. The Complainant's counsel agrees and joins in this request for a continuance.

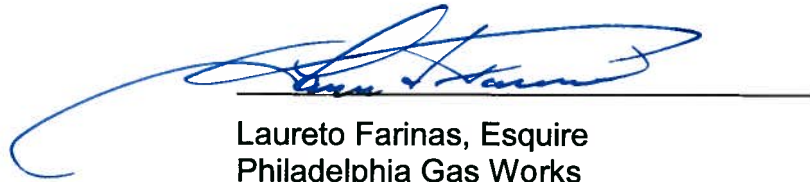
21. While a hearing is pending, the Parties will engage in efforts reduce the number of issues to be litigated and perhaps to reach an amicable settlement of this entire matter.

22. Pursuant to 52 Pa. Code § 1.15(b), PGW has shown good cause for the grant of a continuance in this matter.

WHEREFORE, PGW respectfully requests that the Further Hearing scheduled for November 18, 2013, in the above captioned matter be continued and rescheduled.

Respectfully submitted,

November 4, 2013

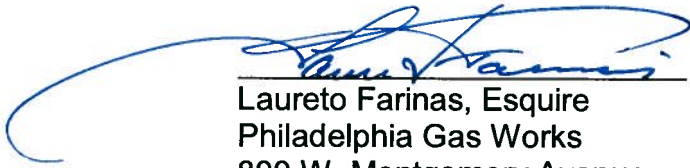


Laureto Farinas, Esquire
Philadelphia Gas Works
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Philadelphia, PA 19122
(215) 684-6982

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.

Dated: November 4, 2013



Laureto Farinas, Esquire
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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:

Ron Higman, Vice President
Willow Management Corporation
430 North 4th Street
Philadelphia, PA 1923

Sandra W. Morris, Esq.
Trevoise Corporate Center
4600 Street Road
Trevoise, PA 19053

November 4, 2013



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