

PETER KATEVATIS ESQUIRE

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December./0 2013

Laureto Farinas Esquire  
Philadelphia Gas Works  
800 W Montgomery Avenue  
Philadelphia PA 19122

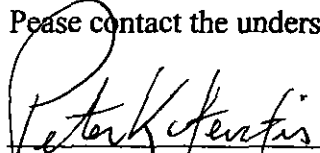
Rosemary Chiavetta, Secretary  
Pennsylvania Utility Commission  
400 North Street  
Commonwealth Keystone bldg 2<sup>nd</sup> floor  
Harrisburg PA 17120

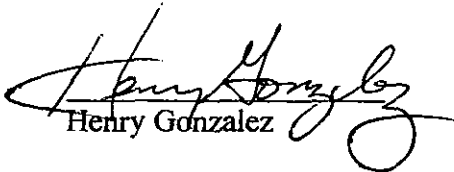
Re: Henry Gonzalez v. PGW, Docket No. C-2013-2392521

Dear Secretary Chiavetta,

Pursuant to applicable 52 Pa Code provisions please find complainant Landlord Henry Gonzalez response of record to 1- PGW preliminary objections and 2- PGW answer to Gonzalez formal complaint.

Pease contact the undersigned for any additional information.

  
Peter Katevatis esquire #2944 PA

  
Henry Gonzalez

Admitted PA- NJ-NY Bars

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Henry. Gonzalez

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Docket No C - 2013- 2392521

V.

Philadelphia GAs Works

1. PUC motion to strike impertinent matter should be denied and deemed at issue.

Jurisdiction

Contrary to PUC counsel assertion the Commission has jurisdiction to decide this matter see. ( PUC formal complaint doc- nov 2012 " "The PUC can decide that a customer was not billed correctly and order billing refunds..... " ) and Gonzalez complaint paragraph No 5 with submitted PA case law in support of claimants requested estoppel relief on the subject PGW"billing" of \$9,744.22 solely resulting from PGW negligent failure in allowing a-wrongful theft on-going billing and failing to notice landlord as required by statute and applicable PA case law.

PPU Code. Section 1529.1(b) and (c) of the Code, 66Pa.C.S. 1529.1(b)-(c)

PUC counsel admits our complaint answer to no 5 in part without providing particulars we therefore submit counsel for PUC admits all of claimants No 5 position.

Counsel ignores complainant Gonzalez assertion for "billing" relief and available PGW records reflecting that landlord claimant Gonzalez never received the statutory obligatory PGW notice of accumulating debt wrongfully allowing its unabated continuation period of August 2009 through August 2013. Landlord claimants first and only billing notice was the August 19, 2013 lien filing of \$9,744.22. This wrongfully accumulated Landlord billing is what claimants No 5 estoppel argument supports. (See PA supporting cases infra and in complaint paragraph no5)

Gonzalez Response to Counsels Answer of the Philadelphia Gas Works

Complainant Gonzalez asserts that all other matters 6 through 13 asserted by PUC counsel in PUC answer per 52 Pa Code 5.61 are in violation of 52 Code 5.101(a) (2) as impertinent matter related only to liens" and unresponsive to the simple issue of PGW failure to notice Landlord Gonzalez of any debt and transfer any outstanding balance accrued as it's duty provided for per PPU Code. Section 1529.1(b) and (c) of the Code, 66Pa.C.S. 1529.1(b)-(c)

Requested relief:

Complainant Gonzalez requests the Commission enter judgement in his favor because PGW counsel on the present record fails to establish a specific defense to claimants clear "billing" complaint.

Further: That PGW take appropriate action and measures to clear any adverse reported credit record with all credit reporting agencies. Further supplying complainant Gonzalez with satisfactory evidence of each compliance

Further: That PGW violated PPU Code. Section 1529.1(b) and (c) of the Code, 66Pa.C.S. 1529.1(b)-(c)


Further: PGW is estoppel from claiming \$ benefit from their own failure in meeting their legal statutory duty and obligation to Landlord Gonzalez.

Complainant Landlord Gonzalez requests that in its Commission ordered estoppel it order PGW to revise its billing of \$9,744.22 reflecting only a properly transferred billing amount of zero. In accord with Santos v. Metropolitan Edison Company, No C-00967757, slip op., pp.15-16 (opinion and order July 10, 1997) per

.... Section 1529.1(c) does explicitly require that the landlord "shall nonetheless be responsible for payment of the utility service" as of the effective date of the requirement to identify tenant occupied units.... The utility must switch the account into the name of the landlord and bill the landlords account for any unpaid billing on the account. P.15

Since a statute is deemed effective upon enactment by the General Assembly no further action is required in order to effectuate its clear and unambiguous provisions.

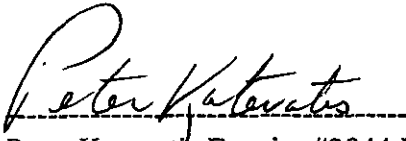
  
Henry. Gonzalez. 12/10/2013

  
Peter Katevatis Esquire. #2944. 12/10/2013

# VERIFICATION

I, Peter Katevatis Esquire declare that I am counsel for Claimant Landlord Henry Gonzalez. I am authorized to make this verification on his behalf. I hereby state that the facts above set forth 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..

Date: December 16, 2013

A handwritten signature in cursive script, reading "Peter Katevatis", written over a horizontal dashed line.

Peter Katevatis Esquire #2944 Pa

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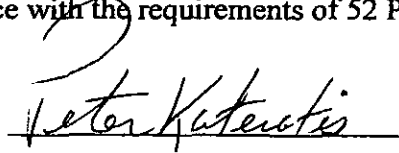
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 52 PA CODE 1.64 (relating to service by a participant).

Dated this 10<sup>th</sup> day of December, 2013



Peter Katevatis Esquire #2944PA

For Counsel to PGW  
Laureto Farinas Esquire  
800 W, Montgomery Avenue  
Philadelphia, PA 19122

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building 2<sup>nd</sup> Floor  
Harrisburg, Pennsylvania 17120

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Peter Kateratis, Esquire  
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Phila. PA 19130

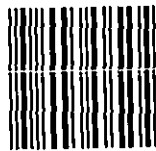
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Koremary Chiavetta, Secretary  
Pennsylvania Utility Commission  
400 North Street  
Commonwealth Keystone Bldg 2nd Floor  
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