

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, Pennsylvania 17105-3265

Frank Melfi III  
v.  
Philadelphia Gas Works

Public Meeting held January 9, 2014  
2385249-ALJ  
Docket Number: C-2013-2385249

**JOINT STATEMENT OF COMMISSIONER JAMES H. CAWLEY  
AND COMMISSIONER GLADYS M. BROWN**

Frank Melfi filed a Complaint alleging that he has been enrolled in PGW's Landlord Cooperation Program (LCP) since 2007, and that PGW improperly applied a lien against his rental property while he was in the LCP. PGW filed an Answer denying that Mr. Melfi was enrolled in the LCP. PGW also filed Preliminary Objections requesting dismissal of the Complaint. The Administrative Law Judge granted PGW's Preliminary Objections and dismissed the Complaint.

The ALJ correctly recognized that this Commission lacks subject matter jurisdiction over municipal liens. Citing *Cheryl Fisher v. Philadelphia Gas Works*, Docket No. F-2010-2215047 (July 31, 2012), the ALJ also concluded that the LCP is essentially a contract for private services that supplement the public utility services provided by PGW and, therefore, the Commission has no jurisdiction over the LCP.

We agree that the Commission lacks subject matter jurisdiction over municipal liens but, we disagree with the ALJ's private contract theory.<sup>1</sup> Moreover, we believe that the LCP, although voluntarily provided by PGW, falls within the ambit of Section 1501 of the Public Utility Code, 66 Pa. C.S. § 1501, which requires public utilities to provide reasonable service.

That being said, we agree with the dismissal of this matter based on the fact that Mr. Melfi's Complaint did not clearly allege any problem over which the Commission has jurisdiction, for example, poor customer service on PGW's part. However, given the numerous complaints filed by landlords regarding enrollment in the LCP, we strongly encourage PGW to review its LCP enrollment process to ensure that it is user friendly.

**January 9, 2014**  
Date

  
James H. Cawley, Commissioner

  
Gladys M. Brown, Commissioner

<sup>1</sup> The LCP allows residential rental property owners to avoid the imposition of gas liens on their registered properties, to help PGW with necessary meter access "for any reason, including but not limited to shutoff or turn-on of service, meter maintenance, performance of a leak survey, or for other safety or operational reasons," [http://www.pgworks.com/files/pdfs/LCP\\_TermsConditions.pdf](http://www.pgworks.com/files/pdfs/LCP_TermsConditions.pdf) and to assist PGW in the timely collection of payment for its services. See <http://www.pgworks.com/lcp>. Although not tariffed, the LCP and many of its features relating to failure to pay accounts, access to meters, meter maintenance, and leak survey access are inextricably intertwined with the provision of PGW's utility service.