



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

---

Danielle Leva, Paralegal  
Legal Department  
Direct Dial: 215-684-6862  
FAX: 215-684-6798  
E-mail: [Danielle.leva@pgworks.com](mailto:Danielle.leva@pgworks.com)

January 9, 2014

Administrative Law Judge Cynthia W. Fordham  
Pennsylvania Public Utility Commission  
801 Market Street  
Suite 4063  
Philadelphia, PA 19107

**Re: Rosa Concepcion v. PGW, Docket No. C – 2012 – 2332573**

Dear Judge Fordham:

Pursuant to 52 Pa. Code §1.15(b), Philadelphia Gas Works, the Respondent (PGW) hereby requests a continuance of the hearing scheduled for Friday, January 10, 2014.

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  
Rosa Concepcion (Fed Ex)  
Henri Marcial, Esq. (Fed Ex)  
Anne Marie Cromley (PGW Mail)  
Linda Pereira (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rosa Concepcion,	:	
Complainant	:	
v.	:	Docket No. C-2012-2332573
	:	
Philadelphia Gas Works,	:	
Respondent	:	

**MOTION FOR CONTINUANCE OF HEARING**

Pursuant to 52 Pa. Code § 1.15(b), Philadelphia Gas Works, the Respondent (PGW) hereby requests a continuance of the hearing in this matter scheduled for Friday, January 10, 2014 due to the unavailability of one of its witnesses.

In support of its motion, PGW states as follows:

1. On November 5, 2012, the Commission served the Respondent with the Complaint filed in the above captioned matter, which is a dispute involving charges for Unauthorized Usage at the Passion Bar and Restaurant located at 4827 Rising Sun Avenue, in Philadelphia. (Service Address), to which PGW filed an Answer to the Complaint on December 3, 2012.

2. After the disposition of preliminary issues involving the Complainant's requirement to be represented by counsel, the Complainant retained Henri P. Marcial, Esquire who filed a Notice of Appearance on the Complainant's behalf on May 29, 2013.

3. By Notice dated October 3, 2013, the Commission scheduled an In Person Hearing in this matter for Friday, January 10, 2014 at 10:00 a.m., before Administrative Law Judge (ALJ) Cynthia W. Fordham, in the Commission's Philadelphia office.

4. PGW intends to present two witnesses for testimony for this case, one of whom is Jack Irizarry, Customer Review Officer – PGW. Mr. Irizarry had conducted the investigation of this complaint for the Customer Review Unit and had been prepared to present testimony on behalf of PGW in this matter.

5. When I returned to PGW from another matter before this Commission this

morning, I was informed that Mr. Irizarry was not at work today and will not be in for work tomorrow due to a chronic medical issue.

6. He will not be available to testify at the January 10, 2014, hearing in the above referenced matter.

7. Due to the level of the complexity of this matter and availability of CRU staff, it is very unlikely that another Customer Review Officer can be adequately prepared to replace Mr. Irizarry in the time remaining before the hearing.

8. PGW requires a continuance of the January 10, 2014 hearing of this matter in order to allow Mr. Irizarry to attend and present testimony.

9. PGW has contacted the Complainant's counsel, Henri Marcial, Esq., who has indicated that his client is not opposed to PGW's request for a continuance.

10. The parties have been engaged in settlement discussion and will be speaking again this afternoon regarding the settlement of this matter.

**WHEREFORE**, for the reasons stated above, PGW respectfully requests that the hearing scheduled for Friday, January 10, 2014 in the above captioned matter be continued and rescheduled.

Respectfully submitted,

January 9, 2014

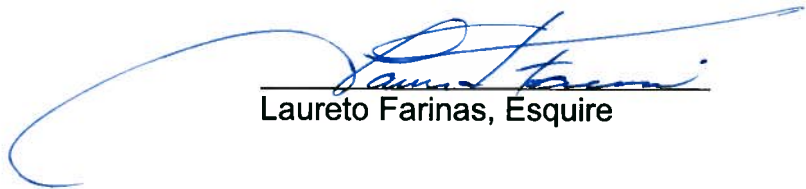


Laureto Farinas

**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.

January 9, 2014

  
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).

Service List:

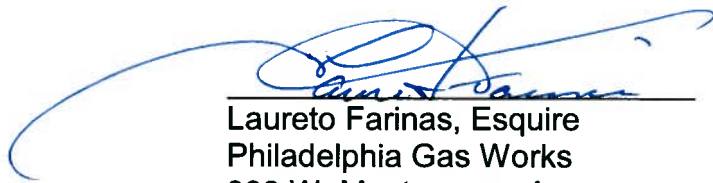
For Complainant:

Henri Marcial, Esq.  
Marcial and Associates, LLC  
1500 JFK Boulevard, Suite 200  
Philadelphia, PA 19102

Also by e-mail:  
hmarcial@marciallaw.com

Rosa Concepcion  
4827 Rising Sun Avenue  
Philadelphia, PA 19120

January 9, 2014



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