

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, Pennsylvania 17105-3265

EWC Holdings, Inc.  
v.  
Philadelphia Gas Works

Public Meeting held February 6, 2014  
2379030-ALJ  
Docket Number: C-2013-2379030

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

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 Landlord Cooperation Program (LCP) is essentially a contract for private services that supplements the public utility services provided by PGW and, therefore, the Commission has no jurisdiction over the LCP. (I.D. at 11-12).

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 the Complaint did not clearly allege any problem over which the Commission has jurisdiction, for example, poor customer service on PGW's part.

February 6, 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.