



**PHILADELPHIA GAS WORKS**

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February 24, 2014

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Gregory Rivers v. PGW, Docket No. C - 2012 - 2313307**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.5572, the Philadelphia Gas Works ("PGW") hereby files its reply to the Complainant's Letter-Petition for Reconsideration.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,

  
Danielle Leva

Enclosure

cc: Gregory Rivers (Regular Mail)  
Anne Marie Cromley (PGW Mail)  
Linda Pereira (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Gregory Rivers**

**v.**

**Philadelphia Gas Works**

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**Docket No. C – 2012 – 2313307**

**Philadelphia Gas Works  
Reply to Complainant's Letter Petition for Reconsideration**

Pursuant to 66 Pa. C.S. §703(f) and (g), 52 Pa. Code §5.572(e), and the Secretary's letter dated February 12, 2014 in the above captioned matter, the Philadelphia Gas Works, ("PGW") hereby files its reply to the Complainant's Letter-Petition for Reconsideration by the Commission (Petition).

For the reasons set forth herein, PGW respectfully requests that the Commission deny the Petition for Reconsideration of the above captioned matter. In support of its request, answers accordingly.

**I. Introduction**

On November 27, 2013, the Commission entered a final order in the above captioned matter adopting without further Commission action an Initial Decision issued on October 24, 2013, dismissing the Complaint against the PGW as the Complainant failed to carry his burden of proof that PGW was improperly holding him responsible for the unauthorized use of gas ultimately calculated as \$3,170.21 covering the period from the Complainant's acquisition of the property located at 4849 N. Bouvier Street, Philadelphia (Service Address) in October 2006 through the discovery of the unauthorized usage in March 2008.

**II. PGW Answer to Reconsideration Arguments**

In the Petition, the Complainant seeks to introduce two new documents, not in evidence and not previously provided in support of the Petition. These are: [1] correspondence from PECO an Exelon Company (partially hand written on a form) purporting to confirm that the Complainant has applied for electric service at the Service Address effective June 3, 2009 (PECO correspondence), and [2] a water sewer bill from the Philadelphia Water Revenue Bureau for a service period from December 7, 2007

through April 2, 2008 (Water bill). These fail to contravene or militate against the findings of fact or conclusions of law reached in the Initial Decision.

The Commission's standards for granting reconsideration are set forth in *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553 (1982). In that case, the Commission stated that a party seeking reconsideration cannot be permitted to raise the same questions that were specifically decided against that party but rather, the Commission expects that the party seeking reconsideration will be successful only when they raise "new and novel arguments" that were not previously heard or considerations which appear to have been overlooked or not addressed by the Commission.<sup>1</sup>

In the instant matter, the Complainant submits documents that do not meet the established standard that would warrant the reconsideration of the Commission's Final Order and Decision in this matter. Apparently, these new documents are submitted to corroborate the Complainant's contention that there was no gas use at the Service Address for the disputed period October 2006 through March 5, 2008.

The PECO correspondence simply states that the Complainant had applied for gas service in June 2009. The PECO correspondence does not state that there was no electric service at the Service Address prior to that time. Record evidence clearly establishes that the Complainant owned the Service Address as of October 2006<sup>2</sup> and that the Complainant was rehabbing the Service Address. In order to perform any kind of repairs using electrical tools, the Service Address would have had electric service. The PECO correspondence fails to establish that there was no electric service under the account of another person or the previous PECO customer of record. As such the PECO correspondence fails to corroborate that there was no gas usage at the Service Address.

Similarly, the Water bill fails to corroborate the Complainant's contention that there was no gas usage at the Service Address. As stated above the Water bill is for the period of December 7, 2007 through April 2, 2008. This predates the Complainant's assertion that there was no electric service by more than year. The Water bill shows a previous balance (previous to December 2007) of \$215.19, and further shows that the

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<sup>1</sup> *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. at 559 and *Kisha Dorsey v. Philadelphia Gas Works*, F-2012-2313679 (Entered February 19, 2014)

<sup>2</sup> Initial Decision, p. 6, Findings of Fact, Paragraph 13.

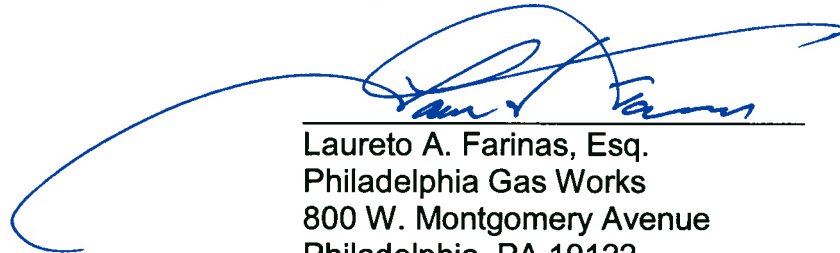
Complainant's last Water bill payment prior to the Water bill submitted was on March 26, 2007. This means that the Water bill shows that there was water utility service at the Service Address at the beginning of 2007. The Water bill fails to corroborate the Complainant's contention that there was no gas service at the Service Address for the period from October 2006 through March 2008. In fact, it follows that where there is water utility service there could have been gas use for that period. The Complainant's request for reconsideration should be denied as the PECO correspondence and the Water bill fail to provide any new or novel argument for the Commission's reconsideration of this matter.

**I. CONCLUSION**

For the reasons stated above, the PGW requests that the Commission deny the Complainant's request for reconsideration of this matter and affirm its Final Order of November 27, 2013 adopting the Initial Decision of October 24, 2013 as written, dismissing the Complaint.

Respectfully submitted,

February 24, 2014



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Laureto A. Farinas, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
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**CERTIFICATE OF SERVICE**

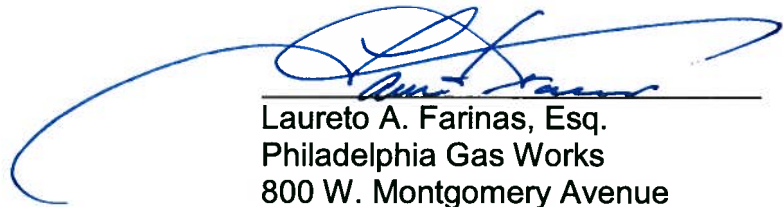
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Mr. Gregory Rivers  
4849 Bouvier Street  
Philadelphia, PA 19141

February 24, 2014



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