

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

RECEIVED

FEB 20 2014

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number:

FERNROCK REALTY CO, LP
P.O. BOX 549
ABINGTON, PA 19001-0549

E-mail Address (optional): ktreadwell@sbgmanagement.com

Utility Account Number (from your bill): 023444792 / 253720512 / 719354604

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

FERNROCK REALTY CO, LP
910 W. GODFREY AVENUE
PHILADELPHIA, PA 19141

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PHILADELPHIA GAS WORKS

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC, GAS, WATER, STEAM HEAT, WASTEWATER/SEWER, TELEPHONE/TELECOMMUNICATIONS, MOTOR CARRIER

#### 4. Reason for Complaint

**What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.****

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain).

**Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.**

**In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.**

Fernrock Realty "Complainant" filed a PUC Complaint (Docket # C-2012-2308465) on or about May 11, 2012, which is currently pending before ALJ Eranda Vero, regarding PGW's incorrect billing and lack of "good service", as well as the underlying accounting for those incorrect bills, for the above referenced PGW accounts. Central issues in the litigation involve whether PGW properly applied Complainant's payments to its accounts, including the application of payments to disputed and undisputed amounts, as well as the correct calculation of interest, penalties, and late payment charges, both prior to and after the imposition of municipal liens. These issues go to improper billing practices and to "good service" issues.

In good faith, Complainant placed funds into an "escrow" account with a title company, Keystone Agency, Inc. (the "Title Co."), on or about October 2013, to pay for gas usage and other charges due on

the accounts. Prior to releasing the escrowed funds to PGW, the Title Co. requested a payoff statement. A payoff statement is essentially a bill. Yet the documentation provided by PGW to Complainant lacks a good and reasonable explanation for the utility's billing, here, as required by the applicable statutes, laws, and tariffs. See the attached documents, "Account Pay-Off Inquiry Form", which is attached as Exhibit "C" and the "Fern Rock Realty 10-18-2013", which is attached as Exhibit "C". Both documents, at Exhibit "C" provide a "Lien Amount" of \$116,733.69 and an "Outstanding Debt" amount of \$192,475.99, without any details of the portion of the lien amount, which is for the principal gas usage, interest prior to the imposition of the lien, interest/late payment charges after the imposition of the lien, nor any explanation for the difference between the Lien Amount and the Outstanding Debt amount. Further, Complainant and its representatives have been trying to obtain an accurate payoff statement and other such information from PGW since October of 2013.

On January 21, 2014 Complainant's Title Company issued a check to PGW in the amount of \$192,475.99. (EXHIBIT A) The title company required PGW to sign a transmittal letter to clear title through October 31, 2013. (EXHIBIT B). As shown in the attachments, PGW has not signed the transmittal letter, which would confirm PGW's agreement that the payment of \$192,475.99 is sufficient to clear title and the accounts through 10/31/2013.

As of February 19, 2014 PGW has not provided the Complainant with an allocation of the funds sent to them as required in the attached schedule. (EXHIBIT C)

Based on the facts in this matter, it appears that PGW is acting in bad faith and with malice, and acting in violation of the applicable laws, statutes, tariffs, and rules, here. PGW is preventing and continuing to prevent the deposit of the funds, which would stop the accrual of late payment charges and interest on undisputed amounts of the accounts. PGW is refusing to provide the Title Co. and Complainant with the required signature on the transmittal letter, which is tantamount to refusing to confirm PGW's own billing of the accounts and alleged outstanding debts as issued to the customer, the Complainant. Further, by doing so, PGW wrongfully, created an untenable result that interest continues accruing on the aforementioned accounts, because no payoff of the debt can occur since PGW refuses to confirm the debt due on the accounts to the Title Co.

- Complainant asserts that PGW lacks assurance and confidence in its accounting records and billing practices and so refuses to release this information, despite its statutory and legal obligations and responsibilities to do so. Further, PGW is unduly burdening the customer and is holding the Complainant responsible for PGW's faulty accounting procedures. PGW, also, is transferring the costs, risks and liability for its internal financial and billing failures to the customer, by failing to take the requested action and by wrongfully increasing late payment charges and interest because no billing explanation, allocation of funds and execution of the transmittal letter are or were provided, here.
- Complainant is continuing to incur expenses including, but not limited to, legal fees, administrative fees and other related expenses.
- PGW continues to wrongfully charge the Complainant interest and late payment charges on the undisputed and disputed amounts while this matter is being disputed with the PUC, which should be removed from the accounts and refunded, if paid, prior to a resolution of this matter.
- PGW's pattern of behavior, here, with Complainant accounts leads one to conclude and Complainant, so alleges here, that PGW is providing "bad service" and acting in bad faith and/or

in a retaliatory manner by refusing to credit the accounts for funds that PGW refuses to deposit and by PGW's other acts and omissions as set forth herein.

- Complainant paid for title insurance that is not in effect due to PGW's failure to provide assurances to Title Co. regarding the billing, payment, and accounting information PGW has submitted on Complainant's accounts. As a result of PGW being 1) unwilling to confirm the amount due and/or 2) deposit the Check #3090, then Title Co. is unable to rely upon the information that PGW has presented and Customer cannot receive a statement of clear title from the Title Co. Moreover, the inability to confirm the amount due increases the probability and the potential that improper or incorrect billing has occurred and continues to occur, here, by PGW.

Attached to this complaint are Exhibits that support Complainant's claims with regard to this matter.

Attachment	Document Type	Description of Document
A	Copy of Check #3090	Title Company check issued to PGW for \$192,475.99
B	Transmittal letter	Required Transmittal Letter
C	PGW Prepared Documents	Payoff Form Schedule Prepared by T. Savage Email from T. Savage to Title Company

## 5. Requested Relief

**How do you want your complaint to be resolved?** Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

- 1) Require PGW to provide a final payoff statement to Complainant.
- 2) Require PGW to refund or credit the Complainant's account of all late payment charges and finance/interest charges, billed or assessed to the accounts, as a result of PGW's refusal to deposit the check, from the date when Check #3090 was first available for deposit.
- 3) Require PGW to sign the transmittal letter needed to clear the title through 10/31/13.
- 4) Require PGW to provide billing information on Complainant's accounts, including the application of payments (full and partial payments) to disputed and undisputed amounts, as well as all the dates when municipal liens on the accounts were imposed (and the period and amount of gas usage covered/billed in each lien), interest, late payment charges, and other charges and the resulting calculation of interest, penalties, and late payment charges, both prior to and after the imposition of municipal liens; this information provides a "plain language" explanation of PGW's billing and confirms whether PGW has complied with the tariffs, statutes, rules, and regulations, here.
- 5) After providing the information requested in "4", of this sub-paragraph of Paragraph 5, Complainant requests that the PUC determine whether PGW correctly billed Complainant for the entire accounts, and if not, requests that the PUC revise the bills and accounts and issue the appropriate billing refunds to Complainant.

**Note:** The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

## 6. Protection from Abuse

**Has a court granted a "Protection from Abuse" order that is currently in effect for your personal safety or welfare?** The PUC needs this information to properly process your complaint so that your identity is not made public.

**Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.**

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection for Abuse order to this Formal Complaint form.

**7. Prior Utility Contact**

**a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?**

YES

NO

**Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.**

**b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?**

YES  - See Responses to Paragraphs 4, above.

NO

**Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.**

**c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.**

See Responses to Paragraphs 4, and 5 above.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name FRANCINE THORTON BOONE, ESQUIRE  
Street/P.O. Box P.O.BOX 549  
ABINGTON, PA 19001  
PHONE: 215-260-4562  
E-MAIL: FBOONE@SBGMANAGEMENT.COM

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint must print or type their name on the line provided in the verification paragraph below and must sign and date this form in ink. If you do not sign the Formal Complaint, the PUC will not accept it.

Verification:

Philippe for Femmer Realty Co LLC hereby state that the facts above set forth are true and correct (or 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).

  
\_\_\_\_\_  
(Signature of Complainant)

2/20/2014  
\_\_\_\_\_  
(Date)

Director of operations  
\_\_\_\_\_  
Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

**Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.**

**10. Filing**

**You may electronically file your Formal Complaint with the PUC. To do so, you need to establish an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.**

**If you do not electronically file your Formal Complaint, mail the completed form (along with any attachments) to one of the addresses listed below:**

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
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**Note: Formal Complaints sent by fax or e-mail will not be accepted.**

**If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.**

**Keep a copy of your Formal Complaint for your records.**

KEYSTONE  
AGENCY, INC.

TITLE INSURANCE

Suite 301  
1525 Locust Street  
Philadelphia, PA 19102

(215) 732-3764

FAX: (215) 545-5329

E-mail: keystoneagencyinc@verizon.net

January 21, 2014

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

R. Theodore Savage  
Director, Commercial Resource Center  
800-3 W. Montgomery Avenue  
Philadelphia, PA 19122

Re: 900-938 West Godfrey Avenue, 927 West Spencer Street  
File # 99-8921-P (REV)

Enclosed please find the following:

  X   Our check No. 3090 in the amount of \$192,475.99 for PGW from escrow.

Please sign and return to confirm that all past due balances and liens are paid in full thru 10/31/13.

\_\_\_\_\_  
R. Theodore Savage

\_\_\_\_\_  
Date

If we can be of any further service to you, please feel free to contact our office.

Cordially yours,



Shonda Blackburn  
Bookkeeper

EXHIBIT B

TO: City of Philadelphia (PGW)  
Fax: (215) 684-6150  
Phone: (215) 235-1777

### ACCOUNT PAY-OFF INQUIRY FORM

Abstract Company: Keystone Agency Agent Name: \_\_\_\_\_  
Telephone #: \_\_\_\_\_ Facsimile #: \_\_\_\_\_  
Date of Settlement: \_\_\_\_\_ Date Information Needed By: \_\_\_\_\_  
Property Information (Please also provide below any account numbers you may have):  
Address: 900-358 W Godfrey Account #: \_\_\_\_\_  
Owner/Seller: \_\_\_\_\_ Buyer: \_\_\_\_\_  
Purpose: Purchase \_\_\_\_\_ Refinance \_\_\_\_\_ Foreclosure \_\_\_\_\_  
If Sheriff Sale, Defendant Name: \_\_\_\_\_ Book/Writ# \_\_\_\_\_  
Seller's New Address for Final Bill: \_\_\_\_\_

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Please circle type:  
Judgment/Lien Docket #: \_\_\_\_\_ File Date: \_\_\_\_\_  
Judgment/Lien Docket #: \_\_\_\_\_ File Date: \_\_\_\_\_  
Judgment/Lien Docket #: \_\_\_\_\_ File Date: \_\_\_\_\_

<b>FOR PGW USE ONLY</b>		
TOTAL AMOUNT DUE:		<u>\$ 192,475.99</u>
Account #:	<u>719354604</u>	Amount: <u>\$ 72,885.85</u> Current through: <u>10/31/13</u>
Account #:	<u>253720512</u>	Amount: <u>\$ 84,005.52</u> Current through: <u>10/31/13</u>
Account #:	<u>23444792</u>	Amount: <u>\$ 35,584.62</u> Current through: <u>10/31/13</u>
_____ No Account/No Balance: (1) Verify Type and Status of Service with Owner, (2) Re-contact PGW		
Meter #:	Meter Reading:	Date: _____ Actual/Estimate/Final
Judgment/Lien Docket #:	<u>See Attached</u>	File Date _____
Judgment/Lien Docket #:	_____	File Date _____
Judgment/Lien Docket #:	_____	File Date _____
All liens and judgments will be satisfied once the payment has been credited against the account.		
PREPARED BY:	<u>Kowalski</u>	DATE: <u>10/18/13</u>

DISCLAIMER: "No account/No balance" does not indicate that absence of past or future liens/judgments.

Make checks payable to PGW and return this completed form with payment to:

PGW - Collection Department  
800 W. Montgomery Avenue, 3<sup>rd</sup> floor  
Philadelphia, PA 19122  
Attn: ~~Liens & Judgments~~

Commercial Resource Center

Failure to return this form along with your payment may result in a delay or incorrect processing of payment.

<b>Fern Rock Realty 10-18-13</b>			
<b>OPA 881150910</b>			
<b>Address</b>	<b>Docket #</b>	<b>Lien Amount</b>	<b>Outstanding Debt</b>
920-32 W. Godfrey Ave. (Awh)	110731727	\$ 8,229.43	
Account # 0719354604	110831147	\$ 1,185.86	
SA #5597548861	111031897	\$ 3,245.83	
	111230262	\$ 2,397.04	
	120230544	\$ 5,619.37	
	120532600	\$ 1,618.48	
	120731965	\$ 2,896.95	
<b>Sub-Total</b>		<b>\$ 25,192.96</b>	<b>\$ 45,414.23</b>
920-32 W. Godfrey Ave. (HH)	110231081	\$ 18,760.34	
Account # 0253720512	110731729	\$ 10,914.08	
SA #9935030987	110831148	\$ 709.08	
	111031718	\$ 1,419.05	
	120230545	\$ 12,122.74	
	120532632	\$ 6,860.69	
	120631620	\$ 469.12	
<b>Sub-Total</b>		<b>\$ 51,255.02</b>	<b>\$ 84,005.52</b>
934-38 W. Godfrey (HH)	100731206	\$ 4,015.31	
Account # 0023444792	110231082	\$ 1,031.43	
SA #6679618097	110731726	\$ 5,511.39	
	110831150	\$ 276.83	
	111031719	\$ 545.12	
	120230573	\$ 6,392.58	
	120532625	\$ 3,897.91	
<b>Sub-Total</b>		<b>\$ 21,670.57</b>	<b>\$ 35,584.62</b>
934-38 W. Godfrey (Awh)	110231079	\$ 8,160.32	
Account # 0719354604	110731728	\$ 3,081.26	
SA #5109682167	110831149	\$ 512.54	
	111031763	\$ 770.81	
	120230543	\$ 3,086.87	
	120631639	\$ 2,427.95	
	120631642	\$ 575.39	
<b>Sub-Total</b>		<b>\$ 18,615.14</b>	<b>\$ 27,471.62</b>
<b>TOTAL</b>		<b>\$ 116,733.69</b>	<b>\$ 192,475.99</b>

**RECEIVED**

FEB 20 2014

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**M.S. Baurer**

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**From:** "Savage III, Ralph T" <Theodore.Savage@pgworks.com>  
**Date:** Wednesday, January 15, 2014 4:10 PM  
**To:** "M.S. Baurer" <msb@katitle.com>  
**Subject:** RE: Fern Rock Realty

Michael,  
The amount has not changed....It covers billing up to the end of October 2013.

TED

---

**From:** M.S. Baurer [mailto:msb@katitle.com]  
**Sent:** Wednesday, January 15, 2014 4:06 PM  
**To:** Savage III, Ralph T  
**Subject:** Re: Fern Rock Realty

Ted,  
Please provide the updated amount.  
Thanks,  
Michael

**From:** Savage III, Ralph T  
**Sent:** Wednesday, January 15, 2014 4:03 PM  
**To:** msb@katitle.com  
**Subject:** RE: Fern Rock Realty

Michael,  
We have come to an agreement as to how to handle the funds held in escrow for this customer. Please forward the check to my attention at the address below and NOT to the Credit and Collections department.

Regards  
TED SAVAGE

R. Theodore Savage  
Director, Commercial Resource Center  
800-3 W. Montgomery Ave.  
Philadelphia, PA 19122  
(215) 684-6429  
Theodore.savage@pgworks.com

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FEB 20 2014

PA PUBLIC UTILITIES COMMISSION  
SECRETARY'S BUREAU

FedEx  
TRK#  
0215 8047 6069 0165

FRI - 21 FEB 2014  
STANDARD OVERNIGHT  
IS  
17120  
PA-US  
MDT

EN MDTA

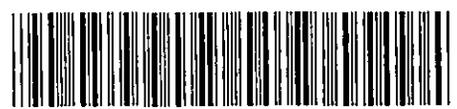


FedEx Package  
Express US Airbill

FedEx Tracking Number 8047 6069 0165

1 From  
Date 2/20/14  
Sender's Name K. Treatwell Phone 215 938-6665  
Company SRC MANAGEMENT  
Address 1095 RYDAL RD # 325 Dept./Floor/Suite/Room  
City RYDAL State PA ZIP 19044-1711

2 Your Internal Billing Reference  
3 To  
Recipient's Name Secretary Phone 717 772 7777  
Company PA PUC  
Address 400 NORTH STREET Dept./Floor/Suite/Room  
Address 1001 Locust & N. Keystone Blvd - 2ND FLOOR  
Use this line for the HOLD location address or for continuation of your shipping address.  
City Harrisburg State PA ZIP 17120



0112138619

Form ID No.

4 Expr NOTE

Next  
 Fed Ex  
 Fed Ex  
 Fed Ex

FedEx Standard Overnight  
Saturday Delivery NOT available.

5 Packaging \*Declared value limit \$500.

FedEx Envelope\*  FedEx Pak\*  FedEx Box  FedEx Tube  Other

6 Special Handling and Delivery Signature Options

SATURDAY Delivery  
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.  
 No Signature Required  
Package may be left without obtaining a signature for delivery.

Does this shipment contain dangerous goods?

No  
Dangerous or placed in

7 Pa

Set  
Total Pa  
Our label

Rev Date 2/

TO: PUC SECRETARY BUREAU (PUC)  
Agency: PUC  
Floor:  
External Carrier: FedEx Express

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