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Philadelphia, PA 19130**

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SECRETARY'S BUREAU

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

March 2nd, 2014

Dear Madam,

RE: GANSALLO V. PGW, DOCKET NO. C-2014 – 2403172

This letter is in response to PGW's filing with the Commission, dated February 19, 2014, where an Objection has been raised, together with a request to dismiss the Complaint because, according to PGW, a request has been made for a remedy which is outside the authority of the Commission, namely compensation. This request to dismiss should be denied.

The forms sent by the Commission to be used to file the formal complaint make clear that, should I succeed in my action, I can ask the Commission to refund money that I paid to PGW. That is what I requested. I did not seek damages or compensation, which would be asking for money unrelated to what I had paid PGW.

PGW cites to the case of *Feingold v. Bell of Pennsylvania*, 383 A.2d 791 (1977) and *West Penn Power Co. v. Pa Public Utility Commission*, 479 A.2d 548 (1984) as being supportive of its position that my complaint should be dismissed. Respectfully, neither of these cases are appropriate authorities for the Commission to consider. *Feingold* deals with a dispute between the appellant and phone company that led to a decline in the appellee's business, for which he was seeking compensation in the form of damages. That is not the case here. The complaint here is that a service was paid for – safe reconnection of all appliances requiring gas service – but that was not what was delivered in this case.

As to the second case, I was unable to find this cite. However, what did come up on a search under this case number but not case name was *Morrow v. Bell Tel. Co.*, 330 Pa. Super. 276, 479 A.2d 548, 1984 Pa. Super. LEXIS 5281 (Pa. Super. Ct. 1984). This case at page 551, the Justices noted that “[T]he Public Utility Commission also has the authority to order Bell to make refunds of excessive charges, if any, which may have been levied against Bell's customers.”

Charging for services which are not ultimately delivered would be considered an excessive charge and therefore, a refund would be appropriate. Alternatively, the Commission can refund for that portion of the reconnection charge that would represent the cost of coming out to connect the furnace which was omitted initially. In the event that the Commission believes it is without authority to do this, then I amend my complaint to include a request that PGW be fined for its failure to complete the reconnection without good reason.

In light of this, I ask the Commission to find that my request for a refund is not one for impertinent matter and deny PGW's request to strike it from my complaint.

With respect to PGW's actual response to my complaint, I believe each point has been dealt with in my written complaint. The one response I would give is in relation to Exhibit "A". The conversation I had with the Bureau of Consumer Services representative was a very circular one. The representative essentially repeated PGW's position with respect to what happened and demonstrated a lack of understanding of what I was saying. She insisted that, because I did not have a service contract, I could not expect PGW to come and light the furnace. At no time did she even acknowledge an understanding that I was arguing PGW had failed to provide a contracted service. The notes of the meeting that Exhibit "A" includes do not represent the full nature of my conversation which lasted approximately 10 minutes or more.

I believe there is enough in dispute in this case to warrant a hearing of the issues.

Sincere regards,


Ayodele Gansallo

I certify that a true copy of this letter has been served by first class mail on
Graciela Christlieb, Esquire,
Attorney I.D. 200760
Philadelphia Gas Works,
800 W. Montgomery Avenue,
Philadelphia, PA 19122

Signed: 
Ayodele Gansallo

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