



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

April 10, 2014

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

Re: Willie Clark v. PGW, Docket No. F - 2013 - 2370422

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.535, the Philadelphia Gas Works ("PGW") hereby files the original of its reply to the Complainant's exceptions to the February 26, 2014, Initial Decision in the above captioned matter.

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

Sincerely,

A handwritten signature in blue ink that reads "Danielle Leva".

Danielle Leva

Enclosure

cc: Willie Clark (Regular Mail)
Linda Pereira (PGW Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Willie Clark

v.

Philadelphia Gas Works

:
:
:
:
:

Docket No. F – 2013 – 2370422

**PHILADELPHIA GAS WORKS’
REPLY TO COMPLAINANT’S EXCEPTIONS**

Pursuant to 52 Pa. Code §5.535, the Secretary’s letter dated February 26, 2014, transmitting the Initial Decision in the above captioned matter, the Philadelphia Gas Works, (“PGW”) hereby files its reply to the Complainant’s exceptions to the Initial Decision issued February 26, 2014, in the above captioned matter (“Initial Decision”).

I. INTRODUCTION

PGW has requested an extension of time in which to file a Reply to the Complainant’s Exceptions which are dated March 17, 2014 but, as evidenced by the Certificate of Service, the Complainant did not place a copy of the Exceptions in the mail to PGW until March 28, 2014. PGW did not receive the copy placed in the mail until March 31, 2014. The Complainant did not perfect service by e-mail. The Commission issued its Initial Decision in this matter on February 26, 2014. Thus, any exceptions to the Initial Decision were to be filed by March 18, 2014. Reply exceptions were due by March 28, 2014. A review of the Commission record reveals that it accepted the Complainant’s exceptions which are dated March 17, 2014. But these are not accompanied by a Certificate of Service.

On Monday, March 31, 2014, PGW received the Complainant’s exceptions. These were accompanied by Certificate of Service dated Friday, March 28, 2014. Thus, PGW was not aware of the filing of exceptions until March 31, 2014, three days after the due date for Reply exceptions. Therefore, PGW requests that it be permitted to file reply exceptions by April 10, 2014. After receiving a copy of the Complainant’s Exceptions, PGW replies.

On June 17, 2013, the Complainant, a PGW customer once enrolled in PGW’s Customer Responsibility Program (“CRP”) filed a complaint with the Commission

against PGW seeking relief in the form of, inter alia, adding CRP arrears to her total account balance in order to allow her to resume enrollment in CRP as if to make her account in good standing for gas service to 6355 Buist Avenue, Philadelphia, PA (Service Address).¹ That is, the Complainant wanted PGW to roll the amount of delinquent CRP payments into the “frozen arrears” of CRP renew her CRP enrollment so as to avoid having to pay the missed CRP payments.

On July 15, 2013, PGW filed an answer, denying the material allegations of the Complaint. By notice dated August 16, 2013, the Commission scheduled a hearing for December 3, 2013 before Administrative Law Judge Christopher P. Pell at the Commission’s Philadelphia Offices.

The Complainant submitted a request for a continuance of the Initial Hearing to which PGW did not oppose. The Complainant’s request was granted and the Initial Hearing was rescheduled for February 7, 2014.

On December 5, 2014, the Complainant submitted a letter to the Commission indicating that she wanted to withdraw the Complaint. On the same day PGW filed a response indicating that it did not object to the Complainant’s request.

On February 24, 2014, the Commission issued the Initial Decision granting the Complainant’s request to withdraw her complaint. By filing dated March 17, 2014, the Complainant submitted a one paragraph documents regarding her exceptions to that Initial Decision.

II. PGW’S REPLY TO EXCEPTION

The Exception paragraph states that the Complainant had expected to receive state energy grants that may have been used to pay the Complainant’s delinquent CRP payments and bring her account back into good standing in that program. For whatever reason, she did not receive the energy grants and now wants to continue her Complaint against PGW.

In PGW’s discussion with the Complainant concerning the status of her enrollment in CRP, PGW was opposed to her request for allow her delinquent CRP payments to be

¹ Complaint

rolled into the “frozen arrears” to allow her to resume CRP in good standing. PGW made no such representation to the Complainant that such an action would occur on her account. In fact, the Complainant’s reason for the withdrawal of the complaint was that she believed that she would not be successful in persuading the Commission to order PGW to do so. PGW understood her withdrawal was to pursue the energy grants to cure the delinquency in her CRP payments and bring her PGW account in good standing. PGW did not object to the Complainant’s withdrawal of the Complaint for these reasons. The Complainant was not misinformed.

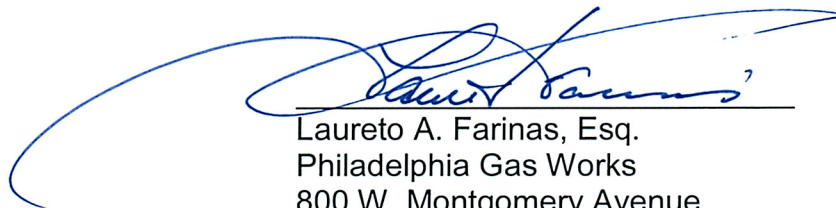
PGW recognizes that the Complainant’s withdrawal of the above captioned complaint is “without prejudice.” That is, she is free to file another complaint on the same facts and issues as the instant matter. In this regard, requiring the Complainant to file a new complaint would cause additional delay in the final disposition of this matter and in the full payment of the outstanding balance of her account. Therefore, PGW is not opposed to the Complainant’s request to resume the litigation of this matter in order to quicken the final disposition of the controversy and full payment of the Complainant’s gas bill.

III. CONCLUSION

For the reasons stated above, PGW requests that the Complainant be permitted to go forward in this matter with an expedited hearing in order to reach a final disposition of this matter.

Respectfully submitted,

April 10, 2014



Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

CERTIFICATE OF SERVICE

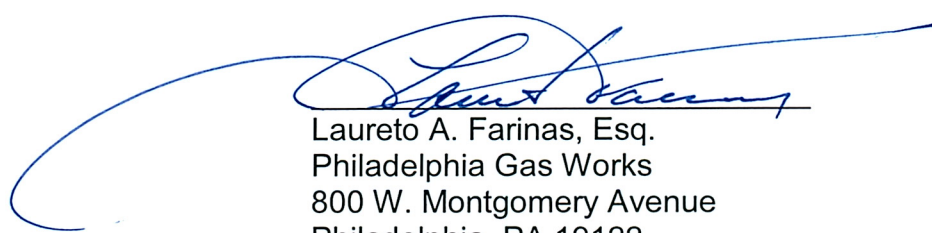
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Ms. Willie Clark
6355 Buist Avenue
Philadelphia, PA 19142

April 10, 2014



Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122