

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

**Andrej Firman and Elsie Gallagher-Firman vs.
Philadelphia Gas Works**

**Public Meeting: June 19, 2014
2410963 - ALJ
Docket: M-2014-2410963**

**JOINT STATEMENT OF COMMISSIONER PAMELA A. WITMER
AND COMMISSIONER GLADYS M. BROWN**

Before the Public Utility Commission (Commission) today is the Initial Decision disposing of the Complaint of Andrej Firman and Elsie Gallagher-Firman (Complainants) against Philadelphia Gas Works (PGW). The Complainants allege that PGW placed a lien against their property in the amount of \$11,065.66 for arrearages accrued about 10 years ago by a previous property owner.

In his Initial Decision, Administrative Law Judge (ALJ) David A. Salapa sustained the preliminary objections of PGW, finding that the Commission lacks jurisdiction to address the validity and enforcement of liens. At the outset, let us state for the record that we concur with the decision of ALJ Salapa in this case. It is well-settled that the filing of a lien as well as any challenges to the validity and enforcement of a lien are solely within the jurisdiction of the Court of Common Pleas and this Commission has no jurisdiction over the subject matter.

Having said that however, we are troubled by how this case played out. According to the Complainants, PGW terminated natural gas service to this property in 2002 based on the arrearage from the previous owner. The Complainants purchased the property in August of 2003 but did not establish gas service until early 2004. Then, in 2009, five years later (and seven years after the termination), PGW finally applied the lien to the property. The Complainants allege they did not learn of this lien until 2014.

Assuming these alleged facts and the limited record in this case concerning timing are accurate, we are very concerned that PGW seemingly did not work diligently to keep individual customers informed of arrearages, did not keep individual arrearages at a more manageable level and did not aggressively pursue other collection options before resorting to filing a lien. We wish to remind PGW of two things. First, we strongly encourage PGW to continue to evaluate how and when it chooses to apply a lien to ensure that we do not see more cases similar to this one, where the property owners would have difficulty anticipating that the property they were buying in 2003 could be subjected to a lien several years later for a debt at least partially incurred by the prior owner.

And, second, the Company must continue to work to manage customer arrearages including pursuing all collection options before filing a lien on a particular property.

DATE: June 19, 2014

Pamela A. Witmer
Pamela A. Witmer, Commissioner

Gladys M. Brown
Gladys M. Brown, Commissioner