



PHILADELPHIA GAS WORKS

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August 11, 2014

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

Re: Rosa Hobson v. PGW, Docket No. C - 2013 - 2378746

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: Rosa Hobson (Regular Mail)
Linda Pereira (PGW Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rosa Hobson

v.

Philadelphia Gas Works

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Docket No. C – 2013 – 2378746

**PHILADELPHIA GAS WORKS' REPLY TO
COMPLAINANT'S PETITION FOR RECONSIDERATION**

Pursuant to 52 Pa. Code §5.535, the Secretary's letter dated July 30, 2014, in the above captioned matter, the Philadelphia Gas Works, ("PGW") hereby files its reply to the Complainant's filing which is deemed to be a Petition for Reconsideration responding to the Initial Decision issued April 1, 2014, in the above captioned matter ("Initial Decision").

I. INTRODUCTION

This matter is a dispute with PGW in which the Complainant seeks a new payment agreement that the Complainant wants to be more affordable. In this dispute the Complainant has raised questions regarding the applicability of PGW's low income program.

On January 6, 2014, Administrative Law Judge Joel H. Cheskis ("ALJ") presided over the Initial Telephonic Hearing of this matter that generated 51 pages of testimony. The Complainant testified on his own behalf presenting only oral testimony. PGW presented the testimony of one witness, who sponsored eight (8) exhibits that were admitted to the record.

On April 1, 2014, the Commission issued the Initial Decision finding that the Complainant had failed to meet her burden in showing that she was entitled to an additional payment agreement. As the Complainant has had several payment agreements, without a showing of a "change in income," the Commission is not able to establish or order a public utility to a second or subsequent payment agreement if a customer has defaulted on a previous payment agreement.

The Commission issued a Final Order (without further Commission action) in this matter under 66 Pa. C.S. §332(h) on May 8, 2014.

Due to delays in the Complainant receiving the Initial Decision, the result of

hospitalization, the Complainant was permitted to file the document to which PGW now replies.

II. PGW'S REPLY TO EXCEPTION

The Complainant's petition seems to cover some of the circumstances that precipitated in the decision to allow her to file her petition document. These are not at issue.

The Complainant's petition fails to demonstrate that the Initial Decision is unsupported by substantial evidence. Each finding of the Initial Decision is well supported by evidence of record. The petition fails to point to any significant evidence of record that was overlooked in the Initial Decision. The Complainant's petition fails to raise new or novel arguments not previously considered that would merit the Complainant a new payment agreement.

As the proponent of a rule order, the Complainant in this proceeding bears the burden of proof pursuant to Section 332(a) of the Public Utility Code (Code), 66 Pa. C.S. § 332(a). To satisfy this burden, the Complainant must demonstrate that the Respondent was responsible for the problems alleged in the Complaint through a violation of the Code or a regulation or order of the Commission. This must be shown by a preponderance of the evidence. *Patterson v. Bell Telephone Company of Pennsylvania*, 72 Pa. P.U.C. 196 (1990). Preponderance of the evidence means that the party with the burden of proof has presented evidence that is more convincing than that presented by the other part. *Samuel J. Lansberry, Inc. v. Pa. PUC* 578 A.2d 600 (Pa. Cmwlth. 1990) *alloc. Den.*, 529 Pa., 654, 602 A.2d 863 (1992).

The Commission's decision must be supported by "substantial evidence," which consists of evidence that reasonable mind might accept as adequate to support a conclusion. A mere "trace of evidence or a suspicion of the existence of a fact" is insufficient. *Norfolk and Western Railway Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980).

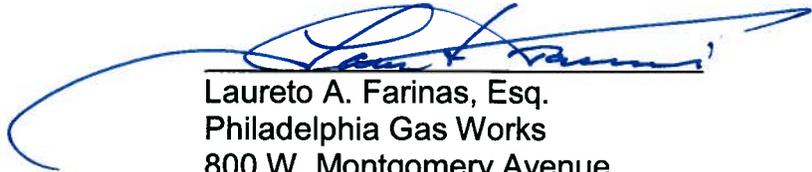
The Complainant's petition fails to show that she had a significant change in income or circumstance within the meaning of 66 Pa. C.S. §1403, et seq.

III. CONCLUSION

For the reasons stated above, PGW requests that the Commission reject the Complainant's petition for reconsideration in this matter.

Respectfully submitted,

August 11, 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).

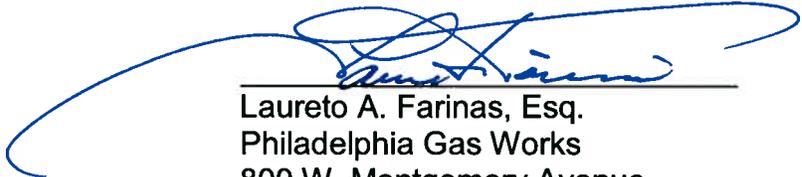
Service List:

For Complainant:

Ms. Rosa Hobson
3018 N. Ringgold Street
Philadelphia, PA 19132 – 1328

(By express mail)

August 11, 2014



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