

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jahnene Hasty

v.

Philadelphia Gas Works

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Docket No. C-2014-2419203

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AUG 11 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**Philadelphia Gas Works'
Motion To Dismiss Complaint
For Lack Of Jurisdiction**

Pursuant to 66 Pa. C.S. §3314, the Philadelphia Gas Works ("PGW") hereby moves for the dismissal of the above captioned matter on the grounds that the Commission no longer has jurisdiction over the cause of action involved in the Complaint.

In support of this motion, PGW hereby avers the following:

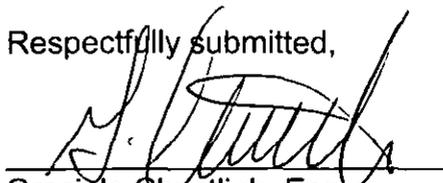
1. The Complaint established service at the Service Address on March 7, 2002.
2. The Complainant contacted PGW on April 12, 2004, May 5, 2004, and October 27, 2004, to enter into payment arrangements.
3. On December 7, 2004, the account balance was \$1,288.25.
4. On August 1, 2005, the Complainant contacted PGW requested a duplicate bill. The Complainant also requested that her mailing address be changed.
5. On September 21, 2005, PGW terminated the service at the Service Address for non-payment. The gas was shut off at the curb valve.
6. On September 23, 2005, PGW issued a final bill in the amount of \$2,622.11.
7. On January 3, 2006, the total finalized account balance of \$2,731.83, which included late payment charges, went into a "write-off" status.
8. On March 19, 2007, the Complainant contacted PGW and a PGW representative confirmed the account balance.
9. On January 3, 2009, The Complainant contacted PGW for the "write-off" balance.

10. On June 5, 2009, the Complainant was at a PGW Service Center for a payment arrangement on the "write-off" balance. The PGW representative explained that PGW does not make payment arrangements on "write-off" balances.
11. On June 5, 2009, the complainant contacted PGW because a PGW representative at the Service Center provided the PGW Customer Service telephone number to her. The Complainant wanted to know what collection agency PGW uses and wanted to make a settlement offer. The PGW representative explained that we could not offer anything due to the account being closed but explained to the Complainant that she can still make payments on the closed account.
12. On June 25, 2010, the Complainant filed a Formal Complaint at Docket No. C-2010-2183089.
13. On January 4, 2011, the Formal Complaint was settled and a Certificate of Satisfaction was filed with the Commission.
14. The Complainant did not file an objection to the Certificate of Satisfaction.
15. On April 24, 2014 the Complainant filed the Complaint against PGW in the instant matter under Docket No. C-2014-2419203.
16. 66 Pa. C.S. §3314 is a Statute of Limitations, which provides that no action for recovery of penalties or forfeitures, or any prosecution may be maintained unless brought within three years from the date the liability arose.
17. The Complaint under Docket No. C-2014-2419203 again requests a "reduced" payment agreement. As there have been no new charges on the account since 2005, it is clear that the Complainant is attempting to prosecute a claim/obtain a remedy for a cause of action where the liability arose on January 3, 2006, when her account was finalized.

WHEREFORE, PGW respectfully requests that pursuant to Tod and Lisa Shedlosky v. Pennsylvania Electric Co., Docket No. C-20066937 (Order entered May 28, 2008), City of Pittsburgh v. Pa. Pub. Util. Comm'n., 43 A.2d 348 (Pa. Super. 1945), and 66 Pa. C.S. §3314, the Commission dismiss the instant complaint as it no longer has jurisdiction over the cause of action. PGW further requests that the Commission issue an order for the payment of the arrearage on the Complainant's PGW account in the amount of \$2,731.83 in full.

August 11, 2014

Respectfully submitted,



Graciela Christlieb, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

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VERIFICATION

I, Graciela Christlieb, hereby declare that I am counsel to the Philadelphia Gas Works; and that as such, I am authorized to make this verification on its behalf, that the facts set forth in the foregoing Answer are true to the best of my knowledge, information and belief, and that I expect to be able to prove these at a hearing held in this matter. I make this verification subject to the penalties of 18. Pa. C.S. §4904, pertaining to false statements to authorities.

August 11, 2014



Graciela Christlieb, Esq.

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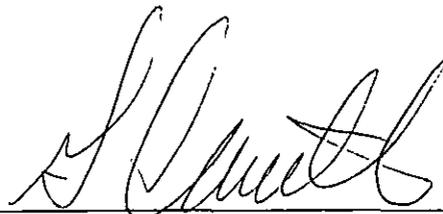
CERTIFICATE OF SERVICE

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 § 1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List

Jahnene Hasty
5149 N Fairhill Street
Philadelphia, PA 19120

August 11, 2014



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