



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

October 23, 2014

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

Re: James Braxton v. Philadelphia Gas Works, Docket No. C-2014-2445804

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.102, the Philadelphia Gas Works ("PGW") hereby files the original Motion for Summary Judgment 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,


Danielle Leva

Enclosure

cc: James Braxton (Regular Mail)
Linda Pereira (PGW Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

James Braxton

v.

Philadelphia Gas Works

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Docket No. C – 2014 – 2445804

NOTICE TO PLEAD

To: James Braxton,

Pursuant to 52 Pa. Code §5.102, you are hereby notified to file a written Answer or other response to the enclosed Motion for Summary Judgment, within twenty (20) days from service hereof or you may be deemed to be in default and relevant facts stated in these pleadings may be deemed admitted and a judgment may be entered against you.

Respectfully submitted,

October 23, 2014



Graciela Christlieb, Esquire
Attorney I.D. 200760
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6164

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

James Braxton

v.

Philadelphia Gas Works

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Docket No. C-2014-2445804

**Philadelphia Gas Works'
Motion For Summary Judgement**

Pursuant to 52 Pa. Code §5.102, the Philadelphia Gas Works (“PGW”) hereby moves for a summary judgment and the dismissal of the above captioned matter on the grounds that the issue raised in the Complaint arises from an outstanding balance incurred by the Complainant from 2004 through 2009 and, as such, is beyond the statute of limitations, which divests the Commission of jurisdiction to hear an action.

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

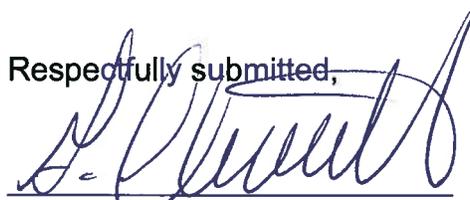
1. The Complaint established service at 7835 Rugby Street as of September 9, 2004.
2. The account was listed as residential gas heat and other domestic usage.
3. The bills were based on actual gas usage.
4. On September 24, 2009, gas service at 7835 Rugby Street was terminated for non-payment.
5. On September 24, 2009, a Final Bill, which is attached hereto as Exhibit “A,” was issued to the Complainant for gas service at 7835 Rugby Street.
6. On July 24, 2013, the Complainant’s gas service at 654 W. Ellet Street was terminated for non-payment.
7. On July 31, 2013, the Complainant’s gas service at 654 W. Ellet Street was restored. Upon service restoration, the balance from 7835 Rugby Street, in the amount of \$6,230.53, was transferred to the Complainant’s active account.

8. The statute of limitations at 66 Pa.C.S. § 3314 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. The statute of limitations at 66 Pa.C.S. § 3314 divests the Commission of jurisdiction to hear an action brought more than three years from the date the liability arose.

WHEREFORE, PGW respectfully requests that pursuant to 66 Pa.C.S. § 3314, the Commission dismiss the instant complaint as the Complainant has lost his right to pursue litigation regarding his account for gas service at 7835 Rugby Street, which was finalized in 2009, as any cause of action arising from that account for gas service falls outside the statute of limitations, which divests the Commission of jurisdiction in this matter. 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 \$5,420.74 in full.

October 23, 2014

Respectfully submitted,



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

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.

October 23, 2014



Graciela Christlieb, Esq.

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

James Braxton
7835 Rugby Street
Philadelphia, PA 19119

October 23, 2014



Graciela Christlieb, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
215-684-6162