



PHILADELPHIA GAS WORKS

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October 23, 2014

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

Re: James Braxton v. PGW, Docket No. C – 2014 – 2445804

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.101, the Philadelphia Gas Works ("PGW") hereby files the original of its Preliminary Objections to the Complaint 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 (PGW 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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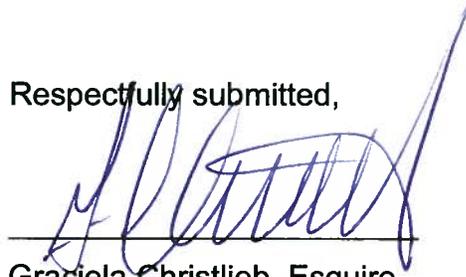
Docket No. C – 2014 – 2445804

NOTICE TO PLEAD

To: James Braxton,

Pursuant to 52 Pa. Code §5.101, you are hereby notified to file a written response to the enclosed Preliminary Objections, within ten (10) 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.	:	Docket No. C – 2014 – 2445804
	:	
Philadelphia Gas Works	:	

**Philadelphia Gas Works’
Preliminary Objections**

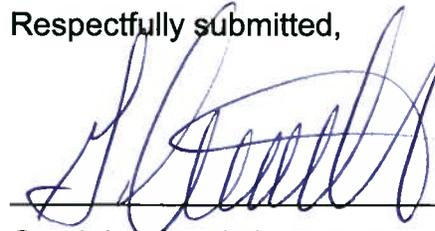
Pursuant to 52 Pa. Code §5.101, the Philadelphia Gas Works (“PGW”) hereby files its Preliminary Objections to the Complaint filed in the above captioned matter on the grounds that the issue raised in the Complaint arises from an outstanding balance incurred by the Complainant from 2004 through 2009 and, as such, is beyond the statute of limitations, which divests the Commission of jurisdiction to hear an action.

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 this Commission sustain PGW's Preliminary Objections to the Complaint and dismiss the Complaint.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Graciela Christlieb', written over a horizontal line.

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

October 23, 2014

VERIFICATION

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

October 23, 2014



Graciela Christlieb, Esquire

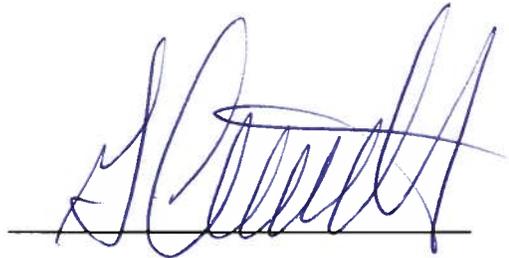
CERTIFICATE OF SERVICE

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).

For Complainant:

Mr. James Braxton
654 W. Ellet Street
Philadelphia, PA 19119

October 23, 2014

A handwritten signature in blue ink, appearing to read 'Graciela Christlieb', written over a horizontal line.

Graciela Christlieb, Esquire
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