



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Danielle Ross, Paralegal
Legal Department
Direct Dial: 215-684-6862
FAX: 215-684-6798
E-mail: danielle.ross@pgworks.com

November 20, 2014

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

Re: Allen's Lane Realty Co., LP v. PGW, C-2014-2444966

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby Responds to the Complainant's motion to Consolidate and/or list the above referenced matter for call of the docket.

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: Allen's Lane Realty Co., LP
Administrative Law Judge Eranda Vero (Email)
Donna S. Ross, Esq. (Regular Mail)
Phil Pulley (Regular Mail)
Kathy Treadwell (Regular Mail)
Linda Pereira (PGW Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Allen's Lane Realty Co., LP

v.

Philadelphia Gas Works

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Docket No. C – 2014 – 2444966

**Philadelphia Gas Works' Response to Complainant's
Motion to Consolidate Formal Complaints and/or List for Call of the Docket**

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby responds to the Complainants' motion to consolidate and/or list the above referenced matter for the call of the docket. PGW responds as follows:

1. Admitted.
2. Admitted.
3. Admitted. PGW admits that Complainant's Exhibit "A" to its motion purports to be a settlement sheet regarding the address which is the subject to this proceeding. PGW reserves the right to object to the admissibility of the document if used in evidence.
4. Denied. PGW lacks sufficient information to determine the truth of the averments in Paragraph 4 of the Complainant's motion. Therefore, PGW denies these averments.
5. Denied. PGW lacks sufficient information to determine the truth of the averments in Paragraph 5 of the Complainant's motion. Therefore, PGW denies these averments.
6. Denied. PGW lacks sufficient information to determine the truth of the averments in Paragraph 6 of the Complainant's motion. Therefore, PGW denies these averments.
7. Admitted in part. Denied in part. PGW admits that the Complainant currently has no gas account at the service address which is the subject of the above captioned proceeding, (126 – 136 Allens Lane). PGW denies that there are no accounts for persons that may be or have been tenants at the service address.

8. Admitted. By way of further answer see, PGW's answer to the Complaint, Paragraph 4, III (e).
9. Admitted. By way of further answer see, PGW's answer to the Complaint, Paragraph 4.
10. Denied. The averment in Paragraph 10 of the Complainant's motion to consolidate is a conclusion of law to which no response is required. Therefore, PGW denies the averment.
11. Denied. The averment in Paragraph 11 of the Complainant's motion to consolidate is a conclusion of law to which no response is required. Therefore, PGW denies the averment.
12. Admitted.
13. Denied. The averments in Paragraph 13 of the Complainant's motion to consolidate are conclusions of law to which no response is required. Therefore, PGW denies the averments.
14. Admitted.
15. Denied. In the other cases mentioned in the Complainant's motion, the issues are not similar and, only in an indirect way involve the Complainant's contracted building management company.
16. Admitted in part. Denied in part. PGW admits that the other dockets mentioned in the Complainant's motion have been pending before this Commission since 2012. PGW denies that the nine dockets are all consolidated together. In fact, among the nine dockets mentioned there are actually consolidated matters consisting of three dockets each. The Complainant's motion has failed to state to which set of the three consolidated matters it intends for the above referenced matter to be consolidated. Furthermore, the principle of judicial economy would not be served if the hearing for this matter is conducted at the same time as the other 9 dockets in any combination and resources would not be used efficiently in the disposition of the matters. By way of further answer, the Complainant's motion fails to address the considerations in the consolidation of cases as articulated by the Commission in the *Application of Philadelphia Electric Co.*, 43 PA PUC 781 (1968), *Pa. Pub. Util. Comm'n v., Bell Telephone Co. of Pennsylvania*, 46 PA PUC 568 (1973) and *Pa. Pub. Util. Comm'n v.*

Butler Twp. Water Co., 52 PA PUC 442 (1978) The Commission has established considerations, in addition to the presence of common questions of law or fact, that should also be evaluated in ruling on a motion to consolidate. With respect to the Complainant's instant motion to consolidate:

- The presence of additional issues will cloud a determination of the unarticulated common issues.
- The consolidation will not result in reduced costs of litigation and decision-making for the parties and the Commission.
- The issues in one proceeding do not go to the heart of any specific issue in the other proceedings. In the above captioned matter, the Complainant presents a new issue.
- The consolidation may unduly protract the hearing, and further exacerbate an already unwieldy record.
- In the above captioned matter different statutory and legal would issues be involved.
- Although the party with the burden of proof is the same in the other proceedings, the other considerations above far outweigh the question of the burden of proof.
- The consolidation may unduly delay the resolution of the other the proceedings, since there has been no discovery requested in the above captioned matter.
- Since the matter involves a different Complainant and service address then the other nine dockets any supporting data would be different.

17. Admitted. By way of further answer, the Complainant's owe a similar duty of fail dealing.

18. Denied. The averments in Paragraph 18 of the Complainant's motion to consolidate are conclusions of law to which no response is required. Therefore, PGW denies the averments.

19. Denied. The averments in Paragraph 19 of the Complainant's motion to consolidate are conclusions of law to which no response is required. Therefore, PGW denies the averments.

20. Denied. The averments in Paragraph 20 of the Complainant's motion to consolidate are conclusion of law to which no response is required. Therefore, PGW denies the averments.

21. Admitted in part. Denied in part. In PGW's answer to the Complaint, PGW indicates that the matter should not be placed on the Call of the Docket. The

Commission requests that utilities designate whether the matter is appropriate for that program. Since the Complainant has requested that the matter be scheduled for the Call of the Docket, PGW does not object to that request. The remaining averments in Paragraph 21 of the Complainant's motion to consolidate are conclusions of law to which no response is required. Therefore, PGW denies the averments.

Wherefore, PGW respectfully requests that this Commission deny the Complainant's motion to consolidate the above captioned matter with any other matter and assign the matter to the Call of the Docket.

Respectfully submitted,

November 20, 2014



Laureto Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
215-684-6164

VERIFICATION

I, Laureto Farinas, 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.

November 20, 2014



Laureto Farinas

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:

Donna S. Ross, Esq.
P.O. Box 549
Abington, PA 19001

Mr. Phil Pulley
Kathy Treadwell
SBG Management Services, Inc.
P.O. Box 549
Abington, PA 19001 or

4095 Rydall Road
Abington, PA 19001

November 20, 2014



Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6164