



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

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January 20, 2015

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

Re: Lavoris Mintz v. PGW, Docket No. F – 2014 – 2460301

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: Lavoris Mintz (Regular Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lavoris Mintz

v.

Philadelphia Gas Works

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Docket No. F – 2014 – 2460301

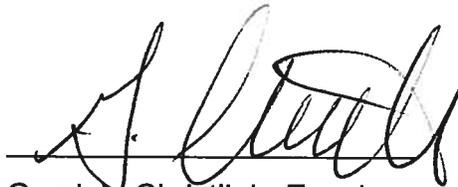
NOTICE TO PLEAD

To: Lavoris Mintz,

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,

January 20, 2015



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**

Lavoris Mintz

v.

Philadelphia Gas Works

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Docket No. F-2014-2460301

**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 (1) the issues raised in the Complaint arise from activity on the Complainant's account that occurred in 2010 and, as such, are beyond the statute of limitations, which divests the Commission of jurisdiction to hear the action, and (2) that the same factual and legal issues that are the basis of the instant complaint have been addressed and previously settled by the parties by way of a Certificate of Satisfaction under Docket No. F-2010-2191733, filed on March 17, 2011.

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

1. The Complainant first established service at the Service Address on January 1, 1996 under PGW Account No. 31-1331-3689.
2. The account is listed as residential gas heat and other domestic usage.
3. Beginning in 2002 through November 2007, the Complainant had four informal complaints, two formal settlements, two PGW issued payment agreements, and six medical certifications on her account.
4. In April 2007, PGW terminated the gas service at the Service Address; the account balance was \$17,845.99.
5. On June 8, 2010, the Complainant was at a PGW Service Center to restore the service after the most recent termination and was made aware of the \$16,979.76 balance she still owed under PGW Account No. 31-1331-3689. PGW explained

that, upon restoration of her service, the balance would be transferred to her new account number.

6. On August 4, 2010, the Complainant filed a Formal Complaint under Docket No. F-2010-2191733 (Exhibit A). The Complaint references her \$20,000 balance and alleges it is the result of a gas leak.
7. On March 17, 2011, the Formal Complaint filed under Docket No. F-2010-2191733 was settled; the Complainant accepted a payment agreement based on her total account balance, including the amount transferred from her previous account, and agreed to a \$557 monthly payment.
8. On March 17, 2011, a Certificate of Satisfaction was filed with the commission regarding the settlement (Exhibit B). A copy of the Certificate of Satisfaction, along with the Settlement Letter (Exhibit C), was sent to the Complainant.
9. Commission regulations at 52 Pa.Code § 5.24(b) permit a utility to file a Certificate of Satisfaction, indicating that a complaint has been addressed. A complainant then has ten (10) days in which to object to the Certificate, and if no objection is filed, the matter is closed.
10. The Complainant did not file an objection to the Certificate of Satisfaction.
11. The Complainant failed to comply with the settlement agreement.
12. On November 21, 2011, PGW terminated the gas service at the Service Address for non-payment.
13. On December 29, 2014, the Complainant filed the instant Complaint against PGW under Docket No. F-2014-2460301.
14. The Complaint under Docket No. F-2014-2460301 disputes the 2010 balance transfer amount (\$16,979.76) and again alleges that it is the result of a gas leak.
15. 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

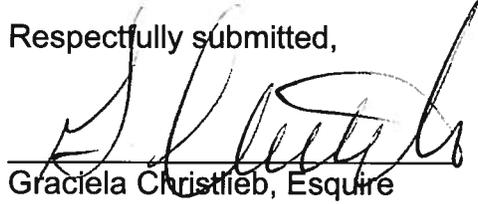
limitations at 66 Pa.C.S. § 3314 divests the Commission of jurisdiction to hear an action brought more than three years from the date the liability arose.

WHEREFORE, PGW respectfully requests that pursuant to 66 Pa.C.S. § 3314, the Commission dismiss the instant complaint as the Complainant has lost her right to pursue litigation regarding activity involving her account for gas service in 2010, as any cause of action arising from that time period falls outside the statute of limitations, which divests the Commission of jurisdiction in this matter.

Also, PGW respectfully requests that pursuant to Titus Wright v. PGW, Docket No. C-2013-2368462, and 52 Pa.Code § 5.24(b), the Commission dismiss the instant complaint as the same factual and legal issues that are the basis of the instant complaint were previously addressed and settled under Docket No. F-2010-2191733. 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 \$19,645.89.67 in full.

January 20, 2015

Respectfully submitted,



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

Exhibit A

Timewy

BCS: 2705373
PHILADELPHIA GAS WORKS
Must be returned by August 10, 2010

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name Ms. LAVORIS MINTZ

Street/P.O. Box 4918 N. 16th ST Apt # _____

City Phila State Pa Zip 19141

County PA.

Area Code/HOME Phone 215 329-1761

Area Code/WORK Phone 215 329-1761

Utility Account Number (from your bill) 0077781860

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name PGW

Street/P.O. Box 800 W Montgomery Ave

City Phila State Pa Zip 19122-0050

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PGW

3. TYPE OF UTILITY (check one)

- ELECTRIC
- GAS
- WATER
- TELEPHONE
(local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER
(taxi, moving company, limousine)

RECEIVED
2010 AUG - 2 AM 9:50
PA. P.U.C.
SECRETARY'S BUREAU

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other.
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

Help me with afford amount to pay,
my gas bill.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES

(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: I LAVORIS MINTZ hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Lavoris Mintz
(Signature)

7-27-10
(Date)



Philadelphia Gas Works

Credit Denial Statement

Date: 6-8-10
Name: Lovor's Mintz

Account Number: 0000-7778-18260
Service Address: 4918 W 11st

After reviewing your application for service, PGW is unable to provide you with gas service because you have failed to satisfy one or more of the following conditions:

- 1. You owe PGW a total balance of \$ 2,387.34
- 2. To provide satisfactory personal identification by showing at least two of the following: a government issued picture ID, Social Security card, driver's license, medical assistance card, Public Welfare card, or similar items.
- 3. To provide documentation showing ownership, tenancy or residency at the service address.
- 4. Based on the credit score obtained from Experian, a national credit reporting agency, you failed to meet our credit guidelines.*

In order to establish your account you must do the following:

- 5. Pay or enter into an appropriate agreement; to pay an outstanding debt of \$2387.34, address 4918 W 11st to PGW and/or pay a deposit of \$448 and/or a reconnection charge of \$123.23
- 6. Pay total outstanding theft charges of \$ + outstanding balance of \$ + deposit of \$ + reconnection fees of \$
- 7. Pay a cash deposit of \$ which you can pay in the following installments, 50% or \$ immediately to establish service then 25% or \$ at the end of 30 days and 25% or \$ at the end of 60 days.
- 8. Provide positive identification with at least two of the following: a government issued picture ID, driver's license, welfare card, medical assistance card or social security card.
- 9. Provide proof of residency for this premise.
- 10. Provide a guarantor who is a current PGW customer in good standing who will be willing to pay your gas bills if you fail to pay your bill.

Remarks TO Restore Service you will need full balance, 2387.34 + 123.23 for reconnection and atleast 1/2 of deposit = 224.00, Total needed = 2734.57

The terms and conditions offered in this letter will remain valid for 30 days from the date set forth on the top of this letter, Unless there is unauthorized gas usage, gas usage without a contract, or theft of gas at the Service Address. If you have, any questions or concerns please contact PGW at (215)-235-1000

* Under the law, you have the right to obtain a free copy of your credit report from Experian within 60 days from the date of this notice. If you find any of the information provided by the credit reporting agency inaccurate or incomplete, you have the right to dispute the matter with Experian by contacting them at 1-888-397-3742.

Applicant has the right to dispute PGW's denial of application by contacting the Public Utility Commission's Bureau of Consumer Services at 1.800.782.1110.

[Handwritten signature] # 878

July 28, 2010

To whom it may concern:

I move in my house in 1994 I got the gas on. I been living here for 15 yrs I cant understand why my bill is up to 20,000 dollars. When they said my bill is so high I got on the budget they told me that half would go toward my back bill but it didn't look like it never did so they would come out & shut it off, I went a whole year without gas. CLP - Crisis line help me get my gas on. They mailed the check to PG&W. I would pay what they ask me for, but remember my bill is high so were did the money go. Around Nov 1997 - 1998 - 2000 I had a gas leak in my house I didn't know until they came out & shut it off, the leak was on my side it cost me \$500.00 dollar to get fix. But my gas stay off b-cause of the outstanding bill. I call puc I don't remember what they said or what year it was, I when back to the gas company down 52nd Chesnut St. they put me on another budget My budget only last for

a year but I pay every month on time
what the problem I got help from likeap
They pay between \$500.00 - \$800.00 dollar
to the gas company (PGW) say it would
go toward my back bill current bill
amount should how changed but I still
pay. I have one job & my brother is
on disable he gets Social Security he has
M.S. My brother pays me rent I take that
money & pay my gas bill with that money
every month for a year & so on. the came
back out & shut me off, why can my
budget be until this outstanding bill
is pay off. I would get a new
agreement every year. the last time
I made agreement it cost me \$250.00
every month. Until they mailed me a
bill for \$352.00 dollars, I can afford that
So I did overtime on my job & make a
extra dollars & pay, then they came out
& shut me off. I call (PUC) Again for
help. my hot water tank was leaking so
I though I need a new hot water tank.
So I call a Repair man & he fix it I
call PGW to see why my bill when
from \$250.00 - \$352.00 they say I was

to much gas I said it just me & brother
how could I burn that must gas, I
when to the Chelton Ave 6-30-2010 to
make a agreement & They Denid me
I call (PUC) for help. I know it was
the 4 of July coming but did you
pull my past record & review them,
Now you want me to pay almost 1,174.07
a month. How am I going to pay that
what about the rest of my bills &
I need too. you all are looking at
before taxes not after Taxes if I
I need 677 before taxes it would be "
o.k. but, don't. So please review
my case & come to a reasonable amount
please, b-cause my brother is sick
& I need heat & hot water for us.

P.S. If there
some kind of
way you can
fix my gas line so
I wouldn't burn
more than you
abound me too.

So I would stay in my budget frame.

Thank you

Ms. L. Nitz

215 329-1761

4918 N. 114th St

Phila. PA 19141

Exhibit B



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Laureto A. Fariñas, Senior Attorney
Legal Department
Direct Dial: 215-684-6982
FAX: 215-684-6798
E-mail: laureto.farinas@pgworks.com

March 17, 2011

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

RE: Lavoris Mintz v. PGW, Docket No. F – 2010 – 2191733

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaint has been satisfied. PGW and the Complainant have discussed the issues raised in the complaint and reached a settlement. With this discussion, the Complainant has indicated that she is satisfied with the resolution of this complaint.

Therefore, the hearing scheduled for Tuesday, March 29, 2011, in this matter is no longer necessary.

By copy of this letter, I am notifying the Complainant of her right to object to any part of this settlement, in writing to the Public Utility Commission within ten (10) days of the date of this letter.

If you need additional information about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,



Laureto Fariñas, Esquire

cc: Lavoris Mintz (Regular Mail)
Administrative Law Judge Christopher P. Pell (E-mail)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

Exhibit C



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Laureto A. Fariñas, Senior Attorney
Legal Department
Direct Dial: 215-684-6982
FAX: 215-684-6798
E-mail: laureto.farinhas@pgworks.com

March 17, 2011

Ms. Lavoris Mintz
4918 N. 11th Street
Philadelphia, PA 19141

RE: Lavoris Mintz v. PGW, Docket No. F – 2010 – 2191733

Dear Ms. Mintz:

Pursuant to your telephone conversation earlier today with Jack Irizarry, Customer Review Officer – PGW, this letter confirms the terms of the settlement of the above captioned matter.

In complete settlement of all issues in this matter, you have discussed your concerns with your account with PGW. The parties acknowledge and agree to the following:

1. This matter involves the dispute of the bills issued on your account for gas service to 4918 N. 11th Street, Philadelphia, PA (Service Address). The outstanding balance of your account is \$20,669.54. This includes your most recent payment of \$400 received on March 4, 2011.
2. In the interest of good customer relations, you have entered into a new payment agreement consisting of the payment of the PGW budget plan (currently \$212) plus \$345 toward the outstanding balance until paid in full (total \$557 for 60 months).
3. Please note that the PGW budget plan amount is subject to review and adjustment three times each year depending upon your usage patterns.
4. You have indicated that you are satisfied with the treatment of your account and no longer wish to pursue the above captioned matter.

If you need any additional information about this matter, please contact me at my direct-dial number above. Thank you.

Sincerely,



Laureto Fariñas, Esq.

cc: Jack Irizarry, (PGW Mail)
Anne Marie Cromley (PGW Mail)
Linda Perelra (PGW Mail)

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.

January 20, 2015



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 § 1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List

Ms. Lavoris Mintz
4918 North 11th Street
Philadelphia, PA 19141

January 20, 2015



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