



PHILADELPHIA GAS WORKS

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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 §5.101, 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,

A handwritten signature in blue ink, appearing to read "Danielle Leva", is written over the typed name.

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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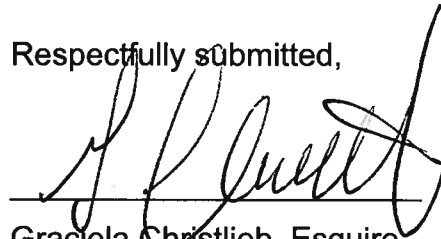
Docket No. F – 2014 – 2460301

NOTICE TO PLEAD

To: Lavoris Mintz,

Pursuant to 52 Pa. Code §5.101, 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,



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

January 20, 2015

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lavoris Mintz

v.

Philadelphia Gas Works

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Docket No. F – 2014 – 2460301

**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 issues raised in the Complaint arise from activity on the Complainant’s account that occurred in 2010 and, as such, is beyond the statute of limitations, which divests the Commission of jurisdiction to hear the action.

1. The Complainant first established service at the Service Address on January 1, 1996 under PGW Account No. 31-1331-3689.
2. In April 2007, PGW terminated the gas service at the Service Address; the account balance at the time was \$17,845.99.
3. 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.
4. On August 4, 2010, the Complainant filed a Formal Complaint under Docket No. F-2010-2191733.

5. On March 17, 2011, the Formal Complaint filed under Docket No. F-2010-2191733 was settled and a Certificate of Satisfaction was filed with the commission.
6. The Complainant did not file an objection to the Certificate of Satisfaction.
7. The Complainant failed to comply with the settlement agreement.
8. On November 21, 2011, PGW terminated the gas service at the Service Address for non-payment.
9. On December 29, 2014, the Complainant filed the instant Complaint against PGW under Docket No. F-2014-2460301.
10. The Complaint under Docket No. F-2014-2460301 disputes the 2010 balance transfer amount of \$16,979.76.
11. 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,



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

January 20, 2015

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.

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 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

For Complainant:

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

January 20, 2015

A handwritten signature in black ink, appearing to read "G. Christlieb", written over a horizontal line.

Graciela Christlieb, Esquire
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