



**PHILADELPHIA GAS WORKS**

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May 18, 2015

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

**Re: Valerie J. Williams v. PGW, Docket No. F - 2014 - 2456937**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.535, the Philadelphia Gas Works ("PGW") hereby files its reply to the Complainant's exceptions to the April 20, 2015, Initial Decision 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: Valerie J. Williams (Regular Mail)  
Linda Pereira (PGW Mail)  
Wendy Vacca (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Valerie J. Williams**

v.

**Philadelphia Gas Works**

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**Docket No. F – 2014 – 2456937**

**PHILADELPHIA GAS WORKS’  
REPLY TO COMPLAINANT’S EXCEPTIONS**

Pursuant to 52 Pa. Code §5.535 and the Initial Decision in the above captioned matter, the Philadelphia Gas Works, (“PGW”) hereby files its reply to the Complainant’s exceptions to the Initial Decision issued April 20, 2015 (Initial Decision).

**I. INTRODUCTION**

On November 18, 2014, the Complainant filed a complaint with the Commission against PGW alleging overcharging for gas service from 2005 to 2010, and requesting a refund. The Complaint was an appeal of a prior informal Bureau of Consumer Services (BCS) decision.

On December 29, 2014, PGW filed an answer, denying the material allegations of the Complaint. Also on December 29, 2014, PGW filed a Motion for Summary Judgment as well as Preliminary Objections.

By letter dated April 20, 2015, the Commission issued the Initial Decision, which dismissed the Complaint, finding that a review and refund from 2005-2010 is barred by the Pennsylvania Public Utility Code statute of limitations at 66 Pa.C.S. § 3314 and that, as such, PGW is entitled to a judgment as a matter of law.

The Complainant filed exceptions to the Initial Decision on or about May 8, 2015. Pursuant to 52 Pa. Code §5.535, this timely reply follows.

**II. PGW’S REPLY TO EXCEPTIONS**

The Complainant’s Exceptions fail to address any error in fact or law contained in the Initial Decision refuting the conclusion that the Respondent, PGW, is entitled to a judgment as a matter of law.

## **Exceptions**

The Complainant's Exceptions attack the application of the statute of limitations to the instant case as unjust.

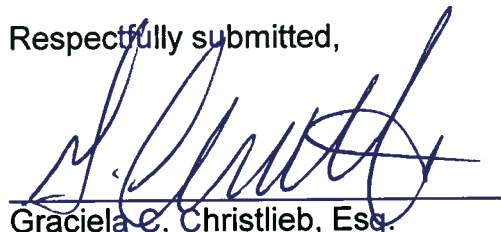
## **PGW's Reply**

The Exceptions fail to demonstrate that the Initial Decision is unsupported by substantial evidence; they also mischaracterize the nature of the Pennsylvania Public Utility Code's statute of limitations in many respects. Contrary to the Complainant's argument, the statute of limitations is legislatively mandated as it was codified into law at 66 Pa.C.S. § 3314. Moreover, the argument that "[i]t is unjust to make the same standard hold for consumers as is decreed for the utilities" is without merit as the statute of limitations applies only to those seeking to bring an "action for recovery of penalties or forfeitures, or any prosecution," not to the respondents (utilities) in such matters.

## **III. CONCLUSION**

For the reasons stated above, the PGW requests that the Commission deny the Complainant's Exceptions to the Initial Decision and adopt the Initial Decision issued April 20, 2015 in this matter as written, dismissing the Complaint.

Respectfully submitted,



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

May 18, 2015

**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:

Ms. Valerie J. Williams  
816 N. 21<sup>st</sup> Street  
Philadelphia, PA 19130

May 18, 2015



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