



PHILADELPHIA GAS WORKS

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September 24, 2015

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

Re: Charles Goodwin v. PGW, Docket No. F – 2015 – 2497714

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,


Graciela Christlieb, Esq.

Enclosure

cc: Charles Goodwin (Regular Mail)
Administrative Law Judge Angela T. Jones (Regular Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Charles Goodwin

v.

Philadelphia Gas Works

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Docket No. F – 2015 – 2497714

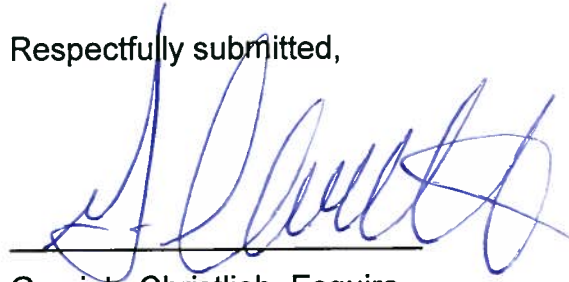
NOTICE TO PLEAD

To: Charles Goodwin,

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,

September 24, 2015



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800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6164

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Charles Goodwin

v.

Philadelphia Gas Works

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Docket No. F – 2015 – 2497714

**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 the issue raised in the Complaint arises from bills issued to the Complainant from 2006 to 2011 and, as such, is beyond the statute of limitations, which divests the Commission of jurisdiction to hear an action.

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

1. The Complainant established service at 1918 Shelmire Avenue, B (Service Address) as of September 1, 2006.
2. On March 19, 2010, the Complainant enrolled his service at the Service Address into the Customer Responsibility Program (CRP).
3. On May 13, 2011, CRP was suspended for failure to recertify income eligibility. The Complainant's account balance for service at the Service Address was \$9, 849.23, of which, \$3,161.20 was CRP arrears.
4. On or about August 6, 2015, the Complainant filed a formal complaint under Docket No. F-2015-2497714 for his service at 1920 Shelmire Avenue, 2nd Floor alleging that he never lived at 1918 Shelmire Avenue, B.
5. The Complainant has never had PGW service at 1920 Shelmire Avenue, 2nd Floor.

6. On September 23, 2015, during a request for discovery, the Complainant Clarified that he was contesting the bills for the Service Address as he had resided at 1920 Shelmire Avenue from 2006 until 2011.

7. The billing period the Complainant is contesting falls outside the statute of limitations.

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.

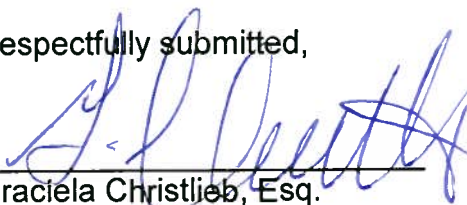
16. The Complainant has lost his right to pursue litigation regarding his account for gas service for the time period he is contesting, as any cause of action arising from that time period falls outside the statute of limitations.

17. The Commission is without jurisdiction to hear a cause of action arising from the Complainant's account for gas service from 2006-2011, as any cause of action arising from that time period falls outside the statute of limitations.

WHEREFORE, PGW respectfully requests that pursuant to 66 Pa.C.S. § 3314, the Commission dismiss the instant complaint as the Complainant has lost his right to pursue litigation regarding his account for gas service from 2006-2011, 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.

September 24, 2015

Respectfully submitted,

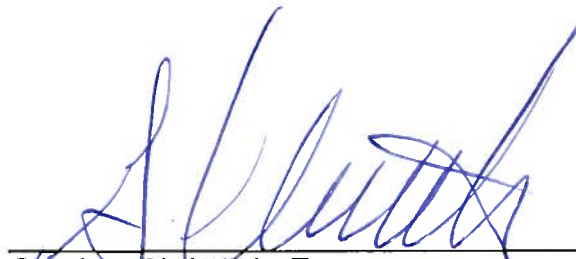


Graciela Christlieb, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

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.

September 24, 2015



Graciela Christlieb, Esq.

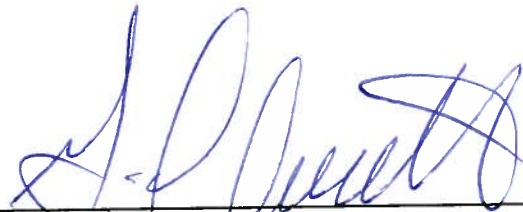
CERTIFICATE OF SERVICE

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

Mr. Charles Goodwin
1939 Grant Avenue, Apt. 202
Philadelphia, PA 19115

September 24, 2015



Graciela Christlieb, Esq.
Philadelphia Gas Works
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Philadelphia, PA 19122
215-684-6162