



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Danielle Leva, Paralegal
Legal Department
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October 16, 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,

A handwritten signature in blue ink that reads 'Danielle Leva'.

Danielle Leva

Enclosure

cc: Charles Goodwin (Regular Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Charles Goodwin

v.

Philadelphia Gas Works

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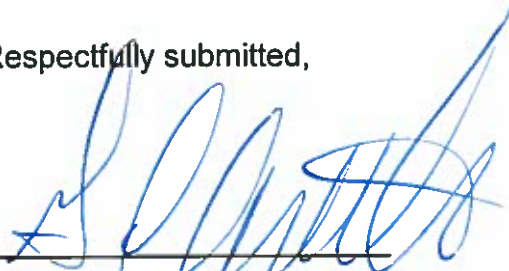
Docket No. F – 2015 – 2497714

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,



October 16, 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**

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. On September 24, 2015, PGW sent the Complainant the information he had requested with a letter indicating that the information was sent in response to his discovery request of September 23, 2015, attached hereto as Exhibit "A".

8. On September 24, 2015, PGW filed an Answer with New Matter disclosing the discovery request and adding the newly clarified parameters of the Complaint at Docket No. F-2015-2497714.

9. On October 10, 2015, the Complainant responded to the Answer with New Matter.

10. In his response to the Answer with New Matter, the Complainant states that he did apply for service at the Service Address in 2006. He also states that he "made numerous complaints to PGW about the bills not being addressed properly also questioning the usage." The Complainant goes on to state that "I received answers from PGW that there was no address 1920 Shelmire Avenue and that the gas service would have to be 1918 Shelmire Avenue in Philadelphia."

11. Despite PGW's responses explaining that 1920 Shelmire Avenue is not a service address and that the service address for the property is 1918 Shelmire Avenue, the Complainant states that he "repeatedly complained that the usage and billing for the address 1918 Shelmire is not mine."

12. Despite the Complainant's repeated complaints to PGW and his dissatisfaction with PGW's answers, the Complainant failed to file a complaint with the Commission.

13. June 27, 2011 was the last day the Complainant had service at the Service Address.

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.

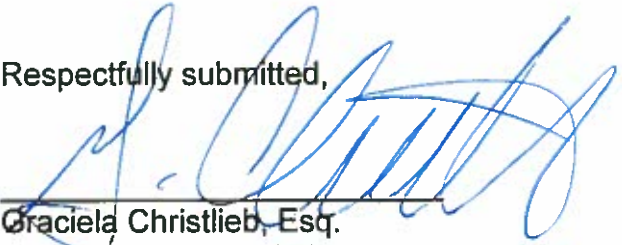
16. The Complainant has lost his right to pursue litigation regarding his account for gas service for the time period he is contesting, as any cause of action arising from that time period falls outside the statute of limitations.

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.

October 16, 2015

Respectfully submitted,

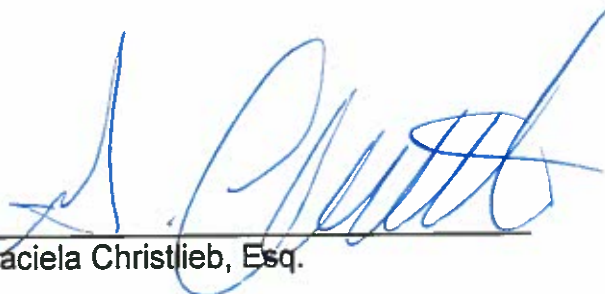


Graciela Christlieb, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

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.

October 16, 2015



Graciela Christlieb, Esq.

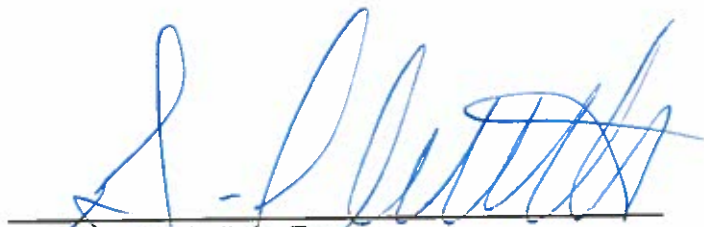
CERTIFICATE OF SERVICE

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

October 16, 2015



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

EXHIBIT A



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Graciela Christlieb, Senior Attorney
Legal Department
Direct Dial: 215-684-6164
FAX: 215-684-6798
E-mail: graciela.christlieb@pgworks.com

September 24, 2015

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

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

Dear Mr. Goodwin:

Please consider this letter a response to your request made on September 23, 2015.

1. Enclosed please find the Statement of Account for 1918 Shelmire Avenue, B, which shows the monthly usage.

If you need any additional information, please contact me at the direct dial number above. Thank you.

Sincerely,


Graciela Christlieb, Esq.

Enclosure

Specific Service Agreement Statement of Account SA- 175795847

Customer Name CHARLES GOODWIN	From Date 9/1/2006	To Date 8/1/2008
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Service address 1918 SHELMIRE AVE Apt B PHIL, PA 191113835	Account Number 199911179	SA Number 175795847	Meter 1618900	Rate GS
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STATEMENT

Transaction Date	Type	Reading	Reading Code	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
11/06/2006	BILL	5964	R	63	52	0.83	355		11/29/2006	\$118.51	\$118.51	\$118.51
12/07/2006	LPC					0.00				\$1.77	\$120.28	\$120.28
12/07/2006	BILL	6063	R	33	99	3.00	506		01/04/2007	\$200.69	\$320.97	\$320.97
01/10/2007	LPC					0.00				\$4.78	\$325.75	\$325.75
01/10/2007	BILL	6145	R	34	82	2.41	688		02/05/2007	\$167.87	\$493.62	\$493.62
02/09/2007	LPC					0.00				\$7.30	\$500.92	\$500.92
02/09/2007	BILL	6284	R	29	139	4.79	964		03/07/2007	\$256.43	\$757.35	\$757.35
03/09/2007	LPC					0.00				\$11.15	\$768.50	\$768.50
03/09/2007	BILL	6443	R	29	159	5.48	988		04/03/2007	\$280.53	\$1,049.03	\$1,049.03
04/10/2007	LPC					0.00				\$15.36	\$1,064.39	\$1,064.39
04/10/2007	BILL	6541	R	32	98	3.06	588		05/03/2007	\$183.29	\$1,247.68	\$1,247.68
05/09/2007	LPC					0.00				\$18.10	\$1,265.78	\$1,265.78
05/09/2007	BILL	6592	R	29	51	1.76	289		06/04/2007	\$99.54	\$1,365.32	\$1,365.32
06/08/2007	LPC					0.00				\$19.60	\$1,384.92	\$1,384.92
06/08/2007	BILL	6605	R	30	13	0.43	31		07/03/2007	\$34.70	\$1,419.62	\$1,419.62
07/10/2007	LPC					0.00				\$20.12	\$1,439.74	\$1,439.74
07/10/2007	BILL	6625	R	32	20	0.62	4		08/02/2007	\$47.31	\$1,487.05	\$1,487.05
08/08/2007	LPC					0.00				\$20.83	\$1,507.88	\$1,507.88
08/08/2007	BILL	6635	R	29	10	0.34	0		08/31/2007	\$29.65	\$1,537.53	\$1,537.53
09/07/2007	LPC					0.00				\$21.27	\$1,558.80	\$1,558.80
09/07/2007	BILL	6645	R	30	10	0.33	6		10/02/2007	\$29.44	\$1,588.24	\$1,588.24
10/08/2007	LPC					0.00				\$21.71	\$1,609.95	\$1,609.95

Transaction Date	Type	Reading	Reading Code	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
10/08/2007	BILL	6658	R	29	13	0.45	13		10/31/2007	\$33.66	\$1,643.61	\$1,643.61
10/26/2007	PAY					0.00		Credit Card		(\$105.00)	\$1,538.61	\$1,538.61
11/01/2007	CANP					0.00				\$105.00	\$1,643.61	\$1,643.61
11/06/2007	LPC					0.00				\$22.22	\$1,665.83	\$1,665.83
11/06/2007	BILL	6681	R	31	23	0.74	184		12/03/2007	\$52.29	\$1,718.12	\$1,718.12
12/07/2007	LPC					0.00				\$23.00	\$1,741.12	\$1,741.12
12/07/2007	BILL	6779	R	31	98	3.16	695		01/04/2008	\$178.70	\$1,919.82	\$1,919.82
01/09/2008	LPC					0.00				\$25.68	\$1,945.50	\$1,945.50
01/09/2008	BILL	6898	R	33	119	3.61	858		02/04/2008	\$229.50	\$2,175.00	\$2,175.00
02/07/2008	LPC					0.00				\$29.13	\$2,204.13	\$2,204.13
02/07/2008	BILL	7021	R	29	123	4.24	801		03/04/2008	\$240.65	\$2,444.78	\$2,444.78
03/07/2008	LPC					0.00				\$32.74	\$2,477.52	\$2,477.52
03/07/2008	BILL	7144	R	29	123	4.24	797		04/02/2008	\$233.30	\$2,710.82	\$2,710.82
04/08/2008	BILL	7234	R	32	90	2.81	611		05/01/2008	\$175.89	\$2,886.71	\$2,886.71
05/07/2008	BILL	7273	R	29	39	1.34	185		06/02/2008	\$88.72	\$2,975.43	\$2,975.43
06/06/2008	LPC					0.00				\$40.21	\$3,015.64	\$3,015.64
06/06/2008	BILL	7296	R	30	23	0.77	120		07/01/2008	\$53.77	\$3,069.41	\$3,069.41
07/08/2008	LPC					0.00				\$41.01	\$3,110.42	\$3,110.42
07/08/2008	BILL	7310	R	32	14	0.44	0		07/31/2008	\$41.74	\$3,152.16	\$3,152.16

Specific Service Agreement Statement of Account SA- 7097103195

Customer Name	From Date	To Date
CHARLES GOODWIN	9/23/2008	7/1/2011

Service address	Account Number	SA Number	Meter	Rate
1918 SHELMIRE AVE Apt B PHIL, PA 191113835	199911179	7097103195	1618900	GS

STATEMENT

Transaction Date	Type	Reading	Reading Code	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
10/06/2008	BILL	7324	R	10	4	0.40	22		10/29/2008	\$8.23	\$8.23	\$8.23
11/04/2008	LPC					0.00				\$0.12	\$8.35	\$8.35
11/04/2008	BILL	7369	R	31	45	1.45	295		12/01/2008	\$104.43	\$112.78	\$112.78
12/08/2008	LPC					0.00				\$1.68	\$114.46	\$114.46
12/08/2008	BILL	7490	R	32	121	3.78	664		01/05/2009	\$257.56	\$372.02	\$372.02
01/08/2009	LPC					0.00				\$5.55	\$377.57	\$377.57
01/08/2009	BILL	7653	R	33	163	4.94	903		02/03/2009	\$346.40	\$723.97	\$723.97
02/06/2009	LPC					0.00				\$10.74	\$734.71	\$734.71
02/06/2009	BILL	7835	R	29	182	6.28	1056		03/04/2009	\$351.93	\$1,086.64	\$1,086.64
03/09/2009	LPC					0.00				\$16.02	\$1,102.66	\$1,102.66
03/09/2009	BILL	7985	R	29	150	5.17	814		04/01/2009	\$293.91	\$1,396.57	\$1,396.57
04/07/2009	BILL	8084	R	31	99	3.19	505		05/01/2009	\$189.84	\$1,586.41	\$1,586.41
05/07/2009	BILL	8139	R	30	55	1.83	302		06/02/2009	\$104.92	\$1,691.33	\$1,691.33
06/08/2009	LPC					0.00				\$24.85	\$1,716.18	\$1,716.18
06/08/2009	BILL	8162	R	30	23	0.77	51		07/01/2009	\$52.27	\$1,768.45	\$1,768.45
07/09/2009	LPC					0.00				\$25.64	\$1,794.09	\$1,794.09
07/09/2009	BILL	8177	R	32	15	0.47	3		07/31/2009	\$35.71	\$1,829.80	\$1,829.80
08/07/2009	LPC					0.00				\$26.17	\$1,855.97	\$1,855.97
08/07/2009	BILL	8190	R	29	13	0.45	0		08/31/2009	\$32.54	\$1,888.51	\$1,888.51
09/05/2009	LPC					0.00				\$26.66	\$1,915.17	\$1,915.17
09/05/2009	BILL	8202	R	29	12	0.41	0		09/30/2009	\$30.90	\$1,946.07	\$1,946.07
10/06/2009	LPC					0.00				\$27.12	\$1,973.19	\$1,973.19


Transaction Date	Type	Reading	Reading Code	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
10/06/2009	BILL	8215	R	32	13	0.41	43		10/29/2009	\$31.86	\$2,005.05	\$2,005.05
10/13/2009	PAY					0.00		Credit Card		(\$77.79)	\$1,927.26	\$1,927.26
10/20/2009	CANP					0.00				\$77.79	\$2,005.05	\$2,005.05
11/04/2009	LPC					0.00				\$27.60	\$2,032.65	\$2,032.65
11/04/2009	BILL	8269	R	29	54	1.86	280		12/01/2009	\$94.47	\$2,127.12	\$2,127.12
12/07/2009	LPC					0.00				\$29.02	\$2,156.14	\$2,156.14
12/07/2009	BILL	8351	R	31	82	2.65	451		01/04/2010	\$149.62	\$2,305.76	\$2,305.76
01/07/2010	LPC					0.00				\$31.26	\$2,337.02	\$2,337.02
01/07/2010	BILL	8516	R	33	165	5.00	1024		02/02/2010	\$261.58	\$2,598.60	\$2,598.60
02/05/2010	LPC					0.00				\$35.19	\$2,633.79	\$2,633.79
02/05/2010	BILL	8666	R	29	150	5.17	898		03/03/2010	\$248.30	\$2,882.09	\$2,882.09
03/08/2010	LPC					0.00				\$38.91	\$2,921.00	\$2,921.00
03/08/2010	BILL	8803	R	29	137	4.72	914		03/31/2010	\$219.51	\$3,140.51	\$3,140.51
03/19/2010	NEWCRP					0.00				\$3,494.29	\$6,634.80	\$6,634.80
03/19/2010	CRPFRZ					0.00				(\$6,634.80)	\$0.00	\$0.00
04/07/2010	BILL	8870	R	32	67	2.09	407		04/30/2010	\$220.80	\$220.80	\$220.80
05/06/2010	BILL	8898	R	29	28	0.97	197		06/01/2010	\$220.80	\$441.60	\$441.60
06/07/2010	BILL	8909	R	30	11	0.37	76		06/30/2010	\$220.80	\$662.40	\$662.40
07/07/2010	BILL	8920	R	32	11	0.34	0		07/30/2010	\$220.80	\$883.20	\$883.20
08/05/2010	BILL	8931	R	29	11	0.38	0		08/30/2010	\$220.80	\$1,104.00	\$1,104.00
09/07/2010	BILL	8941	R	30	10	0.33	0		09/30/2010	\$220.80	\$1,324.80	\$1,324.80
09/30/2010	PAY					0.00		Credit Card		(\$213.17)	\$1,111.63	\$1,111.63
10/05/2010	CANP					0.00				\$213.17	\$1,324.80	\$1,324.80
10/06/2010	BILL	8953	R	32	12	0.38	41		10/29/2010	\$220.80	\$1,545.60	\$1,545.60
11/04/2010	BILL	8977	R	29	24	0.83	242		12/01/2010	\$220.80	\$1,766.40	\$1,766.40
12/06/2010	BILL	9013	R	30	36	1.20	594		01/03/2011	\$220.80	\$1,987.20	\$1,987.20
01/07/2011	BILL	9169	R	34	156	4.59	1135		02/02/2011	\$220.80	\$2,208.00	\$2,208.00
02/07/2011	BILL	9304	R	29	135	4.66	1141		03/03/2011	\$220.80	\$2,428.80	\$2,428.80
03/09/2011	BILL	9405	R	32	101	3.16	840		04/01/2011	\$220.80	\$2,649.60	\$2,649.60
04/06/2011	BILL	9456	R	28	51	1.82	548		05/02/2011	\$220.80	\$2,870.40	\$2,870.40
05/06/2011	BILL	9471	R	30	15	0.50	235		06/01/2011	\$220.80	\$3,091.20	\$3,091.20
05/13/2011	CRPFRZ					0.00				\$6,758.03	\$9,849.23	\$9,849.23

Transaction Date	Type	Reading	Reading Code	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
06/07/2011	LPC					0.00				\$47.34	\$9,896.57	\$9,896.57
06/07/2011	BILL	9482	R	32	11	0.34	30		06/30/2011	\$29.46	\$9,926.03	\$9,926.03
06/28/2011	BILL	9490	R	21	8	0.38	0		07/22/2011	\$24.50	\$9,950.53	\$9,950.53

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.

October 16, 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

October 16, 2015

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

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