



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Danielle Leva, Paralegal
Legal Department
Direct Dial: 215-684-6862
FAX: 215-684-6798
E-mail: danielle.leva@pgworks.com

November 10, 2015

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

Re: John Parkinson v. PGW, Docket No. C – 2015 – 2502671

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: John Parkinson (Regular Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Parkinson

v.

Philadelphia Gas Works

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Docket No. C – 2015 – 2502671

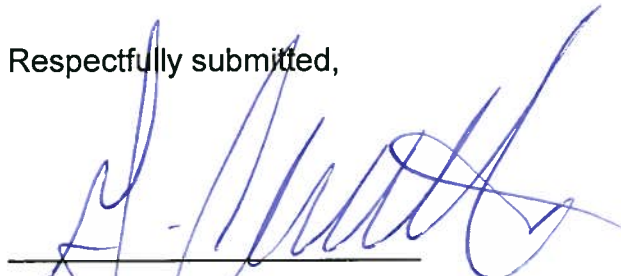
NOTICE TO PLEAD

To: John Parkinson,

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,

November 10, 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**

John Parkinson

v.

Philadelphia Gas Works

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:
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Docket No. C – 2015 – 2502671

**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 partial dismissal of the above captioned matter regarding the issue raised in the Complaint about bills issued to the Complainant from November of 2005 to September of 2012, which are 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 1947 West Erie Avenue 2F (Service Address) on April 13, 2006.

2. On or about September 1, 2015, the Complainant filed a formal complaint under Docket No. C-2015-2502671 for his service at the Service Address contesting his bills from November of 2005 to November of 2014.

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

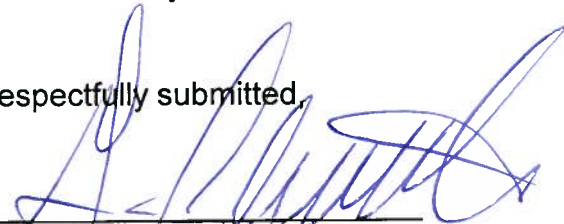
15. The statute of limitations at 66 Pa.C.S. § 3314 provides that no action for recovery of penalties or forfeitures, or any prosecution, may be maintained unless brought within three years from the date the liability arose. The statute of limitations at 66 Pa.C.S. § 3314 divests the Commission of jurisdiction 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 majority of 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 November 2005 to September of 2012, 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, in part, as the Complainant has lost his right to pursue litigation regarding his account for gas service from November 2005 to September of 2012, 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.

Respectfully submitted,



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

November 10, 2015

EXHIBIT A

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.

November 10, 2015



Graciela Christlieb, Esq.

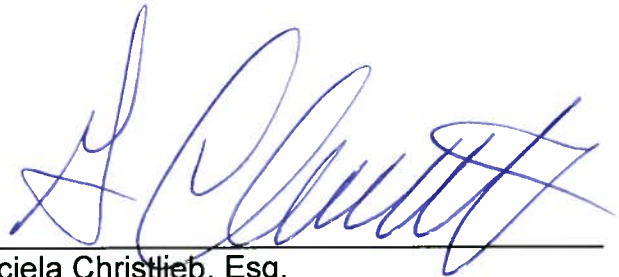
CERTIFICATE OF SERVICE

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. John Parkinson
5915 Bingham Street
Philadelphia, PA 19120

November 10, 2015



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