

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STEPHANIE M. SAWYER	:	
Complainant	:	DOCKET NO.: C-2015-2504851
vs.	:	
PHILADELPHIA GAS WORKS	:	
Respondent	:	

MOTION FOR DISQUALIFICATION

Pursuant to 52 Pa. Code §§ 5.482, Complainant, Stephanie M. Sawyer, hereby submits the following Motion for Disqualification and in support hereof avers the following:

1. On or about September 21, 2015, Complainant filed a complaint against PGW at the above-captioned docket number alleging that PGW completely failed to properly interpret and administer this Public Utility Commission's (hereinafter "PUC") March 19, 2015 Order and Opinion.

2. PUC's March 19, 2015 Order and Opinion reversed the determination made by Administrative Law Judge Eranda Vero against the instant Complainant on or about December 11, 2014 after a full initial hearing on April 1, 2014.

3. Complainant believes and therefore respectfully avers that Administrative Law Judge Eranda Vero has demonstrated a personal bias which Complainant respectfully contends

renders him unable to fairly determine the merits of the above captioned PUC Complaint because the instant complaint essentially revolves around the proper administration and interpretation of PUC's March 19, 2015 Order reversing the decision of said administrative judge. See Complainant's Affidavit attached hereto as exhibit "A"

WHEREFORE, Complainant, Stephanie M. Sawyer respectfully request that the instant Motion for Disqualification be granted and a new administrative judge unrelated to the underlying complaint be assigned to hear and determine the merits of the instant complaint which is currently scheduled for February 3, 2016.

Respectfully submitted,

STEPHANIE M. SAWYER, Complainant

DATE: December 9, 2015

CERTIFICATE OF SERVICE

I, Stephanie M. Sawyer, hereby certify that an accurate copy of Complainant's Motion for Disqualification in the matter of *Stephanie M. Sawyer vs. PGW* (Docket C-2015-2504851) was served on the below stated date to the below stated party in the manner indicated:

Administrative Law Judge Eranda Vero
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
(Via facsimile and first class mail)

Graciela Christlieb, Esquire
Counsel for PGW
800 W. Montgomery Avenue
Philadelphia, PA 19122
(Via facsimile and first class mail)

By:

STEPHANIE M. SAWYER, Complainant

DATE: December 9, 2015

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STEPHANIE M. SAWYER :

Complainant : **DOCKET NO.: C-2015-2504851**

vs. :

PHILADELPHIA GAS WORKS :

Respondent :

AFFIDAVIT

I, Stephanie M. Sawyer, am the Complainant herein and hereby do swear and attest to the following:

1. On or about November 5, 2013, I filed a previous PUC Complaint against PGW under docket number F-2013-2392770 as a result of an unshakable belief that I was improperly removed from PGW's CRP program.
2. On or about April 1, 2014, the initial hearing of the aforementioned PUC Complaint was heard by Administrative Law Judge Eranda Vero and despite finding that my uncontradicted income for 2013 and 2014 left me eligible for PGW's CRP program, Administrative Law Judge Eranda Vero nevertheless determined that PGW acted appropriately when PGW removed me from its CRP program alleging that I was not a residential customer.
3. While Complainant believes that Administrative Law Judge Eranda Vero was earnest in his beliefs, Complainant also believes that Administrative Law Judge Eranda Vero's decision was indicative of a personal bias against Complainant because at the relevant time Complainant was a practicing attorney.
4. While Complainant believes that Administrative Law Judge Eranda Vero was earnest in his beliefs, Complainant also believes that Administrative Law Judge Eranda Vero's decision was

indicative of a personal bias in favor of PGW and its collective non-CRP customers to the unfair detriment of the Complainant as an individual consumer who at the relevant time was in need of the assistance previously provided by PGW's CRP program.

5. Complainant believes above to be the case because of, *inter alia*, the following factors:

- a. the documents and testimony submitted clearly and unequivocally showed that Complainant maintained a virtual office at 1500 JFK Boulevard which allowed for a minimum of 20 hours per month (additional and unlimited hours could have and at times were used at an additional charge) to meet clients and unlimited time to receive mail, telephone communications and a resting place while Complainant was doing in court case presentation;
- b. the tax documents and testimony submitted clearly and unequivocally showed that only 25% of Complainant's household was claimed for business purposes and that only a small portion of one of the four floors in the residence was ever used for business purposes for only a few hours a day;
- c. the record clearly and unequivocally showed that Complainant was (and continues to be) a single parent of two children who resided at the residence, therefore, to categorize the place in which Complainant and her children lived and slept as anything other than a residence was absurd;
- d. many people maintain a study or office in their residence and bring work home which they perform in their in-home study or office without any reasonable person concluding that the residence was thereby converted to a commercial property;
- e. Complainant's residence at 6802 Lawnton Avenue is a single family dwelling in an area solely zoned only for residential use;
- f. PUC's March 19, 2015 Order concluded that nothing in Chapter 14 of the Code required Administrative Law Judge Eranda Vero to conclude that Complainant was ineligible for PGW's CRP Program; and
- g. PUC's March 19, 2015 Order concluded that Complainant's primary use of PGW's gas services was for household purposes and that Complainant was a residential customer for the purpose of PGW's CRP program.

6. Given all of the above, Complainant believes and therefore avers that Administrative Law Judge Eranda Vero has demonstrated a personal bias which Complainant respectfully contends renders him unable to fairly determine the merits of the above captioned PUC Complaint because this complaint essentially revolves around the proper administration and interpretation of PUC's March 19, 2015 Order reversing the decision of said administrative judge.

7. I hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief. I further understand that false statements herein are made subject to the penalties of 18 Pa. C.S. sec. 4904 relating to unsworn falsification to authorities.

December 9, 2015
DATE

Stephanie M. Sawyer, Complainant

VERIFICATION

I, Stephanie M. Sawyer hereby verify that I am the Complainant in the matter of *Stephanie M. Sawyer vs. PGW* (Docket # C-2015-2504851) and the facts set forth in the foregoing Motion for Disqualification are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. section 4904, concerning false statements to authorities.

December 9, 2015

Stephanie M. Sawyer, Complainant