



**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](mailto:Danielle.leva@pgworks.com)

December 29, 2015

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

**Re: Stephanie Sawyer v. PGW, Docket No. C – 2015 – 2504851**

Dear Secretary Chiavetta:

Philadelphia Gas Works, the Respondent (PGW) files its Answer to the motion for Disqualification of a Presiding Officer in the above captioned proceeding.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Danielle Leva', is written over a large, light blue, stylized flame graphic that occupies the right side of the page.

Danielle Leva

Enclosure

cc: Stephanie Sawyer (Fed Ex)  
Administrative Law Judge Eranda Vero (Email)  
Wendy Vacca (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Stephanie Sawyer**

**v.**

**Philadelphia Gas Works**

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**Docket No. C - 2015 - 2504851**

**ANSWER OF  
PHILADELPHIA GAS WORKS  
TO THE MOTION OF STEPHANIE SAWYER  
FOR THE DISQUALIFICATION  
OF A PRESIDING OFFICER**

The Respondent, the Philadelphia Gas Works (PGW), hereby files its Answer to the Motion for Disqualification of a Presiding Officer in the above-captioned proceeding

This matter involves a complaint filed on September 21, 2015, by Stephanie Sawyer (Complainant) alleging that "PGW has not fully complied w/prior PUC Order dated 3/19/15 docket #F-2013-2392770."<sup>1</sup>

On November 5, 2013, the Complainant filed a Formal Complaint against PGW under Docket No. F-2013-2392770, alleging that PGW removed her improperly from its Customer Responsibility Program (CRP) program. According to the Complainant, PGW incorrectly treated her business income as her personal income.

On December 5, 2013, PGW filed an Answer denying the material allegations of the Complaint; PGW averred that Ms. Sawyer established service to 6802 Lawnton Avenue, Philadelphia, PA 19126 (Service Address) on June 29, 2007, and that the Complainant enrolled in its CRP program on March 24, 2009, and recertified for the program on April 6, 2011, and March 30, 2012. However, on April 15, 2013, PGW claims it removed her from the program because she reported income over the income guidelines.

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<sup>1</sup> Formal Complaint form, p.2

On April 1, 2014, a hearing was held in this matter. The Complainant appeared *pro se*, testified on her own behalf, and submitted ten exhibits which were admitted into the record. PGW was represented by counsel, presented the testimony of one witness, and submitted six exhibits, all of which were admitted into the record. The hearing resulted in a transcript of 104 pages, and the record closed on May 1, 2014.

In the Initial Decision, issued on December 11, 2014, ALJ Vero agreed with the Complainant regarding her income, but dismissed the Complaint, finding that the Complainant's use of twenty-five percent of the Service Address regularly and exclusively for her law practice rendered her ineligible for participation in the program.

The Pennsylvania Public Utility Commission (Commission) exercised its right to review the Initial Decision pursuant to Section 332(h) of the Public Utility Code (Code), 66 Pa. C.S. § 332(h) and, in the Order entered on March 19, 2015, reversed the Initial Decision, stating that "even if the CRP could be read to disallow some portion of a primarily residential property from business use, the CRP contains no standards for determining an inappropriate percentage of business use." The Commission ordered "[t]hat Philadelphia Gas Works is directed to reinstate the Complainant in its Customer Responsibility Program, consistent with this Opinion and Order."

On June 25, 2015, PGW rebilled the Complainant pursuant to the Commission's Order.

On or about September 21, 2015, the Complainant filed the instant complaint, alleging that "PGW has not fully complied w/prior PUC Order dated 3/19/15 docket #F-2013-2392770."

On December 1, 2015, a Hearing Notice was issued by the Commission in this case.

On December 9, 2015, the Complaint filed a Motion for Disqualification. This timely Answer follows.

The Commission's regulations allow for parties to move for the disqualification of a presiding officer. The regulation provides, "[a] party may file a motion for disqualification of presiding officer which shall be accompanied by affidavits alleging personal bias or other disqualification." 52 Pa. Code §5.482(a) A motion to disqualify an administrative law judge from participating in a complaint proceeding must be denied if they moving party's allegations are unsubstantiated and do not constitute good cause to warrant removal. *Lorraine F. Mosso v. Peoples Natural Gas Co. and Duquesne Light Co.*, 70 Pa. PUC 146 (1989). In *Mosso*, the Commission stated, "[t]he Complainant's references to certain provisions of the Public Utility Code and our regulations, **without proof of specific disqualifying acts**, are tantamount to mere assertions." *Mosso*, at 147. (Emphasis added). Accordingly, a party moving for the disqualification of an administrative law judge in a complaint proceeding must not only allege, but also show proof of actions on the part of the administrative law judge that demonstrate personal bias or some other disqualifying characteristic.

The Complainant's sole basis for moving to disqualify of the presiding officer is a claim of "personal bias against Complainant because at the relevant time Complainant was a practicing attorney."<sup>2</sup> The Complainant goes on to list "factors" in support of her claim of bias, which are, in actuality, a combination of arguments made by her at the Initial Hearing and mere recitations of the procedural history of the proceedings. The Complainant has failed to assert any instances of bias on the part of Judge Eranda Vero. Moreover, the sole issue in the instant Complaint is the interpretation of a Commission Order; the Complainant has failed to make any assertion, let alone argument, that would give rise to the belief that Judge Vero would be unable to correctly and fairly interpret an Order issued by the Commission. Judge Vero's greatest offense seems to be that she failed to rule in the Complainant's favor in her Initial Decision. The Complainant's standard for the disqualification of a presiding officer seems to be any unfavorable ruling. Under her interpretation of the standard, every ruling made by an Administrative Law Judge would present grounds for disqualification by the non-prevailing party.

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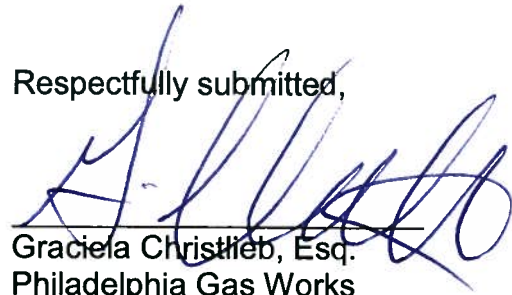
<sup>2</sup> Motion for Disqualification, Exhibit "A" Affidavit paragraph #3

As there has been no showing of any improper or biased actions on the part of Judge Vero, the Complainant's Motion for Disqualification must be denied.

For the reasons set forth above, PGW respectfully requests that the Complainant's Motion for Disqualification of a Presiding Officer be denied in its entirety.

December 29, 2015

Respectfully submitted,

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

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

**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**

Stephanie Sawyer  
6802 Lawnton Avenue  
Philadelphia, PA 19126

December 29, 2015



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