

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STEPHANIE M. SAWYER :

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

vs. :

PHILADELPHIA GAS WORKS :

Respondent :

**COMPLAINANT, STEPHANIE M. SAWYER’S RESPONSE TO RESPONDENT, PGW’S
ANSWER TO COMPLAINANT’S MOTION FOR DISQUALIFICATION**

In the interest of clarity, Complainant, Stephanie M. Sawyer, hereby files the instant Response to PGW’s Answer to Complainant’s Motion for Disqualification as follows:

Respondent inaccurately argues that "Complainant's standard for disqualification of a presiding officer seems to be *any* unfavorable ruling" (emphasis added) (see page 3 of Respondent's Answer to Complainant's Motion for Disqualification). Further, Respondent argues that "Complainant has failed to make any assertions, 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" (see page 3 of Respondent's Answer to Complainant's Motion for Disqualification). However, this position is absurd.

First, Complainant clearly does not contends that *any* unfavorable ruling establishes the requisite standard but instead it is a ruling so clearly unsupported by the facts which offends ones sense of fair play such that an inquiry of objectivity ought to be triggered. Here, it is unfathomable that twenty-five percent

(25%) use¹ of a property solely zoned for residential use where Complainant and her children resided could be in good faith categorized as non-residential. Complainant respectfully submits that Administrative Judge Vero's conclusion was based upon a desire to protect PGW and/or PGW's regular rate payers in lieu of protecting the more vulnerable CRP rate payers. In fact, the Commission specifically opined this very same sentiment when it stated, *inter alia*, the following:

We appreciate the ALJ's desire to protect ratepayers from unfairly subsidizing others through the CRP program, but there are other policy issues that merit consideration in making a determination regarding whether 'mixed use' customers such as the Complainant should be eligible for CRP or any other CAP program.

(see p. 6 of the Commission's March 19, 2015 Opinion and Order)

Whether or not Respondent agrees with Complainant's argument for disqualification, Complainant is compelled to be certain that the argument being made in this regard has been clearly articulated. Complainant most respectfully argues that Administrative Law Judge Vero's ruling was unsupported by the facts and therefore indicative of his bias. Additionally, Complainant does not assert that Administrative Law Judge Vero cannot fairly interpret *any* Order of this Commission, instead, the concern is that the Order in question herein is one that overruled Administrative Law Judge Vero; thus, Administrative Law Judge Vero would be asked to interpret an Order with which we already knows he disagrees. Thus, Administrative Law Judge Vero has already demonstrated his viewpoint and/or predilections concerning the instant Complainant.

Specifically, the core question to be answered in the instant matter is what period of time will it be determined that Complainant *should* be deemed to have been a regular rate payer and what period of time will it be determined that Complainant *should* be deemed to have been a CRP

¹ It must be noted that PGW inaccurately describe the 25% as "regular and exclusive" when Complainant clearly and unequivocally testified that this area was used a living room and dining room from 5pm to the next morning at 9am daily.

rate payer. Complainant respectfully contends that Administrative Law Judge Vero's demonstrated bias in favor of PGW and/or PGW's regular rate payers will unfairly impact Complainant as Administrative Law Judge Vero has already determined that Complainant should have been a regular rate payer for a period of time in which the Commission ultimately determined otherwise. Thus, Complainant must strenuously and quite respectfully pursue the instant Motion for Disqualification.

Respectfully submitted,

STEPHANIE M. SAWYER, Complainant
6802 Lawnton Avenue
Philadelphia, PA 19126
(267) 250-9413

Date: January 5, 2016

CERTIFICATE OF SERVICE

I, Stephanie M. Sawyer, hereby certify that an accurate copy of Complainant's Response to Respondent's Answer to 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 215-560-3133)

Graciela Christlieb, Esquire
Counsel for PGW
800 W. Montgomery Avenue
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By:

STEPHANIE M. SAWYER, Complainant

DATE: January 5, 2016