



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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Graciela Christlieb, Senior Attorney  
Legal Department  
Direct Dial: 215-684-6164  
FAX: 215-684-6798

May 2, 2016

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

**Re: Kevin Lofton, Jr. v. PGW, Docket No. C- 2016 – 2539283**

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,

Graciela Christlieb

Enclosure

cc: Kevin Lofton, Jr. (Regular Mail)  
Wendy Vacca (PGW Mail)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Kevin Lofton, Jr.

v.

Philadelphia Gas Works

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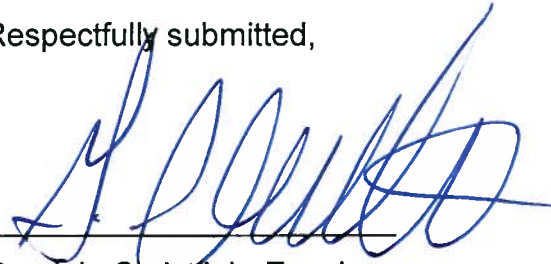
Docket No. C – 2016 – 2539283

NOTICE TO PLEAD

To: Kevin Lofton, Jr.,

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,



May 2, 2016

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**

**Kevin Lofton, Jr.**

**v.**

**Philadelphia Gas Works**

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**Docket No. C – 2016 – 2539283**

**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 same factual and legal issues that are the basis of the instant Complaint have been addressed and previously settled by the parties by way of a Certificate of Satisfaction under Docket No. C-2015-2477763, filed on August 27, 2015 as well as the Complainants abuse of the informal and formal complaint process.

In support of this motion, PGW hereby avers the following:

1. On August 19, 2013, PGW mailed a 10 Day Shut Off Notice to the Complainant.
2. Eight days later, on August 27, 2013, the Complainant filed an informal complaint under BCS No. 3141789.
3. On May 22, 2014, PGW mailed a 10 Day Shut Off Notice to the Complainant.
4. Eleven days later, on June 2, 2014, the Complainant filed an informal complaint under BCS No. 3425996.
5. On September 4, 2014, the BCS dismissed BCS No. 3245996.
6. Seven days later, on September 11, 2014, the Complainant filed an informal complaint under BCS No. 3284176.
7. On February 23, 2015, the PUC dismissed BCS No. 3284176.
8. On April 10, 2010, PGW mailed a 10 Day Shut Off Notice to the Complainant.

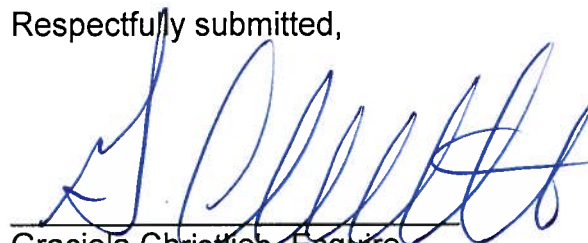
9. Ten days later, on April 20, 2015, the Complainant filed a Formal Complaint against PGW under Docket No. C-2015-2477763, wherein the Complainant sought a payment agreement.
10. On August 27, 2015, the Complainant settled the formal complaint under Docket No. C-2015-2477763; a copy of the Settlement Letter and the Certificate of Satisfaction are attached hereto as Exhibit "A." The Complainant agreed to pay \$1,000 within 30 days to re-enroll in the Customer Responsibility Program (CRP). PGW mailed a CRP application to the Complainant and advised the Complainant of the CRP forgiveness. The Complainant was aware of the CRP documentation required.
11. On August 27, 2015, PGW filed a Certificate of Satisfaction with the Commission indicating that the formal complaint under Docket No. C-2015-2477763 was settled. A copy of the Certificate of Satisfaction was sent to the Complainant.
12. Commission regulations at 52 Pa.Code § 5.24(b) permit a utility to file a Certificate of Satisfaction, indicating that a complaint has been addressed. A complainant then has ten (10) days in which to object to the Certificate, and if no objection is filed, the matter is closed.
13. The Complainant did not file an objection to the Certificate of Satisfaction.
14. The Complainant did not fulfil the terms of the settlement.
15. On October 12, 2015, PGW mailed a 10 Day Shut Off Notice to the Complainant.
16. Two weeks later, On October 26, 2015, the Complainant filed an informal complaint under BCS No. 3396356.
17. On March 1, 2016, the PUC dismissed BCS No. 3396356.
18. On April 11, 2016, the Complainant filed the Complaint against PGW in the instant matter under Docket No. C-2016-2539283.
19. The Complaint under Docket No. C-2016-2539283 again requests a payment agreement on the same balance that was at issue under Docket No. C-2015-2477763 as well as the previous BCS complaints.
20. In August of 2013, the Complainant's account balance stood at \$3,603.36; by March of 2016, it was \$9,266.35.

21. The Complainant's history of informal and formal complaints shows that he has been abusing the system by using its provisions to prevent termination of service over the course of years, all the while receiving gas service from PGW and accruing a large outstanding balance as was the situation in *Seidenstricker v. Metropolitan Edison Company*, Docket No. F-2008-2019388 (Final Order entered July 28, 2009).

**WHEREFORE**, PGW respectfully requests that pursuant to *Titus Wright v. PGW*, Docket No. C-2013-2368462, 52 Pa.Code § 5.24(b), and *Seidenstricker v. Metropolitan Edison Company*, Docket No. F-2008-2019388 the Commission dismiss the instant complaint as the same factual and legal issues that are the basis of the instant complaint were previously addressed and settled under Docket No. F-2014-2453444. PGW further requests that the Commission issue an order for the payment of the arrearage on the Complainant's PGW account in the amount of \$3,976.53 in full.

May 2, 2016

Respectfully submitted,



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

# **EXHIBIT A**



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

**Laureto A. Farinas, Senior Attorney**  
Legal Department  
Direct Dial: 215-684-6982  
FAX: 215-684-6798  
E-mail: [laureto.farinas@pgworks.com](mailto:laureto.farinas@pgworks.com)

August 27, 2015

Mr. Kevin T. Lofton, Jr.  
1961 Ashley Street  
Philadelphia, PA 19138

**RE: Kevin T. Lofton, Jr. v. Philadelphia Gas Works, Docket No. C-2015-2477763**

Dear Mr. Lofton:

Pursuant to your settlement conference, held earlier today with Patricia Bernard, Customer Review Officer – PGW, this letter confirms, the terms of the settlement of the above captioned matter.

In complete settlement of all issues in this matter, you have discussed your concerns with your account with PGW. The parties acknowledge and agree to the following:

1. This matter involves a request for a payment arrangement on your PGW account for gas service to 1961 Ashley Street, Philadelphia, PA, PGW Acct. No. 0005-3726-4468 ("Service Address"). The outstanding balance of this Account is \$7,480.35.
2. You will pay \$1,000 toward the outstanding balance of your account within 30 days of the date of this letter which is September 26, 2015. Thereafter, you will apply for re-enrollment in PGW's Customer Responsibility Program ("CRP"). You have provided (by telephone) household income information of \$1,766 per month with 5 in the household. Ms. Bernard will mail a CRP application to you under a separate cover. Ms. Bernard advised you of the various features of CRP particularly, CRP forgiveness feature when bills are paid in full and on time. Ms. Bernard also advised you of the documentation required for CRP enrollment.
3. You have indicated that you are satisfied with this resolution of your complaint and you no longer wish to pursue the above captioned matter against PGW.

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

Sincerely,

  
Laureto Farinas

cc: Patricia Bernard (PGW Mail)  
Wendy Vacca  
Tyra Jackson



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

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Laureto A. Farinas, Senior Attorney  
Legal Department  
Direct Dial: 215-684-6982  
FAX: 215-684-6798  
E-mail: [laureto.farinas@pgworks.com](mailto:laureto.farinas@pgworks.com)

August 27, 2015

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

**RE: Kevin T. Lofton, Jr. v. Philadelphia Gas Works, Docket No. C-2015-2477763**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaint has been satisfied. PGW and the Complainant have discussed the issues raised in the complaint and has satisfied the complaint. With this discussion, the Complainant has indicated that he is satisfied with the resolution of this complaint.

**Therefore, the Initial Hearing scheduled which has been rescheduled for September 3, 2015 in this matter is no longer necessary.**

By copy of this letter, I am notifying the Complainant of his right to object to any part of this settlement, in writing to the Public Utility Commission within ten (10) days of the date of this letter.

If you need additional information about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laureto Farinas', is written over a large, sweeping horizontal flourish.


Laureto Farinas

cc: Kevin T. Lofton, Jr. (Regular Mail)  
Administrative Law Judge Marta Guhl  
Patricia Bernard (PGW Mail)  
Wendy Vacca  
Tyra Jackson

**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.

May 2, 2016



Graciela Christlieb, Esquire


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. Kevin Lofton, Jr.  
1961 Ashley Street  
Philadelphia, PA 19138

May 2, 2016



Graciela Christlieb, Esquire  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
215-684-6164