



PHILADELPHIA GAS WORKS

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September 7, 2016

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

Re: Kimekia Mayo v. PGW, Docket No. C – 2016 – 2562263

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.101, the Philadelphia Gas Works ("PGW") hereby files the original Preliminary Objections to the Complaint 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: Kimekia Mayo (Regular Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Kimekia Mayo

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v.

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:

Docket No. C – 2016 – 2562263

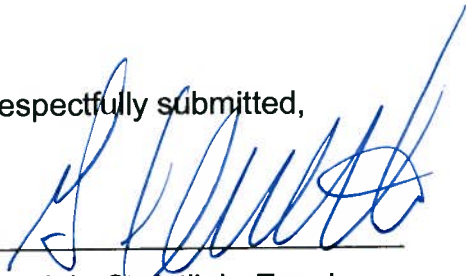
Philadelphia Gas Works

NOTICE TO PLEAD

To: Kimekia Mayo, Complainant

Pursuant to 52 Pa. Code § 5.101, you are hereby notified to file a written response to the enclosed Preliminary Objection and Motion to Strike, within ten (10) 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,



September 7, 2016

Graciela Christlieb, Esquire
Attorney I.D. No. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6164

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Kimekia Mayo

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v.

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:

Docket No. C – 2016 – 2562263

Philadelphia Gas Works

**Philadelphia Gas Works
Preliminary Objections and Motion to Strike**

Pursuant to 52 Pa. Code § 5.101, the Philadelphia Gas Works (PGW) hereby files its Preliminary Objections to the Complaint filed in the above captioned matter on the grounds that the Commission lacks jurisdiction over the subject matter of the Complaint with regard to the issues raised in the complaint that are beyond the statute of limitations at 66 Pa.C.S. § 3314 and that the Complaint includes impertinent matter in its requested relief to remove (or forbear collection of) the monies owed, and moves to strike the requested relief as “impertinent matter” pursuant to 52 Pa. Code §§ 5.101(a)(1) and (2).

In support of its preliminary objection and motion to strike, PGW hereby avers the following:

1. The Complainant has previously maintained services at the following premises:

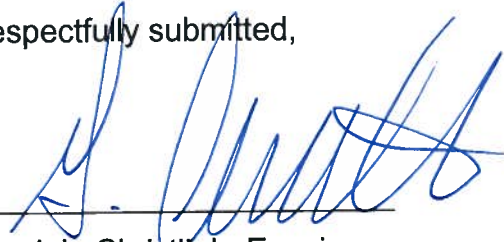
7/1/2004	11/11/2005	38 N. 40 th Street, 3f
11/11/2005	7/17/2006	4605 Wayne Avenue
7/17/2006	4/5/2007	4605 Wayne Avenue, 2f
4/5/2007	11/15/2008	240 W. Chew Avenue, 2r
11/15/2008	9/27/2010	634 E. Cheltenham Avenue, 2r
10/01/2010	5/7/2012	634 E. Cheltenham Avenue, 2r

2. On May 7, 2012, the Complainant’s service was terminated for nonpayment.

3. On May 8, 2012, a final bill was generated and sent to the Complainant.
4. On December 19, 2014, the Complainant established service at 2301 Woodward Street, A-13, Philadelphia, PA (Service Address).
5. On April 11, 2016, the Complainant filed an informal complaint under BCS No. 3425795 contesting her previous balance and requesting a payment arrangement.
6. On July 20, 2016, the Bureau of Consumer Services issued a decision dismissing her complaint as her dispute is invalid and denying her request for a payment arrangement.
7. On August 12, 2016, the Complainant filed the instant Complaint under Docket No. C-2016-2562263, wherein she seeks to contest her billing going back to 2004.
8. 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.
9. 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.
10. The Complainant has lost her right to pursue litigation regarding the bill for gas service at her previous service addresses, as any cause of action arising from those bills falls outside the statute of limitations.
11. As the Commission is without jurisdiction to decide on matters falling outside of the statute of limitations, the Complainant's request for relief is "impertinent matter" within the use and meaning of 52 Pa. Code §5.101(a) (2) and should be stricken from the Complaint.

Wherefore, PGW respectfully requests that this Commission sustain PGW's preliminary objections to the Complaint and dismiss the issues in the Complaint for lack of jurisdiction and strike off the requested relief as impertinent matter.

Respectfully submitted,



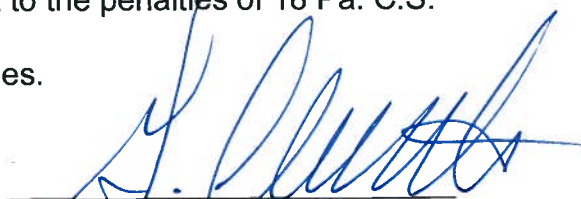
September 7, 2016

Graciela Christlieb, Esquire
Attorney I. D. No. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6164

VERIFICATION

I, Graciela Christlieb, hereby declare that I am counsel for the Philadelphia Gas Works. I am authorized to make this verification on its behalf. The facts set forth in the foregoing Answer are true and correct to the best of my knowledge, information, and belief. I expect to be able to prove these facts at a hearing held in this matter. This verification is made subject to the penalties of 18 Pa. C.S. §4904, concerning false statements to authorities.

September 7, 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 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

For Complainant:

Mr. Kimekia Mayo
2301 Woodward Street, A-13
Philadelphia, PA 19115

September 7, 2016



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