



PHILADELPHIA GAS WORKS

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November 1, 2016

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

Re: German Yakubov on Behalf of James and Charlotte Brown v. PGW,
Docket No. C – 2016 – 2570704

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §§ 5.61 and 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,

A handwritten signature in blue ink, appearing to read "Danielle Leva", is written over the typed name.

Danielle Leva

Enclosure

cc: German Yakubov on Behalf of James and Charlotte Brown (Regular Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**German Yakubov
on Behalf of
James and Charlotte Brown**

v.

Philadelphia Gas Works

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Docket No. C – 2016 – 2570704

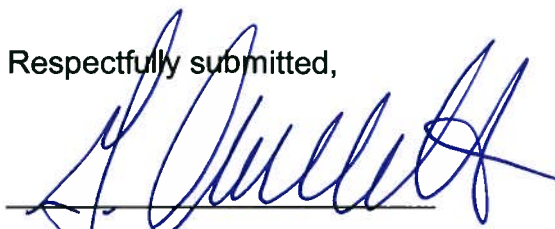
NOTICE TO PLEAD

To: German Yakubov, 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.

November 1, 2016

Respectfully submitted,



Graciela Christlieb, Esquire
Attorney I.D. No. 200760
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6164

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**German Yakubov
on Behalf of
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Philadelphia Gas Works

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Docket No. C – 2016 – 2570704

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

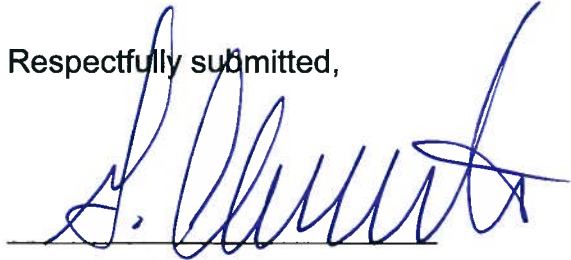
Pursuant to 52 Pa. Code § 5.101, the Philadelphia Gas Works (PGW) hereby files its Preliminary Objections to the Complaint filed in the above captioned matter on the grounds that the Complainant lacks the standing necessary to bring this action and moves to strike the requested relief as “impertinent 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. On or about October 7, 2016, the Complainant filed the instant Complaint, wherein he seeks to dispute the billing on accounts pertaining to James and Charlotte Brown.
2. The Complainant is neither the customer of record on the account nor an attorney representing James or Charlotte Brown.
3. Standing requires that a party have an interest in the matter that is substantial, direct and immediate. *William Penn Parking Garage, Inc. et al. v. City of Pittsburgh*, 346 A.2d 269 (Pa. 1975). The Commission has determined that a complainant must be the respondent's customer in order to have proper standing to file a complaint. See *In Re: Pennsylvania American Water Company*, 85 Pa. PUC 548 (1995); *Pa. Pub. Util. Comm’n et al. v. Marietta Gravity Water Company*, 87 Pa. PUC 864 (1997).

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

Respectfully submitted,



November 1, 2016

Graciela Christlieb, Esquire
Attorney I. D. No. 200760
Philadelphia Gas Works
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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 Motion 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.

November 1, 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:

Ms. German Yakubov
on Behalf of
James and Charlotte Brown
4246 Parkside Avenue
Philadelphia, PA 19104

November 1, 2016



Graciela Christlieb, Esquire
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