



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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Legal Department  
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E-mail: danielle.leva@pgworks.com

December 19, 2016

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

**Re: Nancy F. Lee v. PGW, Docket No. C-2016-2541136**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.535, the Philadelphia Gas Works ("PGW") hereby files its reply to the Complainant's Reply Exceptions to the October 31, 2016, Initial Decision 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 a large, light blue, stylized flame or leaf graphic that occupies the right side of the page.

Danielle Leva

Enclosure

cc: Nancy F. Lee (Regular Mail)  
Wendy Vacca (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Nancy F. Lee**

:

v.

:

: **Docket No. C – 2016 – 2541136**

:

**Philadelphia Gas Works**

:

**PHILADELPHIA GAS WORKS'  
REPLY TO COMPLAINANT'S REPLY EXCEPTIONS**

Pursuant to 52 Pa. Code §5.535, and the Secretary's letter dated November 18, 2016, and the Initial Decision in the above captioned matter, the Philadelphia Gas Works, (PGW) hereby files its reply to the Complainant's Reply Exceptions to the Initial Decision dated October 31, 2016, in the above captioned matter (Initial Decision).

**I. INTRODUCTION**

On April 8, 2016, Nancy F. Lee (Complainant) filed a Formal Complaint with the Public Utility Commission (Commission) against PGW alleging that she asked PGW to turn the gas service off at the service address in October 2014 after a fire, and that she never asked for her service to be restored. Complainant further alleged that someone illegally used her account number and password to have the gas service turned back on at the service address. Complainant requested that the PUC remove the charges from her bill.

On May 11, 2016, PGW filed an Answer wherein it denied that there are incorrect charges on the Complainant's bill for service at the Service Address. PGW further indicated that on January 13, 2015, the Complainant contacted PGW and scheduled an appointment to have service restored at the service address on January 15, 2015, that PGW records indicate that the Complainant contacted PGW on multiple occasions to discuss the budget during the time the service was active, and that on June 15, 2015, the Complainant visited a PGW Service Center to schedule an appointment to have the gas service terminated on June 17, 2015. PGW maintained that the Complainant is responsible for the service as billed.

On June 15, 2016, a telephonic hearing in this matter was convened before Judge Conrad A. Johnson. From the outset, Complainant's son, Robert H. Lee, Jr. (Complainant's son), was disruptive of the proceedings, which led PGW to request that the hearing be rescheduled for an in-person hearing. The Complainant agreed to an in-person hearing and the Court granted PGW's request.

On August 4, 2016, an in-person hearing was conducted in this matter before Judge Christopher P. Pell. The Complainant appeared with her son. Complainant's son continued his disruptive behavior during an attempt to discuss settlement and, when the hearing began, PGW made a motion to have him sequestered until such a time as he was called to testify, placing the grounds for the motion on the record.<sup>1</sup> The motion was granted and the hearing proceeded without incident.

By Secretarial Letter dated November 18, 2016, Judge Pell issued the Initial Decision dismissing the Complaint; the Complainant failed to sustain her burden of proof that she did not authorize gas service at the Service Address in January 2015, or that she should not be held responsible for gas charges that accrued on her account between January 15, 2015 and June 17, 2015.

PGW did not file Exceptions to the Initial Decision; however, the Complainant's son filed Reply Exceptions to the Initial Decision on December 8, 2016. Pursuant to 52 Pa. Code §5.535, and the Secretary's letter dated November 18, 2016 in this matter, this timely reply follows with the anticipation that the Commission will treat the Complainant's son's filing as Exceptions to the Initial Decision.

## **II. PGW'S REPLY TO EXCEPTIONS**

The Reply Exceptions fail to address any error in fact or law contained in the Initial Decision refuting the conclusion that the Complainant failed to meet her burden of proof that she did not authorize gas service at the Service Address in January 2015, or

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<sup>1</sup> Transcript of August 4, 2016, pp. 8-9.

that she should not be held responsible for gas charges that accrued on her account between January 15, 2015 and June 17, 2015. Instead, the Exceptions show that the Complainant's son is attempting to insert himself into this process as an attorney for his mother, which he has been advised by the Commission he is not permitted to do.<sup>2</sup> The Reply Exceptions were drafted and filed by the Complainant's son; in the cover letter accompanying the copy of the Reply Exceptions served on PGW, attached hereto as Exhibit "A," Complainant's son states that he feels it is his "position as her son to prepare all legal documents for her in being her power of attorney. The filing is equal parts the Complainant's son taking issue with not being permitted to represent his mother as her lawyer and a further attempt to do so by attaching documents he feels he should have been permitted to present during the hearing as her attorney.

### **Exceptions**

The Complainant's son's filing fails to list any exceptions; it consists of a Table of Contents, a Cover Page, an Introduction, Findings of Fact, Closing Arguments, a Certificate of Service, and various proposed exhibits.

### **PGW's Reply**

This filing at issue fails to demonstrate that the Initial Decision is unsupported by substantial evidence.

The record of this matter clearly shows that the Complainant had a full and fair opportunity to present her case to the Commission. The Complainant testified on her own behalf, called her son as a witness, and submitted three exhibits, all of which were admitted into the record. The record also shows that PGW supplied documentation demonstrating that the Complainant requested to have the gas service restored at the service address, that she made several in-person visits to PGW offices to make payments on her account after service was re-established in her name on January 15, 2015, and that, after service was restored, she contacted PGW to discuss billing

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<sup>2</sup> Prehearing Order (May 20, 2016), paragraph 5; Transcript of August 4, 2016, p. 5.

options. PGW also supplied a cancelled check for a payment made in February 2015 that the Complainant acknowledged she made on her account.<sup>3</sup> The record demonstrates not only that the Complainant requested this service, but that she made payments for, and actively monitored, her account for service.

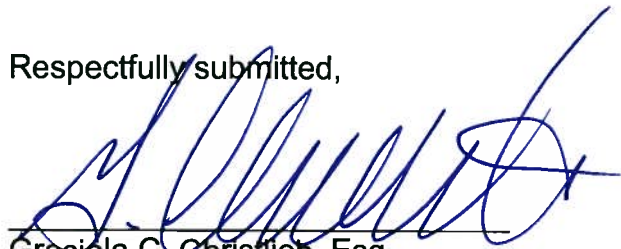
This filing also includes several documents that the Complainant's son wishes the Commission to consider regarding the Complaint, but which were not presented during the hearing or entered into evidence. The record for the evidentiary portion of this proceeding is now closed and PGW asks the court to dismiss the Complainant's son's attached documents without consideration as they are not part of the record and fail to provide any information that demonstrates that the Initial Decision is unsupported by substantial evidence.

### III. CONCLUSION

For the reasons stated above, PGW requests that the Commission deny this filing insofar as it may constitute Exceptions to the Initial Decision and adopt the Initial Decision issued November 18, 2016 in this matter as written dismissing the Complaint.

December 19, 2016

Respectfully submitted,



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

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<sup>3</sup> Transcript of August 4, 2016, pp. 34-35; PGW Exh. 5.

**CERTIFICATE OF SERVICE**

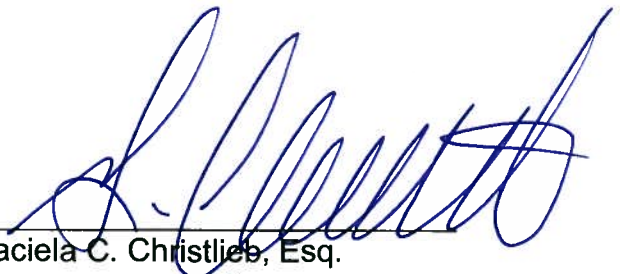
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Ms. Nancy F. Lee  
6439 Greene Street, Apt. B-7  
Philadelphia, PA 19119

December 19, 2016



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

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Robert H. Lee, Jr & Nancy F. Lee (Complainants)

6439 Greene Street, Apt. B-7

Philadelphia, PA 19119

December 8, 2016

Graciela Christlieb, Esq. (Respondent)

Philadelphia Gas Works

800 West Montgomery Ave.

Philadelphia, PA 19122

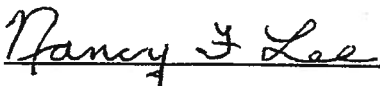
**RE: REPLY TO EXCEPTIONS FOR CASE NO: C-2016-2541136**

Dear Ms. Christlieb, Esq. :

My Name Is Mr. Robert H. Lee, Jr. And I Am The Son Of Ms. Nancy F. Lee Whom Submitted Responses To Judge Pell's Ruling To **DENY** My Mother's Complaint On November 18, 2016. As You Know My Mother Ms. Nancy F. Lee Is The Complainant In The Matter, And My Position As Her Son Is To Prepare All Legal Documents For Her In Being Her **Power Of Attorney (EXHIBIT NO. P2 ENCLOSED HEREIN)**. Please Find Enclosed In This Letter Packet, A **Total Of 42-Pages** Of Documents As **Responses** To Being **REPLY EXCEPTIONS** Submitted To The Pennsylvania Public Utility Commission. All Documents Were Provided To You For Your Records. I You Have Any Further Questions Or Concerns, Please Contact Me At Area Code (215) 760-5249. Thank You For Your Cooperation.

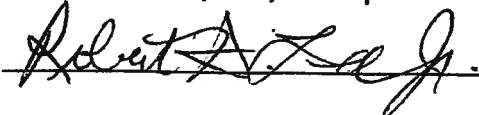
Sincerely,

Nancy F. Lee / Complainant :

  
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Date: December 8, 2016

Robert H Lee, Jr. / Complainant's Son :

  
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Date: December 8, 2016