

ORIGINAL

BEFORE

THE PUBLIC UTILITY COMMISSION
COMMONWEALTH OF PENNSYLVANIA

RECEIVED

AGNES MANU
F.A. REALTY INVESTORS CORP.

JAN 18 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

v. **DOCKETED**
FEB 02 2006

C- 2005 46 29

C- 2005 46 30

PHILADELPHIA GAS WORKS

DOCUMENT
FOLDER

ORDER

AND NOW this _____ day of _____
2006, it is ORDERED and DECREED that:

1. Complainants ~~be~~ allowed to review the transcripts of the hearing of September 28, 2005 and that said transcripts be made available to complainants within 10 days of this ORDER
2. Complainants should file their Exceptions 20 days after receipt of the hearing transcripts

BY THE COMMISSION

70

57

BEFORE THE PUBLIC UTILITY COMMISSION
COMMONWEALTH OF PENNSYLVANIA

AGNES MAMU
F.A. REALTY INVESTORS CORP

v.

C- 2005 46 29

C- 2005 46 30

PHILADELPHIA GAS WORKS :

MOTION FOR ENLARGEMENT OF TIME TO
FILE COMPLAINTS EXCEPTIONS TO THE
INITIAL DECISION OF JUDGE KY VAN NGUYEN

Complainants Agnes Mamu and F.A. Realty Investors Corp. move this commission for enlargement of time to file their exceptions to the Initial Decision of Administrative Law Judge Ky Van Nguyen issued by this commission on December 28, 2005 which is due on January 18, 2006. The reasons in support of this motion is stated as follows:

1. Complainants filed their complaint against Philadelphia Gas Works ("PGW").

2. On September 28, 2005 complainants went to the hearing with the mistaken belief that it was a scheduling hearing:

3. At the hearing, complainant moved the Commission for continuance due to the:

a) Fact that they did not know that the hearing was to trial the case. They thought that said hearing was for scheduling purposes.

b) Fact that corporate defendant need more time to find qualified attorney for representation.

4. The Administrative Judge denied said motion to the prejudice of complainant.

5. The Administrative Judge was biased against complainant and the initial decision issue. He failed to disclose that and the motions filed.

6. Complainants were not given an opportunity to review the transcript from the hearing and need such transcript to file their reasonable exceptions.

7. The facts as stated in the findings of fact section do not represent what occurred at the hearing and complainants

need the opportunity to review the transcripts to file their exceptions.

8. Due to the holidays, complainant just received this ~~best~~ Commission's decision.

WHEREFORE, for all the foregoing reason, complainant pray the Commission will grant 20 days enlargement.

Agnes Manu
AGNES MANU Pro Se

S/L
STEVE FREMPONG
For F.A. Realty Investors Corp.

BEFORE
THE PUBLIC UTILITY COMMISSION
COMMONWEALTH OF PENNSYLVANIA

AGNES MANU
F. A. REALTY INVESTORS CORP

v.

C- 2005 46 29

C- 2005 46 30

PHILADELPHIA GAS WORKS

MEMORANDUM OF LAW

Pursuance to 52 Pa. Code § 1.15 which governs Extensions of time and continuances, complainants submit their application for enlargement of time for 20 days after the complainants have had time to review the transcripts of said hearing. 52 Pa Code § 1.15 (b) in relevant part states: "Requests for extension of time in which to perform an act required... shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests".

Complainants were not given the opportunity to review the transcripts to the detriment of their cause. The hearing judge was biased and refused to allow complainants present their case ^{and} ~~was~~ ^{and} motion for continuance to allow the representation by attorney was denied. Complainants went to hearing believing it was for scheduling purposes and was not prepared as such. The facts as presented

Findings of fact do not represent what occurred at the hearing. Due to the holiday complainants have just received this Commission's decision. Complainants need the hearing transcripts and sufficient time to present their exceptions.

WHEREFORE, for all the foregoing, complainants needs 20 days enlargement of time after review of the transcripts to file their exceptions to the Initial Decision of the Commission and that the Commission order said transcripts for complainants review.

Agnes Manu
AGNES MANU

SJA
STEVE FREMPONG
F.A. Realty Investors Corp

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JAN 13 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VERIFICATION

I, AGNES MANU, Plaintiff/Defendant, verify that the facts set forth in the foregoing are true and correct to the best of my information, knowledge and belief.

I understand that the statements contained herein are subject to the Penalties of 18 Pa. C.S.A., §4904 relating to unsworn falsification to authorities.

AGNES MANU
(Print Name)

Agnes Manu
(Signature)

Date: 1-13-06

Certificate of Service

I hereby certify that I have served a copy of this petition upon all other parties or their attorney of record by:

Please check:

Regular First Class Mail

Certified Mail

Other

RECEIVED

JAN 13 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

AGNES MANLY
Name of Petitioner (Print Name)

Agnes Manly
Signature of Petitioner (Sign your name)

Dated: 1-13-06

DATE: February 9, 2006

SUBJECT: C-20054629
C-20054630

TO: Cheryl W. Davis, Director
Office of Special Assistants

FROM: James J. McNulty
Secretary
nvl

DOCKETED
FEB 10 2006

AGNES MANU
F.A. REALTY INVESTORS CORPORATION
VS

PHILADELPHIA GAS WORKS

**DOCUMENT
FOLDER**

Copies of the Initial Decision have been served upon all parties of interest.

Exceptions have been filed by:

AGNES MANU

Reply Exceptions have been received from:

cc: Susan Hoffner

Philadelphia Gas Works

PGW

COPY

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

February 19, 2006

RECEIVED

FEB 19 2006

James McNulty, Secretary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
Harrisburg, PA 17105-3265

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Agnes Manu v. PGW, Docket No. C – 20054629
F.A. Realty Investors Corp. v. PGW, Docket No. C – 20054630

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original and three (3) copies of its Answer the Complainants' Motion for Enlargement of Time to File Complainants' Exceptions to the Initial Decision, *Nunc Pro Tunc*.

PGW did not receive the Complainant's motion. PGW learned, in passing, that the motion had been filed from Commission Staff, who sent, by fax, an incomplete copy. PGW contacted the Complainant, Steve Frempong, to inform him that PGW had not been served with the motion. On February 7, 2006, by fax, Mr. Frempong provided PGW with a copy. Mr. Frempong has indicated that he does not object to PGW's filing an answer to the motion *Nunc Pro Tunc*.

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

Sincerely,


Laureto Farinas

Enclosures

cc: Service List

**DOCUMENT
FOLDER**

2. Denied. PGW denies the averments in Paragraph 2 of the Motion. PGW has no knowledge of the Complainants' states of mind or their beliefs as they attended the hearing held on September 28, 2005. By way of further averment, all parties to these matters were served with a Prehearing Order; setting forth the requirements for the hearing. The Prehearing Order instructs the parties on the preparation for the hearing as well as the presentation of evidence at the hearing. The Prehearing Order does not contain any information relating to the Initial Hearing as a "scheduling hearing". The Complainants should have discovered well before the date of the hearing that the hearing was not merely a scheduling hearing. The Complainants' mistaken beliefs as to the nature of the hearing have no relevance to their failure to file exceptions within 20 days following in issuance of the Initial Decision.

3. Admitted. PGW admits that the Complaints moved for a continuance in the hearing of the matter for the reasons averred. By way of further averment, by order dated August 15, 2005, the Administrative Law Judge granted the Complainant's previous request for a continuance due to illness requiring hospitalization. The original initial hearing was scheduled for August 18, 2005. The Complainants have had more than enough time to find qualified counsel.

4. Denied, the Complainants participated in the hearing and defended their interests.

5. Denied. PGW denies the conclusion that the Administrative Law Judge was biased because the Initial Decision does not recount their motion for a continuance. The record of the proceeding contains the motion and the Administrative Law Judge's ruling.

6. Denied. The Complainants were given an opportunity to review the transcript, but failed to request a copy of the transcript from the reporter at the conclusion of the hearing.

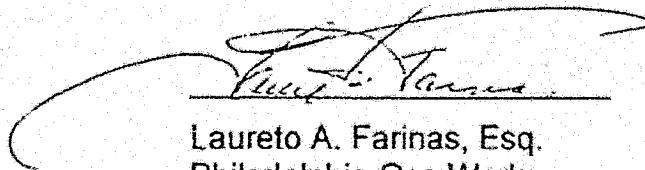
7. Denied, emphatically. The Findings of Fact in the Initial Decision are supported by the evidence produced at the hearing of this matter.

8. Denied. As the Initial Decision was issued December 28, 2005, the holiday week notwithstanding, the exceptions were due well after the end of the holiday season.

Wherefore, the Complainants have failed to show good cause for the extension of the time in which to file exceptions to the Initial Decision in the above captioned matters, this Commission should deny the Complainants' motion.

February 19, 2006

Respectfully submitted,

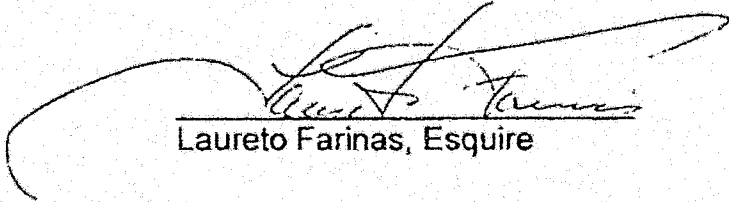
A handwritten signature in black ink, appearing to read "Laureto A. Farinas", is written over a horizontal line. A large, sweeping flourish extends from the left side of the signature.

Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

VERIFICATION

I, Laureto Farinas, 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.

Dated: February 19, 2006


Laureto Farinas, Esquire

RECEIVED

FEB 19 2006

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Agnes Manu
F. A. Realty Investors Corp.

v.

Docket Nos. C - 20054629
C - 20054630

DOCUMENT
FOLDER

Philadelphia Gas Works

**Memorandum In Support of the Answer of
Philadelphia Gas Works to the Complainants' Motion for an
Enlargement of Time to File Complainants' Exceptions to the Initial Decision**

In the underlying Complaint, the Complainants challenge the accuracy of the billing of the Complainants' accounts. A hearing was originally scheduled for August 18, 2005. By order dated August 15, 2005, the Administrative Law Judge granted a continuance in this matter. After notice, a hearing was held on September 28, 2005, during which the Complainant, Ms. Agnes Manu appeared on her own behalf and Mr. Steven Frempong, principle of the Complainant, F. A. Realty Investors Corporation appeared without counsel.¹ On December 28, 2006, the Initial Decision was issued dismissing the complaints. Pursuant to Pa Code 52 §5.533, any Exceptions to be filed by either party were due by January 17, 2006. The Complainants failed to file its exceptions by the due date. The Complainants now file this motion for an enlargement of time.

The Complainants' motion is governed by Pa. Code 52 §1.15(a) (1) Extensions of time and continuances. That section states in pertinent part, "...Upon motion made after the expiration of the specified period, the act may be permitted to be done where reasonable grounds are shown for the failure to act."² The Complainants fail to provide reasonable grounds for failing to file exceptions within 20 days following the issuance of the Initial Decision.

¹ Pursuant to Pa. Code 52 §1.22, the Complainant F. A. Realty Investors Corporation should have been represented by counsel throughout this course of this matter.

² Pa. Code 52 §1.15(a)(1)

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FEB 27 2006

The Complainants argue that they had a mistaken belief that the purpose of the Initial Hearing was for scheduling. The Complainants' mistaken beliefs as to the nature of the hearing have no relevance to their failure to file exceptions within 20 days following in issuance of the Initial Decision. Additionally, all parties to these matters were served with a Prehearing Order setting sets forth the requirements for the hearing. The Prehearing Order instructs the parties on the preparation for the hearing as well as the presentation of evidence at the hearing. The Prehearing Order does not contain any information relating to the Initial Hearing as a scheduling hearing. The Complainants should have discovered well before the date of the hearing that the hearing was not merely a scheduling hearing.

The Complainants allege that their request for a continuance is evidence of a bias of the Administrative Law Judge. The Administrative Law Judge granted a previous continuance to the Complainants. The original hearing was scheduled for August 18, 2005. The denial of the Complainants' second request for a continuance has no bearing on their inability to file exceptions within 20 days following in issuance of the Initial Decision.

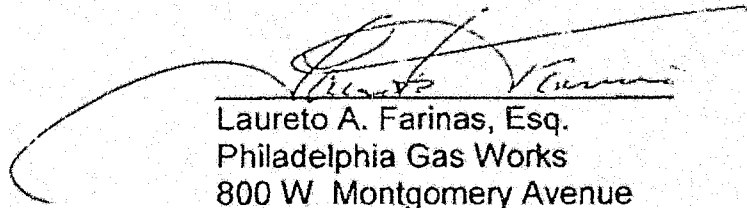
The Complainants argue that they need time to review the transcript of the proceeding. At any time after the hearing on September 28, 2005, the Complainants could have ordered a copy of the transcript. The Complainants' failure to order the transcript of the proceeding has no relevance to their failure to file exceptions within 20 days following in issuance of the Initial Decision.

Finally, the Complainants argue that the issuance of the Initial Decision on December 28, 2005 (during the holiday season) prevented them from filing exceptions within the following 20 days. To be timely, the exceptions should have been filed on or before January 17, 2006. The due date for the filing of exceptions occurred well after the holiday season.

CONCLUSION

For the foregoing reasons, as the Complainants have failed to show good cause to grant its request, PGW respectfully requests that this Commission deny the Complainants' Motion for an Enlargement of Time to File Complainants' Exceptions to the Initial Decision, in this matter.

Respectfully submitted,



Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

CERTIFICATE OF SERVICE

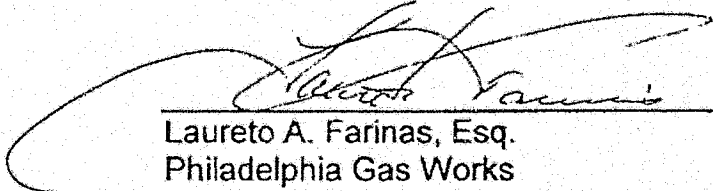
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF § 1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List

Agnes Manu
7000 Woodbine Avenue
Philadelphia, PA 19151

F. A. Realty Investors Corporation
5800 N. 17th Street
Philadelphia, PA 19141

February 19, 2006



Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

ORIGINAL

7000 Woodline Ave
Phila PA 19151
215 473 8044
February 27, 2006

James McNulty, Secretary
PUC
Rm B20, North Office Bldg
Harrisburg PA 17105-3265

RE: Agnes Mann v. PGW Doc# No. C 20054629
F.A. Realty v. PGW C 20054630

Dear Mr McNulty:

This is in response to PGW
so-called Nunc Pro Tunc Answer.

We are sorry to state that PGW's
Answer and Cover Letter to you contain
false statements which we cannot let
it go unanswered. Consequently,
enclosed herein please find our
1. Reply and 2. Motion To Strike.

If need be please contact Steve Tempur
at aforementioned number.

Sincerely

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FEB 27 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

S.R.

Agnes Mann

1307

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Agnes Mann
F.A. Realty Investors Corp

FEB 27 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCUMENT
FOLDER

v.

Packet No. C-2005 4629
C-2005 4630

Philadelphia Gas Works :

DOCKETED

JAN 12 2007

MOTION TO STRIKE PGW'S NUNC
PRO TUNC ANSWER TO COMPLAINANT'S
MOTION FOR ENLARGEMENT OF TIME

Complainant Agnes Mann and
F.A. Investors Corp move this Commission
to strike PGW's NUNC PRO TUNC ANSWER
to Complainant's Motion for Enlargement
of Time to file Complainant's Exceptions
to the Initial Decision of Judge Nguyen.
The reasons in support of this
motion is stated as follows:

1. Complainant filed their Motion for
Enlargement of time on January 13, 2006
2. PGW filed its Answer on February
19, 2006, more than a month and outside

the required time.

3. PGW was served with complainant's Motion on January 13, 2006. Furthermore PGW was sent a copy by fax by the Commission staff, Frempong in a conversation thereafter told PGW attorney he sent him copy and told him on phone the essential elements of the motion.

4. PGW was again sent a fax on February 7, 2006 by Frempong.

5. PGW had timely notice but failed to file timely answer.

6. PGW lies to this Commission that Frempong agreed to his so-called ~~no~~ Answer ~~mere~~ pro tunc does not merit consideration.

7. PGW has failed to satisfy the requisite standards for mere pro tunc reply.

WHEREFORE, we pray the Commission will strike PGW's Answer ~~Nunc Pro Tunc~~ Respectfully submitted
Sgt. Hayes

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Agnes Mann
F.A. Realty Investors Corp

v.

: Docket No. C-20054629
20054630

Philadelphia Gas Works :

MEMORANDUM OF LAW

PGW after timely and proper notice failed to file its Answer within time. PGW needed leave of the Commission to file its Answer. Instead it lied that "Temponey has indicated that he does not object to PGW's filing an answer to the motion Nunc Pro Tunc. Assuming arguendo that PGW's statement is true which it is not, Agnes Mann a party to this cause did not. Her agreement was necessary to effectuate PGW's filing. So regardless of PGW's lies ~~it~~ it did not have the right to file the Answer Nunc Pro Tunc. PGW is represented by able lawyer. It should have sought for leave of this Commission. It failed

A motion to strike... will ~~not~~ not be granted unless a fatal defect appears on the face of the record. *Bershad Co v. Isabel's Bar Inc*, 386. ~~2d~~ 2d. 50 (Pa Super. Ct 1978). A fatal defect herein is that PGW filed its Answer out of time and failed to seek leave of the Commission to do so.

More importantly Petitioner Nunc Pro Tunc comes to the equitable doctrine of this commission and PGW comes to the commission with unclean hands when it lied.

WHEREFORE, for all the foregoing reasons Complainant pray the Commission will ~~do~~ strike PGW's Answer.

Respectfully Submitted

S/A.

STEVE FREMPONG

Agnes Manu
AGNES MANU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Aynes ^{AA 4000}
RECEIVED Investors Corp

FEB 27 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY OF TREASURY

DOCUMENT
FOLDER

Docket No. C-2005 4620
C-2005 4630

Philadelphia Gas Works :

DOCKETED
JAN 12 2007

REPLY OF MOVANTS TO PGW ANSWER.

Philadelphia Gas Works Answer to our Motion which he term "Nunc Pro Tunc" contains false statement and blatant lies which movants want to place their response on the record.

1. PGW's statement that Steve Frempong "indicated that he does not object to PGW's filing an answer to the motion Nunc Pro Tunc is false. At no time did PGW attorney requested that he be permitted to file Nunc Pro Tunc. In fact at no time did PGW asked that we agree to his filing Nunc pro tunc.

2. PGW attorney never mentioned to moments that he was sent any document relating to our motion. He claimed he never received his copy eventhough it was sent to him. However ~~we~~ Frempong discussed the whole motion to him and did not question the motion. So it was surprised that he called later to acknowledge receipt of our fax and said he was filing an answer, though never mentioned filing 'inter pro tunc'.

3. PGW answer to averment #2 which he denied contain some false and misleading statements. PGW ^{to the courtroom} was told before the judge ~~were~~ that we thought it was for status hearing so we were not prepared for the hearing and he refused to agree to continuance. So it is a lie to say "PGW had no knowledge of the Compliments states of mind or their beliefs. as they attended the hearing held on September 28, 2005."

4. PGW's denial of averments #4 and #6. PGW knew well that the Judge refused to allow Frempong to cross exam

the PGW is witness. Refusal to allow continuance to hire attorney and subsequent refusal to allow cross-examination clearly denied complainants due process and violated their first amendment rights of access to the court.

5. PGW states we filed the motion out of time ~~to~~ and after January 17, 2006. However, PGW failed to state when our motion was filed. This is one of the frivolous defense. As a matter of fact the motion per the code was filed January 13, 2006 and it was filed within time.

WHEREFORE, having failed to raise any relevant and material issue to oppose this motion PGW answer should be ignored and that the Commission should grant complainants Motion for Enlargement of time.

Respectfully submitted
SQ

STEVE FREMPUNG
F.A. Realty Investor Corp
Agnes Manu
AGNES MANU, PRO SO

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Agnes Mam ;
F.A. Realty Investors Corp

v.

: Docket No E-20054029
C-20054030

Philadelphia Gas Works :

MEMORANDUM OF LAW.

Facts stated herein are referenced as though fully stated. PGW's Answer is much Ado About Nothing, apologues to William Shakespeare. PGW claimed the motion was filed out of time which is not true. PGW claimed Frempong agreed to his Answer Nunc Pro Tunc which is not true. PGW's Answer contains no iota of truth. Said answer has no merit.

Movants have demonstrated need for granting their motion.

WHEREFORE, we pray the Commission will grant said motion

Respectfully submitted
Suz. Agnes Mam

VERIFICATION.

1. STEVE FREMPONG, hereby verify that the written statements are true and to the best of my knowledge and belief.

DATE: 2/27/6

RECEIVED

SU

FEB 27 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

1. STEVE FREMPONG, hereby certify that I have today caused a copy of
1. Motion To Strike PGW's Nunc Pro Tunc Answer
2. Reply of Motion to PGW's Answer
to be served via first class mail, postage prepaid upon.

Laureto Ferrinas Esq
Philadelphia Gas Works
800 W. Montgomery Avenue
Phila PA 19122

DATED: 2/27/6

SU
Steve Frempong

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

ORIGINAL

March 20, 2006

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MAR 20 2006

James McNulty, Secretary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
Harrisburg, PA 17105-3265

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

Re: Agnes Manu v. PGW, Docket No. C – 20054629
F. A. Realty Investors Corp. v. PGW, Docket No. C – 20054630

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original and three (3) copies of its Answer the Complainants' Motion To Strike PGW's Answer to the Complainant's Motion for Enlargement of Time to File Complainants' Exceptions to the Initial Decision, *Nunc Pro Tunc*.

If additional information is needed 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 circular stamp. The signature is fluid and cursive.

Laureto Farinas

Enclosures

cc: Service List

**DOCUMENT
FOLDER**

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MAR 20 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Agnes Manu
F.A. Realty Investors Corp.

v.

Docket Nos. C - 20054629
C - 20054630

Philadelphia Gas Works

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APR 05 2006

**DOCUMENT
FOLDER**

**Answer of Philadelphia Gas Works to the Complainants'
Motion to Strike PGW's Answer to Complainants' Motion for Enlargement of
Time to File Complainants' Exceptions to the Initial Decision, Nunc Pro Tunc**

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files its Answer the Complainants' Motion To Strike PGW's Answer to the Complainants' Motion for Enlargement of Time to File Complainants' Exceptions to the Initial Decision, *Nunc Pro Tunc*. In opposition to the Complainants' motion PGW answers the following:

1. Admitted in part. PGW admits that the Complainants' Motion for enlargement of time to file exceptions was dated January 13, 2006. PGW did not receive the Complainant's motion. After PGW learned that the motion had been filed from Commission Staff, PGW contacted the Complainant, Steve Frempong to inform him that PGW had not received with the motion. On February 7, 2006, by fax, Mr. Frempong provided PGW with a copy. By way of further averment, Mr. Frempong had indicated that he did not object to PGW's filing an answer to the motion, *nunc pro tunc*.

2. Admitted. PGW admits that the Answer to Complainants' motion for enlargement of time to file exceptions on February 19, 2006, after understanding that the Complainants did not object to the filing, *nunc pro tunc*.

3. Admitted in part. PGW learned that the motion had been filed from Commission staff. The Commission staff faxed an incomplete copy. PGW denies that it received a complete copy of the Complainants' motion for enlargement of time to file exceptions until February 7, 2006 as faxed by the Complainant, Mr. Frempong.

4. Admitted in part. PGW did not have the complete motion until February 7, 2006.

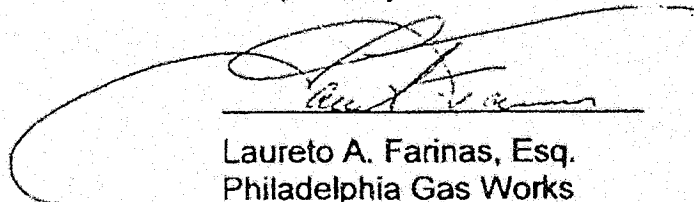
5. Denied. PGW did not have the complete motion until February 7, 2006. PGW filed the answer twelve days later on February 19, 2006.

~~6.~~ Emphatically denied. PGW contacted the Complainant, Steve Frempong to inform him that PGW had not been received the motion. In the telephone conversation in which Mr. Frempong discussed the essential elements of the motion, PGW asked if he objected to the filing of the motion beyond the twenty days since filed with the Commission. Mr. Frempong indicated that he did not object.

Wherefore, The Complainants' have failed to show a sufficient basis for striking PGW's Answer to the Complainants' Motion for Enlargement of Time to File Complainants' Exceptions to the Initial Decision, *Nunc Pro Tunc*. PGW has shown good cause accept the filing of the Answer, *nunc pro tunc*. The Commission should deny the Complainants' motion to strike PGW's Answer to the Complainants' Motion for Enlargement of Time to File Complainants' Exceptions to the Initial Decision, *Nunc Pro Tunc*.

March 20, 2006

Respectfully submitted,

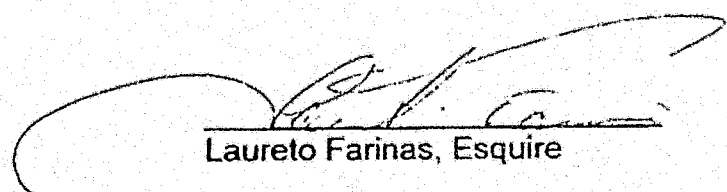


Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

VERIFICATION

I, Laureto Farinas, 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.

Dated: March 20, 2006



Laureto Farinas, Esquire

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MAR 20 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MAR 20 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

~~Agnes Manu~~
F. A. Realty Investors Corp.

v.

Philadelphia Gas Works

Docket Nos. C - 20054629
C - 20054630

DOCKETED
APR 05 2006

DOCUMENT
FOLDER

**Memorandum In Support of the Answer of
Philadelphia Gas Works to the Complainants' Motion to Strike
PGW's Answer to Complainants' Motion for Enlargement of
Time to File Complainants' Exceptions to the Initial Decision, *Nunc Pro Tunc***

In the underlying Complaint, the Complainants challenge the accuracy of the billing of the Complainants' accounts. A hearing was originally scheduled for August 18, 2005. By order dated August 15, 2005, the Administrative Law Judge granted a continuance in this matter. After notice, a hearing was held on September 28, 2005, during which the Complainant, Ms. Agnes Manu appeared on her own behalf and Mr. Steven Frempong, principle of the Complainant, F. A. Realty Investors Corporation appeared without counsel.¹ On December 28, 2006, the Initial Decision was issued dismissing the complaints. Pursuant to Pa Code 52 §5.533, any Exceptions to be filed by either party were due by January 17, 2006. The Complainants failed to file its exceptions by the due date. The Complainants filed a motion for an enlargement of time to file exceptions. On February 19, 2006, PGW filed an answer, *nunc pro tunc* to the Complainants' motion for Enlargement of Time to File Complainants' Exceptions because it had not received a complete copy of the Complainants' motion until February 7, 2006.

The PGW's Answer to the Complainants' motion for Enlargement of Time to File Complainants' Exceptions filed *nunc pro tunc* and the Complainants' motion to strike PGW Answer filed *nunc pro tunc*, are governed by Pa. Code 52 §1.15(a) (1) Extensions

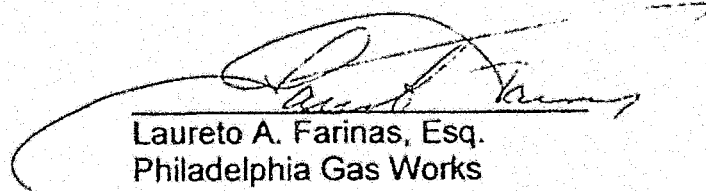
¹ Pursuant to Pa. Code 52 §1 22, the Complainant F. A. Realty Investors Corporation should have been represented by counsel throughout this course of this matter.

of time and continuances. That section states in pertinent part, "...Upon motion made after the expiration of the specified period, the act may be permitted to be done where reasonable grounds are shown for the failure to act."² In its answer PGW provided the reasons for the filing of the answer, nunc pro tunc. PGW did not receive the complete copy of the Complainants' motion until February 7, 2006. The Complainants fail to provide reasonable grounds to strike PGW's answer filed nunc pro tunc.

CONCLUSION

For the foregoing reasons, as the Complainants have failed to show good cause to grant its request, PGW respectfully requests that this Commission deny the Complainants' Motion to strike PGW Answer to Complainants' Motion for Enlargement of Time to File Complainants' Exceptions to the Initial Decision, Nunc Pro Tunc.

Respectfully submitted,



Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

² Pa. Code 52 §1.15(a)(1)

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

Agnes Manu
7000 Woodbine Avenue
Philadelphia, PA 19151

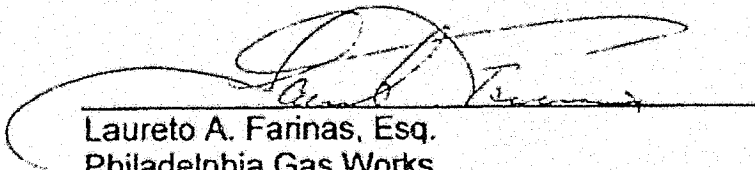
F. A. Realty Investors Corporation
5800 N. 17th Street
Philadelphia, PA 19141

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

March 20, 2006



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