



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

---

Danielle Leva, Paralegal  
Legal Department  
Direct Dial: 215-684-6862  
FAX: 215-684-6798  
E-mail: [danielle.leva@pgworks.com](mailto:danielle.leva@pgworks.com)

March 13, 2017

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

**Re: Dolores Mitchell v. PGW, Docket No. F-2016-2548959**

Dear Secretary Chiavetta:

Pursuant to the letter of the Secretary dated February 28, 2017, the Philadelphia Gas Works ("PGW") hereby files its reply to the Complainant's Response and request for a waiver to the January 5, 2017 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,

  
Danielle Leva

Enclosure

cc: Dolores Mitchell (Regular Mail)  
Wendy Vacca (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Dolores Mitchell**

**v.**

**Philadelphia Gas Works**

:  
:  
:  
:  
:

**Docket No. F – 2016 – 2548959**

**Reply of the Philadelphia Gas Works**

Pursuant to the letter of the Secretary dated February 28, 2017, the Philadelphia Gas Works (“PGW”) hereby files its Reply to the Complainant’s Response and Request for a Waiver (“Response Document”) to the January 5, 2017 Initial Decision (“Initial Decision”) in the above captioned matter in which the Complainant states that the events leading up to the dismissal of the Complaint in the Initial Decision are “puzzling” even though the Complainant failed to participate in the hearing of this matter but continues to assert arguments on the merits. PGW hereby replies as follows:

1. The Complainant failed to appear for at the telephonic hearing set for 10:00 a.m. December 8, 2016, after notice and instructions on a prehearing order were provided by the Commission on how to participate and request a continuance.

2. The Initial Decision reviewed the procedural history of this matter including the fact that on October 16, 2016, the Complainant had requested in writing and was granted a continuance of a hearing originally scheduled for October 26, 2016. The Initial Telephonic Hearing was continued to December 8, 2016.

3. The Initial Decision noted that the hearing notice for the December 8, 2016 hearing and the prehearing order were mailed to the Complainant’s last known address and were not returned. Therefore, these were deemed as received by the Complainant. (Initial Decision, pp. 5 and 6)

4. In the original Complaint, the Complainant purports to be represented by counsel, Louis S. Schwartz, Esq. In subsequent conversations and correspondence between PGW and Mr. Schwartz and the Commission, Mr. Schwartz has clarified that he does not represent the Complainant in this matter.

5. On or about March 3, 2017, Mr. Schwartz contacted PGW to facilitate a telephone conference to explain the status of the Complainant's account. He reiterated to PGW that he does not represent the Complainant in the litigation, but rather only wanted to facilitate a conversation by telephone. PGW informed Mr. Schwartz of the status of the instant matter.

6. In the Complainant's Response Document, the Complainant has indicated that due to her health issues, participation by telephone, "...would not work due to the fact that she could barely hear and [her] speech is limited." This is inconsistent with the efforts of Mr. Schwartz to facilitate a conversation by telephone to explain the status of the Complainant's account.

7. In the Complainant's Response Document the Complainant states that her attorney (presumably Mr. Schwartz attempted to contact PGW but was treated in a rude fashion. PGW denies these averments as Mr. Schwartz was treated respectfully given his role as not officially representing the Complainant in the instant litigation.

8. The Complainant's Response Document should be denied as it does not meet the criteria for waiver or reconsideration or reversal of the Initial Decision based upon exceptions. The Complainant has failed to show any error of fact or law in the Initial Decision. The Complainant merely seeks to delay the final disposition of this matter which is without merit.

**Wherefore**, PGW respectfully requests that this Commission find against the Complainant, deny the Response Document and dismiss the Complaint.

Respectfully submitted,

March 13, 2017



Laureto Farinas, Esquire  
Attorney I.D. 50415  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6982

**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.

March 13, 2017



Laureto Farinas, Esquire

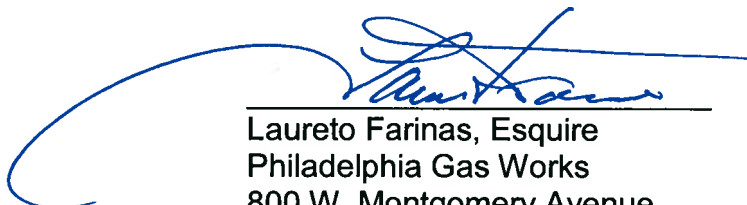
**CERTIFICATE OF SERVICE**

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. Delores Mitchell  
2416 N. 50<sup>th</sup> Street  
Philadelphia, PA 19131

March 13, 2017



---

Laureto Farinas, Esquire  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6982