



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

Graciela Christlieb, Senior Attorney  
Legal Department  
Direct Dial: 215-684-6164  
FAX: 215-684-6798

April 19, 2017

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

**Re: Arnold Neubauer v. PGW, Docket No. C - 2017 - 2595708**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.102, the Philadelphia Gas Works (PGW) hereby files the original Motion for Summary Judgment 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,

  
Graciela Christlieb

Enclosure

cc: Arnold Neubauer (Regular Mail)  
Tyra Jackson (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Arnold Neubauer**

**v.**

**Philadelphia Gas Works**

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**Docket No. C – 2017 – 2595708**

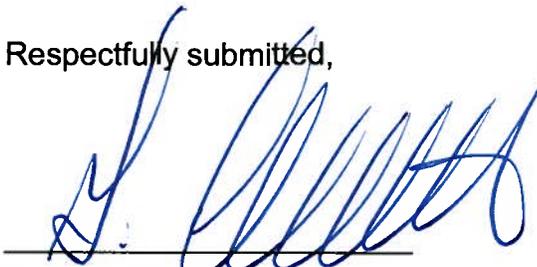
**NOTICE TO PLEAD**

**To: Arnold Neubauer,**

Pursuant to 52 Pa. Code §5.102, you are hereby notified to file a written Answer or other response to the enclosed Motion for Summary Judgment, within twenty (20) 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,

April 19, 2017



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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Arnold Neubauer**

**v.**

**Philadelphia Gas Works**

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**Docket No. C – 2017 – 2595708**

**Philadelphia Gas Works’  
Motion For Summary Judgement**

Pursuant to 52 Pa. Code §5.102, the Philadelphia Gas Works (PGW) hereby moves for a summary judgment and dismissal of the issues in the above captioned matter arising out of the time period prior to August 10, 2016, on the grounds that the same factual and legal issues related to that time period in the instant Complaint have been addressed and previously settled by the parties by way of a Certificate of Satisfaction under Docket No. C-2016-2547227, filed on August 10, 2016.

In support of this Motion, PGW hereby avers the following:

1. On or about May 20, 2016, the Complainant filed a Formal Complaint against PGW under Docket No. C-2016-2547227, attached hereto as Exhibit “A”, wherein the Complainant disputed PGW’s ability to review and adjust his budget on a quarterly basis.
2. On August 11, 2016, the Complainant and PGW reached a formal settlement for Docket No. C-2016-2547227. PGW filed a Certificate of Satisfaction and issued a Settlement Letter to the Complainant, attached hereto as Exhibit “B”. As part of the settlement, PGW agreed to credit the Complainant’s account \$745.43, reset his budget amount to \$61.00, and explained verbally and in writing that his budget is subject to review and adjustment every three months based upon his usage and patterns.
3. The Complainant did not file an objection to the Certificate of Satisfaction.
4. On March 13, 2017, the Complainant filed the instant Complaint against PGW under Docket No. C-2017-2595708.

5. The Complaint under Docket No. C-2017-2595708 again disputes PGW's ability to review and adjust the budget on a quarterly basis, the instant Complaint even includes page 3 of the 2016 Complaint as part of this dispute.

6. Throughout Docket No. C-2016-2547227, and now Docket No. C-2017-2595708, the Complainant has refused to accept that PGW can charge him more than \$61.00 a month for gas.

7. Commission regulations at 52 Pa.Code § 5.24(b) permit a utility to file a Certificate of Satisfaction indicating that a complaint has been addressed. A complainant then has ten (10) days in which to object to the Certificate and if no objection is filed, the matter is closed.

**WHEREFORE**, PGW respectfully requests that pursuant to *Titus Wright v. PGW*, Docket No. C-2013-2368462 and 52 Pa.Code § 5.24(b), the Commission dismiss the issues in the instant Complaint that are the same as the factual and legal issues that were the basis of the Complaint that was previously addressed and settled under Docket No. C-2016-2547227.

April 19, 2017

Respectfully submitted,



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

# **EXHIBIT A**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. —
If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name ARNOLD NEUBAUER
Street/P.O. Box 430 FERN ST Apt #
City PHILADELPHIA State PA Zip 19120
County PHILA

Telephone Number(s) Where We Can Contact You During the Day:
215, 424, 9478 (home) ( ) (mobile)

E-mail Address (optional): ANNIE NEU@YAHOO.COM

Utility Account Number (from your bill) 0185384009

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name
Street/P.O. Box
City State Zip MAY 20 2016

RECEIVED

2. Name of Utility or Company (Respondent)

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PGW

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- |   |   |
|---|---|
| <input type="checkbox"/> ELECTRIC       | <input type="checkbox"/> WASTEWATER/SEWER                                     |
| <input checked="" type="checkbox"/> GAS | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance)  |
| <input type="checkbox"/> WATER          | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> STEAM HEAT     |   |

4. Reason for Complaint

**What kind of problem are you having with the utility or company?** Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain).

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

IN DEC 21, 2015 MY BILL WENT FROM \$45.00 W 2015 TO \$61.00. THAT IS A 36% INCREASE. I AGREED TO DO SO AS I AM ON A LIMITED INCOME. THIS INCREASE WAS TO BE FOR 2-3 YRS. MISS KOPLICK DID THIS

I RECEIVED A NEW BILL ON 4/21/16 FOR \$108.00. DUE ON 5/6/16. I SPOKE TO MISS HURSEY ON 4/21/16 AT 7:30 AND SHE SAID PAY IT!!! THAT IS AN INCREASE OF 77% IN LESS THAN 6 MONTHS. \$61.00 + \$47.00 = \$108.00 THAT IS ABSOLUTELY ENORMOUS.

I ALSO SPOKE TO MISS TIFFANY NICOLAS. SHE THEN AGREED TO REDUCE THE BILL TO \$88.00, THAT IS ANOTHER INCREASE OF 45%, \$61 TO \$88.00 THAT IS AN INCREASE OF \$27.00 THIS IS JUST CRAZY, 27 TO 61.00 TO 88.00.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

**6. Protection From Abuse (PFA)**

**Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare?** The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

**7. Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

E-mail Address (if known) \_\_\_\_\_

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. **Verification and Signature**

**You must sign your complaint.** Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

**Verification:**

Arnold Neubauer, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Arnold Neubauer  
(Signature of Complainant)

5/20/2016

(Date)

**Title of authorized employee or officer** (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. **Two Ways to File Your Formal Complaint**

**Electronically.** You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

**Note:** If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

Note: Formal Complaints sent by fax or e-mail will **not** be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

**Keep a copy of your Formal Complaint for your records.**



**PHILADELPHIA GAS WORKS**

Gas Leak Emergencies: 215-235-1212  
Billing & General Information (English & Espanol): 215-235-1000  
Access Your Account Online: www.pgworks.com

PB\_20160314200102 del-83893-000002070

Page: 1 of 4  
Billing Date: Mar 15, 2016  
Account Number: 0188384009

*PAID*

**MONTHLY STATEMENT**

From Feb 11, 2016 thru Mar 11, 2016 (29 Days)

**ARNOLD NEUBAUER**  
430 FERN ST  
PHILA PA 19120-1814

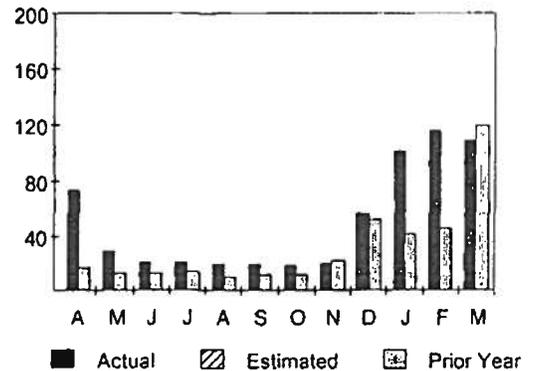
Thank you for your payment of \$61.00

**Billing Summary**

Budget Bill 3 \$59.00  
Current Agreement Charges \$2.00

**Total Amount Due By**  
**Apr 08, 2016 \$61.00**

**Energy Usage Information**



- Average daily temperature 42.7 °F.
- Your average daily cost is \$5.30 compared to \$5.37 last year.
- For the last 12 months:
  - Your total usage is 601 Ccf.
  - Your average monthly usage is 50.08 Ccf.

Shop for your natural gas through Pennsylvania's Gas Choice program, which may potentially save you money on your gas bills. Visit the PUC's www.PAGasSwitch.com for additional information and resources.



**PHILADELPHIA GAS WORKS**

Gas Leak Emergencies: 215-235-1212  
Billing & General Information (English & Espanol): 215-235-1000  
Access Your Account Online: www.pgworks.com

Page: 1 of 3  
Billing Date: May 13, 2016  
Account Number: 0188384009

**MONTHLY STATEMENT**

From Apr 12, 2016 thru May 11, 2016 (29 Days)

**ARNOLD NEUBAUER**  
430 FERN ST  
PHILA PA 19120-1814

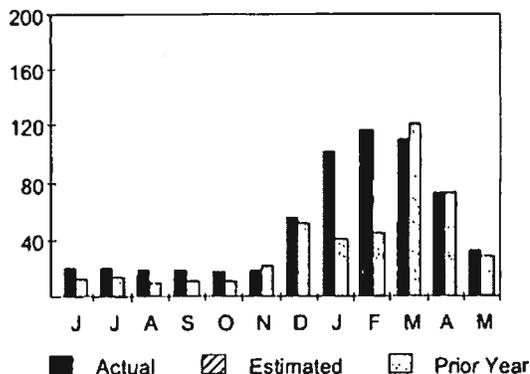
**Billing Summary**

Past Due Amount \$108.00  
Budget Bill 5 \$106.00  
Current Agreement Charges \$2.00

**Total Amount Due By**  
**Jun 07, 2016** **\$216.00**

*NOT YET PAID*

**Energy Usage Information**



- Average daily temperature 57.4 °F.
- Your average daily cost is \$1.80 compared to \$1.91 last year.
- For the last 12 months:
  - Your total usage is 604 Ccf.
  - Your average monthly usage is 50.33 Ccf.

Manage your PGW bill online. How? Visit pgworks.com and setup a My Account. Pay your bill, view gas usage and billing history, and get helpful efficiency information - all in one place. Visit pgworks.com today.

Questions or Complaints about your bill? Please call us before the due date at 215-235-1000, or write to: PGW P.O. Box 3500, Phila., PA 19122-0050

Please return this portion with your payment.

Write your account number on your check or money order made payable to Philadelphia Gas Works

Place "X" in box for address corrections. Print corrections on reverse side.



Account Number: 0188384009  
Due Date: Jun 07, 2016  
Please Pay: \$216.00

Amount Enclosed:

041537 000001978



ARNOLD NEUBAUER  
430 FERN ST  
PHILA PA 19120-1814



Philadelphia Gas Works  
P.O. Box 11700  
Newark, NJ 07101-4700

0001883840098000000000216008

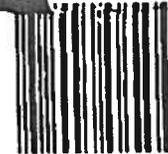
**VERIFIED MAIL**



Arnold Neubauer  
430 Fern St  
Philadelphia, PA 19120



1000



17120

PAID  
CHELTENHAM, PA  
19012  
MAY 20 16  
AMOUNT  
**\$3.98**  
R2305M143489-10

7015 3430 0001 1179 0325

SECRETARY

ATTN:  
IMPORTANT  
URGENT

SECRETARY  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH ST. 2<sup>ND</sup> FLOOR  
HARRISBURG, PA. 17120



# **EXHIBIT B**



**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](mailto:laureto.farinas@pgworks.com)

August 10, 2016

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

**RE: Arnold Newbauer v. Philadelphia Gas Works, Docket No. C-2016-2547227**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaint has been satisfied. PGW and the Complainant have discussed the issues raised in the complaint and reached a settlement. With this discussion, the Complainant has indicated that he is satisfied with the resolution of this complaint.

**Therefore, the Initial Hearing scheduled for August 12, 2016, at 10:00 a.m., in this matter is no longer necessary.**

By copy of this letter, I am notifying the Complainant of his right to object to any part of this settlement, in writing to the Public Utility Commission within ten (10) days of the date of this letter.

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

Sincerely,



Laureto Farinas

cc: Arnold Newbauer (Regular Mail)  
Administrative Law Judge Cynthia W. Fordham (e-mail)  
Jennifer Pearson (PGW Mail)  
Tiffany Higgins  
Wendy Vacca  
Tyra Jackson



**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](mailto:laureto.farinas@pgworks.com)

August 10, 2016

Mr. Arnold Newbauer  
430 Fern Street  
Philadelphia, PA 19120

**RE: Arnold Newbauer v. Philadelphia Gas Works, Docket No. C-2016-2547227**

Dear Mr. Newbauer:

Pursuant to our settlement conference, held on August 9, 2016, this letter confirms the terms of the settlement of the above captioned matter.

In complete settlement of all issues in this matter, you have discussed your concerns with your account with PGW. The parties acknowledge and agree to the following:

1. This matter involves the dispute of the change in your PGW budget amount from \$61 to an amount in excess of \$100 on your account for gas service to 430 Fern Street, Philadelphia, PA, PGW Acct. No. 000188384009 ("Service Address"). As of July 14, 2016, your account balance is \$745.43. You have informed me that on August 4, 2016 you paid your most recent bill of \$37.73.
2. PGW will change the Budget Plan amount to your account back to \$61 per month. Please note that the PGW budget plan is subject to review and adjustment every three times each year based upon you usage patterns.
3. From the time you have first made this dispute concerning your PGW budget amount, you have accumulated an outstanding balance of \$745.43. PGW will credit your account in the amount of \$745.43 in order to render your account balance as \$0.
4. You have indicated that you are satisfied with this resolution of your complaint and you no longer wish to pursue the above captioned matter against PGW.

If you need any additional information, please contact me at the direct dial number above. Thank you.

Sincerely,

  
Laureto Farinas

cc: Jennifer Pearson (PGW Mail)  
Tiffany Higgins  
Wendy Vacca  
Tyra Jackson

**VERIFICATION**

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

April 19, 2017



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 § 1.54 (RELATING TO SERVICE BY A PARTICIPANT).

**Service List**

Mr. Arnold Neubauer  
430 Fern Street  
Philadelphia, PA 19120

April 19, 2017



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