



PHILADELPHIA GAS WORKS

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May 18, 2017

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

RECEIVED

MAY 18 2017

Re: Kevin Wilson v. PGW, Docket No. C - 2016 - 2571197

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.5572, the Philadelphia Gas Works ("PGW") hereby files its reply to the Complainant's Letter-Petition for Reconsideration.

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: Kevin Wilson (Regular Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Kevin Wilson

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:
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:
:

v.

Docket No. C-2016-2571197

Philadelphia Gas Works

**Philadelphia Gas Works'
Answer To Complainant's Petition for Reconsideration**

Pursuant to 52 Pa. Code §5.572(e) and the letter of the Secretary dated May 8, 2017, in the above captioned matter the Philadelphia Gas Works ("PGW") hereby answers the Complainant's petition for reconsideration ("Petition") of the Commission's final order dismissing the above captioned Complaint in its entirety, with prejudice for lack of prosecution, dated April 7, 2017 ("Final Order"). PGW requests that the Commission deny the instant Petition and that the Commission's Final Order dismissing the complaint remain unaltered.

In support of its request PGW answers as follows:

1. The Petition fails for conform to the Commission's procedural rule governing the time for filing of petitions for reconsideration at 52 Pa. Code §5.572. According to that Commission procedural rule, a petition for "...reconsideration... shall be filed within 15 days after the Commission order involved is entered or otherwise becomes final." 52 Pa. Code §5.572(c) The Commission's Final Order in this matter was entered on April 7, 2107. A timely filing of the Petition would have had to occur by Monday, April 24, 2017 (by operation of 52 Pa. Code §1.12).

The Petition is stamped with the Commission's date stamp as having been received by the Secretary on May 4, 2017. The Verification executed by the Complainant, shows that the Petition was completed and signed by the Complainant on May 1, 2017. The envelope containing the Petition is postmarked May 2, 2017. Having been mailed on May 2, 2017, the Petition was submitted to the Commission more than one week after the April 24, 2017 due

date for the filing of a petition for reconsideration. Thus, the Petition should be denied as untimely filed.

2. Even if filed timely, the Petition fails to address the reason for the Complainant's failure to attend the hearing of this matter. The Final Order, in adopting the Initial Decision of this matter, found that a Hearing Notice dated November 30, 2016 was sent by regular first-class mail to the Complainant and scheduled an evidentiary hearing for Tuesday, January 24, 2017.¹ Also, the Commission issued a Prehearing Order advising the Complainant of the time, place and date of the evidentiary hearing.² Neither of these documents mailed to the Complainant was returned as "Undeliverable" to the Commission by the United States Post Office.³ The Commission found that the Complainant was provided the requisite notice and opportunity to bring his the facts of this dispute to the evidentiary hearing of January 24, 2017. The Complaint was dismissed with prejudice for failure to prosecute.

"It is well established law that once timely notice of a hearing and the opportunity to be heard have been provided, it is the responsibility of the parties to be present and participate in the hearing." *Mumma v. PPL Electric Utilities Corp.*, Docket No. C-00014869 (Opinion and Order entered January 24, 2002) The Petition fails to assert any reason for the Complainant's failure to appear for the evidentiary hearing even after the Commission afforded the Complainant timely notice and opportunity to be heard. The Petition should be denied.

3. The Petition restates and provides further details concerning the conditions at his apartment. The Petition attempts to elaborate on the circumstances surrounding his tenancy and the apparent dispute with his landlord. These have no application to the request for a payment arrangement that is at the center of this formal complaint. As stated above, the Petition fails to raise any new or novel arguments that address the threshold question of the Complainant's failure to appear at the evidentiary hearing, but the Petition fails to include any new or novel arguments pertaining to the Complainant's request for a

¹ Initial Decision, F.F. Paragraph 5

² Initial Decision, F.F. Paragraph 6

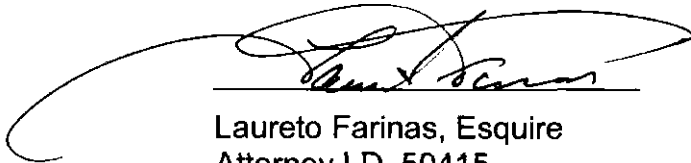
³ Initial Decision, F.F. Paragraph 7

new payment arrangement. *Pa. Public Utility Commission v. PECO Energy Company*, Docket NO. V-00960820 (Opinion and Order February 12, 1999)

Wherefore, PGW requests that this Commission deny the Complainant's petition for reconsideration of the Final Order dismissing the above captioned Complaint in its entirety, with prejudice for lack of prosecution.

Respectfully submitted,

May 18, 2017



Laureto Farinas, Esquire
Attorney I.D. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
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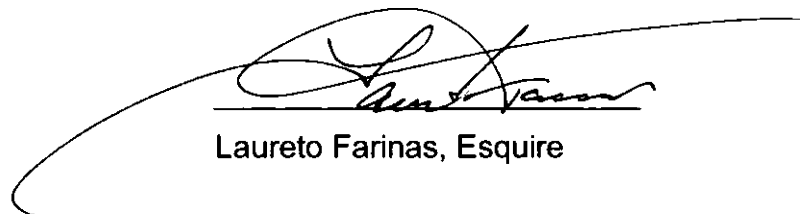
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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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.

May 18, 2017



Laureto Farinas, Esquire

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SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

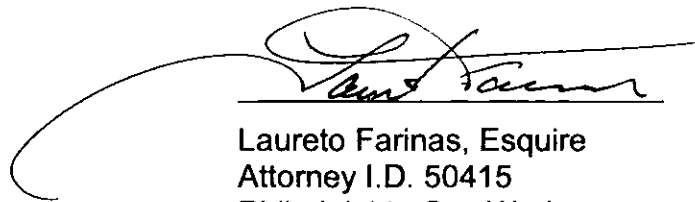
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Petitioner,

**Mr. Kevin Wilson
1815 W. Godfrey Avenue
Philadelphia, PA 19141**

May 15, 2017



Laureto Farinas, Esquire
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