



**PHILADELPHIA GAS WORKS**

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July 19, 2017

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

**Re: Richard Hannah v. PGW, Docket No. C – 2017 – 2611940**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §§ 5.61 and 5.101, the Philadelphia Gas Works ("PGW") hereby files the original Preliminary Objections to the Complaint 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: Richard Hannah (Regular Mail)  
Wendy Vacca (PGW Mail)

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Richard Hannah

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v.

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Docket No. C – 2017 – 2611940

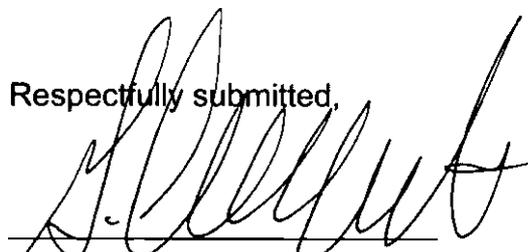
Philadelphia Gas Works

NOTICE TO PLEAD

To: **Richard Hannah, Complainant**

Pursuant to 52 Pa. Code §5.101, you are hereby notified to file a written response to the enclosed Preliminary Objection and Motion to Strike, within ten (10) 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,



July 19, 2017

Graciela Christlieb, Esquire  
Attorney I.D. 200760  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6164

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PA PUBLIC UTILITY COMMISSION  
SOURCE: KYC 1011

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Richard Hannah**

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**v.**

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**Docket No. C – 2017 – 2611940**

**Philadelphia Gas Works**

**Philadelphia Gas Works  
Preliminary Objections and Motion to Strike**

Pursuant to 52 Pa. Code §5.101, the Philadelphia Gas Works (PGW) hereby files its Preliminary Objection to the Complaint filed in the above captioned matter on the grounds that the Commission is without authorization to grant the Complainant's request for compensation for damages as the form of relief. The Complaint includes impertinent matter in its requested relief and PGW moves to strike such matter pursuant to 52 Pa. Code §§ 5.101(a)(1) and (2) .

In support of its preliminary objection and motion to strike, PGW hereby avers the following:

1. On or about June 20, 2017, the Complainant filed a Formal Complaint with the Commission against PGW under the above captioned matter wherein the Complainant avers that he had a contractor make repairs to a range.

2. The Complaint's requested relief is reimbursement of monies spent.

3. The Complainant attached an invoice from a plumbing and heating contractor to the Complaint.

4. Pursuant to 52 Pa. Code §5.101, PGW objects to the Complaint on the grounds that the Commission is without authorization to grant the Complainant's request for compensation for damages.

5. The Commission's regulations at 52 Pa. Code §5.101(a)(2) provide, in relevant part:

(a) *Grounds.* Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections.

Preliminary objections...must state specifically the

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legal and factual grounds relied upon and be limited to the following:

- ...
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.

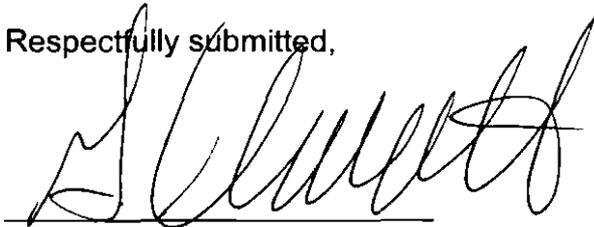
6. In the instant matter, the Complainant is asking that PGW reimburse him for the money he spent to fix a range.

7. Pennsylvania appellate courts have repeatedly held that the Commission is without power to award monetary damages to a private litigant. *Feingold v. Bell of Pennsylvania*, 383 A.2d 791 (1977); *West Penn Power Co. v. Pa. Public Utility Commission*, 479 A.2d 548 (1984).

8. A prayer for relief in the form of monetary compensation for damages is not recoverable in the cause of action before this Commission as the Commission is without authorization to award compensation for damages. The request for relief is irrelevant to the instant cause of action and therefore "impertinent matter" within the use and meaning of 52 Pa. Code §5.101(a)(2) and so should be stricken from the Complaint.

**Wherefore**, PGW respectfully requests that this Commission sustain PGW's preliminary objection to the Complaint.

Respectfully submitted,



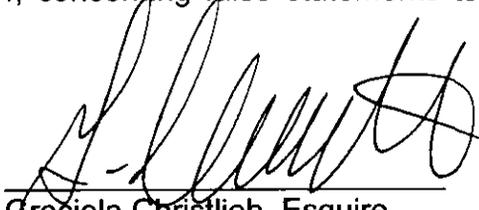
Graciela Christlieb, Esquire  
Attorney I.D. 200760  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6164

July 19, 2017

**VERIFICATION**

I, Graciela Christlieb, 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 *Preliminary Objections and Motion to Strike* 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.

July 19, 2017



Graciela Christlieb, Esquire

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SECRETARY'S OFFICE

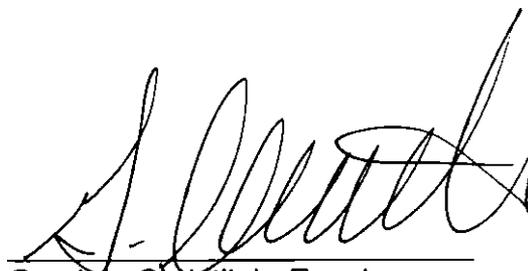
**CERTIFICATE OF SERVICE**

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:

Mr. Richard Hannah  
833 Arbor Road  
Yeadon, PA 19050

July 19, 2017



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Attorney I.D. 200760  
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