



**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

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 §5.102, 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,

  
Danielle Leva

Enclosure

cc: Richard Hannah  
Wendy vacca

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Richard Hannah

v.

Philadelphia Gas Works

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Docket No. C – 2017 – 2611940

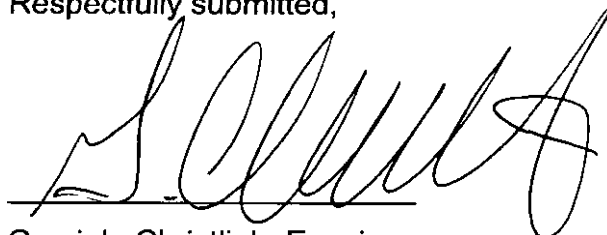
NOTICE TO PLEAD

To: **Richard Hannah,**

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,

July 19, 2017



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

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Pursuant to 52 Pa. Code §5.102, the Philadelphia Gas Works (PGW) hereby moves for summary judgment and dismissal of the above captioned matter on the grounds that the Complainant does not have standing to assert the rights of PGW customers.

In support of this Motion, 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 seeks to assert the rights of Rose Robinson, who he refers to as a "tenant" at 5833 Dickins Avenue, Philadelphia, PA (Service Address).
2. The Complaint alleges that "I am having a reliability, safety, or quality problem with my utility service."
3. PGW records indicate that the Complainant is not and has not been the customer of record at the Service Address.
4. PGW records indicate that the Complainant is not a PGW customer.
5. The Complaint does not allege that the Complainant has ever sought gas service from PGW and/or that PGW has ever refused to provide gas service to him.
6. Pursuant to 52 Pa. Code §5.102, PGW moves to dismiss the Complaint as the applicable pleadings show that there is no genuine issue as to a material fact and PGW is entitled to a judgment as a matter of law.
7. The Commission's regulations at 52 Pa. Code §5.102 provide, in relevant part:
  - (d) *Decisions on motions.*
    - (1) *Standard for grant or denial on all counts.*

The presiding officer may grant a partial summary judgment if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is

entitled to a judgment as a matter of law on one or more but not all outstanding issues.

8. In the instant matter, the Complainant is neither the customer of record nor an occupant of the Service Address.

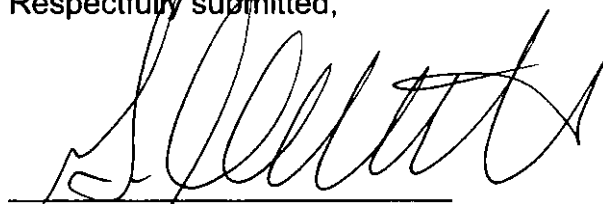
9. The Pennsylvania Public Utility Commission (Commission) has held that, in general, a complainant must be a customer of the respondent in order to have standing to file a complaint about the respondent's utility service. See, *Re: Pennsylvania American Water Company*, 85 Pa. P.U.C. 548 (1995); and *Pa. P.U.C. v. Marietta Gravity Water Company*, 87 Pa. P.U.C. 864 (1997). A complainant who is not a customer of a utility generally does not have the requisite substantial, direct, and immediate interest necessary to confer standing to bring the complaint about the service of that utility.

10. The Commission has noted that a Complainant does not have standing to assert the rights of other tenants. See, *James E. Coggins v. PPL Electric Utilities Corporation*, 2013 WL 1856491 (Docket No. C-2012-2312785).

**WHEREFORE**, PGW respectfully requests that the Commission grant PGW's motion and dismiss the instant Complaint.

July 19, 2017

Respectfully submitted,



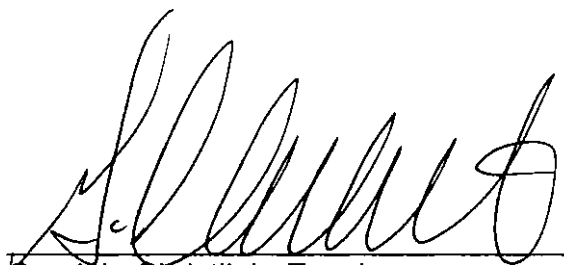
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Graciela Christlieb, Esquire  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

**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.

July 19, 2017



Graciela Christlieb, Esquire

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

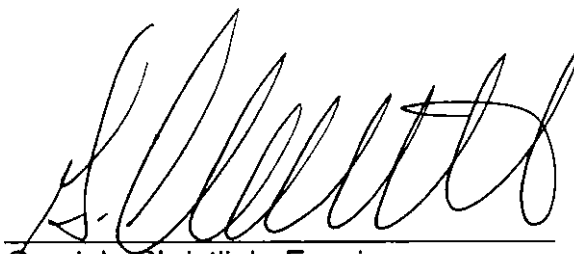
**CERTIFICATE OF SERVICE**

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 § 1.54 (RELATING TO SERVICE BY A PARTICIPANT).

**Service List**

Mr. Richard Hanna  
833 Arbor Road  
Yeadon, PA 19050

July 19, 2017



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

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE