



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

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September 14, 2017

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

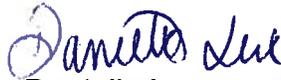
Re: Sanju John v. PGW, Docket No. C – 2017 – 2621095

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: Sanju John
Wendy vacca

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sanju John

:

v.

Philadelphia Gas Works

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:
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:
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Docket No. C – 2017 – 2621095

NOTICE TO PLEAD

To: Sanju John,

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,



September 13, 2017

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sanju John

v.

Philadelphia Gas Works

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Docket No. C – 2017 – 2621095

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

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 Docket Number wherein the Complainant seeks to assert the rights of the ratepayer at 1901 Foster Street, 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 ratepayer 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. While the Complainant refers to the Service Address as “my property”, documents from Philadelphia’s Bureau of Revision of Taxes, attached hereto as Exhibit “A”, indicate that hhe is not the owner of the Service Address.

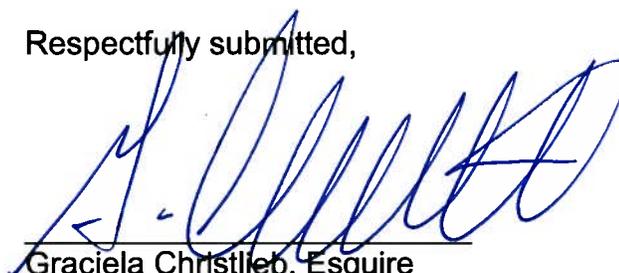
9. The Pennsylvania Public Utility Commission has held that, in general, a complainant must be a customer of the respondent in order to have standing to file a complaint about the respondent’s utility service. See, *Re: Pennsylvania American Water Company*, 85 Pa. P.U.C. 548 (1995); and *Pa. P.U.C. v. 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 Pennsylvania Public Utility 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.

September 13, 2017

Respectfully submitted,



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

EXHIBIT A

1901 FOSTER ST

Philadelphia, PA 19116-3802

OWNER

VARGHESE THANUVELIL Z

VARGHESE ANJU MARY

MAILING ADDRESS

**111 ALMATT TER
PHILADELPHIA PA
19115**

VALUATION HISTORY

Year	Market Value	Taxable Land	Taxable Improvement	Exempt Land	Exempt Improvement
2018	\$231,200	\$69,360	\$131,840	\$0	\$30,000
2017	\$231,200	\$69,360	\$131,840	\$0	\$30,000
2016	\$231,200	\$28,213	\$172,987	\$0	\$30,000
2015	\$231,200	\$28,213	\$202,987	\$0	\$0
2014	\$231,200	\$28,213	\$202,987	\$0	\$0
2013	\$107,700	\$9,062	\$25,402	\$0	\$0
2012	\$107,700	\$9,062	\$25,402	\$0	\$0

SALES DETAILS

SALES PRICE: \$140,000

SALES DATE: 4/11/2012

PROPERTY DETAILS

OPA ACCOUNT: 582177500
HOMESTEAD EXEMPTION: Yes
DESCRIPTION: DET W/B GAR 2 STY MAS+OTH
CONDITION: Average
BEGINNING POINT: SEC CLARK ST
LAND AREA (SQFT): 1,306
IMPROVEMENT AREA (SQFT): 1,660
ZONING: RSA-2
Zoning data source: Planning and Development

CORRECTIONS OR QUESTIONS ABOUT THIS INFORMATION?:

TRASH & RECYCLING

TRASH & RECYCLING DAY: Monday

LEAF COLLECTION: Saturday Bag Dropoff

SERVICE AREAS

School Catchment

ELEMENTARY SCHOOL: **Frank** MIDDLE SCHOOL:
Baldi HIGH SCHOOL: **Washington HS**

Political

2016 COUNCILMANIC DISTRICT: **10** WARD: **58** WARD
DIVISIONS: **5831**

Public Safety

POLICE DISTRICT: **7** POLICE PUBLIC SERVICE AREA:
073 POLICE DIVISION: **NEPD**

Districts

PLANNING: **Upper Far Northeast** LICENSES AND
INSPECTIONS (L+I): **East**

Streets

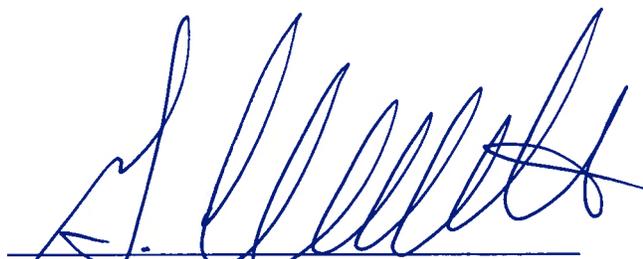
HIGHWAY DISTRICT: **6** HIGHWAY SECTION: **6F**
HIGHWAY SUBSECTION: **6F8** STREET LIGHT ROUTES:
37 TRAFFIC DISTRICT: **3** TRAFFIC PM DISTRICT: **3319**

TRASH & RECYCLING DAY: **Monday** LEAF COLLECTION
DAY: **Saturday Bag Dropoff** RECYCLING DIVERSION
RATE: **19.6%** SANITATION AREA: **6** SANITATION
DISTRICT: **6A**

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.

September 13, 2017



Graciela Christlieb, Esquire

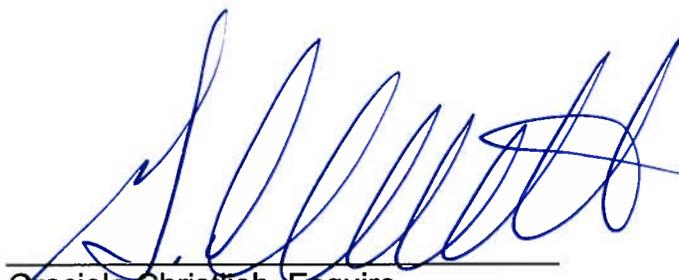
CERTIFICATE OF SERVICE

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. Richard Hanna
1901 Foster Street
Philadelphia, PA 19116

September 13, 2017



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