



PHILADELPHIA GAS WORKS

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December 19, 2017

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

Re: Henry Yang v. PGW, Docket No. F – 2017 – 2635567

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: Henry Yang
Wendy vacca

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Henry Yang

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v.

Philadelphia Gas Works

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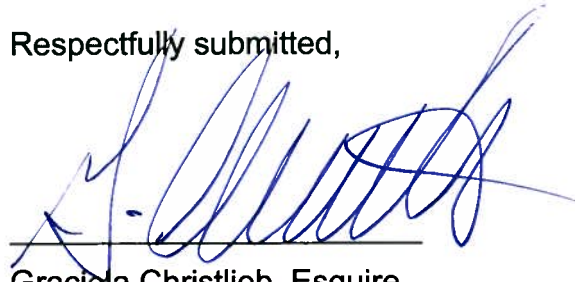
Docket No. F – 2017 – 2635567

NOTICE TO PLEAD

To: Henry Yang,

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,



December 18, 2017

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Henry Yang

v.

Philadelphia Gas Works

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Docket No. F – 2017 – 2635567

**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 November 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 Bao Chen, who is his tenant at 5428 Howland Street, Philadelphia, PA (Service Address).
2. The Complaint alleges that “[t]he utility is threatening to shut off my service or has already shut off my 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.

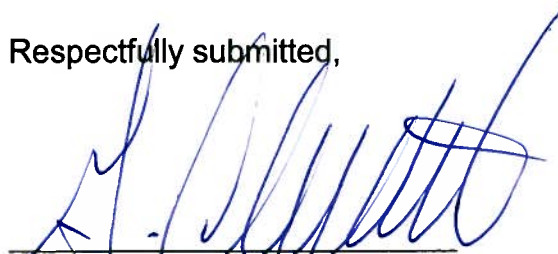
9. The Pennsylvania Public Utility Commission (Commission) has held that, in general, a complainant must be a customer of the respondent in order to have standing to file a complaint about the respondent's utility service. See, *Re: Pennsylvania American Water Company*, 85 Pa. P.U.C. 548 (1995); and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

December 18, 2017

Respectfully submitted,

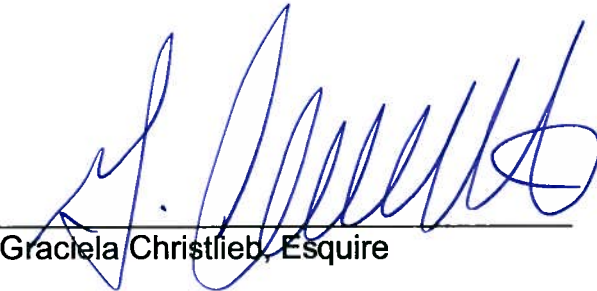


Graciela Christlieb, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

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.

December 18, 2017



Graciela Christlieb, Esquire

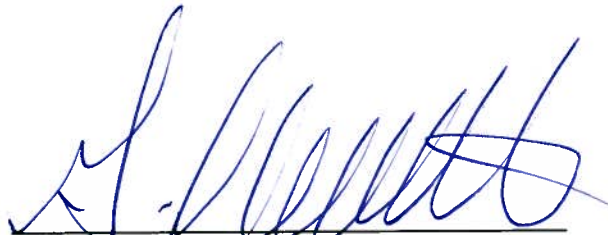
CERTIFICATE OF SERVICE

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. Henry Yang
13 Park Street
Little Ferry, NJ 07643

December 18, 2017



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