



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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Legal Department  
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December 28, 2017

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

**Re: Annette Pizzo-McGill v. Philadelphia Gas Works, Docket No. F-2017- 2636792**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code § 5.101, the Philadelphia Gas Works (PGW) hereby files its 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,

Graciela Christlieb

A handwritten signature in blue ink, appearing to read 'Graciela Christlieb', is written over the typed name.

cc: Annette Pizzo-McGill  
Tyra Jackson

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Annette Pizzo-McGill**

**v.**

**Philadelphia Gas Works**

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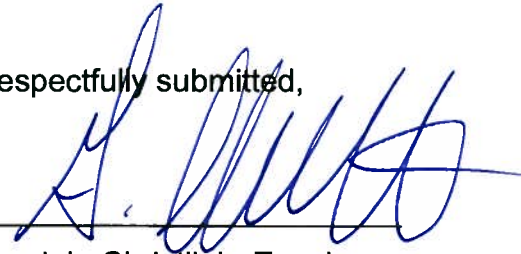
**Docket No. F – 2017 – 2636792**

**NOTICE TO PLEAD**

**To: Annette Pizzo-McGill, 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,



December 28, 2017

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Annette Pizzo-McGill</b>	:	
	:	
v.	:	<b>Docket No. F – 2017 – 2636792</b>
	:	
<b>Philadelphia Gas Works</b>	:	

**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 Objections to the Complaint filed in the above captioned matter on the grounds that the Commission lacks jurisdiction over the subject matter of the Complaint with regard to the issues raised in the complaint that are beyond the statute of limitations at 66 Pa.C.S. § 3314 and that the Complaint includes impertinent matter in its requested relief to remove (or forbear collection of) the monies owed, and moves to strike the requested relief as “impertinent 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:

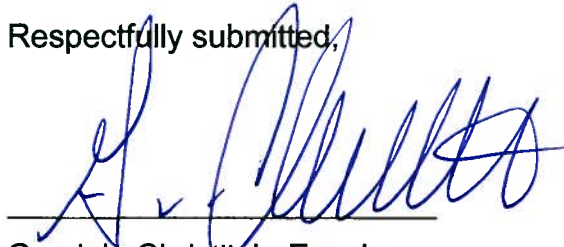
1. On November 30, 2017, the Complainant filed the instant Complaint wherein she is disputing a billing error she alleges was made by PGW in 2004-2005.
2. The Complaint includes a page from a PGW bill issued on December 30, 2004 as well as a page from a PGW bill issued on January 31, 2005.
3. The statute of limitations at 66 Pa.C.S. § 3314 provides that no action for recovery of penalties or forfeitures, or any prosecution, may be maintained unless brought within three years from the date the liability arose.
4. The statute of limitations at 66 Pa.C.S. § 3314 divests the Commission of jurisdiction to hear an action brought more than three years from the date the liability arose.

5. The Complainant has lost her right to pursue litigation regarding bills for gas service in 2004-2005, as any cause of action arising from those bills falls outside the statute of limitations.

6. As the Commission is without jurisdiction to decide on matters falling outside of the statute of limitations, the Complainant's request for relief is "impertinent matter" within the use and meaning of 52 Pa. Code §5.101(a) (2) and should be stricken from the Complaint.

**Wherefore**, PGW respectfully requests that this Commission sustain PGW's preliminary objections to the Complaint and dismiss the issues in the Complaint for lack of jurisdiction and strike off the requested relief as impertinent matter.

Respectfully submitted,



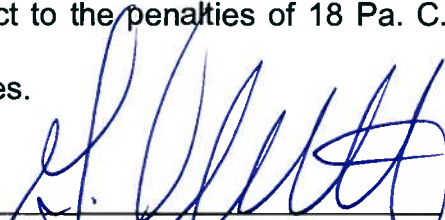
December 28, 2017

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Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6164

**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 Motion 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.

December 28, 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 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

For Complainant:

Ms. Annette Pizzo-McGill  
305 N. Mountain Trail  
Sierra Madre, CA 91024

December 28, 2017

  
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Graciela Christlieb, Esquire  
Philadelphia Gas Works  
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