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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JAN 19 2018

Debbie Hughey

v.

Philadelphia Gas Works

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:  
:

Docket No. C – 2016 – 2567445

PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**PHILADELPHIA GAS WORKS'  
REPLY TO COMPLAINANT'S EXCEPTIONS**

Pursuant to 52 Pa. Code §5.535 and the Secretary's letter dated December 20, 2017, the Philadelphia Gas Works (PGW) hereby files its Reply to the Complainant's Exceptions to the Initial Decision in this matter issued December 20, 2017 (Initial Decision).

**I. INTRODUCTION**

On September 21, 2016, Debbie Hughey (Complainant) filed a formal Complaint with the Pennsylvania Public Utility Commission (Commission) against PGW wherein she alleged that the PGW has shut off her natural gas utility service, that there are incorrect charges on her bills, that she has reliability, safety or quality problems with her utility service, and that PGW engages in "illegal and fraudulent" business practices. The Complaint also sought to challenge the liens placed on the property for balances incurred prior to 2006.

On October 11, 2016, PGW filed an Answer with New Matter wherein PGW admitted that it terminated service to the Complainant, but denied that there are incorrect charges on the Complainant's account. PGW further denied that there were reliability, safety or quality problems with the Complainant's gas service. In the New Matter, PGW asserted that some of the time frames in the Complaint, specifically the time frames relating to the liens are outside the statute of limitations and that the liens.

On October 11, 2016, PGW also filed Preliminary Objections on the grounds that the Commission lacks jurisdiction over the subject matter of the Complaint and that the Complaint includes impertinent matter in its request for relief.

By order dated January 18, 2017, ALJ Salapa sustained the Preliminary Objections in part by dismissing the Complainant's claims that arose prior to September 21, 2013 and any claim concerning the liens placed on her property.

A telephonic hearing was scheduled in this matter for March 22, 2017, before ALJ Salapa.

On March 15, 2017, the Complainant filed a letter requesting that the March 22, 2017 hearing be rescheduled. PGW did not object to the Complainant being granted additional time. ALJ Salapa granted the Complainant's request.

A telephonic hearing was scheduled in this matter for April 25, 2017, before ALJ Salapa.

On April 19, 2017, the Complainant filed a letter requesting that the April 25, 2017, hearing be rescheduled. PGW objected to an additional continuance. ALJ Salapa converted the April 25, 2017 telephonic hearing into a telephonic prehearing conference in an attempt to narrow the issues to be litigated and to determine when the Complainant could participate in a hearing.

Also on April 19, 2017, the Complainant filed a Motion to Compel and a Request for Sanctions against PGW despite never having requested Discovery from PGW.

The telephonic prehearing conference was conducted on April 25, 2017. During the prehearing conference, the Complainant stated that she needed a sixty-day continuance. PGW objected to such a lengthy continuance. ALJ Salapa granted the Complainant's request for a sixty-day continuance and, having confirmed with the Complainant that there were no scheduling conflicts and that she would be prepared to proceed, rescheduled the hearing for June 15, 2017.

Also on April 25, 2017, the Complainant filed "Filing of Exceptions of Judge Salapa's Order Sustaining Preliminary Objections in Part" wherein she objected to ALJ Salapa's January 18, 2017 order granting PGW's Preliminary Objections in part.

On May 12, 2017, the Complainant filed a request for an in-person hearing and a request for sanctions against PGW.

By Order dated May 15, 2017, ALJ Salapa denied the Complainant's Exceptions to the January 18, 2017 order, treated Complainant's May 12, 2017 request for sanctions as a Motion to Compel and declined to rule on it since Respondent still had time to respond, and granted the Complainant's request for an in-person hearing.

On May 16, 2017, PGW filed its Reply to Complainant's May 12, 2017 Request for Sanctions.

By Corrected Hearing Notice dated May 18, 2017, the hearing was changed from telephonic to in-person and reassigned to ALJ Pell.

On May 30, 2017, Complainant filed "Complainant's Continual Motion for Sanctions and Motion to Compel Respondent to Fully Answer the Complainant's Questions, Statements, Requests, and Etc....", which ALJ Pell treated as a Motion for Sanctions.

Also on May 30, 2017, the Complainant filed "Complainant's Amended Formal Complaint and Amended Relief."

On May 30, 2017, PGW filed its Reply to Complainant's Continual Motion for Sanctions and Motion to Compel.

On June 7, 2017, PGW filed its response to the Amended Complaint wherein PGW requested that the Commission deny the proposed amendments.

By Order dated June 7, 2017, ALJ Pell denied the Complainant's Motion for Sanctions.

The evidentiary in this matter hearing convened on June 15, 2017 before ALJ Pell. The Complainant appeared *pro se* and testified; she also presented the testimony of Diane Hughey in support of the Complaint. Complainant offered four exhibits during the hearing, none of which were admitted into the record.

PGW appeared and was represented by Graciela Christlieb, Esq., who presented the testimony of Tiffany Jones, a PGW Senior Customer Review Unit Officer. PGW offered nine exhibits during the hearing, which were all admitted into the record. In response to statements made by the Complainant during the hearing, PGW asked leave to submit late filed exhibits regarding the contact number PGW utilized for the Complainant as well as information regarding payment arrangement terms offered to the Complainant. PGW's late filed exhibits were to be submitted by June 29, 2017.

The Court received PGW's late filed exhibits on June 30, 2017.

On July 14, 2017, the Complainant filed "Complainant's Responses to the Philadelphia Gas Works' (PGW) Late Filing of Some of Their Exhibits."

On July 28, 2017, the Complainant submitted her own Late/Additional Exhibits.

On August 10, 2017, PGW filed Objections to Complainant's Motion to Admit Late Filed Exhibits.

On August 11, 2017, ALJ Pell issued an Interim Order wherein he informed the parties that the record was closed and that no further filings would be considered.

On October 27, 2017, the Complainant filed "Complainant's Response to Judge Pell's Interim Order of Closing the Hearing, and New Matter – Motion for the Re-Opening of the Evidentiary Record (Motion)."

On November 13, 2017, PGW filed its Reply to Complainant's Petition to Reopen the Record.

On November 27, 2017, ALJ Pell issued an Order wherein he denied the Complainant's request to amend her Complaint as well as her Petition to Reopen the Record.

On December 20, 2017, ALJ Pell issued the Initial Decision in this matter.

On January 9, 2018, the Complainant filed "The Partial Exceptions of the Complainant (Debbie Hughey) to the Alleged Judge Pell's Initial Decision of the Complainant's Formally Filed Complaint and Amended Complaint Against the Respondent (Philadelphia Gas Works)."

## **II. PGW'S REPLY**

The Complainant's exceptions fail to address any error in fact or law contained in the Initial Decision refuting the conclusion that the Complainant failed to meet her burden of proving that PGW improperly shut off her gas service, that there are incorrect charges on her bills, or that she has reliability, safety, or quality problems with her gas service. Moreover, the exceptions fail to identify any legal errors made by ALJ Salapa or ALJ Pell in the orders they issued prior to and subsequent to the Initial Decision.

The Complainant's exceptions appear to begin on the fifth page of her filing and are identified as PAGE 3, PAGE 4, PAGE 5, and PAGE 6.

### **Exception PAGE 3**

The basis of this exception is that PGW failed to show proof that it ever listed the Complainant's name prior to November of 2014.

### **PGW's Reply**

This exception fails to address any error in fact or law contained in the Initial Decision refuting the conclusion that the Complainant failed to meet her burden of proving that PGW improperly shut off her gas service, that there are incorrect charges on her bills, or that she had reliability, safety, or quality problems with her gas service.

The evidence presented by PGW conforms to the 3 year statute of limitations contained in 66 Pa.C.S. § 3314; November of 2014 is the first time within the time period covered by the statute of limitations that the Complainant is listed as the ratepayer at the Service Address.

### **Exception PAGE 4**

The basis of this exception is that the Complainant was not given enough time to respond to PGW's Preliminary Objections because her request for more time was not addressed.

### **PGW's Reply**

This exception fails to address any error in fact or law contained in the Initial Decision refuting the conclusion that the Complainant failed to meet her burden of proving that PGW improperly shut off her gas service, that there are incorrect charges on her bills, or that she had reliability, safety, or quality problems with her gas service.

While the Commission may have failed to rule on the Complainant's request for additional time to respond to PGW's Preliminary Objections, the oversight is a harmless error. PGW's Preliminary Objections were granted because they relied on the statute of limitations at 66 Pa.C.S. § 3314 as well as the Commission's limitation regarding liens found in 66 Pa.C.S. § 2212(n); additional time would not have aided the Complainant in finding a way to circumvent the effect of these statutes.

### **Exception PAGE 5**

The basis for this exception appears to be abuse of discretion on the part of ALJ Salapa and ALJ Pell as well as alleged malfeasance on the part of Graciela Christlieb.

### **PGW's Reply**

This exception fails to address any error in fact or law contained in the Initial Decision refuting the conclusion that the Complainant failed to meet her burden of proving that PGW improperly shut off her gas service, that there are incorrect charges on her bills, or that she had reliability, safety, or quality problems with her gas service. Moreover, this exception fails to identify any legal errors made by ALJ Salapa or ALJ Pell during the pendency of this matter.

### **Exception PAGE 6**

The basis for this exception is a request that the Commission review the Complainant's attempt to file exceptions to ALJ's Salapa's January 18, 2017 order granting, in part, PGW's Preliminary Objections as well as her subsequent filings.

### **PGW's Reply**

This exception fails to address any error in fact or law contained in the Initial Decision refuting the conclusion that the Complainant failed to meet her burden of proving that PGW improperly shut off her gas service, that there are incorrect charges on her bills, or that she had reliability, safety, or quality problems with her gas service. Moreover, this exception fails to identify any legal errors made by ALJ Salapa or ALJ Pell during the pendency of this matter.

With respect to the allegations that PGW should be sanctioned for discovery violations, on April 17, 2017, nine days before the scheduled hearing date, the Complainant, via electronic mail, served PGW with a copy of her Motion to Compel Discovery, which she had filed that day. Up to that point, PGW had not received any requests for discovery from the Complainant.

In order to avoid further delay in the case, PGW did not wait for the Court to rule on the Complainant's Motion to Compel Discovery, but instead furnished the information requested on May 10, 2017, via FedEx. The Complainant's request for sanctions is completely unwarranted.

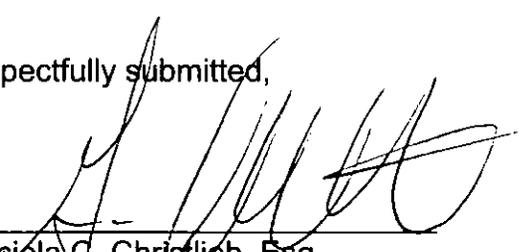
### III. CONCLUSION

For the reasons stated above, the PGW requests that the Commission deny the Complainant's Exceptions to the Initial Decision and adopt the Initial Decision issued December 20, 2017 in this matter as written dismissing the Complaint.

Additionally, the record in this matter was closed on August 11, 2017; however, the Complainant has persisted in ignoring the Court's rulings and continues to add filings to the record and has, in her exceptions, included exhibits that are not part of the record. PGW requests that the court disregard the complainant's proposed exhibits. PGW also objects to and asks that the Commission deny the Complainant's request for more time to file additional exceptions.

Respectfully submitted,

January 19, 2018



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

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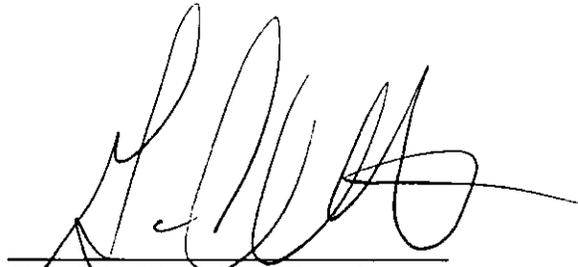
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**VERIFICATION**

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 Reply 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.

January 19, 2018



Graciela Christlieb, Esquire

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**CERTIFICATE OF SERVICE**

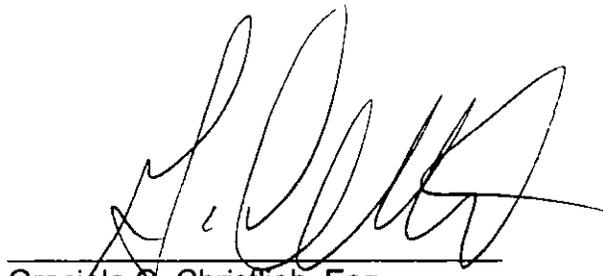
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Ms. Debbie Hughey  
P.O. Box 41842  
Philadelphia, PA 19101

January 19, 2018



Gracjela C. Christlieb, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

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PHILADELPHIA, PA 191222898  
UNITED STATES US

SHIP DATE: 19JAN18  
ACTWGT: 0.30 LB  
CAD: /OFFC1822  
DIMS: 0x0x0 IN

BILL SENDER

PART # 156297-435 RR08 EXP 12/18

TO **ROSEMARY CHIAVETTA**  
**PUBLIC UTILITY COMMISSION**  
**400 NORTH ST**

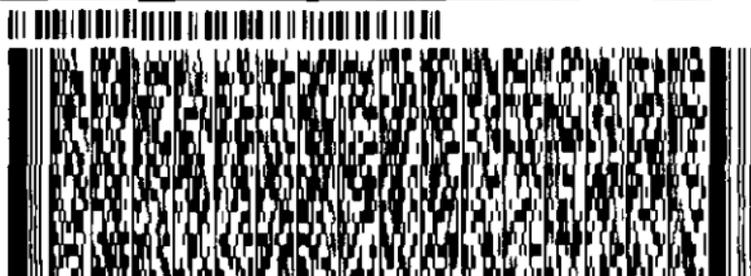
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Recipient

**1 From**  
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Company PHILADELPHIA GAS WORKS  
Address 800 W MONTGOMERY AVE  
City PHILADELPHIA State PA ZIP 19122-2898

**2 Your Internal Billing Reference**

**3 To**  
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 **Direct Signature** Someone at recipient's address may sign for delivery.  
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**Does this shipment contain dangerous goods?**  
 **No**  **Yes** As per attached Shipper's Declaration.  **Yes** Shipper's Declaration not required.  
 **Dry Ice** Dry ice, 3 UN 1845 \_\_\_\_\_ x \_\_\_\_\_ kg  
 **Cargo Aircraft Only**

**7 Payment Bill to:** Enter FedEx Acct. No. or Credit Card No. below. Obtain recip. Acct. No.   
 **Sender** Acct. No. in Section 7 will be billed.  **Recipient**  **Third Party**  **Credit Card**  **Cash/Check**

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