



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

January 25, 2018

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

Re: Tyrone Brown v. PGW, Docket No. F – 2018 – 2641015

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §§ 5.61 and 5.101, the Philadelphia Gas Works ("PGW") hereby files the original 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,


Danielle Leva

Enclosure

cc: Tyrone Brown
Wendy Vacca

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tyrone Brown

:

v.

:
:
:
:
:

Docket No. F – 2018 – 2641015

Philadelphia Gas Works

NOTICE TO PLEAD

To: Tyrone Brown, Complainant

Pursuant to 52 Pa. Code § 5.101, you are hereby notified to file a written response to the enclosed Preliminary Objections 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,



January 25, 2018

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tyrone Brown	:		
		⋮	
v.		⋮	Docket No. F – 2018 – 2641015
		⋮	
Philadelphia Gas Works		⋮	

**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 objections and motion to strike, PGW hereby avers the following:

1. On January 4, 2018, the Complainant filed the instant Complaint wherein he is disputing bills issued by PGW for service at 1809 S 58th Street, Philadelphia, PA (Service Address).
2. The Complaint has not had service at the service address since June of 2009.
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 his right to pursue litigation regarding bills for gas service in 2009, 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 above referenced issues for lack of jurisdiction and strike off the requested relief as impertinent matter.

January 25, 2018

Respectfully submitted,


A handwritten signature in blue ink, appearing to read 'Graciela Christlieb', written over a horizontal line.

Graciela Christlieb, Esquire
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.

January 25, 2018


Graciela Christlieb, Esquire

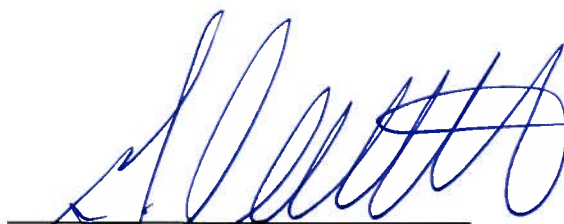
CERTIFICATE OF SERVICE

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:

Mr. Tyrone Brown
1061 Flanders Road
Philadelphia, PA 19151

January 25, 2018



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