

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Elchanan and Esther Abergel

v.

Philadelphia Gas Works

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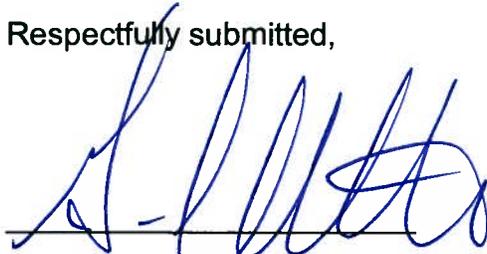
Docket No. C – 2018 – 3003563

NOTICE TO PLEAD

To: Elchanan and Esther Abergel,

Pursuant to 52 Pa. Code §5.102, you are hereby notified to file a written Answer or other response to the enclosed Motion for Judgment on the Pleadings, 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,



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

August 7, 2018

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Elchanan and Esther Abergel	:	
	:	
v.	:	Docket No. C – 2018 – 3003563
	:	
Philadelphia Gas Works	:	

**Motion of the Philadelphia Gas Works
For Judgement on the Pleadings**

Pursuant to 52 Pa. Code §5.102, the Philadelphia Gas Works (“PGW”) hereby moves for judgment on the pleadings and dismissal of the above captioned matter on the grounds that the Complainant has previously litigated the issues raised in the instant Complaint under Docket No. F-2016-2547528.

In support of this Motion, PGW hereby avers the following:

1. On May 10, 2016, the Complainant filed a complaint at Docket No. F-2016-2547528, attached hereto as Exhibit “A,” wherein he alleged that he was owed a \$500.00 rebate from PGW and that there were incorrect charges on his bill.
2. On July 22, 2016, the assigned Administrative Law Judge, Angela T. Jones (“ALJ Jones”) issued a Prehearing Order, attached hereto as Exhibit “B,” wherein she ruled that the Commission lacks jurisdiction over the rebate issue.
3. On November 3, 2016, during the evidentiary hearing that was held at Docket No. F-2016-2547528, ALJ Jones reiterated her ruling on the rebate issue.¹
4. On April 4, 2017, the Commission issued the Initial Decision of ALJ Jones, which sustained the complaint at Docket No. F-2016-2547528 and directed PGW to reduce the amount the Complainants should be billed for unauthorized usage.
5. On April 24, 2017, PGW filed Exceptions.
6. PGW filed its Exceptions via Federal Express and served the Complainant in the same manner.

¹ Transcript at pp. 11-13.

7. The Federal Express receipts, which are attached hereto as Exhibit "C," show that PGW served a copy of the Exceptions on the Complainant at the same address listed on the instant Complaint.
8. The Federal Express receipts show that the tracking number for the copy of the Exceptions sent to the Complainant immediately precedes the tracking number for the original Exceptions filed with the Commission.
9. The Federal Express tracking information that corresponds to the tracking number for the Complainant's copy of the Exceptions, which is attached hereto as Exhibit "D," shows that the Complainant's copy of the Exceptions was delivered to the Complainant on April 25, 2017 at 10:58 am.
10. No Exceptions were filed by the Complainant.
11. No Replies to Exceptions were filed by the Complainant.
12. On July 6, 2018, the Complainant filed the instant Complaint wherein he admits that there was already a hearing on the issues raised in the instant Complaint, but alleges that, after the Initial Decision was issued, PGW filed Exceptions without informing him thereby depriving him of the opportunity to file Replies to Exceptions.
13. As relief, the Complainant requests an opportunity to respond to the Exceptions filed by PGW or for a new hearing as well as reiterating his request for a rebate.
14. The doctrine of collateral estoppel dictates that the Complainant shall not be permitted to relitigate the issues raised in his complaint at Docket No. F-2016-2547528.
15. Collateral estoppel is a doctrine of issue preclusion that seeks to prevent the relitigation of a finally litigated issue in a subsequent proceeding between the same parties. *Baker v. Pa. Human Relations Comm.*, 75 Pa. Commonwealth Ct. 296, 307, 462 A.2d881 (1983). *Jordan v. The United Telephone Company of Pennsylvania*, 1995 Pa. PUC LEXIS 158,22-24 (Initial Decision dated December 22, 1995).
16. The instant Complaint is barred by 66 Pa. C.S. § 316, which provides, in pertinent part, that:

Whenever the commission shall make any rule, regulation, finding, determination or order, the same shall be prima facie evidence of the facts

found and shall remain conclusive upon all parties affected thereby, unless set aside, annulled or modified on judicial review.

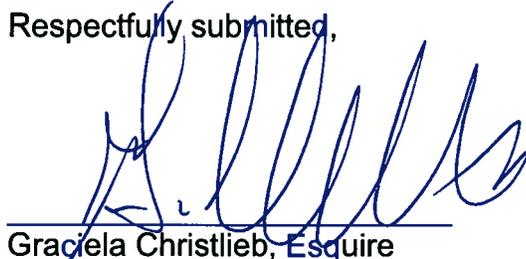
17. 66 Pa. C.S. § 316 precludes a collateral attack upon a Commission order that has not been reversed upon appeal.

18. The instant Complaint is an attempt to relitigate the issues raised in the complaint at Docket No. F-2016-2547528 in violation of the doctrine of collateral estoppel and 66 Pa. C.S. § 316 and, as such, should be dismissed.

WHEREFORE, PGW respectfully requests that the Commission grant PGW's Motion and dismiss the instant Complaint.

August 7, 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

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.

August 7, 2018



Graciela Christlieb, Esquire

CERTIFICATE OF SERVICE

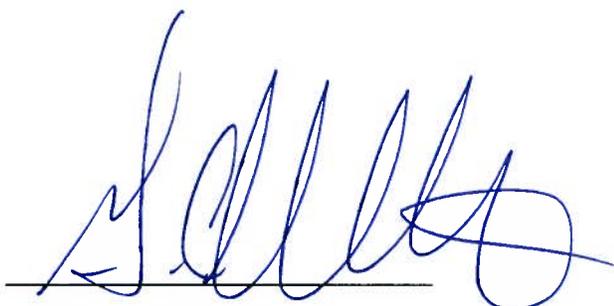
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Elchanan and Esther Abergel
1828 Griffith Street
Philadelphia, PA 19111

August 7, 2018



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

EXHIBIT A

timely

BCS: 3403724
PHILADELPHIA GAS WORKS
Must be returned by May 12, 2016

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

RECEIVED

Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint. MAY 10 2016

To complete this form, please type or print legibly in ink.

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number: It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Elchanan and Esther Abergel
Street/P.O. Box 1828 Griffith St. Apt # _____
City Philadelphia State PA Zip 19111
County Philadelphia

Telephone Number(s) Where We Can Contact You During the Day:

() _____ (home) 347 452-0292 (mobile)

E-mail Address (optional): _____

Utility Account Number (from your bill) 9010241

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name Esther Honeyman
~~Street~~ Street/P.O. Box 4807 N. 73rd St.
City Philadelphia State PA Zip 19141

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

Philadelphia Gas Works

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | |
|---|---|
| <input type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER |
| <input checked="" type="checkbox"/> GAS | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> WATER | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> STEAM HEAT | |

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

Please see attached typed explanation and electric bill.

- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain).

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. **Requested Relief**

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

I would like to receive the correct usage bill and to get my \$500 rebate for the high efficiency heater.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. **Protection From Abuse (PFA)**

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. **Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

They refuse to try to resolve the problem and say the only thing to do is pay the bill.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

I did work on the house in February 2015. We connected the gas at that time and we heated the house with the old stove that was there only when we were working on the house. There were no water pipes at this time. No water heater or heater was on the property at that time. In November 2015 I installed a high efficiency heater and was supposed to receive a \$500 rebate from PGW. When I called PGW, they send someone out to check the property for the rebate. When someone came out to check the heater, they accused me of stealing gas, and charged me \$850 and refused me the \$500 rebate. I am asking to be billed the right amount, and for the \$500 rebate. I can show that there was no one living on the property with the electric bill which is attached.

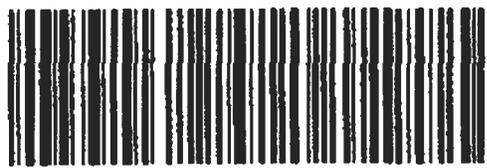
UNITED STATES POSTAL SERVICE®

CERTIFIED MAIL®

FOR USE ONLY WITH IMpb SHIPPING LABEL

PSN 7690-17-000-0906

Label 3800-N, January 2014



9414 7102 0083 0156 3113 27

F

US POSTAGE AND FEES PAID

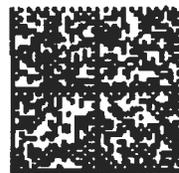
FIRST-CLASS

May 10 2016

Mailed from ZIP 19152

2 oz First-Class Mail Letter

CID: 167163



endicia.com

071V01023394

USPS FIRST-CLASS

ELCHANAN ABERGEL
1828 GRIFFITH ST
PHILADELPHIA PA 19111-0000

RETURN RECEIPT REQUESTED

SHIP TO: PENNA PUBLIC UTILITY COMMISSION
SECRETARY
400 NORTH ST
HARRISBURG PA 17120-0211



SEE NEXT PAGE FOR POSTAGE AND NOTICE OF LIMITATION OF REMEDY. WHERE ALLOWED BY LAW, SHIPPER AUTHORIZES USPS TO ACT AS FORWARDING AGENT FOR EXPORT, IMPORT AND CUSTOMS PURPOSES. IT IS EXPORTED FROM THE US. SHIPPER WARRANTS THAT THE COMMODITIES, TECHNOLOGY OR SOFTWARE AREN'T EXPORTED FROM THE US IN ACCORDANCE WITH THE EXPORT ADMINISTRATION REGULATIONS. DIRECTOR COMPANY TO LAW IS PROHIBITED. RDD 8 0116

EXHIBIT B

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Elchanan and Esther Abergel

v.

Philadelphia Gas Works

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:
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F-2016-2547528

PREHEARING ORDER

By Hearing Notice dated July 19, 2016, an Initial Hearing was scheduled in this case for an available hearing room on the fourth floor of the building located at 801 Market Street on Friday, August 26, 2016, at 10:00 a.m. The entrance to the building is found on 8th Street towards the middle of the block. Once you have arrived in the building on the fourth floor, please call 215.560.2105 to be escorted into the appropriate hearing room. Accordingly, the parties are hereby directed to comply with the following requirements:

1. You must serve me directly with a copy of any document that you file in this proceeding, at the time of filing. If you send me any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Pennsylvania Public Utility Commission's (Commission or PUC) current service list of the parties to this proceeding is enclosed with this Order.

2. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa.Code § 1.15(b). Requests for changes of hearing dates must be sent to me and all parties of record. The correct address is:

Administrative Law Judge Angela T. Jones
Pennsylvania Public Utility Commission,
801 Market Street, 4th Floor, Suite 4063
Philadelphia, PA 19107

Changes are granted only in rare situations where good cause exists.

3. YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.

4. The hearing is a formal proceeding and will be conducted in accordance with the Pennsylvania Public Utility Commission's Rules of Practice and Procedure.

5. If you intend to introduce any exhibits into evidence at the hearing, you must supply an original and one copy for the court reporter, a copy for me, and one copy for each other party. Proposed exhibits should be properly pre-marked for identification purposes.

6. Pursuant to 52 Pa.Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, limited liability company, company, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).

7. THE COMPLAINANT BEARS THE BURDEN OF PROOF IN THIS PROCEEDING AND MUST SHOW BY A PREPONDERANCE OF THE EVIDENCE THAT THE RESPONDENT HAS VIOLATED THE PUBLIC UTILITY CODE OR A REGULATION OR AN ORDER OF THE COMMISSION SO THAT THE COMPLAINANT IS ENTITLED TO THE RELIEF REQUESTED IN THE COMPLAINT.

8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa.Code § 5.421. You must submit your written application to me sufficiently in advance of the hearing date so the other parties will have the required ten (10) days' notice to answer or object, and so you will have enough time to receive the subpoena and serve it.

9. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa.Code § 5.331(b) provides, in relevant part, that "[a] party shall initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa. Code § 5.322 provides, in relevant part, that "parties are encouraged to exchange information on an informal basis." All parties are urged to cooperate in informal information exchanges and in conducting discovery. Cooperation is preferable to disagreements, which require my participation to resolve. There are limitations on discovery (52 Pa.Code § 5.361) and sanctions for abuse of the discovery process (52 Pa.Code §§ 5.371 & 5.372).

10. The Complainant is responsible for payment of current undisputed bills for service pending the resolution of this formal complaint. 52 Pa.Code § 56.181. Failure to make payments may result in the termination of utility service.

11. **Commission policy is to encourage settlements. 52 Pa.Code § 5.231(a). Therefore, you are urged to discuss informally between yourselves the possible settlement of this case at least one week before the hearing.** If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

12. Please note, if English is not your first language and you are in need of an interpreter to participate in the hearings, please call the scheduling office at 717.787.1339. Please provide what language you need the interpreter to be fluent in. We will make every reasonable

effort to have an interpreter present. Please call the scheduling office at least ten (10) business days prior to your hearing to submit your request.

13. The Complainants, Elchanan and Esther Abergel, have alleged that a rebate is due for a high efficiency heater. A rebate is an offer of some material gain, usually in the form of cash, to a purchaser of an item that meets specific criteria that is outlined by the seller.

To state a claim over which the Commission has jurisdiction, the complainant is required to allege a violation of the Public Utility Code, Commission regulations, or Commission orders. 66 Pa.C.S. § 701; 52 Pa.Code § 5.21(a); *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 478 A.2d 947 (Pa.Cmwlth. 1984). The allegation that the Complainants are owed monies due to a rebate offer does not satisfy the requirement of a claim over which the Commission has jurisdiction. Such a claim may involve an implied contract or contract by specific performance. Complainant should be aware that the Commission cannot address the subject matter regarding the rebate claim.

14. Respondent, Philadelphia Gas Works, should be prepared to show how it calculated any usage attributed to the Complainants at 4807 N. 13th Street, Philadelphia, Pennsylvania.

Date: July 22, 2016

Angela T. Jones
Administrative Law Judge

Abergel v. PGW
Docket No. F-2016-2547528

SERVICE LIST

ELCHANAN & ESTHER ABERGEL
1828 GRIFFITH ST
PHILADELPHIA PA 19111
347.452.0292

GRACIELA CHRISTLIEB ESQUIRE
PHILADELPHIA GAS WORKS
800 WEST MONTGOMERY AVENUE
PHILADELPHIA PA 19122
215.684.6164
Accepts E-Service

EXHIBIT C

1 Please print and press hard.

4/24/17

Sender's FedEx Account Number SENDER'S FEDEX 1022-0870-6

Graciela Christlieb Phone (215) 684-6164

PHILADELPHIA GAS WORKS

800 W MONTGOMERY AVE

PHILADELPHIA State PA ZIP 19122-2898

Internal Billing Reference characters will appear on invoice.

Elchanan + Esther Abetgol 347 452-0292

1828 Griffith Street

Hold Weekday
FedEx location address
REQUIRED. NOT available for
FedEx First Overnight.

Hold Saturday
FedEx location address
REQUIRED. NOT available for
FedEx Priority Overnight and
FedEx 2Day to select locations.

Philadelphia State PA ZIP 19111

0123380197

4 Express Package Service * To most locations.

Packages up to 150 lbs.
For packages over 150 lbs., use the
FedEx Express Freight US Airbill.

Next Business Day

- FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.
- FedEx Priority Overnight
Next business morning.* Friday shipments will be delivered on Monday unless Saturday Delivery is selected.
- FedEx Standard Overnight
Next business afternoon.*
Saturday Delivery NOT available.

2 or 3 Business Days

- FedEx 2Day A.M.
Second business morning.
Saturday Delivery NOT available.
- FedEx 2Day
Second business afternoon.* Thursday shipments will be delivered on Monday unless Saturday Delivery is selected.
- FedEx Express Saver
Third business day.
Saturday Delivery NOT available.

5 Packaging * Declared value limit \$500.

- FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options Fees may apply. See the FedEx Service Guide.

Saturday Delivery
NOT available for: FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

- No Signature Required
Package may be left without obtaining a signature for delivery.
- Direct Signature
Someone at recipient's address may sign for delivery.
- Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only.

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:

- Sender
Acct. No. in Section I will be billed.
- Recipient Third Party Credit Card Cash/Check

Total Packages Total Weight Total Declared Value!
lbs. \$.00

Our liability is limited to US\$100 unless you declare a higher value. See back for details. By using this airbill you agree to the service conditions on the back of this airbill and in the current FedEx Service Guide, including terms that limit our liability.

611

Rev. Date 5/15 • Part #183134 • ©1994-2015 FedEx • PRINTED IN U.S.A. SRM

1 Please print and press hard.

4/24/17

Sender's FedEx Account Number SENDER'S FEDEX 1022-0870-6

Graciela Christlieb Phone (215) 684-6164

PHILADELPHIA GAS WORKS

800 W MONTGOMERY AVE

PHILADELPHIA State PA ZIP 19122-2898

Internal Billing Reference characters will appear on invoice.

Rosemary Chiavetta Phone (717) 772-7777

PUC

P.O. Box 3265

Hold Weekday
FedEx location address
REQUIRED. NOT available for
FedEx First Overnight.

Hold Saturday
FedEx location address
REQUIRED. NOT available for
FedEx Priority Overnight and
FedEx 2Day to select locations.

Harrisburg State PA ZIP 17105

0123380197

4 Express Package Service * To most locations.

Packages up to 150 lbs.
For packages over 150 lbs., use the
FedEx Express Freight US Airbill.

Next Business Day

- FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.
- FedEx Priority Overnight
Next business morning.* Friday shipments will be delivered on Monday unless Saturday Delivery is selected.
- FedEx Standard Overnight
Next business afternoon.*
Saturday Delivery NOT available.

2 or 3 Business Days

- FedEx 2Day A.M.
Second business morning.
Saturday Delivery NOT available.
- FedEx 2Day
Second business afternoon.* Thursday shipments will be delivered on Monday unless Saturday Delivery is selected.
- FedEx Express Saver
Third business day.
Saturday Delivery NOT available.

5 Packaging * Declared value limit \$500.

- FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options Fees may apply. See the FedEx Service Guide.

Saturday Delivery
NOT available for: FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

- No Signature Required
Package may be left without obtaining a signature for delivery.
- Direct Signature
Someone at recipient's address may sign for delivery.
- Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only.

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:

- Sender
Acct. No. in Section I will be billed.
- Recipient Third Party Credit Card Cash/Check

Total Packages Total Weight Total Declared Value!
lbs. \$.00

Our liability is limited to US\$100 unless you declare a higher value. See back for details. By using this airbill you agree to the service conditions on the back of this airbill and in the current FedEx Service Guide, including terms that limit our liability.

611

Rev. Date 5/15 • Part #183134 • ©1994-2015 FedEx • PRINTED IN U.S.A. SRM



EXHIBIT D



810027413949 



Delivered

Tuesday 4/25/2017 at 10:58 am



DELIVERED

GET STATUS UPDATES

OBTAIN PROOF OF DELIVERY

FROM

PHILADELPHIA, PA US

TO

PHILADELPHIA, PA US

4/25/2017 - Tuesday

10:58 am

Delivered

Package delivered to recipient address - release authorized

PHILADELPHIA, PA

OUR COMPANY

- About FedEx
- Our Portfolio
- Investor Relations
- Careers
- FedEx Blog
- Corporate Responsibility
- Newsroom
- Contact Us

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- Developer Resource Center

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 Change Country

English 

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Ask FedEx 