



PHILADELPHIA GAS WORKS

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August 23, 2018

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

Re: Shane Timbers v. PGW, Docket No. F – 2018 – 3002400
Shane Timbers v. PGW, Docket No. F – 2018 – 3002660

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: Shane Timbers
Wendy Vacca

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

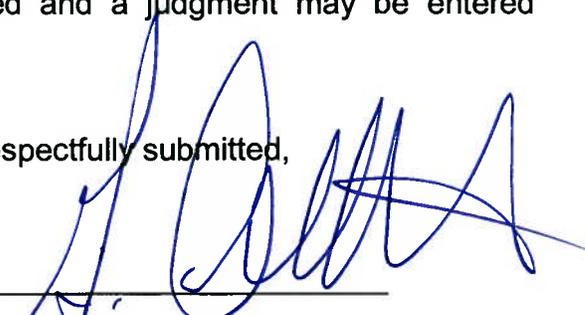
Shane Timbers	:	
	:	
Complainant	:	
v.	:	Docket No. F – 2018 – 3002400
	:	
Philadelphia Gas Works	:	
	:	
Respondent	:	
&	:	
Shane Timbers	:	
	:	
Complainant	:	
v.	:	Docket No. F – 2018 – 3002660
	:	
Philadelphia Gas Works	:	
	:	
Respondent	:	

NOTICE TO PLEAD

To: Shane Timbers, Complainant

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



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

August 23, 2018

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Shane Timbers	:	
	:	
Complainant	:	
v.	:	Docket No. F – 2018 – 3002400
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Philadelphia Gas Works	:	
	:	
Respondent	:	
&	:	
Shane Timbers	:	
	:	
Complainant	:	
v.	:	Docket No. F – 2018 – 3002660
	:	
Philadelphia Gas Works	:	
	:	
Respondent	:	

Philadelphia Gas Works Preliminary Objections

Pursuant to 52 Pa. Code § 5.101, the Philadelphia Gas Works (“PGW”) hereby files its Preliminary Objections to the Complaints filed in the above captioned matters on the grounds that the Commission lacks jurisdiction over the subject matter of the Complaints as the issues raised in the Complaints pertain to the services provided to the Complainant pursuant to PGW’s Landlord Cooperation Program (“LCP”).

In support of its preliminary objections and motion to strike, PGW hereby avers the following:

1. On or about May 13, 2018 and May 31, 2018, the Complainant filed formal Complaints against PGW with the Commission under the above captioned matters regarding unpaid debts for gas service at two separate properties.
2. Both of the Complaints filed in the above referenced matters admit that the Complainant is a participant in the LCP and allege that the gas service at his properties should not be placed in his name because of his participation in the LCP.
3. In *Fisher v. Philadelphia Gas Works*, Docket No. F-2010-2215047 (Order entered July 31, 2012), the Commission held that enrollment in LCP is a contract

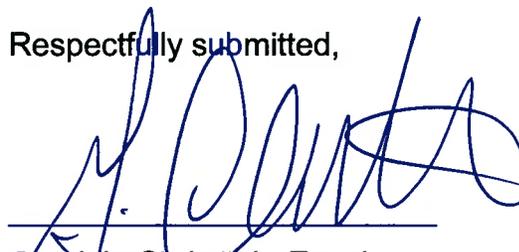
between PGW and a landlord for private services that only supplement the public services provided by PGW.

4. The Commission has further held that any rights or obligations in connection with LCP do not arise from the obligations imposed by the Public Utility Code, but from the terms of the private contract between PGW and the landlord and that alleged breaches of PGW's obligations under the LCP do not involve a law, regulation, or order that the Commission has jurisdiction to administer; they constitute private disputes, which fall beyond the scope of the Commission's jurisdiction. *Ovrutsky v. Philadelphia Gas Works*, Docket No. C-2012-2321385 (Order entered December 19, 2012); *McCastle v. Philadelphia Gas Works*, Docket No. F-2013-2345223 (Order entered May 21, 2013).

5. Even accepting as true all of the facts alleged in the Complaints filed in the above referenced matters, the Complainant is not entitled to relief as a matter of law as the Commission lacks jurisdiction to adjudicate disputes with regard to the LCP.

Wherefore, PGW respectfully requests that this Commission sustain PGW's preliminary objections and dismiss the Complaint for lack of jurisdiction.

Respectfully submitted,



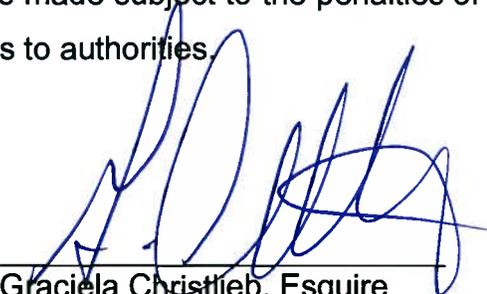
Graciela Christlieb, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6164

August 23, 2018

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 Preliminary Objections 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.

August 23, 2018



Graciela Christlieb, Esquire

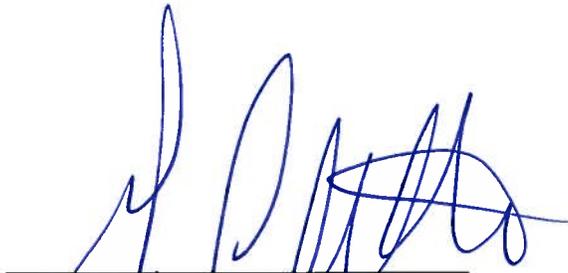
CERTIFICATE OF SERVICE

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. Shane Timbers
5432 Gainor Road
Philadelphia, PA 19131

August 23, 2018



Graciela Christlieb, Esquire
Philadelphia Gas Works
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Philadelphia, PA 19122
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