



PHILADELPHIA GAS WORKS

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September 26, 2018

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

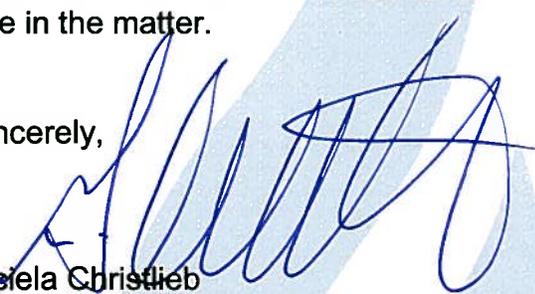
Re: Leona McCarthy v. PGW, Docket No. C-2018-3000472

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.535, and the Secretary's letter dated September 18, 2018, the Philadelphia Gas Works hereby files its Reply to the Complainant's Exceptions to the Initial Decision issued August 29, 2018.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,


Graciela Christlieb

cc: Leona McCarthy

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Leona McCarthy

v.

Philadelphia Gas Works

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Docket No. C-2018-3000472

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

Pursuant to 52 Pa. Code §5.535, and the Secretary's letter dated September 18, 2018, the Philadelphia Gas Works, ("PGW") hereby files its Reply to the Complainant's Exceptions to the Initial Decision issued August 29, 2018, in the above captioned matter ("Initial Decision").

I. INTRODUCTION

On March 13, 2018, the Complainant, Leona McCarthy, filed a Complaint with the Pennsylvania Public Utility Commission ("Commission" or "PUC") against PGW wherein the Complainant indicated that she wanted a payment agreement.

On April 4, 2018, Graciela Christlieb, Esquire, counsel for the Respondent, filed an Answer to the Complaint.

A Hearing Notice dated April 6, 2018, notified the parties that an initial in-person hearing was scheduled for Tuesday, May 22, 2018, at 9:30 a.m. This Notice indicated that the case was assigned to Administrative Law Judge Angela T. Jones ("ALJ" or "Judge Jones") as the presiding officer. The matter was scheduled a part of the call-of-the-docket where multiple cases are scheduled for the same date and time and the ALJ hears each complaint in succession.

On April 9, 2018, the ALJ issued a Prehearing Order that provided procedural rules and guidelines for the proceeding and emphasized the following: (1) a request to change the scheduled hearing should be sent at least five days prior to the hearing date; (2) the request for a hearing change is to be in writing and sent to all parties of record; and (3) a caution that Complainant may lose the case if she does not take part in the hearing and present evidence on the issues raised.

The evidentiary hearing in this matter convened at 2:59 p.m. on May 22, 2018 after the other matters on the call-of-the-docket had been addressed. The Complainant was not present and had not communicated a reasonable excuse why she was unable to appear. PGW was present with one potential witness. PGW moved to dismiss the Complaint with prejudice.

On August 29, 2018, Judge Jones issued her Initial Decision in the above captioned matter wherein she granted PGW's Motion and dismissed the Complaint in its entirety, with prejudice.

The Complainant filed Exceptions on September 17, 2018. This timely Reply follows.

II. PGW'S REPLY

The Complainant's exceptions fail to address any error in fact or law contained in the Initial Decision refuting the conclusions that the Complainant failed to sustain her burden of proving that she was entitled to a payment arrangement from the commission and that she waived the opportunity to participate in the hearing by failing to appear.

Exceptions

The Complainant's Exceptions are a reiteration of her Formal Complaint, which was a request for a payment arrangement.

PGW's Reply Exceptions

The Exceptions fail to demonstrate that the Initial Decision is unsupported by substantial evidence. Moreover, the Exceptions fail to address the Complainant's failure to appear at the evidentiary hearing to prosecute her Complaint. The record of this matter clearly indicates that the Complainant received the Hearing Notice as well as the Pre-hearing Order, but failed to appear to prosecute her Complaint even though the Court was still in session five and a half hours after the time the Complainant was originally scheduled to appear.

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 August 29, 2018 in this matter, as written.

September 26, 2018

Respectfully submitted,



Graciela C. Christlieb, Esq.
Philadelphia Gas Works
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Philadelphia, PA 19122

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. Leona McCarthy
2719 E. Thompson St.
Philadelphia, PA 19134

September 26, 2018

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

Graciela C. Christlieb, Esq.
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