



PHILADELPHIA GAS WORKS

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October 3, 2018

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

Re: Nessa Williams v. PGW, Docket No. C – 2018 – 3004478

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: Nessa Williams
Wendy Vacca

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nessa Williams

v.

Philadelphia Gas Works

:
:
:
:
:

Docket No. C – 2018 – 3004478

NOTICE TO PLEAD

To: Nessa Williams, 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,



October 3, 2018

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nessa Williams	:	
	:	
v.	:	Docket No. C – 2018 – 3004478
	:	
Philadelphia Gas Works	:	

Philadelphia Gas Works Preliminary Objections

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 as the issues raised in the Complaint are beyond the statute of limitations at 66 Pa.C.S. § 3314.

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

1. On August 23, 2006, the Complainant filed a Formal Complaint against PGW at Docket No. C-20066839. The service address at the time was 6054 Roosevelt Boulevard.
2. On August 28, 2006, the Complainant transferred the service at 6054 Roosevelt Boulevard from her mother's name into her own name.
3. On August 31, 2006, a balance in the amount of \$4,136.49 was transferred to the Complainant's account at 6054 Roosevelt Boulevard from her mother's account at 6054 Roosevelt Boulevard.
4. On October 9, 2006, PGW and the Complainant settled the Formal Complaint at Docket No. C-20066839. As part of the settlement, the Complainant acknowledged that she accepted responsibility for the balance transferred to her account from her mother's account.
5. 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.

6. 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.

7. The Complainant has lost her right to pursue litigation regarding the balance transfer that occurred in 2006, as any cause of action falls outside the statute of limitations.

8. 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 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

October 3, 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 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.

October 3, 2018



Graciela Christlieb, Esquire

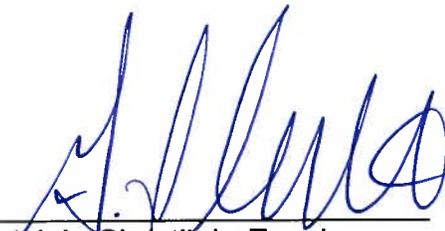
CERTIFICATE OF SERVICE

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:

Ms. Nessa Williams
4619 Conshohocken Avenue
Philadelphia, PA 19131

October 3, 2018



Graciela Christlieb, Esquire
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