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October 19, 2018

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17105-3265

RE: SBG Management Services, Inc./Elrea Garden Realty Co., L.P. v. PGW; Docket No. C-2012-2304167; SBG Management Services, Inc./Fairmount Manor Realty Co., L.P. v. PGW; Docket No. C-2012-2304215; SBG Management Services, Inc./Marshall Square Realty Co., L.P. v. PGW; Docket No. C-2012-2304303; SBG Management Services, Inc./Marchwood Realty Co., L.P. v. PGW; Docket No. C-2012-2308454 and SBG Management Services, Inc./Oak Lane Court Realty Co., L.P. v. PGW; Docket No. C-2012-2308462

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' Petition for Stay Pending Judicial Review, in the above-referenced matters.

If you have any questions regarding this filing, please contact me at your convenience.

Sincerely,



Carl R. Shultz

CS/jls
Enclosure

cc: Certificate of Service (w/enc)

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of PGW's Petition for Stay Pending Judicial Review upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email and/or First Class Mail

Donna S. Ross, Esquire
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Via First Class Mail

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555 Walnut Street
Harrisburg, PA 17101-1921

Office of Small Business Advocate
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Harrisburg, PA 17101

Bureau of Investigation & Enforcement
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor, West
Harrisburg, PA 17120

Office of Special Assistants
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 3rd Floor, East
Harrisburg, PA 171020

Bureau of Technical Utility Services
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 3rd Floor, East
Harrisburg, PA 17120

Date: October 19, 2018



Carl R. Shultz, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SBG Management Services, Inc. / :
Elrea Garden Realty Co., L.P. : Docket No. C-2012-2304167

v. :

Philadelphia Gas Works :

SBG Management Services, Inc. / :
Fairmount Manor Realty Co., L.P. : Docket No. C-2012-2304215

v. :

Philadelphia Gas Works :

SBG Management Services, Inc. / :
Marshall Square Realty Co, L.P. : Docket No. C-2012-2304303

v. :

Philadelphia Gas Works :

SBG Management Services, Inc. / :
Marchwood Realty Co., L.P. : Docket No. C-2012-2308454

v. :

Philadelphia Gas Works :

SBG Management Services, Inc. / :
Oak Lane Court Realty Co., L.P. : Docket No. C-2012-2308462

v. :

Philadelphia Gas Works :

SBG Management Services, Inc. /	:	
Fern Rock Realty Co, L.P.	:	Docket No. C-2012-2308465
	:	
v.	:	
	:	
Philadelphia Gas Works	:	

**PETITION FOR STAY
PENDING JUDICIAL REVIEW**

Philadelphia Gas Works (“PGW” or “Company”) respectfully files this Petition for Stay Pending Judicial Review (“Petition”), pursuant to Pa. R.A.P. 1781(a) and 52 Pa. Code § 5.572, requesting that the Commission grant PGW a stay or supersedeas (collectively, a “stay”) pending the disposition of (1) the appeal by PGW of the Opinion and Order issued December 8, 2016 (“December 2016 Order”) and the related orders denying reconsideration that were issued on May 18, 2018 (“May 2018 Order”) and on August 23, 2018 (“August 2018 Order”) (collectively, the “Prior Related Orders”); (2) the appeal by PGW of the Opinion and Order issued September 20, 2018 (“September 2018 Order”) in Docket Nos. C-2012-2304167, C-2012-2304215 and C-2012-2304303; and, (3) the appeal by PGW of the Opinion and Order issued October 4, 2018 (“October 2018 Order”) in Docket Nos. C-2012-2308454, C-2012-2308462 and C-2012-2308465 (collectively, the “Orders”).

Confronting issues of first impression, the Commission entered the subject Orders which, *inter alia*, direct substantial modifications to PGW’s billing systems and practices. The Orders have been appealed by PGW. This Petition seeks to preserve the *status quo*, i.e., to stay any compliance, application or enforcement of Orders pending the ultimate disposition of the PGW’s appeal from said Orders and any further proceedings relating thereto. A PUC stay of the Orders

pending appeal will mean that PGW will not be forced to bear the substantial time effort and expense of complying with the PUC prior to a final determination of its merits.

In support of this Petition, PGW avers as follows:

1. PGW is a collection of assets owned by the City of Philadelphia (“City”) and used for distributing natural gas to the public in the City and County of Philadelphia. PGW is a “city natural gas distribution operation” and therefore a “natural gas distribution company” as defined in Sections 102 and 2202 of the Public Utility Code, 66 Pa.C.S. §§ 102, 2202.

2. There are eight formal complaints¹ between PGW and SBG Management Services, Inc. (“SBG”).² The Commission has noted that these eight formal complaints share an identity of parties, identity of issues, and common questions of law and of fact.³

3. The eight formal complaints were consolidated into three groups of proceedings.⁴

¹ One group of consolidated proceedings consists of: SBG Management Services, Inc./Colonial Garden Realty Co., L.P. v. Philadelphia Gas Works, Docket No. C-2012-2304183; and SBG Management Services, Inc./Simon Garden Realty Co., L.P. v. Philadelphia Gas Works, Docket No. C-2012-2304324, which resulted in the Opinions and Order of the Commission issued December 8, 2016 (“December 2016 Order”) and the related Opinions and Orders denying reconsideration that were issued on May 18, 2018 (“May 2018 Order”) and on August 23, 2018 (“August 2018 Order”) (collectively, the “Prior Related Orders”). The Prior Related Orders are the subject of the appeal at Commonwealth Court Docket No. 1291 CD 2018.

The “second” group of consolidated proceedings consists of: SBG Management Services, Inc./Elrea Garden Realty Co, L.P. v. Philadelphia Gas Works, Docket No. C-2012-2304167; SBG Management Services, Inc./Fairmount Manor Realty Co., L.P. v. Philadelphia Gas Works, Docket No. C-2012-2304215; and SBG Management Services, Inc./Marshall Square Realty Co., L.P. v. Philadelphia Gas Works, Docket No. C-2012-2304303, which resulted in the Opinions and Order of the Commission issued September 20, 2018 (“September 2018 Order”).

The “last” (or third) group of consolidated proceedings consists of: SBG Management Services, Inc./Marchwood Realty Co, L.P. v. Philadelphia Gas Works, Docket No. C-2012-2308454; SBG Management Services, Inc./Oak Lane Court Realty Co., L.P. v. Philadelphia Gas Works, Docket No. C-2012-2308462; and SBG Management Services, Inc./Fern Rock Realty Co., L.P. v. Philadelphia Gas Works, Docket No. C-2012-2308465, which resulted in the Opinions and Order of the Commission issued October 4, 2018 (“October 2018 Order”).

² Pursuant to an Exclusive Management Agreement, SBG was given full agent authority to represent the various, listed, property owners in legal proceedings against PGW. December 2016 Order at p. 6. SBG, as the managing company (agent) for the commercial landlords (principals), handles the day-to-day activities for the apartments, such as maintenance, collection of rents, tenant issues, accounting, etc. December 2016 Order at p. 9.

³ See, e.g., December 2016 Order at p. 6.

⁴ See footnote 1.

4. One group of proceedings is subject of an appeal to the Commonwealth Court at Docket No. 1291 CD 2018.⁵ On September 25, 2018, PGW filed Petition for Stay of Proceedings requesting that the Commission grant PGW a stay or supersedeas (collectively, a “stay”) pending the ultimate disposition by the Courts of the appeal at Docket No. 1291 CD 2018.

5. The remaining groups were decided by the Commission, respectively, in the September 2018 Order and the October 2018 Order.⁶ The September 2018 Order and the October 2018 Order rely upon and affirm the Commission’s Prior Related Orders. The September 2018 Order has been appealed by PGW to the Commonwealth Court at Docket No. 1405 CD 2018. The October 2018 Order has been appealed by PGW to the Commonwealth Court at Docket No. 1404 CD 2018.

6. This Petition for Stay should be granted⁷ for all of the reasons stated in PGW’s prior Petition for Stay of Proceedings,⁸ which is incorporated herein by reference. As discussed therein, (1) PGW is likely to succeed on the merits; (2) PGW will suffer irreparable injury without a stay; (3) Other interested parties will not be substantially harmed by a stay; (4) The requested stay will not adversely affect the public interest.

WHEREFORE, PGW respectfully requests that the Commission issue an Order: (a) granting this Petition for Stay; and (b) granting such further relief in favor of PGW as may be just and reasonable under the circumstances.

⁵ See footnote 1.

⁶ See footnote 1.

⁷ A stay is appropriate and necessary when a party demonstrates that (1) it is likely to prevail on the merits; (2) it will suffer irreparable injury without the requested relief; (3) issuance of a stay will not substantially harm interested parties in the proceedings; and (4) issuance of the stay will not adversely affect the public interest. See *PUC v. Process Gas Consumers Group*, 467 A.2d 805, 808-809 (Pa. 1983).

⁸ <http://www.puc.state.pa.us/pcdocs/1587076.pdf>.

Respectfully submitted,



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Senior Attorney

Philadelphia Gas Works
800 W. Montgomery Ave.
Philadelphia, PA 19122

Date: October 19, 2018

Attorneys for Philadelphia Gas Works

VERIFICATION

I, Denise Adamucci, hereby state that: (1) I am the Vice President, Regulatory Compliance and Customer Programs for Philadelphia Gas Works; (2) the facts above set forth in the foregoing document are true and correct (or are true and correct to the best of my knowledge, information and belief); and (3) I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 10/17/18

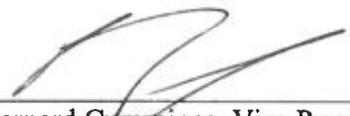
DA

Denise Adamucci, Vice President
Regulatory Compliance and Customer Programs
Philadelphia Gas Works

VERIFICATION

I, Bernard Cummings, hereby state that: (1) I am the Vice President, Customer Service and Collections for Philadelphia Gas Works; (2) the facts above set forth in the foregoing document are true and correct (or are true and correct to the best of my knowledge, information and belief); and (3) I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 10/17/18



Bernard Cummings, Vice President
Customer Service and Collections
Philadelphia Gas Works