



PHILADELPHIA GAS WORKS

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March 4, 2019

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

Re: Gwendolyn Mercer v. PGW, Docket No. C-2018-3004601

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.535, the Philadelphia Gas Works ("PGW") hereby files its reply to the Complainants' Exceptions to the February 5, 2019 Initial Decision 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,

A handwritten signature in black ink that reads "Danielle Leva".

Danielle Leva

Enclosure

cc: Gwendolyn Mercer (Regular Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Gwendolyn Mercer

v.

Philadelphia Gas Works

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Docket No. C-2018-3004601

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

Pursuant to 52 Pa. Code §5.535, as well as the Secretarial Letter issued February 22, 2019, the Philadelphia Gas Works, ("PGW") hereby files its reply to the Complainants' exceptions to the initial decision issued February 5, 2019, in the above referenced matter.

I. INTRODUCTION

On August 24, 2018, the Complainant, Gwendolyn Mercer, filed a complaint with the Pennsylvania Public Utility Commission ("Commission" or "PUC") against PGW wherein she requested a payment arrangement that she can afford.

On October 3, 2018, PGW filed its Answer to the Complaint wherein PGW denied the material allegations of the Complaint and asked that it be dismissed.

The evidentiary hearing in this matter was convened by Special Agent Gail Chiodo via telephone on November 29, 2018. The Complainant appeared *pro se*, testified on her own behalf, and proffered exhibits, which were entered into the record.

On February 5, 2019, Special Agent Chiodo issued her Initial Decision in this matter wherein she denied the Complainant's request for a Commission – issued payment arrangement.

On February 15, 2019, the Complainant filed Exceptions in this matter. PGW's 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 conclusion that the Complaint is not eligible for a Commission – issued payment arrangement at this time.

Exceptions

The Complainant's Exceptions fail to address any error in fact or law contained in the Initial Decision; rather, the Complainant is attempting to use her Exceptions to supplement the

record. Complainant's Exceptions do not challenge the findings of fact made by Special Agent Chiodo, they purport to supply explanations of how those facts came about.

PGW's Reply

The Exceptions fail to demonstrate that the initial decision is unsupported by substantial evidence and the attempt to use them to supplement the record after it has been closed is improper.

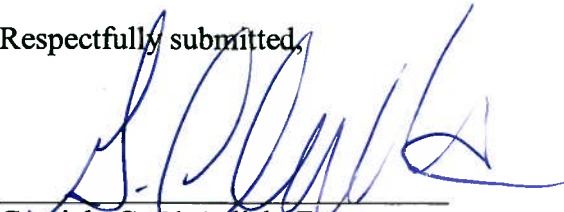
Moreover, even if the information supplied in the Exceptions had been placed on the record properly, the Complainant would still be ineligible for a Commission – issued payment arrangement under the criteria outlined in the Initial Decision. None of the information in the Exceptions contradicts the fact that the Complainant has not suffered a change in income as defined by 66 Pa.C.S. § 1403. Neither does the information in the Exceptions support a finding that the Commission may reinstate and extend a previously ordered payment arrangement due to a significant change in Circumstance. The Complainant alleges that her husband “became ill and was out of work from July 2009 – October 2009.” However, by July 2009, the Complainant had already broken her Commission – issued payment arrangement and, on July 28, 2009, was placed on a PGW – issued payment arrangement, which she subsequently broke.

III. CONCLUSION

For the reasons stated above, the PGW requests that the Commission deny the Complainant's Exceptions and adopt the Initial Decision issued February 5, 2019 as written.

March 4, 2019

Respectfully submitted,



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

CERTIFICATE OF SERVICE

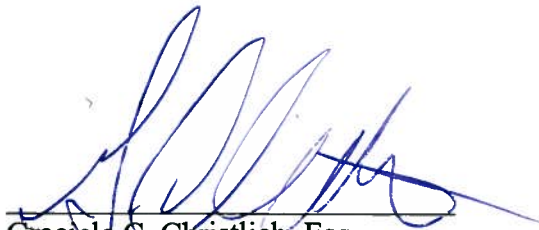
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainants:

Gwendolyn Mercer
1345 71st Avenue
Philadelphia, PA 19126

March 4, 2019



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