



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Danielle Leva, Paralegal
Legal Department
Direct Dial: 215-684-6862
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E-mail: Danielle.leva@pgworks.com

April 8, 2019

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

Re: Michael Morales v. PGW, Docket No. C – 2018 – 3002466

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.401 et seq., the Philadelphia Gas Works ("PGW") hereby objects and moves to strike the information submitted by the Complainant on or about March 27, 2019 in support of his complaint.

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

Sincerely,


Danielle Leva

Enclosure

cc: Administrative Law Judge Darlene Heep (Email)
Michael Morales
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Morales,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3002466
	:	
Philadelphia Gas Works,	:	
Respondent	:	

**Philadelphia Gas Works' Objection and
Motion to Strike The Complainant's Proffered Documents**

Pursuant to 52 Pa. Code §5.401 *et seq.*, the Philadelphia Gas Works ("PGW") hereby objects and moves to strike the information submitted by the Complainant on or about March 27, 2019 in support of his complaint.

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

1. The above captioned matter is a dispute of a bill (\$3,819.54) for unauthorized usage on the Complainant's account for gas service to 2248 N. 3rd Street, 2nd Floor, Philadelphia, Pennsylvania ("Service Address"). The Service Address is not the Complainant's residence, but rather a sports clubhouse for a club to which the Complainant is a member. The Service Address is used for business meetings and other social gatherings.
2. The Complainant filed his complaint on or about May 21, 2018 to which PGW timely answered the Complaint on June 22, 2019.
3. After the Commission granted several continuances of the scheduled hearings of this matter, by Notice dated October 30, 2019, the Commission scheduled a hearing for December 6, 2019 that was held as scheduled before Administrative Law Judge Darlene D. Heep ("ALJ") in a hearing room at the Commission's Philadelphia Offices.
4. At the hearing of December 6, 2018, both parties presented their cases. The hearing resulted in a transcript of 75 pages. PGW proffered 5 exhibits that were admitted into the record.

5. At the end of the hearing on December 6, 2018, the ALJ provided the Complainant with an opportunity to submit some additional information for inclusion on the record. The Complainant's information submitted to PGW, did not appear to have been filed with the Commission or sent to the ALJ.

6. When PGW contacted the Complainant about the information, the Complainant stated that he had provided them to the ALJ. On January 25, 2019, PGW responded to the Complainant's additional information, objecting to its inclusion in the record on the grounds that it was not authenticated and that the information was irrelevant to the calculation of the amount billed. That filing is attached hereto as Appendix "A."

7. By order dated January 28, 2019, the ALJ provided a two week period, until February 8, 2019, in which the Complainant had to respond to PGW's objections. A copy of that order is attached hereto as Appendix "B."

8. The Complainant failed to respond to PGW's objection under cover of letter dated January 25, 2019 by February 8, 2019 as ordered.

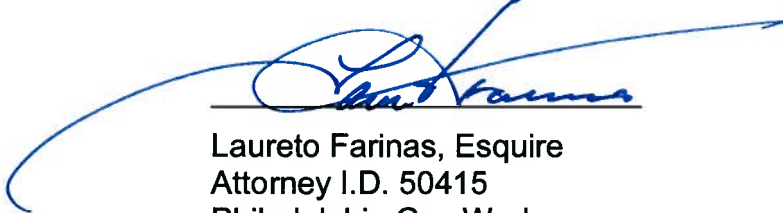
9. On March 29, 2019, some 49 days after the on which the Complainant was to respond, PGW received by regular mail a document, what was addressed to the ALJ and appeared to be additional raw data on electric use at the Service Address from October 2018 through December 2018 and a single paragraph containing a conclusory argument on the merits of the case ("The Complainant's March 29, 2019 filing").

10. PGW objects to the Complainant's March 29, 2019 filing on the grounds that the filing is out of time and irrelevant to the calculation of unauthorized gas usage at the Service Address.

Wherefore, PGW respectfully requests that reject the Complainant's filing of March 29, 2019 and deny the admission of the Complainant's late filed exhibits of January 2019 and March 29, 2019 filing into the record of this proceeding.

April 8, 2019

Respectfully submitted,



Laureto Farinas, Esquire
Attorney I.D. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

EXHIBIT A



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Laureto A. Farinas, Senior Attorney
Legal Department
Direct Dial: 215-684-6982
FAX: 215-684-6798
E-mail: laureto.farinas@pgworks.com

January 25, 2019

Administrative Law Judge Darlene D. Heep
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Suite 403
801 Market Street
Philadelphia, PA 19107

RE: Michael Morales v. PGW, Docket No. C – 2018 – 3002466

Dear Judge Heep:

This is to provide you with an update on the parties' efforts to discuss resolution of this matter. On January 24, 2019 at 2:00 p.m. Mr. Morales and I had a brief discussion on the materials that he sent to PGW the attached ("PECO information document"). He informed me that he did send them to you although the materials that he sent to me were addressed only to me and did not indicate that they were not sent to you. I assumed that he had only sent them to me.

Mr. Morales purports that the PECO information document is a record of the electric usage for the two month period (October 17, 2018 through December 15, 2018) at the 2248 N 3rd Street, 2nd Floor, Philadelphia, PA. This is the property that is the subject of the above referenced matter ("Service Address").

At our conference PGW informed Mr. Morales that the PECO information document is insufficient to allow PGW to make any change in its estimate of unauthorized gas use at the Service Address. I believed that Mr. Morales intended to show that the specific days of the meetings of his club during which he used electric heaters, the electricity usage was higher. By inference he intends the PECO information document to show that he did not use the gas heater at the Service Address as the facility was only used for monthly club business meetings and during those meetings electric heaters were used to heat the facility. I understand that Mr. Morales intends that the PECO information document be admitted into the record.

PGW objects to Mr. Morales' PECO information document on the following grounds:

1. The PECO information document is not authenticated:

On its face, the PECO information document does not appear to be an official document of the PECO Energy Company. It merely appears to be an email from a person with the first name "Sharon" at "(PECO)." It appears that Sharon's last name is redacted from the document. The name of the person to whom the email was original sent (presumably not Mr. Morales) is also redacted. Thus, the PECO information document lacks sufficient authentication as an actual record for the PECO Energy Company to be considered as containing the true account usage information for the Service Address. It should not be admitted into the record of this proceeding.

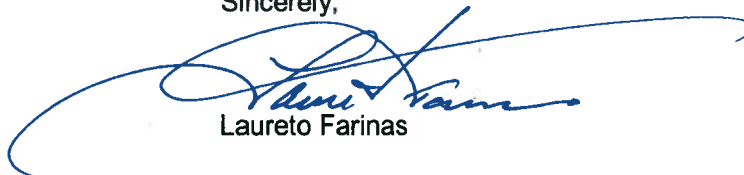
2. The PECO information document is irrelevant to the calculation of unauthorized gas usage.

Even if the PECO Information document was authenticated as the official and accurate electric usage information of the Service Address, this information is irrelevant if intended to show an increase electricity usage due to the use of electric heaters during the period in which there was unauthorized gas usage at the Service Address. The gas service at the Service Address was terminated for meter tampering and theft on May 30, 2017. The unauthorized gas usage is for the period from January 31, 2014 through May 30, 2017. (See PGW Exhibits 2, 3 and 4) The PECO information document purports to contain daily electric usage information for the period from October 17, 2018 through December 15, 2018. Mr. Morales highlights the somewhat increased electric usage for the dates that his club meetings were to have occurred.

The relevant electric usage information would coincide with the unauthorized gas period and not one year after the service was terminated. The PECO information document, if accurate, shows increased usage on purported meeting dates during a period when gas service has been terminated. It follows that Mr. Morales' club has increased electric usage to heat the building during meetings because the gas is off. The PECO information document does not show increased electric usage of the meeting nights during the period of unauthorized usage January 31, 2014 through May 30, 2017. Thus, the PECO information document is irrelevant and should not be admitted into the record.

If you need additional information about this matter, please contact me at my direct-dial number above. Thank you.

Sincerely,



Laureto Farinas

cc: Service List
Tiffany Jones (PGW Mail)
Wendy Vacca

Mr. Farinas

The following form is a daily usage reading from PECO. I can also provide video footage if more evidence is needed. Be advised that I would have to bring in the DVR (digital video recorder) because I was unsuccessful uploading footage onto a USB.

Regards,
Michael Morales

Sharon:(PECO)

To: [REDACTED]
Subject: Daily readings

MICHAEL MORALES
2248 N 3RD ST, 2ND FL PHILADELPHIA PA 19133
Account # 96421-63021

[AMR Daily Meter Readings for Meter 124063681]

Reading Date	GS Tot Kwh	GS Tot KwhUsage	Reading Multiplier	Meter Multiplier	
2018-12-15	56682	16	1	1	
2018-12-14	56666	29	1	1	Meeting
2018-12-13	56637	10	1	1	
2018-12-12	56627	9	1	1	
2018-12-11	56618	8	1	1	
2018-12-10	56610	8	1	1	
2018-12-09	56602	8	1	1	
2018-12-08	56594	8	1	1	Meeting
2018-12-07	56586	17	1	1	
2018-12-06	56569	8	1	1	
2018-12-05	56561	8	1	1	
2018-12-04	56553	9	1	1	
2018-12-03	56544	10	1	1	
2018-12-02	56534	12	1	1	
2018-12-01	56522	10	1	1	Meeting
2018-11-30	56512	27	1	1	
2018-11-29	56485	9	1	1	
2018-11-28	56476	8	1	1	
2018-11-27	56468	9	1	1	
2018-11-26	56459	10	1	1	cleaning
2018-11-25	56449	18	1	1	Event
2018-11-24	56431	41	1	1	Meeting
2018-11-23	56390	16	1	1	Event
2018-11-22	56374	20	1	1	
2018-11-21	56354	11	1	1	
2018-11-20	56343	10	1	1	
2018-11-19	56333	11	1	1	
2018-11-18	56322	9	1	1	
2018-11-17	56313	10	1	1	Meeting
2018-11-16	56303	20	1	1	
2018-11-15	56283	16	1	1	
2018-11-14	56267	0	1	1	No electricity
2018-11-13	56267	0	1	1	
2018-11-12	56267	0	1	1	
2018-11-11	56267	0	1	1	
2018-11-10	56267	0	1	1	
2018-11-09	56267	0	1	1	
2018-11-09	56267	0	1	1	

2018-11-08	56267	0	1	1	> No electricity
2018-11-07	56267	0	1	1	
2018-11-06	56267	5	1	1	
2018-11-05	56262	14	1	1	
2018-11-04	56248	15	1	1	
2018-11-03	56233	31	1	1	No heat would of been used.
2018-11-02	56202	17	1	1	Meeting
2018-11-01	56185	12	1	1	
2018-10-31	56173	10	1	1	
2018-10-30	56163	12	1	1	
2018-10-29	56151	13	1	1	
2018-10-28	56138	13	1	1	
2018-10-27	56125	27	1	1	No heat would of been used.
2018-10-26	56098	21	1	1	Meeting
2018-10-25	56077	10	1	1	
2018-10-24	56067	11	1	1	
2018-10-23	56056	10	1	1	
2018-10-22	56046	11	1	1	
2018-10-21	56035	11	1	1	
2018-10-20	56024	13	1	1	
2018-10-19	56011	14	1	1	Meeting
2018-10-18	55997	12	1	1	
2018-10-17	55985	11	1	1	



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

RE: Michael Morales v. PGW, Docket No. C – 2018 – 3002466

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. Michael A. Morales
7704 Algon Avenue
Philadelphia, PA 19111

tazan1212@aol.com

267.815.3419

January 25, 2019

A handwritten signature in blue ink, appearing to read 'Laureto Farinas', is written over a horizontal line. The signature is highly stylized with long, sweeping flourishes extending to the left and right.

Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

EXHIBIT B

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Morales

v.

Philadelphia Gas Works

:
:
:
:
:

C-2018-3002466

ORDER

The Complainant has until February 8, 2018, to respond to the PGW letter dated January 25, 2019.

Date: January 28, 2019

/s/
Darlene Davis Heep
Administrative Law Judge

C-2018-3002466 - MICHAEL MORALES V. PHILADELPHIA GAS WORKS

MICHAEL MORALES
7704 ALGON AVENUE
PHILADELPHIA PA 19111
267.815.3419

LAURETO FARINAS ESQUIRE
PHILADELPHIA GAS WORKS
4TH FLOOR
800 W MONTGOMERY AVENUE
PHILADELPHIA PA 19122
215.684.6982
ACCEPTS E-SERVICE

VERIFICATION

I, Laureto Farinas, 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 Answer 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.

April 8, 2019



Laureto Farinas, Esquire

CERTIFICATE OF SERVICE

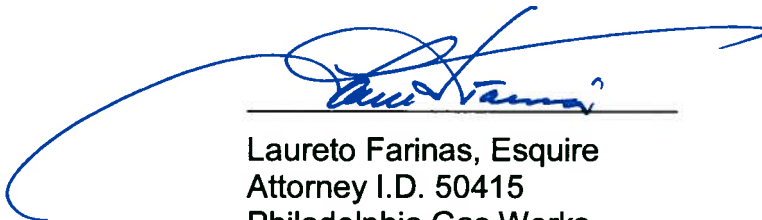
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Mr. Michael Morales
7704 Algon Avenue
Philadelphia, PA 19111

April 8, 2019



Laureto Farinas, Esquire
Attorney I.D. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
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