



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Danielle Leva, Paralegal
Legal Department
Direct Dial: 215-684-6862
FAX: 215-684-6798
E-mail: danielle.leva@pgworks.com

June 20, 2019

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

Re: Floyd Tillman v. Philadelphia Gas Works, Docket No. C-2018-3004383

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.572(d), the Philadelphia Gas Works ("PGW") hereby requests that the Commission Rescind the Final Order dated June 6, 2019 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: Floyd Tillman (Regular Mail)
Wendy Vacca (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Floyd Tillman,	:	
	:	
Complainant	:	
v.	:	Docket No. C-2018-3004383
	:	
Philadelphia Gas Works,	:	
	:	
Respondent	:	

PGW's Petition to Rescind and Amend Final Order

Pursuant to 52 Pa. Code §5.572(d), the Respondent, Philadelphia Gas Works (PGW) hereby requests that the Commission Rescind the Final Order dated June 6, 2019 in the above captioned matter as the parties amicably settled the complaint for which PGW filed a Certificate of Satisfaction on April 9, 2019.

In support of its motion, PGW states as follows:

1. On August 30, 2018, the Complainant filed a formal complaint in the above captioned matter against PGW.
2. On September 19, 2018 PGW filed an answer to the complaint concerning charges for service on the PGW account of the Complainant and his wife Martha Tillman and a request for a payment arrangement for gas service to 4944-4966 N. Broad Street, Philadelphia, Pennsylvania ("Service Address"). PGW averred that the Complainant had been issued a payment arrangement at the conclusion of the consolidated cases *Floyd Tillman v. PGW*, Docket No. F-2017-2634002 and *Floyd and Martha Tillman v. PGW*, Docket No. F-2017-2633954 and thus was not entitled to another payment arrangement on the account balance in excess of \$26,000.
3. By the Commission's Notice dated September 24, 2018, the Commission set an Initial In-person hearing for November 9, 2018 at 10:00 a.m.
4. Pursuant to PGW's request for a continuance, the hearing date was changed by agreement of the parties to November 19, 2018. The hearing took place as rescheduled.
5. On March 28, 2019 the Commission issued the Initial Decision of Administrative Law Judge Darlene D. Heep of this matter (Initial Decision) which denied and dismissed

the Complainant's claim of incorrect charges on a 2008 bill as beyond the statute of limitations. The Initial Decision also denied the Complainant's request for a payment arrangement. The Initial Decision directed PGW to recalculate late payment charges within the statute of limitations and balance in accordance with the Commission's decision in SBG Management Service, Inc. / Marchwood Realty Co., L.P. v. Philadelphia Gas Works, Docket No. C-2012-2308454; SBG Management Service, Inc. / Oak Lane Court Realty Co., L.P v. Philadelphia Gas Works, Docket No. C-2012-2308462; SBG Management Service, Inc. / Fern Rock Realty Co., L.P v. Philadelphia Gas Works, Docket No. C-2012-2308465 and issue a bill to the Complainant within 30 days of the final decision of the matter.

6. Neither party filed exceptions to the Initial Decision, nor did the Commission exercise its right to review the matter *sui sponte*.

7. On April 9, 2019, PGW filed with the Commission a Certificate of Satisfaction, notifying the Commission of the settlement the matter after it had negotiated with the Complainant a waiver of late payment charges and a payment arrangement for the outstanding balance of the Complainant's account. The Commission docket record, the Certificate of Satisfaction and the Commission's Final Order is attached hereto as Appendix "A."

8. Within one month following the settlement of the matter, the Complainant paid the outstanding account balance in full.

9. With the settlement of the matter on April 9, 2019 and the payment in full of the outstanding account balance, the complaint became moot.

10. On June 6, 2019, the Commission entered the Final Order in the instant matter adopting the Initial Decision in its entirety (Final Order). The Final Order included the directive for PGW to recalculate late payment charges within the statute of limitations and balance in accordance with the Commission's decision in SBG Management Service, Inc. / Marchwood Realty Co., L.P. v. Philadelphia Gas Works, Docket No. C-2012-2308454; SBG Management Service, Inc. / Oak Lane Court Realty Co., L.P v. Philadelphia Gas Works, Docket No. C-2012-2308462; SBG Management Service, Inc. / Fern Rock Realty Co., L.P v. Philadelphia Gas Works, Docket No. C-2012-2308465 and issue a bill to the Complainant within 30 days of the final decision of the matter.

11. The settlement of the matter on April 9, 2019 and the payment in full of the outstanding account balance has rendered as moot the Commission's Final Order of June 6, 2019.

12. The Commission has articulated the standards governing requests for relief under 52 Pa. Code §5.572 in *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553 (1982).

13. Petitions seeking relief under 52 Pa. Code §5.572, are likely to succeed only when they raise "new and novel arguments" not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.¹

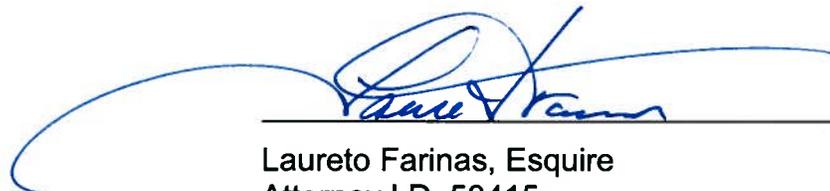
14. The Commission should exercise its discretion to rescind the Final Order, as the Commission has overlooked the April 9, 2019 settlement of the matter occasioned by the filing of a Certificate of Satisfaction.

15. Because the matter has been settled amicably by the parties, the Final Order in the matter should be rescinded.

WHEREFORE, PGW respectfully requests that the Commission rescind the Final Order dated June 6, 2019 in the above captioned matter and marked the matter closed, as the parties amicably settled the complaint for which a Certificate of Satisfaction was filed on April 9, 2019.

Respectfully submitted,

June 20, 2019



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

¹ *Duick*, 56 Pa. P.U.C. at 559

APPENDIX "A"

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Document Name	Public Meeting Date	Received Date	Date Served	Docket Number	Reference Docket Number	Document Type	Case Type	Utility Name	Utility Type	Utility Code	eFiling Confirm Number
C-2018-3004383 Floyd Vilmos v Philadelphia Gas Works ID.pdf			28-Mar-2019	C-2018-3004383		Initial Decision	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	125042	1737359
C-2018-3004383 ID SAC LETTER.docx			28-Mar-2019	C-2018-3004383		Secretarial Letter	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	125042	1737359
Certificate of Satisfaction - PGW		09-Apr-2019		C-2018-3004383		Certificate of Satisfaction	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	125042	1737359
C-2018-3004383 Hearing				C-2018-3004383		Hearing Notice	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	125042	1737359

Certificate of Satisfaction - PGW		09-Apr-2019		C-2018-3004383		Certificate of Satisfaction	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	125042	1737359
C-2018-3004383 Hearing Rescheduled Notice.docx				C-2018-3004383		Hearing Notice	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	125042	1737359
C-2018-3004383 ELOYD TILMAN V PGW PHO QMHL.docx				C-2018-3004383		Pre-Hearing Order	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	125042	1737359
C-2018-3004383 Floyd Vilmos v Philadelphia Gas Works Final Order.docx			06-Jun-2019	C-2018-3004383		Final Order (Act 294)	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	125042	1737359
Letter in Response to Complainant's Submission of 12/19/2018 - PGW			20-Dec-2018	C-2018-3004383		Letter	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	125042	1737359

Letter in Response to Complainant's Submission of 12/19/2018 - PGW			20-Dec-2018	C-2018-3004383		Letter	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	125042	1737359
C-2018-3004383 Hearing Notice.docx				C-2018-3004383		Hearing Notice	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	125042	1737359
Letter Filed Exhibit - PGW Response to Complainant's Submission of 12/19/2018 - PGW			11-Feb-2019	C-2018-3004383		Exhibits/Transcripts	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	125042	1737359

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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

April 9, 2019

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

RE: *Floyd Tillman v. Philadelphia Gas Works, Docket No. C-2018-3004383*

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaint has been satisfied. PGW and the Complainant have discussed the issues raised in the complaint and has satisfied the complaint. With this discussion, the Complainant has indicated that he is satisfied with the resolution of this complaint.

Therefore, further Commission action in this matter is no longer necessary.

By copy of this letter, I am notifying the Complainant of his right to object to any part of this settlement, in writing to the Public Utility Commission within ten (10) days of the date of this letter.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laureto Farinas', is written over a large, faint blue graphic of a flame or leaf shape.

Laureto Farinas

cc: Mr. & Mrs. Floyd and Martha Tillman (Regular Mail)
Michael Brown (email)
Jessica Glace (PGW Mail)
Joseph Greenberg
Wendy Vacca

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Floyd Tillman

v.

Philadelphia Gas Works

:
:
:
:
:

C-2018-3004383

FINAL ORDER

In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Administrative Law Judge Darlene D. Heep dated March 26,, 2019, has become final without further Commission action;

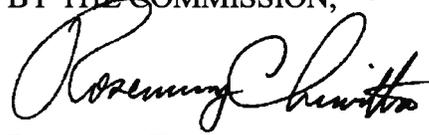
THEREFORE,

IT IS ORDERED:

1. That all late-filed exhibits are admitted into the record.
2. That the Complaint of Floyd Tillman against Philadelphia Gas Works at Docket No. C-2018-3004383 is denied, in part, and granted, in part.
3. That claims challenging the 2008 Philadelphia Gas Works bill are denied and dismissed;
4. That the request for a payment arrangement is denied and dismissed;

5. That PGW is directed to recalculate the late charges within the statute of limitations and the Complainant's balance in accordance with *SBG Management Services, Inc. / Marchwood Realty Co., L.P. v. Philadelphia Gas Works*(C-2012-2308454); *SBG Management Services, Inc. / Oak Lane Court Realty Co., L.P. v. Philadelphia Gas Works* (C-2012-2308462); *SBG Management Services, Inc. / Fern Rock Realty Co., L.P. v. Philadelphia Gas Works* (C-2012-2308465), 2018 Pa. PUC LEXIS 360 (2018) and issue a bill to the Complainant within 30 days of the final order in this matter.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ENTERED: June 6, 2019

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 Petition 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.

Dated: June 20, 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, BY REGULAR MAIL, IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS.

Service List:

For Complainant:

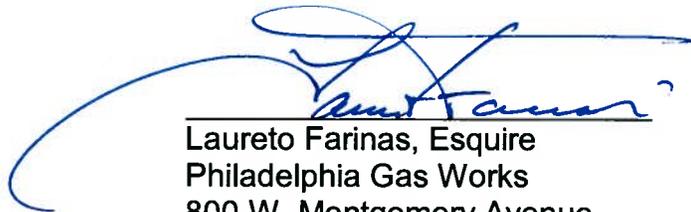
Mr. Floyd Tillman
Mrs. Martha Tillman
1513 Gynwned View Road
North Wales, PA 19454

Residence

Mr. Floyd Tillman
Mrs. Martha Tillman
4944-46 N. Broad Street
Philadelphia, PA 19141

Service Address

June 20, 2019



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