



PHILADELPHIA GAS WORKS

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July 15, 2019

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

Re: Elvin Ocasio v. PGW, Docket No. F-2018-3003709

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.535 and the Secretary's letter issued on July 3, 2019, the Philadelphia Gas Works hereby files its Reply to the Complainant's Exceptions to the Initial Decision issued March 5, 2019.

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

Sincerely,

Graciela Christlieb

A handwritten signature in blue ink, appearing to read 'Graciela Christlieb', is written over the printed name. The signature is fluid and cursive.

cc: Elvin Ocasio

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Elvin Ocasio	:	
Complainant	:	
v.	:	Docket No. F-2018-3003709
	:	
Philadelphia Gas Works	:	
Respondent	:	

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

Pursuant to 52 Pa. Code §5.535 and the Secretary’s letter issued on July 3, 2019, the Respondent, Philadelphia Gas Works (“PGW”), hereby files its Reply to the Complainant’s Exceptions to the Initial Decision issued March 5, 2019.

I. INTRODUCTION

On July 20, 2018, the Complainant, Elvin Ocasio (“Mr. Ocasio” or “Complainant”), filed a formal Complaint with the Pennsylvania Public Utility Commission (“Commission” or “PUC”) against PGW wherein he alleged that PGW was incorrectly holding him responsible for theft without having conducted an investigation. Mr. Ocasio’s formal Complaint is a timely appeal of a decision issued by the Commission’s Bureau of Consumer Services (“BCS”) at Case No. 3618392, which dismissed his informal complaint.

On August 21, 2018, PGW filed an Answer to the Complaint wherein it denied the material allegations of the Complaint and asked that the Complaint be dismissed.

The initial in-person hearing in this matter was convened, as scheduled, on October 17, 2018 before Administrative Law Judge Eranda Vero.

On March 5, 2019, Judge Vero issued her Initial Decision wherein she found that the Complainant had failed to carry his burden of proving that PGW violated a Commission statute, regulation or order when it concluded that theft of service had occurred and assessed charges related to that theft against him.

The Complainant filed Exceptions on April 1, 2019. PGW’s timely Reply Exceptions follow.

II. EXCEPTIONS AND PGW'S REPLY

Exceptions

Complainant's Exceptions are a generalized disagreement "with the decisions that were made" and a reiteration of the same arguments that were raised by the Complainant at the evidentiary hearing.

PGW's Reply Exceptions

The Exceptions fail to address any error in fact or law contained in the Initial Decision refuting the conclusion that the Complainant failed to sustain his burden of proving that PGW violated a Commission statute, regulation or order when it determined that there was theft of service for which the Complainant is responsible.

The Exceptions also fail to demonstrate that the Initial Decision is unsupported by substantial evidence.

The Complainant's Exceptions only make the same arguments and repeat the same mere assertions that were made during the hearing; arguments and assertions which do not hold up to any scrutiny when taken with the testimony that was proffered by the Complainant himself.

Mr. Ocasio acknowledged that he is the owner of the Service Address and that he lived there alone for the almost 15 years between when PGW terminated the gas service for non-payment in 2003 and when it abandoned the service in 2018.¹ While Mr. Ocasio testified, and still avers, that he simply did not need gas for that period of time because of his work and relationship situation, he has failed to provide any evidence or witnesses to support those claims and has not addressed the simple mechanics of how his household functioned without gas for a decade and a half when his house heater and water heater are both gas appliances. The Commission has recognized that "[r]esidential houses that are not heated during the winter season are at significant risk of negative consequences, such as ruptured water pipes that can contribute to structural damage and expensive repairs and restoration."² Mr. Ocasio offered no testimony regarding such things as how he kept his pipes from freezing, nor did he provide photographs of the alleged modifications he made to his gas water heater to make it run on

¹ Findings of Fact 3, 5, and 10.

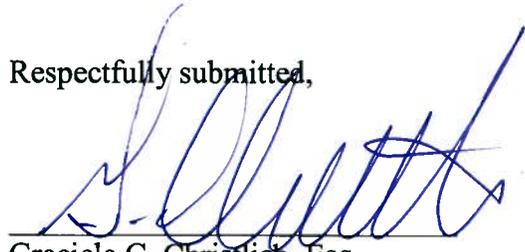
² *Geraldine Weston v. Philadelphia Gas Works*, C-2016-2524994, at p.11 (Order Entered May 18, 2018).

electric power. Finally, Mr. Ocasio's allegations that PGW did not conduct an investigation are belied by the record and are simply an attempt to draw attention away from his own actions.

III. CONCLUSION

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

Respectfully submitted,



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

July 15, 2019

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. Elvin Ocasio
5914 Palmetto Street
Philadelphia, PA 19120

July 15, 2019


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