



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

October 21, 2019

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

Re: Shari Palmer v. PGW, Docket No. F – 2019 – 3013070

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §§ 5.61 and 5.101, the Philadelphia Gas Works ("PGW") hereby files the original Preliminary Objections to the Complaint 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: Shari Palmer
Wendy Vacca

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Shari Palmer

v.

Philadelphia Gas Works

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Docket No. F-2019-3013070

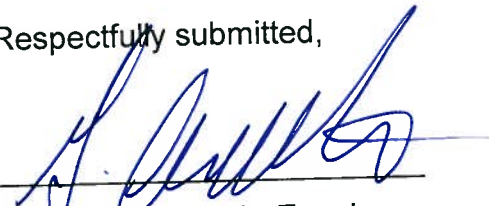
NOTICE TO PLEAD

To: **Shari Palmer, Complainant**

Pursuant to 52 Pa. Code § 5.101, you are hereby notified to file a written response to the enclosed Preliminary Objections and Motion to Strike, within ten (10) days from service hereof or you may be deemed to be in default and relevant facts stated in these pleadings may be deemed admitted and a judgment may be entered against you.

Respectfully submitted,

October 21, 2019


Graciela Christlieb, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6164

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Shari Palmer

v.

Philadelphia Gas Works

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Docket No. F-2019-3013070

Philadelphia Gas Works Preliminary Objections

Pursuant to 52 Pa. Code § 5.101, the Philadelphia Gas Works (“PGW”) hereby files its Preliminary Objections to the Complaint filed in the above captioned matter on the grounds that the Commission lacks jurisdiction over the subject matter of the Complaint as the issues raised in the Complaint are beyond the statute of limitations at 66 Pa.C.S. § 3314.

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

1. On March 16, 2012, the Complainant established service at 3047 Frankford Avenue, 1F, Philadelphia, PA.
2. On December 13, 2013, PGW visited the property and detected a metering issue that necessitated generating a bill for the Complainant for previously unbilled usage.
3. On January 2, 2014, PGW issued a bill for previously unbilled usage to the Complainant.
4. On January 29, 2014, the Complainant filed a dispute with PGW regarding the bill for previously unbilled usage.
5. On February 10, 2014, PGW closed the dispute and issued a letter to the Complainant stating that the bill was correct as rendered and explaining the circumstances necessitating the disputed bill.
6. On February 25, 2015, the Complainant contacted PGW to terminate gas service to 3047 Frankford Avenue, 1F, resulting in the gas service being taken out of her name as of that day.

7. On March 4, 2015, PGW issued a Final Bill for service at 3047 Frankford Avenue, 1F.

8. The statute of limitations at 66 Pa.C.S. § 3314 provides that no action for recovery of penalties or forfeitures, or any prosecution, may be maintained unless brought within three years from the date the liability arose.

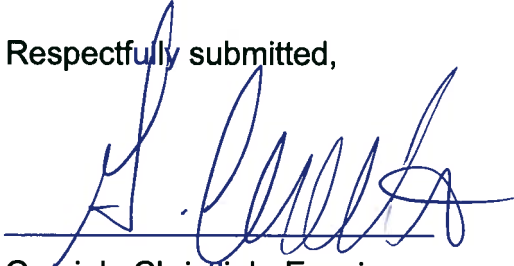
9. The statute of limitations at 66 Pa.C.S. § 3314 divests the Commission of jurisdiction to hear an action brought more than three years from the date the liability arose.

10. The Complainant has lost her right to pursue litigation regarding her gas bills for service at 3047 Frankford Avenue, as any cause of action falls outside the statute of limitations.

11. As the Commission is without jurisdiction to decide on matters falling outside of the statute of limitations, the Complaint should be dismissed and the Complainant's request for relief deemed "impertinent matter" within the use and meaning of 52 Pa. Code §5.101(a) (2), and be stricken from the Complaint.

Wherefore, PGW respectfully requests that this Commission sustain PGW's preliminary objections and dismiss the Complaint for lack of jurisdiction.

Respectfully submitted,



Graciela Christlieb, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6164

October 21, 2019

VERIFICATION

I, Graciela Christlieb, 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 Motion 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.

October 21, 2019



Graciela Christlieb, 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).

For Complainant:

Ms. Shari Palmer
4526 North 12th Street
Philadelphia, PA 19140

October 21, 2019



Graciela Christlieb, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6164