



PHILADELPHIA GAS WORKS

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December 31, 2019

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

Re: Evelyn Rhoads v. PGW, Docket No. C – 2019 – 3014863

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: Evelyn Rhoads

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------|---|----------------------------------|
| Evelyn Rhoads | : | |
| <i>Complainant</i> | : | |
| | : | |
| | : | |
| v. | : | Docket No. C-2019-3014863 |
| | : | |
| Philadelphia Gas Works | : | |
| <i>Respondent</i> | : | |

NOTICE TO PLEAD

To: Evelyn Rhoads,

Pursuant to 52 Pa. Code §5.101, you are hereby notified to file a written response to the enclosed Preliminary Objections, 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,



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

December 31, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
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| Evelyn Rhoads | : | |
| <i>Complainant</i> | : | |
| | : | |
| | : | |
| v. | : | Docket No. C-2019-3014863 |
| | : | |
| Philadelphia Gas Works | : | |
| <i>Respondent</i> | : | |

**Preliminary Objections of Philadelphia Gas Works
to the Complaint of Evelyn Rhoads**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Philadelphia Gas Works (“PGW”) by and through its counsel, Graciela Christlieb, hereby files Preliminary Objections to the Formal Complaint of Evelyn Rhoads (“Complainant”) pursuant to Section 701 of the Public Utility Code (“Code”), 66 Pa. C.S. §701, and pursuant to Sections 5.101(a)(1) & (4) and 5.22 of the Pennsylvania Public Utility Commission (“Commission” or “PUC”) Regulations, 52 Pa. Code §§5.101(a)(1) & (4) and 5.22, and in support thereof states as follows:

I. Preliminary Objections

1. These Preliminary Objections request the dismissal of the instant Complaint because it is legally insufficient as a matter of law and requests, as relief, monetary damages, which the Commission is without jurisdiction to award. Complainant has failed to claim, as required by Section 701 of the Code, that PGW has taken any action or failed to take an action in violation of the Code or a Commission Regulation or Order. Further, the instant Complaint should be dismissed because the Complainant is seeking monetary damages in a forum that is not empowered to grant such relief.

2. The averments contained in PGW’s Answer and New Matter are incorporated herein as if fully set forth.

3. In her Complaint, the Complainant states, “My basement was flooded during installation of new gas lines on 8/23/19. Danella companies inc. installed the gas

main for PGW under contract D-2019-02-LG-G.” The Complainant neither alleges that PGW incorrectly charged her in any way nor that PGW’s gas service was unreasonable, inadequate, or in any way contrary to the provisions of applicable laws or regulations. Rather, the Complainant points out that the work was performed by Danella Companies, Inc. (“Danella”) and the attachments included with her Complaint indicate that PGW responded to her inquiries with the information she would need to pursue her complaint against Danella.

4. The instant Complaint fails to state “[t]he act or omission being complained of” with respect to PGW as is required by Section 5.22(a)(5) of Commission regulations. The averments in the Complaint substantively and wholly concern the actions of Danella. The Complainant does not allege any facts that would implicate PGW in any manner nor does it state how the issues involved pertain to the applicable Code, rules, or regulations as opposed to possibly giving rise to a private cause of action in tort against Danella.

5. The Commission is granted discretion to dismiss a complaint without a hearing if a hearing is not necessary or in the public interest. 66 Pa. C.S. §703(b); 52 Pa. Code §5.21(d). Because a hearing in this case is not necessary, as there is no way it will result in the gaining the Complainant the relief she seeks, or in the public interest, as it would be a poor use of time a resources, the Complaint should be dismissed.

II. Conclusion

WHEREFORE, PGW requests that the Commission sustain its Preliminary Objections and dismiss the Complaint.

Respectfully submitted,



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

December 31, 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 Preliminary Objections 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.

December 31, 2019



Graciela Christlieb, Esquire

CERTIFICATE OF SERVICE

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

Service List:

For Complainant:

Ms. Evelyn Rhoads
1517 E. Montgomery Ave.
Philadelphia, PA 19125

December 31, 2019

A handwritten signature in blue ink, appearing to read 'G. Christlieb', is written over a horizontal line.

Graciela Christlieb, Esquire
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Philadelphia, PA 19122
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