



PHILADELPHIA GAS WORKS

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October 5, 2020

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Marquitta Burton v. Philadelphia Gas Works, Docket No. C-2019-3013304

Dear Secretary Chiavetta:

Enclosed for filing is Philadelphia Gas Works' Reply to the Exceptions of the Complainant, Marquitta Burton submitted pursuant to 52 Pa. Code § 5.535 and the Secretarial Letter dated September 23, 2020. This document has been served on the parties in accordance with the attached Certificate of Service.

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

Very truly yours,

/s/ Graciela Christlieb, Esq.

cc: Marquitta Burton

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Marquitta Burton	:	
Complainant	:	
v.	:	Docket No. C-2019-3013304
	:	
Philadelphia Gas Works	:	
Respondent	:	

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

Pursuant to 52 Pa. Code §5.535, and the Secretarial Letter dated September 23, 2020, the Philadelphia Gas Works, (“PGW”) hereby files its reply to the Complainant’s exceptions to the Initial Decision issued on May 1, 2020.

I. INTRODUCTION

On September 23, 2019, the Complainant, Marquitta Burton (“Ms. Burton” or “Complainant”), filed a Complaint with the Pennsylvania Public Utility Commission (“Commission” or “PUC”) against PGW wherein she requested a payment arrangement.

The initial telephonic hearing in this matter was convened, as scheduled, on December 12, 2019 before Special Agent Kailey Maguire. Complainant appeared *pro se* and did not offer any exhibits into the record. PGW presented one witness and sponsored three exhibits that were admitted into the record.

On May 1, 2020, Special Agent Maguire issued her Initial Decision in the above captioned matter wherein she found that Complainant had failed to carry her burden of proving that she was entitled to a second Commission-issued payment arrangement or an extension of her prior one.

The Complainant filed exceptions on May 6, 2020, but failed to serve PGW. On September 23, 2020, the Commission served PGW with the Complainant’s exceptions. PGW’s reply follows.

II. EXCEPTIONS AND PGW’S REPLY

Exceptions

Complainant alleges that Special Agent Maguire erred in finding that she did not meet any of the four criteria that would make her eligible for an extension of her prior Commission issued payment arrangement due to a change in circumstances. In support of her allegation, Complainant states that her

youngest son was born after the Commission issued her 2015 payment arrangement, so she now has two minors under her care instead of just one. Complainant also argues that her income has changed as she is no longer receiving unemployment compensation.

Reply

The exceptions fail to refute the conclusion that the Complainant failed to sustain her burden of proving that she was entitled to a second Commission-issued payment arrangement or an extension of her prior one. While Complainant may have had an additional child since 2015, her exception fails to take into account that “dependent” has been defined by the Commission as someone who is dependent on the customer for utility service. *Parrish v. Pa. Power Company*, Docket No. F-2018-3000956 (Order entered March 7, 2019) and encompasses more than just minors. In 2015 the Complainant had two dependents, an adult and a minor (PGW Exhibit 3, p.1). The record in this case indicates that the Complainant *still* has two dependents, two minors (PGW Exhibit 3, p.6). In short, The Complainant’s household size hasn’t changed since 2015. The Complainant’s assertion that her income has changed is not an exception so much as it is an impermissible attempt to introduce evidence after the close of the record and should not be considered here.

III. CONCLUSION

For the reasons stated above, the PGW requests that the Commission deny Complainant’s Exceptions and adopt the Initial Decision issued on May 1, 2020 as written.

Respectfully submitted,

October 5, 2020

/s/ Graciela Christlieb

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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 via Email:

Marquitta Burton
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October 5, 2020

/s/ Graciela Christlieb

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