



PHILADELPHIA GAS WORKS

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April 1, 2021

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

Re: Leslie Griggs v. PGW; Docket No. F-2020-3021754

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.535, and the Secretary's letter dated March 22, 2021, the Philadelphia Gas Works hereby files its Reply to the Exceptions of the Complainant 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,

/s/ Laureto Farinas

Laureto Farinas, Esq.

Enclosure

cc: Leslie Griggs

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Leslie Griggs,	:
Complaint	:
v.	: Docket No. F-2020-3021754
	:
Philadelphia Gas Works,	:
Respondent	:

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

Pursuant to 52 Pa. Code §5.535, and the Secretary’s letter dated March 22, 2021 in the above captioned matter serving the Complainant’s exceptions upon the Philadelphia Gas Works, (“PGW”), PGW hereby files its reply to the Complainant’s exceptions (“Exceptions”), to the Initial Decision issued March 3, 2021, in the above captioned matter (“Initial Decision”) which denies the Complaint as the Complainant failed to meet her burden of proving that PGW erred in transferring the balance from a previous account to her current account for gas service to 7120 Lawndale Avenue, Philadelphia, Pennsylvania (“Service Address”).

I. History of the Proceeding

The Complainant, Leslie Griggs dba (the “Complainant”) has filed Exceptions with the Commission to the Initial Decision in the above captioned matter that dismisses the Complainant’s formal Complaint as the Complainant failed to carry her burden of proof with respect to the averments in her complaint.

On September 3, 2020, the Complainant filed a formal complaint against PGW with the Commission alleging that there were incorrect charges on her bill. The Complainant asserts that she did not reside at the (“Service Address”) and was not responsible for any outstanding balance. The Complainant requested that the charges be removed from her account. The Complaint is an appeal of the decision issued by the Commission’s Bureau of Consumer Services at BCS Case No. 3754177.

PGW filed a timely Answer to the Complaint denying all material allegations of fact and conclusions of law in the Complaint.

By notice dated September 29, 2020, the Commission scheduled an Initial Telephonic Hearing of the matter for August 13, 2020 before Administrative Law Judge Marta Guhl (“ALJ”). The hearing convened on November 18, 2020 as scheduled.

On March 3, 2021, the Commission issued the Initial Decision dismissing the Complaint.

On or about March 21, 2021, the Complainant filed Exceptions pursuant to 52 Pa. Code §5.535 but failed to serve PGW with a copy of the Exceptions.

Pursuant to the Secretary’s letter dated March 22, 2021, PGW was served a copy of the Complainant’s exceptions. PGW replies timely as follows.

II. **PGW’S Reply to Exceptions**

The Complainants’ exceptions re-state the arguments made at the hearing of this matter and essentially state that the Complainant:

[1] Did not call PGW to open an account in her name and,

[2] Did not want the transfer of the balance of the account of her deceased husband.

The exceptions fail to point to evidence of record that reasonably supports the further order of relief. The Public Utility Code, 66 Pa.C.S.A. § 332(a), places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S.A. § 332(a).

To establish a sufficient case and satisfy the burden of proof, complainant must show that the respondent public utility is responsible or accountable for the problem described in the Complaint. *Patterson v. Bell Telephone Co. of Pa.*, 72 Pa.P.U.C. 196 (1990), *Feinstein v. Philadelphia Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm’n*, 578 A.2d 600, 602 (Pa.Cmwlt. 1990), alloc. den., 602 A.2d 863 (Pa. 1992). That is, by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950).

The Initial Decision finds that PGW was entitled to transfer the balance from her late husband's account at the Service Address as the Complainant was not able to prove that she resided at another location for the disputed period from January 2016 through November 2019.¹

The Exceptions fail to point to any error in fact or law in the Initial Decision that would support the Commission's reversal or modification of the Initial Decision. The record evidence reflects that the Complainant is associated with the Service Address pursuant to 66 Pa. C.S. §§1403 and 1407.²

Even in her late filed exhibits, the Complainant failed to provide persuasive evidence showing clearly lived at an address different from the Service Address for the disputed period January 2016 through November 2019.³

The statements contained in the exceptions that seek to rebut the business documents and or testimony of PGW's witness have no bearing on the issue concerning PGW's ability to transfer the balance of her late husband's account to the Complainant's PGW account for the Service Address.

Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa.Cmwlt. 1982); *Edan Transportation Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa.Cmwlt. 1993); 2 Pa.C.S. § 704. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk and Western Ry. v. Pa. Pub. Util. Comm'n*, 489 Pa. 109, 413 A.2d 1037 (1980); *Erie Resistor Corp. v. Unemployment Compensation Bd. of Review*, 194 Pa.Super. 278, 166 A.2d 96 (1960); *Murphy v. Commonwealth, Dep't of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa.Cmwlt. 1984).

¹ Initial Decision, p. 6

² Initial Decision, p.7

³ Initial Decision, p. 7, Complainant's Late Filed Exhibit No. 5

III. CONCLUSION

For the reasons stated above, PGW requests that the Commission deny the Complainant's Exceptions in this matter and issue a Final Order adopting the Initial Decision as written.

Respectfully submitted,

April 1, 2021

s/s
Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

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:

**Ms. Leslie Griggs dba
7120 Lawndale Avenue
Phila., PA 19111**

email: rarestdiamondclub@gmail.com

April 1, 2021

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