



PHILADELPHIA GAS WORKS

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Danielle Leva, Paralegal
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December 8, 2021

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

Re: Derek Rodenbeck v. PGW, Docket No. F – 2021 – 3028041

Dear Secretary Chiavetta:

The Philadelphia Gas Works (PGW) files a Motion for Continuance of Hearing in the above captioned matter.

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

Sincerely,

/s/ Danielle Leva

Enclosure

cc: Derek Rodenbeck (DEREKRODENBECK@GMAIL.COM)
Administrative Law Judge Christopher Pell (Email)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Derek Rodenbeck,	:	
Complainant	:	
v.	:	Docket No. F-2021-3028041
	:	
Philadelphia Gas Works,	:	
Respondent	:	

PGW's Motion for a Continuance

Pursuant to 52 Pa. Code §1.15(b), the Respondent, Philadelphia Gas Works (PGW) hereby requests that the Commission grant a second continuance in this matter of the Call-In Telephonic Hearing scheduled for 10:00 a.m. on December 15, 2021 to enable PGW to answer the Complainant's Amended Complaint served upon PGW on December 1, 2021.

In support of its motion, PGW states as follows:

1. On or about August 26, 2021, PGW was served with the Complaint filed in the above captioned matter, which is a dispute of charges of \$727.89 for gas service for the period from May 29, 2017 through April 18, 2018 provided to 4127 Cresson Street, 2R, Philadelphia, Pennsylvania ("Service Address").

2. On September 15, 2021, PGW filed its Answer to the Complaint averring that the charges for gas service are correct as rendered and that the Complainant received gas service without being a customer of record.

3. By the Commission's Notice dated September 17, 2021, this matter had been set for an Initial Call-in Telephonic Hearing to be held on November 3, 2021.

4. On or about October 27, 2021, the Complainant filed an amendment to the Complaint, a copy of which is labeled Appendix "A" and is attached hereto.

5. On November 3, 2021, the presiding administrative law judge began the hearing as scheduled but called a recess, providing the parties with an opportunity to discuss factual issues and possible settlement of the matter through the provision of additional documentation.

6. During the settlement discussion the Complainant requested additional account

information related to issues that were not introduced in the original complaint. The Complainant was instructed to reduce those request in writing provide them to PGW as these were in the nature of discovery. To date, the Complainant has not requested the additional information in writing.

7. On November 3, 2021, the Complainant requested a continuance, to which PGW did not object, so that the parties might exchange and review information that could lead to the settlement of the matter.

8. By notice dated November 3, 2021, the Commission scheduled the Call-in Telephonic Hearing of this matter to be held on Wednesday, December 15, 2021.

9. On December 1, 2021, PGW provided to the Complainant meter reading records that were the subject of the settlement discussion on November 3, 2021.

10. To date, the Complainant has not submitted information that would confirm that he lived at another address for any portion of the period of gas use that is in dispute.

11. On December 1, 2021, the Commission served the Amended Complaint upon PGW with a cover letter instructing PGW to file an Answer to the Amended Complaint by December 21, 2021.

12. The issues raised in the Amended Complaint arise from and are related to the PGW's issuance of the disputed bill but broaden the scope of that dispute.

13. PGW is investigating and drafting a response to the Amended Complaint that will be filed by December 21, 2021.

14. There will be a change in counsel for PGW, as PGW's original counsel of records will retire from PGW at the end of 2021. Thereafter, PGW will be represented by another PGW attorney.

15. Administrative efficiency and economy would be best served if the issues contained in the both the original and amended complaint are examined at the same hearing.

16. A continuance of the December 15, 2021 hearing will provide the Complainant more time to search personal records showing where he lived after moving from the Service Address as well as giving both parties time to discuss settlement of the matter.

17. PGW has telephoned the Complainant at the designated telephone number on December 1, 2021 and on December 8, 2021 to ask if they would object to the request

for a continuance for the reasons stated herein. PGW has not received a response.

18. There is no immediate harm to either party in the grant of a second continuance of this matter in order to respond to the Amended Complaint.

19. Therefore, PGW has shown that there is just cause for the granting of this request for a continuance.

WHEREFORE, PGW requests that the Call-In Telephonic Hearing of this matter scheduled for Wednesday, December 15, 2021 at 10:00 a.m. before Administrative Law Judge Christopher Pell be continued to a new date for reasons stated herein.

Respectfully submitted,

December 8, 2021

/s/ Laureto Farinas
Laureto Farinas, Esquire
Attorney I.D. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

APPENDIX “A”



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

December 1, 2021

F-2021-3028041

LAURETO FARINAS ESQUIRE
PHILADELPHIA GAS WORKS
800 W MONTGOMERY AVE
PHILADELPHIA PA 19122-2898

DEREK RODENBECK
v.
PHILADELPHIA GAS WORK

Dear Sir/Madam:

Attached is a copy of an amended complaint filed on behalf of the complainant in the above titled proceeding.

Such answer as you desire to make to the amended complaint should be filed in this Office and served upon the complainant within twenty days from receipt of this letter.

Very truly yours,

Rosemary Chiavetta
Secretary

cc: File

JHT

AMENDED COMPLAINT

RECEIVED
OCT 27 2021
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

A. REASON FOR COMPLAINT

This complaint is being filed to dispute the bill of \$733.98 from the Philadelphia Gas Works (“PGW”) for the alleged use of utility service at 4127 Cresson Street, Apt 2R from May 26, 2017 to April 18, 2018. I was a tenant of the property and vacated the premises on November 15, 2017.

i. No “Services Rendered” After November 15, 2017

On 5/26/2017, I called to activate service in my name at 4127 Cresson Street (“the Property”) See Decision of Informal Complaint by the Public Utility Commission (hereinafter “PUC Decision”) at ¶ 1. On 5/29/2017, a PGW technician visited the Property to exchange the meter and complete the turn on. PUC Decision at ¶ 2. The PGW technician was unable to gain access to the Property, and informed me that a PGW technician would return at a later date.¹ A PGW technician never returned to “turn on” my service.

I called PGW the week of November 15, 2017, and vacated the Property on 11/15/2017 and opened up service with PGW for a new address.² During the time I lived at the Property, I didn’t receive a single bill or estimate.³ In fact, I did not receive a single notice of services rendered or of an outstanding bill until November 12, 2020⁴ – *three years after* I vacated the Property. To this day, I still have not received a “clear and concise” bill from PGW, as is my right.⁵ Given that I did not reside at the Property

¹ This is a fact in dispute of the PUC Decision’s Findings, which erroneously represented that I requested to reschedule because I did not have access to the basement, suggesting the burden was on me to call PGW to initiate the meter exchange. See PUC Decision at ¶2. This was not the case. I was told that a technician would return at another time. I was never informed I had to request a new appointment.

² PGW informed me that this new service was opened under my wife’s name, however we both lived at this new address, and both names are on the lease. We were paying for PGW’s services at this new address through a joint checking account, where my name is listed as the primary account holder.

³ PGW is in violation of their own Rules & Regulations, which states I have a right to receive a bill for my utility service every month. See PA Public Utility Commission Guide, “Your Rights and Responsibilities as a Utility Consumer,” at p. 5.

⁴ This first notice did not even come from PGW. Instead, it was through a third-party collection agency that I was informed, *for the first time*, that PGW was seeking payment on an outstanding bill.

⁵ See PA Public Utility Commission Guide, “Your Rights and Responsibilities as a Utility Consumer,” at p. 2.

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after 11/15/2017, I am not responsible for “services rendered” from 11/15/2017 through 4/18/2018.⁶ 52 Pa. code §56.16.

ii. PGW Violated My Rights as a Utility Consumer

PGW consistently violated my rights as a utility consumer and failed to uphold its responsibilities.

First, PGW was under an obligation to make “a reasonable attempt to obtain meter access” and if it wasn’t able to do so “service [should] be discontinued with an estimated meter reading upon which the final bill will be based.” 52 Pa. code §56.16(a). Therefore, assuming *arguendo*, that PGW was not notified that I vacated the Property (though it was) until the next ratepayer called in on 4/18/2018, it was still obligated to obtain meter access within a “reasonable time.”⁷ Instead, PGW waited *over two years* to conduct its Automatic Meter Reading turn on for the Property upon which the \$733.98 bill is based. *See* PUC Decision ¶¶ 6-8.

Second, as explained in the preceding section, PGW has never to this day sent me a bill outlining the charges, purported usage, or meter readings. *See* PA Public Utility Commission Guide, “Your Rights and Responsibilities as a Utility Consumer,” at pp. 2, 5-6 (explaining how the utility company is required to provide a “clear and concise bill” and explaining how a customer should analyze the bill’s meter reading and usage). Without a bill explaining my charges, I have no way of knowing what I am being billed for. For instance, were late fees added on? Was the usage accurately calculated? Was this the correct address that they conducted the meter reading on?⁸

⁶ The PUC Decision lists the date the next ratepayer called in as both 4/8/2020 (*see* Statement of Complaint, page 1) and 4/18/2020 (*see* ¶3). It is unclear which is correct, as I was not residing at the Property since November 2017.

⁷ As stated *supra*, I called PGW the week of November 15, 2017 to terminate service starting December 1, 2017.

⁸ This is a legitimate question since when I called PGW on February 8, 2021 to find out why I had never received a response from PGW regarding the dispute I reported on November 13, 2020, the PGW representative I spoke with stated the address as issue was “454 E. Collom Street,” an address that I have never resided at nor have any connection to.

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Third, pursuant to 52 Pa. Code § 56.14(1), when a public utility like PGW bills for previously unbilled utility service resulting from public utility billing error, as is the case here, the utility is required to (1) “explain the bill to the customer” and (2) “make a reasonable attempt to amortize the bill.” PGW has done neither of those things. As discussed *supra*, I have never received a “clear and concise bill” let alone an explanation of what my bill entails. Additionally, PGW has made no attempt to amortize my bill. PGW claims that the bill has to be “paid in full because [my] account is closed . . . [and I] am no longer a customer with an active service account.” PUC Decision ¶ 10. Yet if PGW hadn’t waited over three years to send me a bill, I would still have been an active customer. Moreover, PGW nor the PUC Decision cites any authority for this requirement.

Despite failing to abide by its responsibilities, PGW now demands that I pay for five months’ worth of services that I never “rendered,” without a bill or explanation of the \$733.98 I purportedly owe. This cannot be so and I dispute this bill.

iii. PGW Reported an Invalid Debt to Collections During this Complaint Process Violating PUC Rules & Causing Undue Damage to My Credit Score

Beginning in January 2021, PGW, through various collection bureaus, harassed me with relentless robocalls—including over eight calls in a single day—even though PGW still had yet to send me a single bill.⁹ Even after I filed my informal complaint on March 3, 2021, I continued to receive these robocalls,¹⁰ as well as threats by PGW to collect on the alleged debt—and despite, still, never having received a single bill from PGW.¹¹

⁹ Beginning on January 28, 2021, I received an influx of robocalls from Radius Global Solutions, Pinnacle Financial Group, including but not limited to, calls dated February 5, February 11, February 22, February 26, March 5, It wasn’t until February 25, 2021 that I was first notified in writing of the collection attempt, when I received the first collection agency referral notice from PGW.

¹⁰ On March 5, 2021, I received a call from Pinnacle Financial Group.

¹¹ Dated June 7, 2021, PGW sent its second Collection Agency Referral Notice threatening to refer me to a collection agency if I didn’t make full payment of the alleged debt.

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After filing my formal complaint on June 22, 2021, and well within the window of the appeals process, PGW sent my alleged “debt” to collection bureau Radius Global Solutions (“Radius”).¹² PGW’s consistent harassment and attempt to collect on this disputed bill stands in direct conflict with my rights and PGW’s obligation per the PUC; I am not obligated to pay disputed debt until the resolution of this appeal.¹³ See PUC Decision at p. 1 (stating that “you must pay all *undisputed* bills (ones that are *not* part of your complaint)”) (emphasis added). PGW’s failure to abide by its obligations has unduly damaged my credit score, just another in a series of PGW infractions, as corroborated by the PUC investigator.¹⁴

iv. PGW Continued to Fail to Send a Clear & Concise Bill

On September 13, 2021, after it already had sent me to collections for \$733, PGW sent me its first bill outlining my purported charges and usage and demanding payment of \$727.89. The bill provides a billing date of August 21, 2021, and lists the service date range as April 16, 2018 through April 14, 2018. First, as indicated previously, I did not live at the service address during that date range. Second, this bill is certainly not a “clear and concise” bill depicting how PGW calculated the \$727.89. For instance, it lists a “past due” amount of \$725.56, but I don’t know service dates, usage rates, etc.

My requested relief is delineated in Section B on the following page.

B. REQUESTED RELIEF

I request that the alleged bill be dismissed and PGW ceases all communication with me.

¹² I never received a debt validation letter or any other notification from Radius or PGW about the collection. I only discovered this on July 22, 2021, because of a notification via Credit Karma that stated Radius was attempting to collect for a balance of \$733.00 per the “original creditor, PGW.”

¹³ In addition to the July 22, 2021 notification that PGW had reported my debt, I received a collection notification from “Diversified Adjustment Service” for a balance of \$733.98. I sent a letter to Diversified on November 12, 2020 disputing the debt. I received two “Collection Agency Referral Notices” from PGW on February 25, 2021 and June 12, 2021 stating that PGW will take action “to refer [my] account to a collection agency unless you make full payment upon receipt of this notice.”

¹⁴ In an email to me, dated June 14, 2021, PUC Investigator John Austin stated he cited PGW for multiple infractions, including “fail[ure] to render a bill once every billing period,” “poor company practices,” “[no] utility report mailed to customer.”

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I further request that PGW immediately contact Radius Global Solutions and demand that this invalid debt be canceled, and pay the damages I've incurred as a result of my lowered credit score.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 North Street, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE
PHONE: 717-772-7777

JUNE 25, 2021

BCS CASE: 3781079

DEREK RODENBECK
113 ELLISON LOOP
LUDLOW VT 05149

Dear Sir/Madam:

We have received your request to appeal the decision of the Bureau of Consumer Services. Please find attached a formal complaint form for you to complete. Please read the instructions carefully and answer all the questions on the form. If deficient, your complaint may be rejected or delayed. You are required to provide all contact information – mailing address, all telephone numbers where you can be reached, and an email address.

When completed, sign and date the form. Due to the Covid-19 emergency, the Commission has limited access to mail delivery. You may file your formal complaint by one of these ways: 1) emailing your formal complaint to RA-PCAppeals@pa.gov OR 2) fax to 717-787-8641 OR 3) mail the form by overnight delivery.

If filing by mail, please use this address to send by overnight delivery, certified or priority mail, and retain the tracking information as proof of submission:

Secretary
Pennsylvania Public Utility Commission
400 North Street, Commonwealth Keystone Building, 2nd floor
Harrisburg, PA 17120

The form must be received by the Secretary on or before: JULY 26, 2021

While you wait for the Commission to reach a decision on your complaint, you must pay all undisputed bills (ones that are not a part of your complaint). If you pay all undisputed bills and return this formal complaint form to us on time, the company is not permitted to terminate your service.

Commission Procedures for Formal Complaints

- We will send a copy of this letter to the company, so they know you are appealing. Once you file your formal complaint, we will serve the complaint on the company.
 - The company will then have twenty (20) days from the date they are served to file an answer to your complaint with my office. The company must send you a copy of their answer.
 - The complaint and answer are then assigned to the Office of Administrative Law Judge. The Judge will schedule a hearing and send you a notice setting a hearing date. You are responsible to save all information that comes from the Judge.
- Meanwhile, you and the company may try to resolve your complaint before the hearing.
- It can take three to six months until a hearing is scheduled after you file the formal complaint. During the pandemic emergency, ALL hearings are being held telephonically.

Sincerely,

Rosemary Chlavetta
Secretary

RC: JAV

cc: PHILADELPHIA GAS WORKS
Revised April 2021

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an Informal complaint.*

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. (Failure to provide this information can cause your complaint to be rejected or delayed). It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Derek Rodenbeck

Street/P.O. Box 59 Westvale Drive Apt # _____

City Concord State MA Zip 01742

County _____

Telephone Number(s) (REQUIRED) Where We Can Contact You During the Day:

(484) 340-7241 (home) (484) 340-7241 (mobile)

E-mail Address (REQUIRED): derekrodenbeck@gmail.com

Utility Account Number (from your bill) 0716093198

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name Derek Rodenbeck

Street/P.O. Box 4127 Cresson Street, Apt 2R

City Philadelphia State PA Zip 19146

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | |
|---|---|
| <input type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER |
| <input checked="" type="checkbox"/> GAS | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> WATER | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> STEAM HEAT | |

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain).
This is an Amended Complaint.
Please see Section A "Reason for Complaint" in the attached document
-

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

Please see Section B to the Amended Complaint in the attached document.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)/ Domestic Violence

Has a court granted you a "Protection From Abuse" order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order or any other order for your personal safety or welfare?

YES
NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES
NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES appeal
NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

n/a

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

VERIFICATION

I, Laureto Farinas, 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 Answer 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.

Dated: December 8, 2021

/s/ Laureto Farinas
Laureto Farinas, 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, BY REGULAR MAIL IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS.

Service List:

For the Commission:
Administrative Law Judge Christopher Pell
Pennsylvania Public Utility Commission
Suite 4063
801 Market Street
Philadelphia, PA 19107
(by email)

For Complainant:

Mr. Derek Rodenbeck (email: DEREKRODENBECK@GMAIL.COM)
113 Ellison Loop
Ludlow, VT 05149

December 8, 2021

/s/ Laureto Farinas
Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982