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December 14, 2021

Via Email

Honorable Eranda Vero
Office of Administrative Law Judge
Philadelphia District Office
Pennsylvania Public Utility Commission
801 Market Street
Philadelphia PA 19107
evero@pa.gov

RE: *SBG Management Services, Inc./Simon Garden Realty Co., L.P. v. PGW*; Docket No. C-2015-2486642; *SBG Management Services, Inc./Colonial Garden Realty Co., L.P. v. PGW*; Docket No. C-2015-2486677; *SBG Management Services, Inc./Elrea Garden Realty Co., L.P. v. PGW*; Docket No. C-2015-2486674; *SBG Management Services, Inc./Fern Rock Gardens Realty Co., L.P. v. PGW*; Docket No. C-2015-2486670; *SBG Management Services, Inc./Fairmont Manor Realty Co., L.P. v. PGW*; Docket No. C-2015-2486664; *SBG Management Services, Inc./Oak Lane Realty Co., L.P. v. PGW*; Docket No. C-2015-2486655; *SBG Management Services, Inc./Marchwood Realty Co., L.P. v. PGW*; Docket No. C-2015-2486648 ; and ; *SBG Management Services, Inc./Marshall Square Realty Co., L.P. v. PGW*; Docket No. C-2015-2486618;

Dear Judge Vero:

This letter contains brief updates related to the above-described complaints (the “2015 complaints”).

The Remand Before The Commonwealth Court

Consistent with the order of the Pennsylvania Supreme Court,¹ the Commonwealth Court has scheduled a tentative argument date in February 2022² for consideration of outstanding issues

¹ The Supreme Court issued an Opinion and Order on April 29, 2021. *PGW v. PUC*, 249 A.3d 963 (Pa. Apr. 29, 2021), 2021 Pa. LEXIS 1878, 2021 WL 1681311. Upon reconsideration, the Supreme Court modified that Order, as noted in the email (of June 22, 2021) from Laureto Farinas, to remand outstanding issues to the Commonwealth Court. See 256 A.3d 1092 (Table); 2021 Pa. LEXIS 2905; That email also attached a copy of the Reconsideration Order of the Pennsylvania Supreme Court.

² Commonwealth Court Docket No. 1291 CD 2018.

regarding the decision of the Pennsylvania Supreme Court (*PGW v. PUC*, 249 A.3d 963 (Pa. 2021)).

Philadelphia Gas Works (“PGW”) continues to submit, consistent with PGW’s prior status report (of July 6, 2021³), that litigation on the above-described 2015 complaints should continue to be stayed pending the final disposition of the appellate proceedings before the Courts. Once the appellate proceedings are concluded, a pre-hearing conference should be scheduled to determine how to resolve the remaining issues before the Commission. As we have stated previously, the “partial payments” issue was not subject to the referenced appeal.

Reapplication of Partial Payments

PGW is working on an accounting to show the reapplication of partial payments in accordance with the Commission’s Order. It has taken more time than initially anticipated because the above-described complaints relate to a combined total of 29 accounts. PGW believes that the accounting for said accounts will be completed by January 31, 2022. We will keep you posted on PGW’s progress.

Civil Litigation By The Complainants

PGW notes that the Complainants (and others) have commenced a civil action against PGW in the Philadelphia Court of Common Pleas.⁴ On its face, that civil action asserts causes of action — under their view of the decision of the Pennsylvania Supreme Court (*PGW v. PUC*, 249 A.3d 963 (Pa. 2021) — seeking damages based on the amounts paid by them to satisfy the judgments (docketed municipal liens) against them for unpaid gas service. PGW has filed preliminary objections to that civil action, which have not been decided by the Philadelphia Court of Common Pleas as of the date of this letter.

In PGW’s view, the issues raised in this civil litigation are identical to those raised by the Complainants in the above captioned PUC proceeding with respect to liens and their effect on legally permissible late payment charge levels. The civil action does not impact the partial payment issue on the 2015 complaints.

If you have any questions, please contact either Dan Clearfield (dclearfield@eckertseamans.com; 717-237-7173) or me at your convenience.

³ <https://www.puc.pa.gov/pcdocs/1710697.pdf>.

⁴ Philadelphia Common Pleas, April Term 2021, No. 02801.

Sincerely,

/s/ Carl R. Shultz

Carl R. Shultz
CS/jls

cc: Rosemary Chiavetta, Secretary (via e-file only)
Certificate of Service (via email only)