



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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**Graciela Christlieb, Senior Attorney**  
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June 30, 2022

**VIA ELECTRONIC FILING**

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

Re: Dawn Graham v. Philadelphia Gas Works; Docket No. C-2022-3032494

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' Motion for Judgment on the Pleadings with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire

Enclosure

cc: Cert. of Service w/enc.

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Philadelphia Gas Works' Motion for Judgement on the Pleadings upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

**Via Email Only**

Dawn Graham

[dawn456@msn.com](mailto:dawn456@msn.com)

Date: June 30, 2022

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dawn Graham,	:	
Complainant,	:	
v.	:	Docket No. C-2022-3032494
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

**NOTICE TO PLEAD**

**To:** Dawn Graham  
[dawn456@msn.com](mailto:dawn456@msn.com)

Pursuant to Pa. Code § 5.63, you are hereby notified that any response to the enclosed Motion for Judgement on the Pleadings of Philadelphia Gas Works in the above captioned matter must be filed within twenty (20) days of the date of service of this Notice.

All pleadings, such as a Reply to New Matter, must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for PGW and, when applicable, the Administrative Law Judge presiding over the proceeding. Failure to file a timely response to this Motion for Judgement on the Pleadings may result in relevant facts stated in the Motion for Judgement on the Pleadings being deemed admitted, thereby requiring no other proof.

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
[graciela.christlieb@pgworks.com](mailto:graciela.christlieb@pgworks.com)

Date: June 30, 2022

Counsel for PGW

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dawn Graham,	:	
Complainant,	:	
v.	:	Docket No. C-2022-3032494
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

**MOTION FOR JUDGEMENT ON THE PLEADINGS OF  
PHILADELPHIA GAS WORKS IN THE COMPLAINT OF DAWN GRAHAM**

AND NOW, Philadelphia Gas Works (“PGW” or “Respondent”), pursuant to 52 Pa. Code § 5.102, submits the following Motion for Judgement on the Pleadings seeking dismissal, with prejudice, of the Formal Complaint filed by Dawn Graham (“Complainant”) served by the Secretary of the Pennsylvania Public Utility Commission (“Commission” or “PUC”) on May 17, 2022 (“Complaint”). A hearing in this case is unnecessary as even if all of the averments in the Complainant are proven, those facts do not set forth a claim for which relief can be granted. Complainant’s occupation of the property is unlawful and has obtained service through fraud and deception; as such, she is not entitled to the relief sought. In support of this Motion, PGW avers as follows:

1. PGW is currently providing residential natural gas service to 315 North 54<sup>th</sup> Street (“Service Address”).
2. On May 17, 2022, Complainant filed a Formal Complaint alleging, *inter alia*, that PGW is threatening to shut off the service at the Service Address and that there are incorrect charges on the bill. Complainant also seeks a payment agreement. A copy of the Complaint is attached hereto as Exhibit “A.”
3. On June 6, 2022, PGW filed its Answer with New Matter denying the material allegations in the Complaint and averring that Complainant has been lawfully evicted from the Service Address and is occupying the Service Address illegally. A copy of PGW’s Answer with New Matter is attached hereto as Exhibit “B.”
4. A responsive pleading was due on or before June 27, 2022.<sup>1</sup>

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<sup>1</sup> The 20<sup>th</sup> day falling on a Sunday, Complainant had 21 days to file a Reply in this case.

5. Also, on June 6, 2022, PGW filed a Preliminary Objection to the Complaint based on Complainant's lack of standing. A copy of PGW's Preliminary Objection is attached hereto as Exhibit "C."

6. A responsive pleading was due on or before June 16, 2022.

7. To date, Complainant has neither filed a Reply to the New Matter nor an Answer to the Preliminary Objection.

8. As there has been no Reply to the New Matter, the Commission may find that Complainant has admitted to the allegations contained therein.<sup>2</sup>

9. The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.102 govern motions for judgment on the pleadings.

10. The Commission will grant a motion for judgment on the pleadings only if the pleadings show there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of Law. 52 Pa. Code § 5.102(d)(1).

11. A party may move for judgment on the pleadings "after the pleadings are closed, but within a time so that the hearing is not delayed." 52 Pa. Code § 5.102(a).

12. The pleadings are closed, and a hearing has not yet been scheduled. As such, this Motion for Judgment on the Pleadings will not delay the hearing in this matter.

13. PGW is entitled to judgement as a matter of law as the pleadings show there is no genuine issue as to a material fact.

14. Complainant alleges that PGW is threatening to shut off her service; however, Complainant has been lawfully evicted from the Service Address and is occupying it illegally and, as such, is not entitled to service at the Service Address. Moreover, Complainant spent almost two years obtaining service from PGW by means of fraud and deception and, as such, is subject to having the service at the Service Address terminated immediately pursuant to 52 Pa. Code § 56.98(a)(2).<sup>3</sup>

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<sup>2</sup> 52 Pa. Code § 5.63(b) ("Failure to file a timely reply to new matter may be deemed in default, and relevant facts stated in the new matter may be deemed to be admitted"). See *Stefanowicz v. Pennsylvania-American Water Co.*, C-20078165, 2008 WL 8014613, at \*4 (Pa. P.U.C. May 22, 2008) ("The Commission's Regulations clearly provide that failure to respond to affirmative allegations in New Matter may cause those allegations to be deemed admitted."); see also *Joan R. Moore v. Pa. Power Co.*, C-2016-2564550, 2017 WL 660616, at \*2 (Pa. P.U.C. Jan. 23, 2017) ("[F]acts alleged in new matter which are not denied by the Complainant, may also be accepted as true").

<sup>3</sup> (a) A public utility may immediately terminate service for any of the following actions by the customer: ... (2) Fraud or material misrepresentation of the customer's identity for the purpose of obtaining service.

15. Complainant alleges that there are incorrect charges on her bill. Complainant has never been billed for service at the Service Address. Any service she obtained at the Service address was done under false pretenses in the name of another individual (Allen Graham).

16. Complainant alleges that PGW rejected her “Trust documents” when she applied for service at the Service Address. PGW agrees that it did so due to the documents being insufficient to establish service at the Service Address. Additionally, Complainant’s lawful eviction from the Service Address and illegal occupation of the property preclude her from being able to obtain service at that address.

17. Complainant states that she would like a payment agreement. Complainant does not have an active PGW account and, as such, cannot be granted a payment agreement.

18. The service at the Service Address was taken out of Allen Graham’s name as of May 16, 2022, when Alfred Graham provided PGW with the appropriate documentation. See PGW’s Answer with New Matter, ¶13.

19. There is currently no customer of record listed at the Service Address.

WHEREFORE, PGW respectfully requests that this Commission find that the averments in PGW’s New Matter be deemed to be admitted, grant PGW’s Motion for Judgement on the Pleadings, and dismiss the Complaint, and enter any other relief to PGW that is deemed to be reasonable and appropriate.

ADDITIONALLY, PGW asks that the Commission grant PGW leave to terminate the service to the Service Address immediately.

Respectfully submitted,

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire  
Attorney I.D. 200760  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
Telephone: (215) 684-6164  
[graciela.christlieb@pgworks.com](mailto:graciela.christlieb@pgworks.com)

Date: June 30, 2022

Counsel for PGW

A

# 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. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Dawn J Graham, Trustee for Allan Graham, TR

Street/P.O. Box 315 N 54th Street Apt #

City Philadelphia State PA Zip 19139

County Philadelphia

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

( 215 ) 472-2334 (home) ( 215 ) 915-3319 (mobile)

E-mail Address (required): Dawn456@msn.com

Utility Account Number (from your bill) 3112642674

**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 Allan Graham

Street/P.O. Box

City  State  Zip

### 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.

Philadelphia Gas Works



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

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).

I was told to apply for NEW SERVICE to avoid SHUT OFF of this account that I have been paying, but have rejected my Trust documents and ID. Account number assigned # 5114247365

**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.**

I want to pay the adjusted bill from February 2020 until the final bill of Indra Energy's rates due on August 5, 2021, reflective of the unauthorized rates charged by Indra Energy. I want to make a payment arrangement to clear the balance and the lien of \$800 to be removed from the Trust property of which I am a lifelong beneficiary and I as Trustee and Settlor (Executrix) am responsible to do. I also want the meter read to ensure that the meter is registering properly and that my service is not being shared or stolen by neighbors.

I as a lifelong resident of 315 N 54th Street, Philadelphia, PA 19139 have not been treated fairly by PGW and they have sought to bill me knowing that I was not reaching a hard copy of a bill as my Informed Delivery did not verify their claim that the bills were received for October, November, December 2020. I received the small bills and they were paid during the Summer of 2020, however, as soon as the winter time came, the bills were not sent to the address, but were E-billed to my Wells Fargo Small Business account where I could not see details. At one time, I was charged \$700 in November 2020, then \$2000 the next month in December 2020.

Instead of honoring my consumer rights, they placed a \$2000 lien on our property with the City of Philadelphia, then once I originally reported the matter to you, they changed it after receiving my LIIHeap credit of \$400, then placed a \$600 lien then refuses to allow me payment arrangements for their unscrupulous billing practices and seeking to ruin the credit and the good name of my father's assets of which is protected by his Trust for my benefit. Now, after accepting my money and credit, they want to tell me I have no rights, thus they should return all the funds that I have paid or be sued for it for taking advantage of me and causing more emotional distress from the lost of my father.

I am a victim of identity fraud and I am uncomfortable with divulging my personal information and the confidential information found on the Trust documents as I feel I am being misled into divulging such without benefit to me but to be used against me.

**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

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.**

When I spoke to the rep from PGW on May 2, 2022, he advised that I send the Trust documents to Correspondence at PGW by email which I did. I have an electronic account and there was no mention of shutting off utilities then when I went to my home on Monday after I called PGW in the morning, and there was a Field Service notice of shut off placed in my door. I called back to PGW and was told to apply for New Service and to send proof of residence or ownership - full well knowing that I live there and that I, not anyone else even listed on the Trust, has not at all paid for any bills in my father's name now in the Trust for my benefit, as authorized. This conspiracy to destroy my creditability and to steal my inherited property by the Trustees' who have hired Real Estate lawyers to place false claims on the property is despicable and if they have authority to contact utility companies they should have money to pay the bills and sue me to pay them back for it is for my benefit not theirs.

**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, (all required contact information). 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 \_\_\_\_\_

**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.**

9. **Verification and Signature**

**You must sign your complaint.** Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept** it.

**Verification:**

Dawn J Graham, Trustee

I \_\_\_\_\_, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

*Dawn J Graham*  
T I E E

05/05/22

\_\_\_\_\_  
(Signature of Complainant)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Trustee, Settlor, Executor, Heir

\_\_\_\_\_  
Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

**Note:** If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept** it.

10. **How to File Your Formal Complaint**

**Electronically.** You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, priority mail, or overnight delivery to this address and retain the tracking information as proof of submission:

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

**If you are appealing a BCS decision:** follow the directions in the cover letter you received from the Secretary's Bureau with the formal complaint form. **ONLY** Formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. **All other formal complaints MUST be efiled or mailed.**

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

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**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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**Graciela Christlieb, Senior Attorney**  
**Legal Department**  
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June 6, 2022

**VIA ELECTRONIC FILING**

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

Re: Dawn Graham v. Philadelphia Gas Works; Docket No. C-2022-3032494

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' Answer and New Matter to Formal Complaint with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire

Enclosure

cc: Cert. of Service w/enc.

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Philadelphia Gas Works' Answer with New Matter upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

**Via Email Only**

Dawn Graham

[dawn456@msn.com](mailto:dawn456@msn.com)

Date: June 6, 2022

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Philadelphia Gas Works,	:	
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**NOTICE TO PLEAD**

**To:** Dawn Graham  
[dawn456@msn.com](mailto:dawn456@msn.com)

Pursuant to Pa. Code § 5.63, you are hereby notified that any reply to the new matter in the enclosed Answer with New Matter of Philadelphia Gas Works must be filed within twenty (20) days of the date of service of the Answer with New Matter.

All pleadings, such as a Reply to New Matter, must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for PGW and, when applicable, the Administrative Law Judge presiding over the proceeding. Failure to file a timely reply to new matter may result in relevant facts stated in the new matter being deemed admitted.

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
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[graciela.christlieb@pgworks.com](mailto:graciela.christlieb@pgworks.com)

Date: June 6, 2022

Counsel for PGW

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dawn Graham,	:	
Complainant,	:	
v.	:	Docket No. C-2022-3032494
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

**PHILADELPHIA GAS WORKS' ANSWER TO FORMAL COMPLAINT**

Pursuant to 52 Pa. Code §5.61, Philadelphia Gas Works (“PGW” or “Respondent”) hereby submits this Answer to the Formal Complaint (“Complaint”) of Dawn Graham (“Complainant”) that was served by the Secretary of the Pennsylvania Public Utility Commission (“Commission” or “PUC”) on May 17, 2022. In support of this Answer, PGW avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted in part. Denied in part. PGW admits that it issued a termination notice for the natural gas service at 315 N. 54<sup>th</sup> Street, Philadelphia PA (“Service Address”).

PGW admits that Complainant seeks a payment agreement for the service at the Service Address.

PGW denies there are incorrect charges on the bill for the service at the Service Address.

PGW denies that Complainant has made a legitimate application for service at the Service Address.

By way of further answer, PGW records indicate that Complainant is not and has never been a customer of record at the Service Address.

5. Denied. The averments contained in this paragraph are a prayer for relief to which no response is required.
6. Admitted.
7. Admitted.

## NEW MATTER

8. Allen Graham, the customer of record at the Service Address, passed away on June 20, 2020. PGW was not made aware of this at the time and the gas service at the Service Address remained in the name of Allen Graham.
9. In July of 2020, Complainant starting contacting PGW acting as if she were contacting PGW on her father's (Allen Graham) behalf. Complainant continued this deception for almost two years.
10. On April 25, 2022, Alfred Graham contacted PGW to inform the utility that Allen Graham, the customer of record at the Service Address, is deceased as of June 20, 2020 and request that the gas service be terminated. PGW requested documentation.
11. On May 3, 2022, Complainant contacted PGW to make application for service identifying herself as the owner of the property at the Service Address. PGW requested documentation.
12. On May 5, 2022, Complainant submitted documentation that was deemed to be insufficient.<sup>1</sup>
13. On May 16, 2022, PGW received documentation from Alfred Graham indicating that Allen Graham is deceased as of June 20, 2020 (death certificate attached hereto as exhibit "A"), that he, Alfred Graham, is the executor of the estate of Allen Graham (Letters Testamentary attached hereto as exhibit "B"), and that Complainant is occupying the property at the Service Address illegally as she was lawfully evicted from that property as of November 19, 2021 (Sheriff's Office of Philadelphia County Affidavit of Service attached hereto as exhibit "C").
14. Since the death of Allen Graham, the outstanding balance for gas service at the Service Address has risen to \$3,660.14 as of May 12, 2022 (date of the last bill issued).
15. Complainant lacks standing to bring this Complaint. In general, a complainant must be respondent's customer to have standing to file a complaint about utility service. See, Re: Pennsylvania American Water Company, 85 Pa. PUC 548 (1995); and Pa. Pub. Util. Comm'n v. Marietta Gravity Water Company, 87 Pa. PUC 864 (1997).
16. A complainant which is not a customer of a utility generally does not have the requisite substantial, direct, and immediate interest necessary to confer standing to bring

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<sup>1</sup> Complainant submitted a document styled as a "Living Trust" with no signatures.

the complaint about the service of that utility. John Lavelly v. West Penn Power Company, Docket No. C-2014-2408502 (Order entered February 12, 2015).

WHEREFORE, PGW respectfully requests that the Commission deny all relief requested in the Complaint, dismiss the Complaint, and grant any other relief in favor of PGW as deemed appropriate.

Respectfully submitted,

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire  
Attorney I.D. 200760  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
Telephone: (215) 684-6164  
[graciela.christlieb@pgworks.com](mailto:graciela.christlieb@pgworks.com)

Date: June 6, 2022

Counsel for PGW

A

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# LOCAL REGISTRAR'S CERTIFICATION OF DEATH

WARNING: It is illegal to duplicate this copy by photostat or photograph.

e for this certificate: \$20.00



This is to certify that the information here given is correctly copied from an original Certificate of Death duly filed with me as Local Registrar. The original certificate will be forwarded to the State Vital Records Office for permanent filing.

P 27580198

Certification Number

Steven Karr SEP 25 2020

Local Registrar

Date Issued

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF HEALTH - VITAL RECORDS  
**CERTIFICATE OF DEATH** State File Number: **363963-2020**

1. Decedent's Legal Name (First, Middle, Last, Suffix) **Allan Leonard Graham**

2. Sex **Male**

3. Social Security Number

4. Date of Death (Month dd, yyyy) **June 20, 2020**

5a. Age-Last Birthday (Yrs) **85**

5b. Under 1 Year: Months **06**, Days **15**

5c. Under 1 Day: Hours **00**, Minutes **00**

6. Date of Birth (Mo/Day/Year) (Spell Month) **May 11, 1935**

7a. Birthplace (City and State or Foreign Country) **Philadelphia, Pennsylvania**

7b. Birthplace (County) **Philadelphia**

8a. Residence (State or Foreign Country) **Pennsylvania**

8b. Residence (Street and Number - Include Apt No.) **315 N 54th Street**

8c. Did Decedent Live in a Township? **No**

8d. Residence (County) **Philadelphia**

8e. Residence (Zip Code) **19139**

8f. No, decedent lived within limits of **Philadelphia** city/town

9. Ever in US Armed Forces? **No**

10. Marital Status at Time of Death:  Married  Widowed  Never Married  Unknown

11. Surviving Spouse's Name (If wife, give name prior to first marriage)

12. Father / Parent's Name (First, Middle, Last, Suffix) **John Graham**

13. Mother / Parent's Name Prior to First Marriage (First, Middle, Last, Suffix) **Ophelia Sutton**

14a. Informant's Name **Cheryl Seay**

14b. Relationship to Decedent **Daughter**

14c. Informant's Mailing Address (Street and Number, City, State, Zip Code) **711 Girard Avenue Collingdale, PA 19023**

15. Place of Death (Check only one):  Home  Hospital  Hospice Facility  Decedent's Home

15a. Emergency Room/Outpatient   Inpatient

15b. Facility Name (if not institution, give street and number) **Corporal Michael J Creencz Veterans Affairs Medical**

15c. City or Town, State, and Zip Code **Philadelphia, Pennsylvania 19104**

15d. County of Death **Philadelphia**

16a. Method of Disposition:  Removal from State  Other (Specify)

16b. Date of Disposition **June 29, 2020**

16c. Place of Disposition (Name of cemetery, crematory, or other place) **Delaware County Crematory, LLC**

17a. Signature of Funeral Service Licensee or Person in Charge of Interment **Ryan M Kimble (Electronically Signed)**

17b. License Number **FD011941L**

18. Location of Disposition (City or Town, State, and Zip) **Lansdowne, Pennsylvania 19050**

17c. Name and Complete Address of Funeral Facility **Ivan M Kimble Funeral Home 1100-1108 N 63rd Street Philadelphia, Pennsylvania 19151**

18. Decedent's Education - Check the box that best describes the highest degree or level of school completed at the time of death.

19. Decedent's Hispanic Origin - Check the box that best describes whether the decedent is Spanish/Hispanic/Latino. Check the "No" box if decedent is not Spanish/Hispanic/Latino.

20. Decedent's Race - Check ONE OR MORE races to indicate what the decedent considered himself or herself to be.

21. Decedent's Single Race Self-Designation - Check ONLY ONE to indicate what the decedent considered himself or herself to be.

22. Decedent's Usual Occupation - Indicate type of work done during most of working life. DO NOT USE RETIRED.

23a. Date Pronounced Dead (Mo/Day/Yr) **18:10**

23b. Signature of Person Pronouncing Death (Only when applicable)

23c. Was Medical Examiner or Coroner Contacted?  Yes  No

23d. License Number

25. Part I. Enter the chain of events - diseases, injuries, or complications - that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. Add additional lines if necessary.

25. Part II. Enter other significant conditions contributing to the death but not resulting in the underlying cause given in Part I.

27. Was an autopsy performed?  Yes  No

28. Were autopsy findings available to complete the cause of death?  Yes  No

29. If Female:  Not pregnant within past year  Pregnant at time of death  Not pregnant, but pregnant within 42 days of death  Not pregnant, but pregnant 43 days to 1 year before death  Unknown if pregnant within the past year

30. Did Tobacco Use Contribute to Death?  Yes  Probably  Unknown

31. Manner of Death:  Natural  Homicide  Pending investigation  Accident  Suicide  Could not be determined

32. Date of Injury (Mo/Day/Yr) (Spell Month)

33. Time of Injury

34. Place of Injury (e.g. home; construction site; farm; school)

35. Location of Injury (Street and Number, City, State, Zip Code)

36. Injury at Work?  Yes  No

37. If Transportation Injury, Specify:  Driver/Operator  Pedestrian  Passenger  Other (Specify)

38. Describe How Injury Occurred.

39. Certifier - physician, certified registered nurse practitioner, physician assistant, medical examiner/coroner (Check only one):  Certifying only - To the best of my knowledge, death occurred due to the cause(s) and manner stated.  Pronouncing & Certifying - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated.  Medical Examiner/Coroner - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.

Signature of certifier: **Saham Vakil (Signature on File)** Title of certifier: **MD**

39b. Name, Address and Zip Code of Person Completing Cause of Death (Item 29) **Saham Vakil 3900 Woodland Avenue Philadelphia, Pennsylvania 19104**

License Number: **MD448444**

40. Registrar's District Number **23-23B**

41. Registrar's Signature **Steven J Karr (Signature on File)**

42. Date Signed (Mo/Day/Yr) **June 22, 2020**

43. Registrar File Date (Mo/Day/Yr) **July 01, 2020**

42. Amendments

**B**

Will No.

W1267-2022

LETTERS TESTAMENTARY

REGISTER'S OFFICE  
PHILADELPHIA COUNTY, PA

Certificate of Grant of Letters

ESTATE OF Allan Leonard Graham

Social Security No. 173-26-2374

WHEREAS, on the 11th day of March, 2022, the last will of Allan Leonard Graham late of 315 N. 54th Street, Philadelphia, PA 19139, who died on the 20th day of June, 2020, was proved and admitted to probate, and

WHEREAS, a true copy of the will as probated in annexed hereto.

THEREFORE, I, **TRACEY L. GORDON**, Register for the Probate of Wills and Grant of Letters Testamentary and of Administration, in and for the County of Philadelphia, in the Commonwealth of Pennsylvania, hereby certify that I have granted Letters ... Testamentary

to Alfred Leon Graham

who has duty qualified as Executor who has agreed to administer the estate according to law, all of which fully appear of record in the Office of the Register of Wills of Philadelphia County, Pennsylvania.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at Philadelphia, the 11th day of March, 2022

*Tracey L. Gordon*  
Deputy Register



C

# SHERIFF'S OFFICE OF PHILADELPHIA COUNTY

**Rochelle Bilal**  
Sheriff



**Sean Thornton**  
Captain

**Vernon Muse**  
Chief Deputy, Operations

**Justin J. Frank**  
Chief of Staff

ALFRED GRAHAM, TRUSTEE  
vs.  
DAWN GRAHAM AND ALL UNKNOWN OCCUPANTS

Case Number  
213354  
(253615)

## AFFIDAVIT OF SERVICE

10/21/2021 11:53 AM - DEPUTY KAPREYA JOHNSON, BEING DULY SWORN ACCORDING TO LAW, POSTED ONE TRUE AND ATTESTED COPY OF THE WITHIN WRIT OF POSSESSION UPON REAL ESTATE LOCATED AT 315 N. 54TH ST, PHILADELPHIA, PA 19134.

POSSESSION DATE: 11/19/21 @ 9:00AM

KAPREYA JOHNSON, DEPUTY

11/19/2021 10:00 AM - POSSESSION GIVEN TO CHERLYNEE GRAHAM-SEAY, 711 GIRARD AVE COLLINGDALE, PA 19023  
484-995-2675. DEFENDANT DAWN GRAHAM WAS PRESENT

NOTE: DAWN GRAHAM CALLED 911 DURING THE EVICTION AND WAS ARRESTED BY POLICE ON THIS DATE FOR AN UNKNOWN WARRANT.

KAPREYA JOHNSON, DEPUTY

SHERIFF COST: \$325.00

SO ANSWERS,

ROCHELLE BILAL, SHERIFF

March 16, 2022

**VERIFICATION**

I, Graciela Christlieb, hereby state that I am counsel for the Philadelphia Gas Works, that the facts set forth in the foregoing Answer with New Matter are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

Date: June 6, 2022

*/s/ Graciela Christlieb*  
Graciela Christlieb, Esquire

C



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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**Graciela Christlieb, Senior Attorney  
Legal Department**

Direct Dial: 215-684-6164

FAX: 215-684-6798

E-mail: [graciela.christlieb@pgworks.com](mailto:graciela.christlieb@pgworks.com)

June 6, 2022

**VIA ELECTRONIC FILING**

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

Re: Dawn Graham v. Philadelphia Gas Works; Docket No. C-2022-3032494

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' Preliminary Objection to Formal Complaint with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire

Enclosure

cc: Cert. of Service w/enc.

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Philadelphia Gas Works' Preliminary Objection upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

**Via Email Only**

Dawn Graham

[dawn456@msn.com](mailto:dawn456@msn.com)

Date: June 6, 2022

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dawn Graham,	:	
Complainant,	:	
v.	:	Docket No. C-2022-3032494
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

**NOTICE TO PLEAD**

**To:** Dawn Graham  
[dawn456@msn.com](mailto:dawn456@msn.com)

Pursuant to Pa. Code § 5.101, you are hereby notified that any answer to the enclosed Preliminary Objection of Philadelphia Gas Works must be filed within ten (10) days of the date of service of the Preliminary Objection.

All pleadings, such as an Answer to Preliminary Objection, must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for PGW and, when applicable, the Administrative Law Judge presiding over the proceeding.

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
[graciela.christlieb@pgworks.com](mailto:graciela.christlieb@pgworks.com)

Date: June 6, 2022

Counsel for PGW

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dawn Graham,	:	
Complainant,	:	
v.	:	Docket No. C-2022-3032494
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

**PHILADELPHIA GAS WORKS’  
PRELIMINARY OBJECTIONS TO THE FORMAL COMPLAINT**

Philadelphia Gas Works (“PGW” or “Respondent”) submits the following Preliminary Objections to the Formal Complaint of Dawn Graham (“Complainant”) served by the Secretary of the Pennsylvania Public Utility Commission (“Commission” or “PUC”) on May 17, 2022 (“Complaint”). Pursuant to 52 Pa. Code § 5.61 and 5.101(d) of the Commission’s regulations, PGW also filed an Answer with New Matter to the Complaint on this same date. In support of these Preliminary Objections, PGW avers as follows:

**I. INTRODUCTION**

Complainant is alleging, among other things, that there are incorrect charges on the bill and that PGW has rejected the documentation she provided in order to have the gas service placed in her name. *See* Complaint, ¶ 4. In her prayer for relief, Complainant is requesting, among other things, to have the bill adjusted due to Indra Energy’s “unauthorized rates” and a payment arrangement. *Id.*, ¶ 5. As more fully set forth in PGW’s Answer with New Matter, Complainant obtained natural gas service from PGW under the name of her deceased father by means of deception and is unlawfully occupying the property. As such, PGW avers that Complainant has no standing to bring claims pertaining to the gas service at 315 North 54<sup>th</sup> Street, Philadelphia, PA.

**II. LEGAL STANDARDS FOR PRELIMINARY OBJECTIONS**

1. Preliminary objections to a Complaint are a permissible filing under the



Commission's Rules of Administrative Practice and Procedure.<sup>1</sup>

2. The Commission's procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil practice.<sup>2</sup>

3. Under Section 5.101(a) of the Commission's regulations, preliminary objections must specifically state the legal and factual grounds relied upon and be limited to the following:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding;
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter;
- (3) Insufficient specificity of a pleading;
- (4) Legal insufficiency of a pleading;
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action;
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution;  
and
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a)(1-7).

4. The moving party may not rely on its own factual assertions but must accept for the purposes of disposition of the preliminary objections, all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts.<sup>3</sup> However, the Commission need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations or expressions of opinion.<sup>4</sup>

5. In deciding the preliminary objections, the Commission must determine whether, based on the well-pleaded factual averments of the party, recovery or relief is possible.<sup>5</sup>

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<sup>1</sup> 52 Pa. Code § 5.101(a)(1)-(7). *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. P.U.C. LEXIS 69, Docket No. C-00935435 (July 18, 1994).

<sup>2</sup> *Id.*; *Montague v. Philadelphia Electric Company*, 66 Pa. P.U.C. 24 (1988).

<sup>3</sup> *County of Allegheny v. Cmwlth. of Pa.*, 490 A.2d 402 (Pa. 1985).

<sup>4</sup> *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2007).

<sup>5</sup> *Department of Auditor General, et al. v. SERS, et al.*, 836 A.2d 1053, 1064 (Pa. Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Commission*, 669 A.2d 1105 (Pa. Cmwlth. 1996).

### III. PRELIMINARY OBJECTIONS BY PGW

6. PGW incorporates herein, as if the same were set forth at length here, its responses to paragraphs 1 to 7 of the Complaint, as pled in its Answer with New Matter. In addition, PGW also incorporates herein all allegations pled in its New Matter to the Complaint as well as the exhibits attached thereto, as if the same were set forth at length here.

#### A. Dismissal Based on Lack of Standing

7. Section 5.101(a)(7) of the Commission's regulations permits a party to file a preliminary objection based on the lack of standing of a party. 52 Pa. Code § 5.101(a)(7).

8. In general, a complainant must be respondent's customer to have standing to file a complaint about utility service. See, Re: Pennsylvania American Water Company, 85 Pa. PUC 548 (1995); and Pa. Pub. Util. Comm'n v. Marietta Gravity Water Company, 87 Pa. PUC 864 (1997).

9. A complainant which is not a customer of a utility generally does not have the requisite substantial, direct, and immediate interest necessary to confer standing to bring the complaint about the service of that utility. John Lavelly v. West Penn Power Company, Docket No. C-2014-2408502 (Order entered February 12, 2015).

#### 1. The Complainant Lacks Standing to Participate in these Proceedings.

10. The instant Complaint is based on alleged violations of the rights Complainant claims to have as a consumer. *See* Complaint, ¶ 5.

11. However, rather than contact PGW upon the passing of her father to place the gas service in her name, the Complainant continued to obtain utility service under her father's name by means of deceiving PGW.

12. Additionally, the Complainant has been evicted from the property and is currently occupying it unlawfully.

13. Therefore, the Complainant lacks the requisite substantial, direct, and immediate interest necessary to confer standing to bring the complaint about the service

14. For this reason, PGW respectfully requests that the Commission sustain this Preliminary Objection and dismiss the Complaint.

**IV. CONCLUSION**

WHEREFORE, PGW respectfully requests that this Commission grant PGW's Preliminary Objection, Strike the requested relief as impertinent matter, dismiss the Complaint, and enter any other relief to PGW that is deemed to be reasonable and appropriate.

Respectfully submitted,

*/s/ Graciela Christlieb*

Graciela Christlieb, Esquire  
Attorney I.D. 200760  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
Telephone: (215) 684-6164  
[graciela.christlieb@pgworks.com](mailto:graciela.christlieb@pgworks.com)

Date: June 6, 2022

Counsel for PGW