

Gilbert Powell
1040 Cornell AVE.
Drexel Hill Pa. 19026
Tel. 267-601-1937
glbrtpwll@yahoo.com

November 8, 2022

VIA ELECTRONIC FILING

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

Re. Gilbert Powell v. Philadelphia Gas Works; Dockets No. F-2022-3035670

Dear Secretary Chiavetta:

Enclosed for filing please find Gilbert Powell's Response to Philadelphia Gas Works' Answer to Gilbert Powell Formal Complaint regarding the above-reference matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

/s/ Gilbert Powell

Enclosure

Cc Cert. of Service w/enc.

BEFORE THE
PUBLIC UTILITY COMMISSION
DOCKET No. F-2022-3035670

GILBERT POWELL'S RESPONSE TO PHILADELPHIA GAS WORKS ANSWERS TO
GILBERT POWELL'S PUC FORMAL COMPLAINT

1. Philadelphia Gas Works admitted to charging Gilbert Powell for gas he did not use at 5347 Florence Ave.

2. Philadelphia Gas Works admitted that Gilbert Powell provided them with documentation from the Philadelphia Housing Authority that shows that the house at 5347 Florence Ave. was rented to a Philadelphia Housing Authority Tenant for the period that Philadelphia Gas Works is charging Gilbert Powell for gas service.

3. Philadelphia Gas Works admits that Gilbert Powell provided them with documentation from The Philadelphia Housing Authority that shows that the tenant was responsible for paying the gas used at 5347 Florence Ave during the period they are charging Gilbert Powell for gas service.

4. Philadelphia Gas Works never issued any gas bills to Gilbert Powell during the time that PGW IS charging gas service to Gilbert Powell at 5347 Florence Ave.

By way of further response, Gilbert Powell denies all the allegations made by PGW for gas service or gas usage or gas thief by him at 5347 Florence Ave. during the time period PGW is claiming in this PUC filing.

By way of further response, Gilbert Powell admits to owning and renting 5347 Florence Ave. before November 2, 2011.

By way of further response, Gilbert Powell had no knowledge of PGW terminating gas service at 5347 Florence Ave. on APRIL 27,2011.

By way of further response, Gilbert Powell is a member of the PGW's Customer Responsibility Program and has had 5347 Florence Ave. registered in the program since 01/09/2008 to present.

By way of further response, PGW could have gained access to PGW's gas equipment at any time at 5347 Florence Ave. by contacting Gilbert Powell using PGW's Customer Responsibility Program.

By way of response, PGW has contacted through the LCP Program, Gilbert Powell many times concerning access to gas meters to turn off gas to properties Gilbert Powell owns.

By way of further response, PGW although Gilbert Powell was a cooperating member of PGW's Customer Responsibility Program never contacted or communicated with Gilbert Powell concerning gas service at 5347 Florence Ave.

By way of further response, Gilbert Powell because he did not hear from PGW as he normally does from other properties that he owns believed that gas service at 5347 Florence Ave was okay .

By way of further response, PGW should not hold Gilbert Powell responsible for any errors, omissions, or equipment failures on their part with gas service at 5347 Florence Ave.

By way of further response, PGW did not monitor gas usage with their equipment to detect gas usage at 5347 Florence Ave. during the period PGW is charging Gilbert Powell for gas usage.

By way of further response, Gilbert Powell is attaching the following exhibits to this filing:

1.Exhibit 1, A PHA Rent Change Notice dated 09/21/2022 for 5347 Florence Ave. that shows the date The Lease Agreement was entered into which was 12/01/2004, the owner of 5347 Florence Ave., the tenant, and the tenants utility responsibilities which specifies Natural Gas- cooking, Natural Gas-heating, Natural Gas -Water Heating

2. Exhibit 2, The model lease with PHA for 5347 Florence Ave. that was in effect before and extends through the date PGW is charging Gilbert Powell for gas usage. The Model Lease clearly shows that the tenant at 5347 Florence Ave was responsible for paying gas.

2.Exhibit 3, A list of properties owned by Gilbert Powell that is registered in PGW's Customer Responsibility Program.

On June 15,2017, PGW alleges a PGW technician found the gas service to the property at the service address on and again shut it off. PGW alleges that they could not gain access to the property even though Gilbert Powell was a cooperating member of PGW's CUSTOMER RESPONSIBILITY PROGRAM and had that property properly registered. PGW never contacted Gilbert Powell for access to 5347 Florence Ave to turn off service.

On June 8,2022 PGW was able to gain access to the property at 5347 Florence Ave because a Philadelphia Housing Authority Inspection revealed that I had to call PGW due to a defect in their meter. I called PGW and requested that they come out.

On June 8, 2022 PGW came to 5347 Florence Ave and PGW removed the gas meter.

On June 15,2022 Gilbert Powell called PGW to have the gas turned on in his name in order to get 5347 Florence Avenue's PHA Housing Authorities inspection completed and complied. PHA will not pass or comply inspections if the gas is not on.

On June 23, 2022, Gilbert Powell contacted PGW and stated that he needed the gas turned on for a PHA SESSION 8 Inspection. PGW requested lease documentation from me and advised that I would have to pay the existing thief charges in order to obtain service.

On JULY 11,2022 Gilbert Powell again called to establish gas service at 5347 Florence Ave. Gilbert Powell supplied documentation from PHA showing the tenants renting 5347 Florence Ave. during the time PGW is charging Gilbert Powell with gas thief for which PGW is demanding he pay. Gilbert Powell was the landlord and not the tenant. The PHA documents clearly show Gilbert Powell as landlord that the tenants were responsible for paying gas at that property.

5.The averments contained in this paragraph are a prayer for relief to which an immediate response is required.

6.PGW Admits this paragraph.

7.PGW admits this paragraph.

Whereby further response, Gilbert Powell request that the PUC order PGW to remove any and all charges of gas usage or thief from Gilbert Powell's account at 5347 Florence Ave and allow him to receive gas service there.

Wherefore , Gilbert Powell respectfully request that the commission grant all relief requested in his complaint and grant any other relief in favor of Gilbert Powell deemed appropriate.

Respectfully submitted

/s/ Gilbert Powell



PHILADELPHIA HOUSING AUTHORITY
OPENING DOORS TO OPPORTUNITIES

2013 RIDGE AVE
PHILADELPHIA, PA 19121
215.684.4300
PHA.PHILA.GOV

Exhibit 1

F-2022-3035679

HOUSING CHOICE VOUCHER

Gilbert Powell
1040 Cornell Ave
Drexel Hill, PA 19026

Date: 09/21/2022
Owner ID: V000908

PHA Rent Change Notice

THE LEASE AGREEMENT made and entered into 12/01/2004 by and between:

509731 Cary Rudd
V000908 Gilbert Powell

For the HCV unit located at:

5347 Florence Ave
Philadelphia, PA 19143

Unit bedrooms: 3

Is amended as follows based on the following action: Annual Reexamination

The following payment adjustments are effective on: 04/01/2022

Contract Rent:	\$ 1,050.00
Housing Assistance Payment by PHA:	\$ 924.00
Tenant Rent to Owner:	\$ 126.00
Utility Allowance Payment (if applicable):	\$ 0.00

All other covenants, terms and conditions of the original Housing Assistance Payments Contract and PHA Lease Agreement remain the same.

Unless otherwise noted, the tenant is responsible for their new family rent to owner on _____.
The adjustment to the owner on behalf of the tenant will be made with the next HAP Payment.

The utilities below are paid for by the tenant. For further explanation of how PHA determines the Housing Assistance Payment, Tenant Rent to Owner and Utility Allowance Payment please visit our website: www.pha.phila.gov

Voucher Size: 2 Unit Size: 3

Tenants utilities responsibility:

Natural Gas - Cooking
Natural Gas - Heating
Water/Sewer

Other - Electric Fee
Electric - Other Electric

Other - Gas Fee
Natural Gas - Water Heating

Thank you for your participation in the HCV Program.

If you have any questions please contact Owner Services at 215-684-5596 or hcvlandlords@pha.phila.gov

Have you registered for the Landlord Data Center? All your HCV information is available online! visit: <https://partnerportal.pha.phila.gov/partnerportal>

MODEL LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this the 1st day of April 2014 by and between:
Cary Rudd Tenant
Gilbert Powell Owner

For the CONTRACT unit located at:
5347 Florence Ave
Philadelphia, PA 19143

THE FAMILY authorized to live in the unit consists of the following members:
Cary Rudd
Jaquan Newton

1. TERM OF THE LEASE

- A. Initial term of lease. (Enter first and last date of initial item. The initial term must be for at least one year).
The initial term begins on: 04/01/2014
The initial term ends on: 03/31/2016
- B. Renewal Term
This lease shall automatically renew after the initial term of the lease. The renewal term shall be (select term): 24 Months
- C. This lease terminates if any of the following occurs:
The Housing Assistance Payment ("HAP") contract terminates; or
The Housing Authority ("HA") terminates program assistance for the family; or
The Owner terminates the lease; or
The Tenant terminates the lease; or
The Owner and the Tenant agree to terminate the lease.

2. DEFINITIONS
Yes

Housing Choice Voucher ("HCV") Program - The program formerly referred to as "Section 8". Through the program HUD provides funds to a HA for rent subsidy on behalf of an eligible family. The Tenant under this lease will be assisted with rent subsidy under the HCV program.

Housing Assistance Program ("HAP") Contract - The HAP contract is between PHA and the Owner of the contract unit. PHA pays the HAP to the Owner in accordance with the HAP contract.

Contract Rent - The total monthly rent payable to the Owner for the contract unit. The contract rent is the sum of the Tenant's rent plus the HAP to the Owner.

Tenant's Rent - PHA determines the amount the Tenant pays to the Owner. Tenants will not pay additional "rent" to the Owner and rent increases must be approved by PHA.

Other Payments to the Owner - Tenants may pay Owners for water usage and security deposits, if required. These payments however are to be recorded on a separate receipt.

Contract Unit - The housing unit, approved by PHA for subsidy to be paid by an approved participant.

Family/Tenant - The persons who may reside in the unit with assistance under the program.

PHA - Philadelphia Housing Authority

HQS - Housing Quality Standards - The HUD minimum quality standard for housing assisted under the HCV Tenant-based program, however, PHA may also use the minimum city code standards for residential housing.

HUD - The United States Department of Housing and Urban Development.

Premises - The unit, building or complex in which the contract unit is located, including any common area or grounds.

3. LEASE AGREEMENT

This is the lease between the Tenant and the Owner.

The Tenant is a participant in the HCV program. The Tenant is the family member who leases the contract unit from the Owner.

The Owner will enter into the HAP contract with PHA under the HCV program. The purpose of the HAP contract is to assist the Tenant to lease this dwelling unit from the Owner for occupancy by the family with the Tenant-bases assistance under the HCV program.

Heating (Specify type) No

Cooking (Specify type) No

Hot Water Heating (Specify type) No

Lights, Electric, Other Electric No

Water/Sewer No

Garbage Collection No

Other _____

The Tenant shall provide the utilities checked below for the contract unit

Heating (Specify type) Yes
Natural Gas

Cooking (Specify type) Yes
Natural Gas

Hot Water Heating (Specify type) Yes
Natural Gas

Lights, Electric, Other Electric Yes

Water/Sewer Yes

Garbage Collection No

Other _____

- B. The kitchen range for the contract unit shall be provided by OWNER
(Insert Tenant, if appropriate. If unspecified, the Owner shall provide the kitchen range).
- C. The refrigerator for the contract unit shall be provided by Tenant
(Insert Tenant, if appropriate. If unspecified, the refrigerator shall be provided by the Owner.)
- D. The Owner shall provide the following other appliances for the contract unit:
N/A

15. HOUSING QUALITY STANDARD INSPECTION

PHA shall be free to inspect the premises covered by the lease periodically, but no less often than annually, to assure that the physical condition thereof continues to meet HUD standards. In the event that PHA reasonably determines that either (i) the physical condition of the premises does not meet HUD standards, other than as a result of action by the Tenant, or (ii) one or more of the services specified herein to be provided by the Owner are not being provided to the premises, or (iii) that the Owner is in breach of any conditions of this lease, PHA may give written notice to the Owner to correct the deficiencies within thirty (30) day or less. Upon the Owner's failure to do so, the PHA shall have the right, in addition to its other rights and remedies under the HAP Contract, to terminate or reduce housing assistance payments or to terminate the HAP Contract.

16. MEDIATION

- A. Mediation is a way to resolve problems. A mediator helps disputing parties reach an equitable resolution without involving the courts.
- B. The Owner or Tenant may request HCV program staff or another agreed upon party to mediate issues regarding the tenancy. Such request must be made in writing.
- C. Both parties will have the right to present evidence of their claim to the mediator.
- D. The mediator will issue a decision within ten business days.

Use of a mediator does not forfeit the right of either party to pursue legal resolution of the dispute.

17. PETS

Check one:

Tenant May _____ or shall not X keep a pet on the premises.

24. WRITTEN NOTICE

When the lease requires any notice by the Tenant or the Owner, the notice must be in writing.

SIGNATURES:

TENANT:

Cory Rudel 1-23-15
Tenant Signature Date Signed

OWNER:

Gilbert Powell 1/23/15
Owner Signature Date Signed

AGENT:

Agent Signature Date Signed

OWNER MAILING ADDRESS:

Gilbert Powell
1040 CORNELL AVE.
CITY Drexel Hill STATE Pa ZIP 19026
PHONE 267-601-1937

AGENT MAILING ADDRESS:

CITY _____ STATE _____ ZIP _____
PHONE _____

ST,3F

Exhibit 3

F-2020-30356

<input type="checkbox"/>	224734	1102 S RUBY ST	Registered	01/09/2008	Email 10 days Shut off Notice-NPSO	History
<input type="checkbox"/>	226607	5024 WAKEFIELD ST	Registered	09/08/2006	Email License Expiration Notification	History
<input type="checkbox"/>	226608	5026 WAKEFIELD ST	Registered	10/11/2021	Cooperate Email	History
<input type="checkbox"/>	229991	1149 S 54TH ST,2F	Registered	10/16/2015	Email 10 days Shut off Notice-NPSO	History
<input type="checkbox"/>	229991	1149 S 54TH ST	Registered	10/16/2015	Cancel Collection Activity	History
<input type="checkbox"/>	244079	2919 W GORDON ST	Registered	01/08/2008	Email 10 days Shut off Notice-NPSO	History
<input type="checkbox"/>	252816	6009 N BEECHWOOD ST,2FL	Registered	10/11/2021	Cooperate Email	History
<input type="checkbox"/>	252816	6009 N BEECHWOOD ST,1FL	Registered	10/11/2021	Cooperate Email	History
<input type="checkbox"/>	265470	2749 N TAYLOR ST	Registered	10/11/2021	Cancel Collection Activity	History
<input type="checkbox"/>	266416	2223 REED ST,1F	Registered	01/08/2008	Email 10 days Shut off Notice-NPSO	History
<input type="checkbox"/>	266416	2223 REED ST,2F	Registered	01/08/2008	Email 10 days Shut off Notice-NPSO	History
<input type="checkbox"/>	267320	1104 S PEACH ST	Registered	01/09/2008	Request Landlord contact admin within 5 days	Reschedule
<input type="checkbox"/>	267322	5215 RODMAN ST	Registered	01/09/2008	Email License Expiration Warning	History
<input type="checkbox"/>	270106	5347 FLORENCE AVE	Registered	01/09/2008	Email License Expiration Notification	History
<input type="checkbox"/>	332434	749 S 51ST ST,2FR	Registered	12/09/2008	Cooperate Email	History
<input type="checkbox"/>	332434	749 S 51ST ST,3F	Registered	12/09/2008	Email Gas Shut off Notification-NPSO	History
<input type="checkbox"/>	332434	749 S 51ST ST,1FR	Registered	12/09/2008	LCP CRSO Notification for Soft-Off WITHOUT landlord Autorevert	History
<input type="checkbox"/>	332434	749 S 51ST ST,2R	Registered	12/09/2008	LCP CRSO Notification for Soft-Off WITHOUT landlord Autorevert	History
<input type="checkbox"/>	332434	749 S 51ST ST,1R	Registered	12/09/2008	Cooperate Email	History
<input type="checkbox"/>	332434	749 S 51ST ST,1MD	Registered	12/09/2008	NPSO-M1	History
<input type="checkbox"/>	348053	1818 MOUNTAIN ST	Registered	01/09/2008	Email Gas Shut off Notification-NPSO	History
<input type="checkbox"/>	348928	1157 S 54TH ST,AWH	Registered	10/11/2021	Cooperate Email	History
<input type="checkbox"/>	348928	1157 S 54TH	Registered	10/11/2021	Cooperate Email	History

VERIFICATION

I Gilbert Powell verify that the facts set forth in these exhibits are true and correct to the best of my knowledge , information , and belief , and 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).

Gilbert Powell

Gilbert Powell

11/8/22

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Philadelphia Gas Works' Answer 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

gracielachristlieb@pgworks.com

11/8/22

Counsel for PGW

Gilbert Powell
