



GOLDSTEIN
LAW
PARTNERS

May 2, 2023

Hon. Eranda Vero, ALJ
Pennsylvania Public Utility Commission
801 Market Street, Suite 4603
Philadelphia, PA 19107

BY E-FILE and E-MAIL (evero@pa.gov)

RE: *SBG Management Services, Inc. et al v PGW; Docket Nos. C-2012-2304183; C-2012-2304324; C-2015-2486618; C-2015-2486677; C-2015-2486674; C-2015-2486670; C-2015-2486664; C-2015-2486655; C-2015-2486648; C-2015-2486674*

Dear Judge Vero:

On behalf of Complainants, SBG Management Services, Inc. and the various other entities involved in the above docketed matters (collectively, "SBG"), please find enclosed SBG's Statement of Legal Issues. Counsel for SBG conferred with Counsel for Respondent, Philadelphia Gas Works ("PGW") in regard to submitting a joint statement of legal issues. Unfortunately, the parties were unable to reach an agreement. Accordingly, each side intends to present the legal issues that it deems pertinent and unresolved following the evidentiary hearing held on April 25, 2023.

Respectfully submitted,

/s/ Shawn M. Rodgers
Shawn M. Rodgers

cc: All Counsel of Record
Pamela McNeal (<pmcneal@pa.gov>)

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

SBG Management Services, Inc. <i>et al.</i>	:	C-2012-2304183
	:	C-2012-2304324
	:	C-2015-2486618
	:	C-2015-2486677
	:	C-2015-2486674
	:	C-2015-2486670
v.	:	C-2015-2486664
	:	C-2015-2486655
	:	C-2015-2486648
Philadelphia Gas Works	:	C-2015-2486674

SBG'S STATEMENT OF LEGAL ISSUES

SBG Management Services, Inc., *et al.* (SBG or SBG Parties) sets forth the following legal issues to be briefed in this matter.

1. Statute of Limitations.

a. Does the statute of limitations set forth in 66 Pa.C.S. § 1312 dictate that the calculations of refunds pertinent to Colonial Garden Realty Co., L.P., and Simon Garden Realty Co., L.P., should begin on the date of filing in 2008, while the calculations for the remaining 6 properties (Fairmont Manor Realty Co., L.P., Elrea Garden Realty Co., L.P., Marshall Square Realty Co., L.P., Marchwood Realty Co., L.P., Oak Lane Court Realty Co., L.P., Fern Rock Realty Co., L.P.) should begin on the date of filing in 2011? SBG asserts that the parties stipulated at the hearing on April 25, 2023, that the four-year statute of limitations applies with the result that calculation of overcharges would begin four years before the respective dates of filing.

b. Does the statute of limitations set forth in 66 Pa.C.S. § 1312 apply to the refunds of overcharges in the form of excessive interest PGW collected from SBG Parties prior to the Supreme Court's April 29, 2021, when that Court determined the correct rate of interest on PGW's customer arrearages?

2. What is the effect of PGW's failure to remit to SBG refunds calculated and ordered by Judge Vero in 2018 on any refund ordered by Judge Vero in this matter?

3. Pursuant to 66 Pa.C.S. § 1312, should interest be assessed against PGW on: (a) refunds ordered by Judge Vero but not paid to SBG; and (b) any refunds ordered by Judge Vero based upon PGW charging an erroneous interest rate against delinquent accounts?

4. Should attorney's fees be assessed against PGW and in favor of SBG based on: (a) PGW's failure to remit to SBG refunds ordered by Judge Vero in 2018; and (b) PGW's practice of charging an erroneous interest rate against delinquent accounts?

5. Should Judge Vero disallow the testimony provided by Bernard L. Cummings because he demonstrated in his live testimony on April 25, 2023, that he lacked the requisite knowledge to provide an opinion based upon charts and testimony prepared by his staff, not him, where he acknowledged that he did not review all of the charts and that he had not investigated any of the 128 liens to determine why they were marked vacated?

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*Counsel for Complainants SBG
Management Services, Inc., et al.*

Dated: May 2, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this date, no later than 7 p.m. EST, I shall serve a copy of SBG's statement of legal issues, upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

VIA EMAIL

Daniel Clearfield, Esq.
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Dated: May 2, 2023