



PHILADELPHIA GAS WORKS

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September 22, 2023

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' Reply to Complainant's Exceptions to the Initial Decision issued in 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' Reply to Exceptions 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

315 North 54th Street

Philadelphia, PA 19139

dawn456@msn.com

Date: September 22, 2023

/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.	:	

REPLY EXCEPTIONS OF PHILADELPHIA GAS WORKS

Pursuant to 52 Pa. Code §5.535 of the regulations of the Pennsylvania Public Utility Commission (“Commission”) and the Secretarial Letter dated September 12, 2023, 2023 issued in the above-captioned proceeding, the Philadelphia Gas Works (“PGW” or “Respondent”) hereby submits the following Reply to the Exceptions filed by Dawn Graham (“Complainant”) to the Initial Decision of Administrative Law Judge Marta Guhl (“Judge Guhl”) in this matter (“Initial Decision”).

I. INTRODUCTION

On May 5, 2022, the Complainant filed a Formal Complaint (“Complaint”) against PGW with the Commission. In the Complaint, the Complainant contends that the utility was threatening to shut off utility service at the Service Address and there were incorrect charges on the bills.

On June 6, 2022, PGW filed an Answer and New Matter denying the material allegations of the Complaint and alleging that the Complainant lacks standing to bring the Complaint. On the same date, PGW also filed Preliminary Objections requesting that the Complaint be dismissed because the Complainant lacks standing to bring the Complaint. On June 30, 2022, PGW filed a Motion for Judgement on the Pleadings arguing that the Complaint be dismissed as the facts alleged therein fail to set forth a claim for which relief could be granted.

By Telephonic Hearing Notice dated August 3, 2022, an initial hearing was scheduled for September 20, 2022, at 10:00 a.m., and the matter was assigned to Deputy Chief Administrative Law Judge Joel Cheskis (“Judge Cheskis”).

On August 11, 2022, Judge Cheskis issued an Order denying the Preliminary Objections and Motion for Judgement on the Pleadings and indicating that the matter should proceed to hearing on September 20, 2022.

On September 15, 2022, PGW filed a Motion for Continuance of the hearing scheduled for September 20, 2022.

On September 16, 2022, Judge Cheskis issued an Order granting the continuance request.

On September 16, 2022, a Cancellation/Reschedule Hearing Notice was issued, and the matter was rescheduled for November 17, 2022, at 10:00 a.m. before Judge Cheskis.

On November 16, 2022, a Judge Change Notice was issued, and the matter was reassigned to Judge Guhl.

The hearing convened as scheduled on November 17, 2022. The Complainant did not appear for the hearing. PGW appeared and moved to have the Complaint dismissed for lack of prosecution. At a later date, the Complainant reached out to the Commission's Harrisburg scheduling office to request a new hearing date. The request was forwarded to PGW who objected to Complainant's request for a new hearing date.

On March 7, 2023, Judge Guhl issued an Order which overruled PGW's objections, granted the Complainant's request for a new hearing date, and reopened the record.

On March 9, 2023, a Further Hearing Notice was issued, and the matter was scheduled for a further hearing on April 19, 2023, at 10:00 a.m. before Judge Guhl. The hearing proceeded as scheduled on April 19, 2023 ("Hearing").

On August 23, 2023, Judge Guhl issued the Initial Decision denying the Complaint because the Complainant failed to meet her burden of proving that PGW erred in denying her service in her name at the Service Address or that there were incorrect charges on the bills.

By Secretarial Letter dated September 12, 2023, the Commission served PGW with Complainant's Exceptions to the Initial Decision. PGW's Reply to Complainant's Exceptions follows.

II. COMPLAINANT'S EXCEPTIONS AND PGW'S REPLY

Exception

Complainant appears to be attempting to address the finding that she failed to meet her burden of proving that PGW erred in denying her application for service in her name at the Service Address by reiterating her arguments regarding the ownership of the property and the legality of her occupancy. However, the Complainant's Exceptions fail to demonstrate that this finding is unsupported by substantial evidence.

Reply

During the evidentiary hearing in this matter, PGW presented testimony and sponsored exhibits that establish that the Philadelphia Court of Common Pleas, Orphans Court Division has already ruled on both the ownership of the property as well as the legality of Complainant’s occupancy.¹ The record is clear that the Complainant is unlawfully occupying the premises and the Complainant failed to provide any evidence that would support a finding that she is entitled to service at the Service Address.

Exception

The complainant appears to be attempting to address the finding that she failed to meet her burden of proving that there were incorrect charges on the bills for service by making allegations regarding the supplier Indra Energy.

Reply

In her Exceptions, Complainant refers to a separate complaint she filed against Indra Energy. PGW was not party to that complaint and that is not the complaint that is currently before the Commission. The record in this matter is clear that PGW conducted an investigation into the bills for gas service at the property, which included removing and testing the gas meter. The Complainant has failed to provide any evidence that would support a finding that there were incorrect charges on the bills for gas service.

Exception

The complainant appears to be excepting to the finding that PGW continued to send bills for service at the Service Address in the name of Allen Graham. Initial Decision, Finding of Fact #8. The first line of Complainant’s Exceptions states that “account 3112642674 was never named “Allen Graham.”” Later in the Exceptions, the Complainant states that she never physically received a bill for service at the Service address between August 8, 2020 and March 29, 2021.

Reply

The record clearly shows that the account holder was Allen Graham. Tr. 58-59; PGW Exh. 1 & 2. The record is also clear that not only was PGW sending the bills, but the Complainant was receiving them. This is evidenced by the fact that the Complainant called to dispute a bill that was

¹ See PGW Exhibit 2, page 35; Sheriff’s Office of Philadelphia County Affidavit of Service indicating that Dawn Graham was evicted from the property on November 19, 2021 pursuant to a Writ of Possession issued by the Philadelphia Court of Common Pleas Orphans Court Division as well as the testimony of David Rubin, Esq. regarding same at pages 121 through 123.

issued on December 11, 2020. Tr. 66-67; PGW Exh. 2. The Complainant's own testimony indicates that issues regarding mail being delivered to the Service Address were the result of disruptions in mail delivery due to the COVID-19 pandemic. Tr. 38-39.

III. CONCLUSION

WHEREFORE, PGW respectfully requests that this Commission deny Complainant's exceptions and adopt the Initial Decision.

Respectfully submitted,

/s/ Graciela Christlieb

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Date: September 22, 2023

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