



PHILADELPHIA GAS WORKS

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September 9, 2024

VIA FEDEX

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

Re: Shasta-Patrice Brown v. Philadelphia Gas Works; Docket No. C-2024-3050761

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' Preliminary Objections to the Formal Complaint 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

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 FIRST CLASS MAIL AND ELECTRONIC MAIL

Shasta-Patrice Brown
5233 Heston Street
Philadelphia, PA 19131
shastapbrown@gmail.com

Date: September 9, 2024

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Shasta-Patrice Brown,	:	
Complainant,	:	
v.	:	Docket No. C-2024-3050761
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

NOTICE TO PLEAD

To: Shasta-Patrice Brown
5233 Heston Street
Philadelphia, PA 19131
shastapbrown@gmail.com

Pursuant to Pa. Code § 5.101, you are hereby notified that any answer to the enclosed Preliminary Objections 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 Objections, 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 or Special Agent presiding over the proceeding.

/s/ Graciela Christlieb

Graciela Christlieb, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
graciela.christlieb@pgworks.com

Date: September 9, 2024

Counsel for PGW

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Shasta-Patrice Brown,	:	
Complainant,	:	
v.	:	Docket No. C-2024-3050761
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

PRELIMINARY OBJECTION OF PHILADELPHIA GAS WORKS

Philadelphia Gas Works (“PGW” or “Respondent”), pursuant to 52 Pa. Code § 5.101(a)(3) and (4) of the Commission’s regulations, hereby submits the following Preliminary Objection to the Formal Complaint of Shasta-Patrice Brown (“Complainant”) served by the Secretary of the Pennsylvania Public Utility Commission (“Commission” or “PUC”) on August 16, 2024 (“Complaint”). In support of this Preliminary Objection, PGW states as follows:

I. INTRODUCTION

The Complaint does not contain information specific enough to allow PGW to understand the allegations against it in order to conduct a meaningful investigation of the allegations and to prepare a coherent response or defense. Also, the Complaint fails to set forth any facts that could be construed as a violation of a Commission regulation, statute, or order by PGW. Moreover, PGW has no record of the Complainant being a PGW customer at the address indicated in the Complaint as the address in question, 3051 N. Stillman Street, Philadelphia, PA or the address listed in the Complaint as the Complainant’s mailing address, 5233 Heston Street, Philadelphia, PA. Further, PGW has no accounts that correspond to the account numbers provided by the Complainant in paragraph 1 of the Complaint.

II. LEGAL STANDARD

1. The Commission’s Rules of Administrative Practice and Procedure permit parties to file preliminary objections.

2. The grounds for preliminary objections are limited to those set forth in 52 Pa.Code § 5.101(a) as follows:

- (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.

(7) Standing of a party to participate in the proceeding.

3. Commission preliminary objection practice is analogous to Pennsylvania civil practice regarding preliminary objections. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

4. Preliminary objections in civil practice requesting dismissal of a pleading will be granted only where the right to relief is clearly warranted and free from doubt. *Interstate Traveler Services, Inc. v. Pa. Dept. of Environment Resources*, 406 A.2d 1020 (Pa. 1979); *Rivera v. Philadelphia Theological Seminary of St. Charles Borromeo, Inc.*, 595 A.2d 172 (Pa. Super. 1991). The Commission follows this standard. *Montague v. Philadelphia Electric Company*, 66 Pa. PUC 24 (1988).

5. The Commission may not rely upon the factual assertions of the moving party but must accept as true for purposes of disposing of the motion all well pleaded, material facts of the nonmoving party, as well as every inference from those facts. *County of Allegheny v. Commonwealth of Pennsylvania*, 490 A. 2d 402 (Pa. 1985); *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602 (Pa.Cmwlth. 1988).

6. The Commission must view the complaint in this case in the light most favorable to the complainant and should dismiss the complaint only if it appears that the complainant would not be entitled to relief under any circumstances as a matter of law. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

7. The regulation at 52 Pa.Code § 5.21(d) authorizes the Commission to dismiss a complaint if a hearing is not necessary and authorizes preliminary objections to be filed in response to a complaint. This provision serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. 66 Pa.C.S. § 703(a); *Lehigh Valley Power Committee v. Pa. Pub. Util. Comm'n*, 563 A.2d 548 (Pa.Cmwlth. 1989); *S.M.E. Bessemer Cement, Inc. v. Pa. Pub. Util. Comm'n*, 540 A.2d 1006 (Pa.Cmwlth. 1988).

III. PRELIMINARY OBJECTIONS BY PGW

8. In paragraph 4 of the Complaint “Reason for Complaint,” Complainant marked an “X” next to “Other” and, by way of explanation, referenced “law and payments” under the Americans with Disabilities Act as well as “Public Law 73-10 and HJR 192.”

9. In paragraph 5 of the Complaint “Requested Relief,” Complainant wrote “that the address be updated to the assignee of PECO” and then proceeded to reference “interest on contracts” and other assorted

wording corresponding to allegations routinely made by persons identifying as Sovereign Citizens and which do not amount to a clear statement of the relief sought from either PGW or the Commission.

10. Complainant makes no allegations against PGW or even references an address or PGW account that is associated with her.

A. Dismissal Based on Insufficient Specificity of the Pleading

11. A formal complaint must set forth “the act or thing done or omitted to be done” by a public utility “in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.” 66 Pa.C.S. § 701.

12. The Commission’s regulations require that a complaint contain a clear statement of the relief sought. 52 Pa.Code § 5.22(a)(5).

13. A complaint should contain information specific enough to allow the respondent to understand the allegations against it, in order to conduct a meaningful investigation of the allegations and to prepare a coherent response or defense.

14. The Complaint fails to comply with either 66 Pa.C.S. § 701 or 52 Pa.Code § 5.22(a)(5) and contains no information specific enough to allow PGW to prepare a coherent response or defense.

B. Dismissal Based on Legal Insufficiency of the Pleading

15. The Complaint does not set forth any facts that could be construed as a violation of a Commission regulation, statute or order by PGW, so even if the Commission accepts all of the facts alleged in the Complaint as true, the Complainant is not entitled to relief as a matter of law.

IV. CONCLUSION

WHEREFORE, PGW respectfully requests that this Commission grant PGW’s Preliminary Objection, dismiss the Complaint, and grant any other relief to PGW that is deemed to be reasonable and appropriate.

Respectfully submitted,

/s/ Graciela Christlieb

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Date: September 9, 2024

Counsel for PGW