

DATE OF DEPOSIT

SEP 26 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Shasta-Patrice: Brown, woman.
For: SHASTA PATRICE BROWN
(Complainant)

DOCKET NO. C-2024-3050761

PGW GAS COMPANY.
(Respondent)

Answer to Philadelphia Gas Works Preliminary Objection

In response to PGW Gas Company's preliminary objection, we assert that the company's assumption of abandonment due to a blank endorsement on the application constitutes fraud in factum. The Complainant and her daughter did not abandon the original promissory note and are claiming their interest in the note.

1. Fraud in Factum

The company gain access to the securities via mail fraud and/or wire fraud. (18 USC 1341 and 18 U.S.C. 1343) (42 Pa C.S.A. 8351) This is supported by court cases such as:

- Spaulding v. Morse (1955): A blank endorsement on a promissory note does not constitute a transfer of ownership.

In re: Energy Cooperative, Inc. (2015): A utility company's assumption of ownership without proper transfer is considered fraud in factum.

2. Deceptive Business Practices 73 P.S. 201-1 et seq; 12 PA C.S.C. 1 et seq.; 15 USC 45(a)(1); 15 USC 1125(a)

PGW Gas Company's actions constitute deceptive business practices, violating the Pennsylvania Unfair Trade Practices and Consumer Protection Law (UTPCPL). By assuming ownership without proper transfer, PGW Gas Company has:

- Made false representations about the status of the promissory note
- Engaged in conduct likely to mislead consumers
- Violated the duty of good faith and fair dealing

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This is supported by cases like:

Commonwealth v. National Financial Services, Inc. (2004): Deceptive business practices in the financial industry are actionable under UTPCPL.

3. Deprivation of Rights 42 Pa C.S.A. 1983; 18 USC 241; 18 USC 242; 42 USC 1983

- PGW Gas Company's actions have deprived the customer of their rights, including:
- The right to ownership and control of the promissory note
- The right to make decisions regarding their account
- The right to be free from unfair and deceptive business practices

This is supported by cases like:

In re: Philadelphia Gas Works (2019): Utility companies have a duty to act in the best interests of their customers and avoid actions that would deprive them of their rights.

4. Theft by Deception 18 Pa C.S.A. 3922; 73 P.S. 201-1 et seq; 15 U.S.C. 45(a)(1)

PGW's actions constitute theft by deception by intentionally deceiving or misleading the consumer by obtaining property (i.e., promissory note). They gained the property under false pretenses and by failing to provide full disclosure.

This is supported by cases such as:

Commonwealth v. PGW (Pa. Cmwlth. Ct. 2013)- PGW's fraudulent billing practices resulted in \$1.3 million in overcharges.

SEC v PGW (E.D. Pa 2015)-Securities and Exchange Commission (SEC) charged PGW with misleading investors.

Neder v. United States (1999) – Defined "scheme or artifice to defraud" under mail statute.

In re: CenterPoint Energy, Inc.(FERC 2015)-Federal Energy Regulatory Commission (FERC) imposed penalties for deceptive practices.

5. Unjust Enrichment 42 Pa C.S.A. 5501 et seq

PGW Gas Company's assumption of ownership and control of the promissory note without proper transfer has resulted in unjust enrichment. The company has benefited from the customer's payments without rightful ownership, violating the principles of equity and justice.

This is supported by cases like:

In re: PPL EnergyPlus (2014): Utility companies cannot be enriched unjustly at the expense of their customers.

Phone Correspondence to PGW

August 19, 2024

-Spoke with customer service representative and explained that the account was in my daughter's name (Ariana Martin) and that my name was added to the account as well and that my daughter asked me to speak on her behalf regarding the account. I informed the representative that neither one of us abandoned the original note or our interest in the note. I requested the original portfolio that was exchanged at the TT&L window on behalf of my daughter and myself. I also informed the representative that the bills were assigned to the Treasury via the UCC Contract Trust with a 1099A. I asked for the assignee bank. After updating the phone number on the account, the representative stated that I needed to speak with the Liens and Bankruptcy Department to get the information and that I also needed to speak to a supervisor. I spoke with that department, and they failed to provide the information and directed me to a supervisor as well.

August 21, 2024

-Spoke with a supervisor. I explained that I filed a complaint with the PUC and she said that the account balance was still due. I informed her that my daughter's credit is being damaged due to false and misleading reports furnished to the credit bureaus against her rights as the balances due are due to her principal, but she denied understanding what portfolio I needed and further advised what methods of payment were accepted. I informed her that my daughter or myself did not abandon our interest in the note and she said she did know what I meant. I asked for access to the custodial account.

CONCLUSION

WHEREFORE, PGW's actions constitute fraud in factum, deceptive business practices, theft by deception, deprivation of rights, and unjust enrichment. We request that the Honorable Commission reject the preliminary objection and allow the case to proceed.

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PHILADELPHIA GAS WORKS.
(Respondent)

Request for Relief

We respectfully request that the Honorable Commission grant the following relief:

1. **Declaratory Relief:** Declare PGW Gas Company's assumption of ownership and control of the promissory note null and void, and affirm the customer's rightful ownership and control.
2. **Injunctive Relief:** Enjoin PGW Gas Company from further deceptive business practices and order them to cease and desist from any actions that would deprive customers of their rights.
3. **Punitive Damages:** Award punitive damages in an amount to be determined after a forensic audit, to punish PGW Gas Company for their willful and reckless conduct.
4. **Compensatory Damages:** Award compensatory damages in an amount to be determined after a forensic audit, to compensate the customer for actual losses and damages suffered due to PGW Gas Company's actions.
5. We request a forensic audit by a third party to determine the amounts of damages to be awarded, to ensure a full and accurate accounting of PGW Gas Company's wrongful conduct.
6. Release the surety bond on the case for our rights of redemption.

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For: SHASTA PATRICE BROWN
(Complainant)

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PHILADELPHIA GAS WORKS.
(Respondent)

VERIFICATION

I, Shasta Brown, hereby declare under penalty of perjury of the law that the foregoing is true and correct to the best of my ability as I have a disability of being able to practice law and need all provisions under the ADA to assist me in this matter. I make this verification subject to 18 Pa C.S. 4904, pertaining to false statements to authorities. I am not legal counsel, and only deal with facts.

By: 
Shasta P Brown

Date: September 24, 2024.

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SECRETARY'S BUREAU

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For: SHASTA PATRICE BROWN
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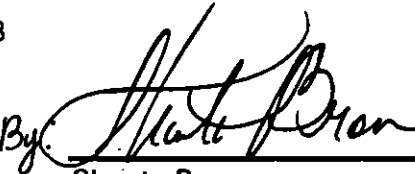
PHILADELPHIA GAS WORKS.
(Respondent)

CERTIFICATE OF SERVICE

I, Shasta Brown, hereby certify that I have this day served a copy of SHASTA PATRICE BROWN's Answer in the above matter upon all interested parties by E-mailing a copy to:

Philadelphia Gas Works
Graciela Christlieb, Senior Attorney
Legal Department
Phone: 215-684-6164 Fax: 215-684-6798
Email: Graciela.christlieb@pgworks.com

Date: September 24, 2024

By: 

Shasta Brown
5233 Heston Street, Philadelphia, PA 19131
267-318-5793
shastapbrown@gmail.com

First Class Mail to the above.

Via Certified First-Class Mail
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Secretary PAPUC
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

- Patrice: Brown
1ASTA PATRICE BROWN
33 Heston Street
Philadelphia, PA [19131]



RECEIVED

SEP 30 2024

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



Pennsylvania Public Utility Commission
Secretary PA PUC
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Attn: Rosemary Chiavetta, Secretary