



PHILADELPHIA GAS WORKS

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December 19, 2024

VIA ELECTRONIC FILING

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

Re: Kevin Clark v. Philadelphia Gas Works; Docket No. F-2024-3048453

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 FIRST CLASS MAIL

Kevin Clark
2009 North 61st Street
Philadelphia, PA 19151

Date: December 19, 2024

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Kevin Clark,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2024-3048453
	:	
	:	
Philadelphia Gas Works,	:	
	:	
Respondent.	:	

**PHILADELPHIA GAS WORKS’
REPLY TO COMPLAINANT’S EXCEPTIONS**

Pursuant to 52 Pa. Code §5.535 and the Secretary’s Letter dated December 10, 2024, the Philadelphia Gas Works (“PGW” or “Respondent”) hereby submits the following Reply to the Exceptions filed by Kevin Clark (“Complainant”) to the Initial Decision in this matter issued on November 18, 2024 (“Initial Decision”).

I. INTRODUCTION

On April 15, 2024, the Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission” or “PUC”) at Docket No. F-2024-3048453 against PGW wherein he indicated that PGW had terminated the gas service and stated that he did not know that the gas had been turned on illegally twice (“Complaint”).

The matter was assigned to Deputy Chief Administrative Law Judge Christoher Pell (“Judge Pell”) and an evidentiary hearing was scheduled for August 5, 2024.

The hearing convened as scheduled on August 5, 2024; testimony was taken and exhibits were admitted into evidence.

On November 18, 2024, Judge Pell issued the Initial Decision wherein he denied the Complaint finding that PGW had properly held the Complainant responsible for the unauthorized usage charges incurred at the property.

By Secretarial Letter dated December 10, 2024, the Commission served PGW with the Complainant’s Exceptions to the Initial Decision. PGW’s Reply follows.

II. COMPLAINANT’S EXCEPTIONS AND PGW’S REPLY

Exceptions

The Complainant’s Exceptions reiterate the claims he made during the hearing in this matter and requests a payment arrangement for the unauthorized usage charges.

Reply

The Complainant's exceptions neither identify any error in fact or law contained in the Initial Decision nor demonstrate that the Initial Decision is unsupported by substantial evidence. In the Initial Decision, Judge Pell states:

“Based upon the Complainant’s highly suspect lease agreement, his inability to offer any competent evidence to clearly demonstrate that he lived at another address during the period in question, his acknowledged lifelong connection to the service address, as well as his acknowledged awareness that the gas was on without being paid for, I find that the Complainant failed to establish a prima facie case that he should not be held responsible for the unauthorized gas usage that occurred at the service address.”¹

In his Exceptions, the Complainant fails to address any of the factors relied upon as the basis for the Initial Decision and simply reiterates his claim that he should not be held responsible for the unauthorized usage charges leaving the Commission with a records that clearly demonstrate that the Initial Decision is based on substantial evidence and should be upheld.

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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Counsel for PGW

Date: December 19, 2024

¹ Initial Decision, p. 9.