



Barbara Cook
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Barbara Cook
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Feb 7, 2025

VIA ELECTRONIC FILING

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

Re: Barbara Cook v. Philadelphia Gas Works; Docket No. F-2025-3052862

Dear Secretary Chiavetta:

Enclosed for filing, please find **Complainant's Answer to Philadelphia Gas Works' Preliminary Objection** in the above-referenced matter. Copies have been served in accordance with the attached Certificate of Service.

Sincerely,

Barbara Cook

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of **Complainant's Answer to Philadelphia Gas Works' Preliminary Objection** upon the parties listed below in the manner indicated, in accordance with 52 Pa. Code § 1.54 (relating to service by a party).

VIA ELECTRONIC MAIL

Graciela Christlieb, Esquire
graciela.christlieb@pgworks.com

Date: February 7, 2025

Barbar Cook

Barbara Cook

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Barbara Cook, :
Complainant, :
v. : Docket No. F-2025-3052862
Philadelphia Gas Works, :
Respondent. :

NOTICE TO PLEAD

To: Graciela Christlieb, Esquire
Email: graciela.christlieb@pgworks.com

Pursuant to **52 Pa. Code § 5.63**, you are hereby notified that an **Answer to the enclosed filing** must be filed within **twenty (20) days** of the date of service of this Notice.

Failure to file a timely response **may result in the relevant facts being deemed admitted** and could impact the outcome of this proceeding.

All pleadings, including your response, must be **filed with the Secretary of the Pennsylvania Public Utility Commission** and served upon the Complainant.

Barbara Cook
4702 Wallace Place
Philadelphia, PA 19139
bjcookonline@gmail.com

Complainant,

Date: February 7, 2025

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Barbara Cook, :
Complainant, :
v. : Docket No. F-2025-3052862
Philadelphia Gas Works, :
Respondent. :

COMPLAINANT'S BARBARA COOK
ANSWER TO PHILADELPHIA GAS WORKS' PRELIMINARY OBJECTION

Complainant, **Barbara Cook**, submits this Answer to **Philadelphia Gas Works' (PGW) Preliminary Objection**, served by the Secretary of the **Pennsylvania Public Utility Commission (PUC)** on **January 9, 2025**, and states as follows:

I. INTRODUCTION

1. PGW's characterization of Complainant's **Formal Complaint** is **misleading and incorrect**. While Complainant did reference a past charge from **2011**, it was only in response to PGW's own assertion when Complainant attempted to **resolve the current billing dispute**.
2. The **crux of Complainant's complaint** is the **improper billing charge assessed on November 25, 2024**. PGW is **misrepresenting the scope of the complaint** by focusing on past matters **out of context**.
3. Complainant acknowledges that the **2011 charges were previously discussed** with PGW but maintains that they **were already resolved during the appropriate timeframe**. The **current dispute is unrelated** to those past charges and concerns a **recent billing error**.

4. **Complainant is currently seeking legal counsel and will be retaining an attorney for further proceedings in this matter.** Any further responses, negotiations, or litigation will be handled in consultation with legal representation to ensure full compliance with Pennsylvania Public Utility Commission (PUC) procedures and the protection of Complainant's legal rights.

5. Complainant's **Formal Complaint falls squarely within the jurisdiction of the Pennsylvania Public Utility Commission (PUC).** PGW's claim that the Commission **lacks jurisdiction under 66 Pa.C.S. § 3314 is misapplied,** as Complainant's dispute pertains to a **billing issue within the allowable statutory timeframe.**

6. Furthermore, Complainant's **residence at 4702 Wallace Place has been uninhabitable since a fire in 2018** and remains under construction to this date. **Dated photographic and video evidence** thoroughly document the ongoing repairs and confirm that the property has remained unoccupied.

7. Complainant has **maintained water and electric service** throughout this period, and records from these utilities will **demonstrate the absence of usage,** directly contradicting PGW's allegations regarding service and billing.

8. Based on the foregoing, **PGW's Preliminary Objection should be dismissed,** and Complainant's Formal Complaint should proceed before the Commission.

II. LEGAL STANDARDS FOR PRELIMINARY OBJECTIONS

9. Complainant acknowledges that **52 Pa. Code § 5.101** governs the filing of **preliminary objections** and that such objections must be based on specific legal and factual grounds. However, PGW's reliance on **lack of Commission jurisdiction and the statute of limitations** is **misplaced** as Complainant's Formal Complaint concerns a billing issue from **November 25, 2024**, not charges predating the statutory period.

10. Under Pennsylvania law, preliminary objections **must be resolved in favor of the non-moving party** unless it is clear beyond doubt that no relief can be granted. (**See County of Allegheny v. Commonwealth of Pa., 490 A.2d 402 (Pa. 1985)**). In this instance, PGW has **misstated the nature of the dispute**, and its objection should therefore be **denied**.

III. RESPONSE TO PGW'S PRELIMINARY OBJECTIONS

A. PGW's Assertion That PUC Lacks Jurisdiction is Incorrect

11. PGW incorrectly argues that the Pennsylvania Public Utility Commission (PUC) **lacks jurisdiction** over Complainant's dispute due to the statute of limitations outlined in **66 Pa.C.S. § 3314**.

12. However, Complainant's **Formal Complaint does not seek relief for matters dating back to 2011**. The **mention of the 2011 charges in the complaint was a direct result of PGW bringing them up when Complainant attempted to address the November 25, 2024 charge**.

13. The Commission has **clear jurisdiction** over disputes concerning **improper billing practices, inaccurate charges, and wrongful assessments** made by a public utility under **66 Pa.C.S. §§ 701, 1301, and 1501**.

14. PGW's **characterization of the nature of Complainant's dispute is inaccurate** and does not reflect the core issues raised in this case. **The Preliminary Objection should be denied**, and the case should proceed.

B. PGW's Reliance on the Statute of Limitations is Inapplicable

15. PGW asserts that **any charges predating January 1, 2022, are barred by the statute of limitations** under **66 Pa.C.S. § 3314**. However, **PGW's argument is irrelevant**, as the **improper billing charge in dispute was issued on November 25, 2024**.

16. The **mention of prior charges was only made in response to PGW's own assertion**, not as a basis for relief. Complainant is **not disputing 2011 charges** but rather the **recently issued billing charge** that is **fully within the statutory timeframe**.

17. As the **disputed billing charge falls within the statutory period**, PGW's objection **should be denied**.

C. The Allegations of Gas Usage Are Unsubstantiated

18. PGW claims that Complainant incurred gas charges despite **her property being uninhabitable** since 2018 due to a fire.

19. Complainant has **dated photographic and video evidence** documenting the **ongoing reconstruction of the property**, proving that it **has remained unoccupied and uninhabitable**.

20. Additionally, **Complainant has maintained electric and water service** at the property, and records from these utilities will **confirm a lack of usage**, directly contradicting PGW's claims.

21. PGW has **not provided sufficient factual evidence** to support its allegations, and its attempt to shift the burden onto Complainant is improper.

22. Given these facts, **PGW's Preliminary Objection should be denied**, and the matter should proceed for full review by the Commission.

IV. CONCLUSION

23. Complainant's Formal Complaint **raises a legitimate and timely billing dispute** that is within the jurisdiction of the PUC.

24. PGW's **attempt to mischaracterize the Complaint and rely on an inapplicable statute of limitations** should be rejected.

25. Complainant has **provided clear evidence** demonstrating that PGW's allegations of gas usage are **factually incorrect**, and the case merits full review.

IV. CONCLUSION

Complainant has raised a **valid and timely dispute** concerning an **improper billing charge issued on November 25, 2024**, which the **PUC has full jurisdiction to review**. PGW's attempts to **reframe the Complaint** by referencing resolved matters from **2011** are an effort to have valid the Complaint dismissed. PGW has failed to provide **substantive evidence** supporting the charge issued on **November 25, 2024**, and the **PUC should reject PGW's arguments**.

WHEREFORE, Complainant respectfully requests that the Commission:

- a. Deny PGW's New Matter in its entirety;**
- b. Permit Complainant's Formal Complaint to proceed for full review;**
- c. Grant any other relief deemed just and appropriate.**

Respectfully Submitted,

Barbara Cook

Barbara Cook

4702 Wallace Place

Philadelphia, PA 19122

Complainant

Date February 7, 2025.

VERIFICATION

I, **Barbara Cook**, hereby state that the facts set forth in the foregoing document are **true and correct** to the best of my knowledge, information, and belief. I understand that **false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904**, relating to **unsworn falsification to authorities**.

Barbara Cook

Barbara Cook

Date February 7, 2025