



PHILADELPHIA GAS WORKS

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July 29, 2025

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Helena Barnhill v. Philadelphia Gas Works; Docket No. C-2025-3056201

Dear Secretary Homsher:

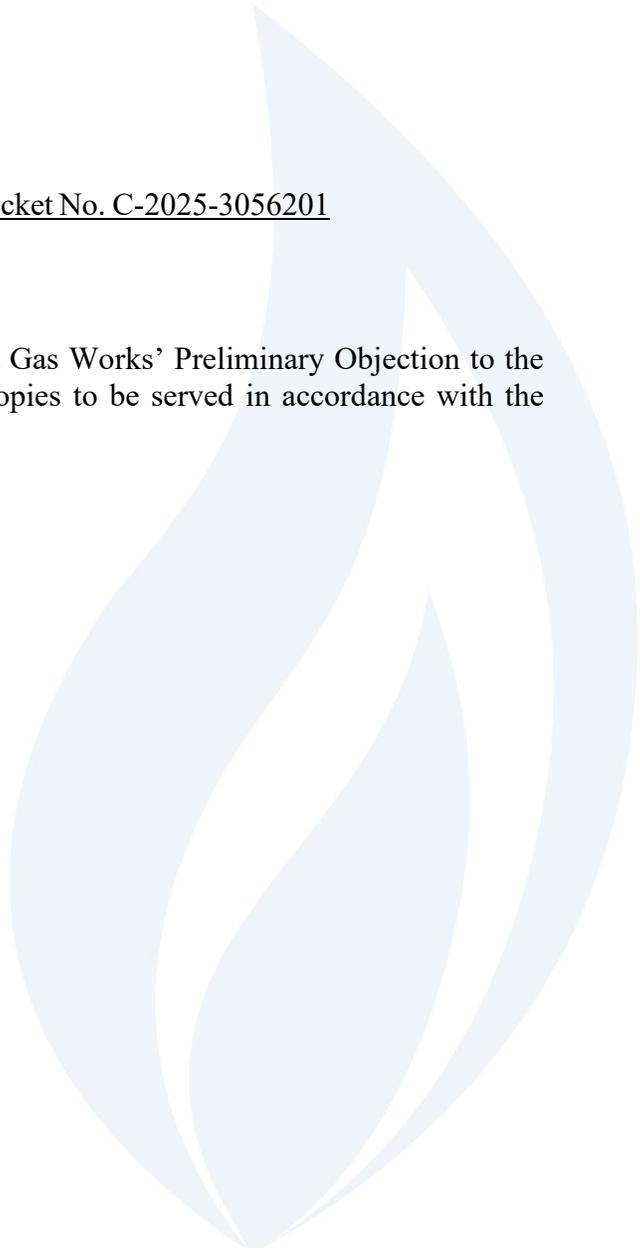
Enclosed for electronic filing please find Philadelphia Gas Works' Preliminary Objection to the Formal Complaint in the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

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 ELECTRONIC MAIL AND FIRST CLASS MAIL

Helena Barnhill
4635 Horrocks Street
Philadelphia, PA 19124
hbarnhill5@hotmail.com

Date: July 29, 2025

/s/ Graciela Christlieb

Graciela Christlieb, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Helena Barnhill,	:	
Complainant,	:	
v.	:	Docket No. C-2025-3056201
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

NOTICE TO PLEAD

To: Helena Barnhill
4635 Horrocks Street
Philadelphia, PA 19124
hbarnhill5@hotmail.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: July 29, 2025

Counsel for PGW

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Helena Barnhill,	:	
Complainant,	:	
v.	:	Docket No. C-2025-3056201
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

**PRELIMINARY OBJECTION OF RESPONDENT,
PHILADELPHIA GAS WORKS**

Pursuant to 52 Pa. Code § 5.101, Philadelphia Gas Works (“PGW” or “Respondent”) submits the following Preliminary Objection to the Formal Complaint of Helena Barnhill (“Complainant”) served by the Secretary of the Pennsylvania Public Utility Commission (“Commission” or “PUC”) on July 9, 2025. (“Complaint”). Pursuant to 52 Pa. Code § 5.61 and 5.101(d), PGW also filed an Answer with New Matter to the Complaint on this same date. In support of these Preliminary Objections, PGW avers as follows:

I. INTRODUCTION

1. On July 9, 2025, PGW was served with the Complaint filed by the Complainant against PGW. A copy of the Complaint is attached hereto as Appendix 1 and incorporated herein by reference.

2. The Complaint raises issues regarding service work performed by PGW at 4635 Horrocks Street, Philadelphia, PA (“Service Address”).

3. As more fully set forth below, the issues raised in the Complaint relating to service work by PGW should be stricken from the Complaint pursuant to 52 Pa. Code § 5.101(a)(1) and (2) as impertinent matter since the Commission does not have jurisdiction over an action brought more than three years from the date the liability arose.

II. LEGAL STANDARDS FOR PRELIMINARY OBJECTIONS

4. Preliminary objections to a Complaint are a permissible filing under the

Commission's Rules of Administrative Practice and Procedure.¹

5. The Commission's procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil practice.²

6. Under Section 5.101(a) of the Commission's regulations, preliminary objections must specifically state the legal and factual grounds relied upon and be limited to the following:

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

52 Pa. Code § 5.101(a)(1-7).

7. The moving party may not rely on its own factual assertions but must accept for the purposes of disposition of the preliminary objections, all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts.³ However, the Commission need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations or expressions of opinion.⁴

8. In deciding the preliminary objections, the Commission must determine whether, based on the well-pleaded factual averments of the party, recovery is possible.⁵

¹ 52 Pa. Code § 5.101(a)(1)-(7). *Equitable Small Transportation Intervenor v. Equitable Gas Company*, 1994 Pa. P.U.C. LEXIS 69, Docket No. C-00935435 (July 18, 1994).

² *Id.*; *Montague v. Philadelphia Electric Company*, 66 Pa. P.U.C. 24 (1988).

³ *County of Allegheny v. Cmwth. of Pa.*, 490 A.2d 402 (Pa. 1985).

⁴ *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwth. 2007).

⁵ *Department of Auditor General, et al. v. SERS, et al.*, 836 A.2d 1053, 1064 (Pa. Cmwth. 2003); *P.J.S. v. Pa. State Ethics Commission*, 669 A.2d 1105 (Pa. Cmwth. 1996).

III. PRELIMINARY OBJECTIONS BY PGW

9. PGW incorporates herein, as if the same were set forth at length here, its responses to paragraphs 1 to 7 of the Complaint, as pled in its Answer with New Matter. In addition, PGW also incorporates herein all allegations pled in its New Matter to the Complaint as if the same were set forth at length here.

A. Dismissal Based on Lack of Commission Jurisdiction and Removal of Impertinent Matter

10. Section 5.101(a)(1) of the Commission's regulations permits a party to file a preliminary objection based on the lack of Commission jurisdiction.⁶

11. To act on the Complaint, the Commission must have jurisdiction over the subject matter.⁷

12. The Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code.⁸ As such, the Commission must act within, and cannot exceed, its jurisdiction.⁹

13. A party to the proceeding may not create jurisdiction where jurisdiction does not exist.¹⁰

14. Impertinent matter is an allegation which is not legally recoverable in the cause of action pleaded in the sense that it is irrelevant to that cause of action.¹¹

1. The Commission Lacks Jurisdiction Over an Action Brought More Than Three Years from the Date the Liability Arose

15. In the Complaint, the Complainant makes allegations arising from service work performed at the Service Address by PGW.¹²

16. The Complainant admits in the Complaint that the service work occurred three years ago.¹³

⁶ 52 Pa. Code § 5.101(a)(1).

⁷ *Hughes v. Pennsylvania State Police*, 619 A.2d 390 (Pa. Cmwlth. 1992), *alloc. den.*, 637 A.2d 293 (Pa. 1993) ("The Commission must have subject matter jurisdiction as a prerequisite to the exercise of its power before it can decide a controversy.")

⁸ *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977).

⁹ *City of Pittsburgh v. Pa. PUC*, 43 A.2d 348 (Pa. Super. 1945).

¹⁰ *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).

¹¹ *Olivieri v. Olivieri*, 242 Pa. Super. 457, 364 A.2d 361 (1976), *Hudock v. Donegal Mutual Insurance Co.*, 438 Pa. 272, n. 2 (1970).

¹² See attachment to Complaint.

¹³ See Complaint, paragraph 5 and attachment to Complaint.

17. The statute of limitations at 66 Pa.C.S. § 3314 provides that no action for recovery of penalties or forfeitures, or any prosecution, may be maintained unless brought within three years from the date the liability arose.

18. The statute of limitations at 66 Pa.C.S. § 3314 divests the Commission of jurisdiction over an action brought more than three years from the date the liability arose.¹⁴

2. The Impertinent Matter Should be Stricken from the Complaint

19. As the Commission does not have jurisdiction over actions brought more than three years from the date the liability arose, allegations regarding such causes of action are impertinent matter.

20. The impertinent matter should be stricken from the Complaint.

IV. CONCLUSION

WHEREFORE, PGW respectfully requests that this Commission grant PGW's Preliminary Objections, Strike the requested relief as impertinent matter, dismiss the Complaint, and enter any other relief to PGW that is deemed to be reasonable and appropriate.

Respectfully submitted,

/s/ Graciela Christlieb

Graciela Christlieb, Esquire
Attorney I.D. 200760
Philadelphia Gas Works
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Philadelphia, PA 19122
Telephone: (215) 684-6164
graciela.christlieb@pgworks.com

Date: July 29, 2025

Counsel for PGW

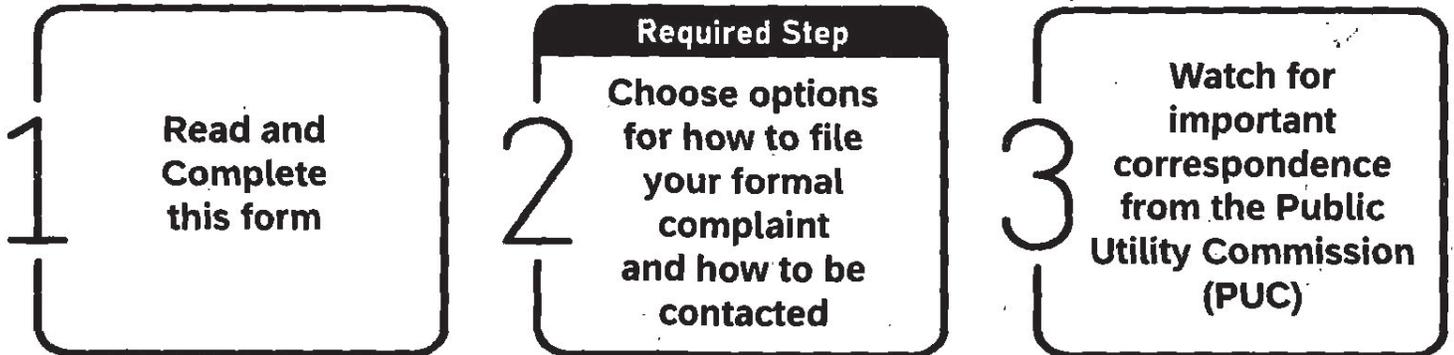
¹⁴ *Collins v. Pennsylvania Public Utility Commission*, 240 A.3d 671 (Pa. Cmwlth. 2020).

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PAPUC PENNSYLVANIA PUBLIC UTILITY COMMISSION

FORMAL COMPLAINT - PRINTABLE FORM

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.



Please legibly complete this form in ink.

1. CUSTOMER (COMPLAINANT) INFORMATION

Provide your contact information and utility account number. It is your responsibility to update the PUC with any changes to your address and to where you want documents sent to you.

Name Thelma Barkhill
Street/P.O. Box 4635 Darrocks St Apt# _____
City Phila State Pa Zip 19124
County Phila

Telephone Number(s) Where We Can Contact You During the Day:

Home: [REDACTED] Mobile: [REDACTED]

Email Address HBarkhill5@Hotmail.com

Utility Account Number (from your bill) [REDACTED]

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____ Apt# _____

City _____ State _____ Zip _____

2. NAME OF UTILITY OR COMPANY (RESPONDENT)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

Phila Gas Works

3. TYPE OF UTILITY SERVICE

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | |
|---|--|
| <input type="checkbox"/> Electric | <input type="checkbox"/> Storm Water |
| <input checked="" type="checkbox"/> Gas | <input type="checkbox"/> Steam Heat |
| <input type="checkbox"/> Water | <input type="checkbox"/> Motor Carrier (taxi, moving company, limo) |
| <input type="checkbox"/> Wastewater/Sewer | <input type="checkbox"/> Telephone/Telecommunications (local, long distance) |

Note: The PUC does not regulate high-speed internet service, cell phones or cable TV.

4. REASON FOR COMPLAINT

What kind of problem are you having with the utility or company?

Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain) _____

5. REQUESTED RELIEF

How do you want your complaint to be resolved?

RCVD PUC SEC BUR
JUL 9 2025 AM 10:47

Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

I received an update to my gas line
Three years ago. (See Attachment)

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. PROTECTION FROM ABUSE (PFA)/DOMESTIC VIOLENCE

Has a court granted you a PFA order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Has a court granted a PFA order or any other order for your personal safety or welfare?

Yes If your answer is "yes," attach a copy of the current PFA order to this Formal Complaint form. Due to the confidential nature of the PFA, you cannot eFile your Formal Complaint. You will need to print out this form and mail it to the Secretary of the Commission.

No * TC w/ consumer

Note: You MUST answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

7. PRIOR UTILITY CONTACT

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

Yes

No

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

Yes

No

Note: You **MUST** contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. TWO OPTIONS TO FILE YOUR FORMAL COMPLAINT — CHOOSE ONE

OPTION 1

Electronically by eFile

One option is to create an account on the PUC's eFiling system, or, use your existing eFiling account. This is the quickest and easiest way to receive, file and submit documents.

eFiling permits consumers, utilities and attorneys to file certain documents electronically with the PUC without filing paper copies, serve documents electronically on other parties if they agree to such service, and to receive electronic service of documents from the PUC.

You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method, you will electronically receive documents.

Visit <https://efiling.puc.pa.gov/> to learn more and create an eFiling account.

You will automatically receive eService with your eFiling account.

OPTION 2

Mail

Mail the completed form with your original signature and any attachments to this address and retain the tracking information as proof of submission:

**Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120**

If you select the option to mail your formal complaint, you are required to select the method by which you would like the PUC to communicate with you. You must choose one of the three options on the next page for ways you would like to receive documents.

9. THREE OPTIONS TO RECEIVE DOCUMENTS — CHOOSE ONE

It is REQUIRED to select ONE of the following options for receiving all hearing notices, orders and related documents from the PUC:

OPTION 1

eFILING: This is the quickest and easiest way to receive all documents. You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method you will electronically receive documents. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

You will automatically receive eService with your eFiling account.

OPTION 2

FIRST CLASS MAIL: You agree to receive all documents by First Class Mail (using the address you provided on Page 1).

Check the box and initial here HB if you are selecting **FIRST CLASS MAIL** service.

OPTION 3

EMAIL: You agree to receive all documents by email (using the email address you provided on page 1). Keep in mind, you will only be able to receive documents by email from the PUC. You will not be able to email documents to the Commission.

To file documents, you must submit them through an eFiling account or mail them. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

Check the box and initial here _____ if you are selecting **EMAIL** service.

Please Note: It is important to select **ONE** of the three options above.

IF AN OPTION IS NOT SELECTED, THIS MAY DELAY THE PROCESSING OF YOUR COMPLAINT.

10. LEGAL REPRESENTATION

If you are filing a Formal Complaint as an individual on your own behalf, you are NOT required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's contact information, which is required. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____
Street/P.O. Box _____ Apt# _____
City _____ State _____ Zip _____
Area Code/Phone Number _____
Email Address _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

11. VERIFICATION AND SIGNATURE

You **MUST** sign and date your complaint. If you file by mail, you must sign your name in ink on the line provided below. Date the form. If you do not sign with your original signature and date, the PUC will not accept your complaint.

Verification:

Helena Barnhill, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Helena Barnhill
(Signature of Complainant)

July 5, 2025
(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

APPEALING A BCS DECISION?

If you are appealing a BCS decision: follow the directions in the cover letter you received from the PUC Secretary's Bureau with the formal complaint form. **ONLY** formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. **All other formal complaints MUST be eFiled or mailed.**

QUESTIONS?

If you have any questions about filling out this form, please contact the **Secretary's Bureau at 717-772-7777.**

REMINDERS

- **Keep a copy of your Formal Complaint for your records.**
- **If you are electronically filing your Formal Complaint through eFiling, you will need to scan the document and save it as a PDF.**
- **You may add any additional information, such as copies of bills, as one (1) separate attachment to your complaint.**
- **To protect your personal information, please know that your complaint form and the utility's answer will not be published to the PUC's website.**
- **Check the Consumer Complaints Procedures Guide for checklists and tips to help you successfully follow the complaint-filing process.**
(<https://www.puc.pa.gov/media/1492/consumer-complaints-procedures-guide-2021.pdf>)
- **Once your complaint case moves to the PUC's Office of Administrative Law Judge, any filings you make should be marked confidential if you do not want them published to the website.**

I received an update to my gas line 3 years ago. The work men dug my front yard up however they did not inform me as a homeowner that they would be leaving apparatus in the front yard of my home I would have never agreed to them putting that in my lawn. I also received a new meter in place of the 20 years old or more and because of the new update to the gas line At least 10 or more of my neighbors I know of received new meters as well. My 1st informal case from PUC was dismissed because the gas line is curve side, how is that and it's in my yard with No consent from myself. I was Very upset about the whole ordeal. I have to leave my home open to their disposal and that's Unacceptable!!!

I received a letter from PGW saying they needed to come into my home physically to inspect the meter, piping reading and maintenance purposes.

My question to them was my neighbors getting inspected. We all as well got meter at the same time. I was told different circumstances for others. Really, I told 3 different reasons as to why they needed to come into my home. I No longer trust anything they say I feel misled and lied to makes me think they did something they were not supposed to do No one else has a Gas line in there front yead. Most of all I feel Very Unsafe in my own home

RESOLVED.

I like for the Gas line on the curve side where it belongs !!!Not in my front yard! Also, they change the meter every20yrs. As I was told. That's what I expect. Just got one 3Years ago.

Opelera Barnhill
July 5, 2025

Helena T. Barnhill
4635 Horrocks St.
Philadelphia, PA 19124

PHILADELPHIA PA 190
7 JUL 2025 PM 5 L



Commonwealth of Pa.
Public Utility Commission
400 North Street
Harrisburg, Pa. 17120

17120-021199

