



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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October 21, 2025

**VIA ELECTRONIC FILING**

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

Re: Barbara Arrington v. Philadelphia Gas Works; Docket No. C-2025-3057760

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**

Barbara Arrington  
c/o Nicole Tate  
[nikkitatewhiting@gmail.com](mailto:nikkitatewhiting@gmail.com)

Date: October 21, 2025

*/s/ Graciela Christlieb*  
Graciela Christlieb, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Barbara Arrington,	:	
Complainant,	:	
v.	:	Docket No. C-2025-3057760
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

**NOTICE TO PLEAD**

**To:** Barbara Arrington  
c/o Nicole Tate  
[nikkitatewhiting@gmail.com](mailto:nikkitatewhiting@gmail.com)

Pursuant to Pa. Code § 5.101, you are hereby notified that any answer to the enclosed Preliminary Objection 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 Objection, 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](mailto:graciela.christlieb@pgworks.com)

Date: October 21, 2025

*Counsel for PGW*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Barbara Arrington,	:	
Complainant,	:	
v.	:	Docket No. C-2025-3057760
	:	
Philadelphia Gas Works,	:	
Respondent.	:	

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**PRELIMINARY OBJECTION OF RESPONDENT  
PHILADELPHIA GAS WORKS**

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Pursuant to 52 Pa. Code § 5.101, Philadelphia Gas Works (PGW or Respondent) submits the following Preliminary Objection to the Formal Complaint of Barbara Arrington (Complainant) filed by Nicole Tate and served by the Secretary of the Pennsylvania Public Utility Commission (Commission or PUC) on October 1, 2025. (Complaint). Pursuant to 52 Pa. Code § 5.61 and 5.101(d), PGW has also this day filed an Answer to the Complaint with New Matter. In support of this Preliminary Objection, PGW avers as follows:

**I. INTRODUCTION**

1. On October 1, 2025, PGW was served with the Complaint filed by Nicole Tate on behalf of the Complainant against PGW. A copy of the Complaint is attached hereto as Appendix 1 and incorporated herein by reference.

2. As relief, the Complaint seeks to have the Commission adjudicate PGW’s rights under the Pennsylvania Municipal Claim and Tax Lien Law (Lien Law), 53 P.S. §§ 7101-7455 by removing the municipal claim<sup>1</sup> that PGW has with respect to the outstanding debt for gas service to 1804 Willington Street, Philadelphia, PA (Service Address).

3. As more fully set forth below, the Complaint should be dismissed pursuant to 52 Pa. Code § 5.101(a)(1) as the Commission does not have jurisdiction to adjudicate PGW’s rights under the Lien Law.

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<sup>1</sup> “[T] the claim arising out of, or resulting from, a tax assessed, service supplied, work done, or improvement authorized and undertaken, by a municipality, although the amount thereof be not at the time definitely ascertained by the authority authorized to determine the same, and a lien therefor be not filed, but becomes fileable within the period and in the manner herein provided...” 53 P.S. § 7101

## 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.<sup>2</sup>

5. The Commission's procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil practice.<sup>3</sup>

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.<sup>4</sup>

8. However, the Commission need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations or expressions of opinion.<sup>5</sup>

9. In deciding the preliminary objections, the Commission must determine whether, based on the well-pleaded factual averments of the party, recovery is possible.<sup>6</sup>

10. The Commission is authorized to dismiss a complaint if a hearing is not necessary.<sup>7</sup>

11. The Commission has recognized that the public interest is prejudiced by the wasteful

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<sup>2</sup> 52 Pa. Code § 5.101(a)(1)-(7).

<sup>3</sup> *Montague v. Philadelphia Electric Company*, 66 Pa. P.U.C. 24 (1988).

<sup>4</sup> *County of Allegheny v. Cmwlt. of Pa.*, 490 A.2d 402 (Pa. 1985).

<sup>5</sup> *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlt. 2007).

<sup>6</sup> *Department of Auditor General, et al. v. SERS, et al.*, 836 A.2d 1053, 1064 (Pa. Cmwlt. 2003).

<sup>7</sup> 52 Pa. Code § 5.21(d).

use of the agency's and the company's time and resources in addressing a complaint.<sup>8</sup>

### III. PRELIMINARY OBJECTION BY PGW

12. PGW incorporates herein, as if the same were set forth at length here, its responses to paragraphs 1 to 11 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. Lack of Commission Jurisdiction

13. 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. 52 Pa. Code § 5.101(a)(1).

14. To act on the Complaint, the Commission must have jurisdiction over the subject matter.<sup>9</sup>

15. 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.<sup>10</sup>

16. The Commission must act within, and cannot exceed, its jurisdiction.<sup>11</sup>

17. A party to the proceeding may not create jurisdiction where jurisdiction does not exist.<sup>12</sup>

18. As relief, the Complainant seeks to have the Commission adjudicate PGW's rights under the Lien Law a by removing the municipal claim that PGW has with respect to the outstanding debt for gas service to the Service Address.

19. The Commission's enforcement powers do not include the ability to adjudicate PGW's rights under the Lien Law.<sup>13</sup>

20. As the Commission is without jurisdiction to adjudicate PGW's rights under the Lien Law, the Complaint should be dismissed.

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<sup>8</sup> *Jefferson v. UGI Utilities, Inc.*, Docket No. Z-00269892 (Order entered December 26, 1995); *Charles Nichols III v. Bell-Atlantic-Pennsylvania*, Docket No. C-00956667 (Order entered August 4, 1995).

<sup>9</sup> *Hughes v. Pennsylvania State Police*, 619 A.2d 390 (Pa. Cmwlth. 1992), *alloc. den.*, 637 A.2d 293 (Pa. 1993).

<sup>10</sup> *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977).

<sup>11</sup> *City of Pittsburgh v. Pa. PUC*, 43 A.2d 348 (Pa. Super. 1945).

<sup>12</sup> *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).

<sup>13</sup> *Margaret Collins v. Pennsylvania-American Water Company*, Docket No. F-2017-2628770 (Order entered August 29, 2019) citing PAWC M.B. at 3-4 (citing *August 2018 SBG Order* at 18) (citations omitted) ("When a municipal lien is placed against the property owner for recovery of the debt, *i.e.*, municipal claim, the property owner must present any defenses to the collection in accordance with the statutory provisions applicable to municipal claims and municipal liens. *See* 53 P.S. § 7184. The property owner and/or debtor does not have recourse to any other forum or any other means to strike off the lien or to reduce the indebtedness secured by the lien. Thus, the debtor cannot adjust the amount or have the lien taken off the subject property under any authority possessed by this Commission.")

#### IV. CONCLUSION

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

Respectfully submitted,

*/s/ Graciela Christlieb*

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800 W. Montgomery Avenue  
Philadelphia, PA 19122  
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Date: October 21, 2025

*Counsel for PGW*

# Appendix

## A

## FORMAL COMPLAINT - FILLABLE 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 complete this fillable form.

### 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 Nicole Tate per Barbara Arrington

Street/P.O. Box PO BOX 13 Apt#

City GLENSIDE State PA Zip 19038

County Montgomery

Telephone Number(s) Where We Can Contact You During the Day:  
 Home:  Mobile: 267-694-4422

Email Address Nikkitatewhiting@gmail.com

Utility Account Number (from your bill) There is no account

**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 n/a

Street/P.O. Box 1804 Willington Street Apt#

City Philadelphia State PA Zip 19121

## 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.

Philadelphia 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). If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering."

Owner has never lived nor had an account with PGW at this property and now while trying to sell the property a lien has been placed on the property. When called the man kept stating we can put charges even though the gas was in a tenant/other name then hung up. I Nicole Tate (POA) called the commission and stated all that happened and now I am receiving a closing letter stating no one spoke to PGW since 2013, which I had called about a week ago. The case number in question is 4094058. I would like someone to investigate and contact me in regards to this situation. I may be reached at 267-694-4422.

## 5. REQUESTED RELIEF

### How do you want your complaint to be resolved?

Explain what you want the PUC to order the utility or company to do. If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering.

I would like to know as an owner of mutple properties in and out of this state can have protection on utilites can just give charges and not go after the person to whom created the account. If both are responsible and both wound up paying the utility company now have over payment.

**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

**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      **BCS complaint dismissed. No decision issued.**

No      **MM - SEC BUR**

**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      **In question 4's answer, complainant indicates that they spoke to utility recently.**

No      **MM- SEC BUR**

**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 or wastewater 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. If you need additional space, use the space provided on Page 9. Please indicate the number of the question that you are answering."

**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 \_\_\_\_\_ 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 eFile your complaint, you must print or type your name in the box provided below. Date the form. The PUC's eFiling system will accept an electronic signature. The eFiling system **will not accept** a complaint form without a signature and date.

### Verification:

I, Nicole Tate (POA), *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).*

Nicole Tate  
\_\_\_\_\_  
(Signature of Complainant)

9/30/28  
\_\_\_\_\_  
(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

- Save and keep a copy of your Formal Complaint for your records.
- 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.

A large, empty rectangular box with a thin black border, occupying most of the page below the header. It is intended for providing additional space if needed.