



VIA Overnight Mail

February 4, 2010

Secretary James J. McNulty
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building, 2nd Fl.
Harrisburg, PA 17120

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FEB 04 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Petition for Interim Emergency Order for Restoration of Gas Service, Danee Slaton v. Philadelphia Gas Works, Docket No. C- 2010-2155867

Dear Secretary McNulty:

Enclosed for filing is the **Petition for Interim Emergency Order for Restoration of Gas Service, on behalf of Danee Slaton**, with Verified Statement of Facts and Certificate of Service.

Pursuant to 52 Pa. Code § 3.6(a), copies of these documents have been served on the Chief Administrative Law Judge and the parties.

Respectfully submitted,

Thu B. Tran, Esq.
Philip A. Bertocci, Esq.
Energy Unit

Attorneys for Danee Slaton

Enclosures

cc: The Honorable Veronica A. Smith, Chief Administrative Law Judge
Laureto Farinas, Esq., Philadelphia Gas Works

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DANEE SLATON
630 E. CLEMENTINE ST.
PHILADELPHIA, PA 19134

Complainant

vs.

PHILADELPHIA GAS WORKS
800 WEST MONTGOMERY AVENUE
PHILADELPHIA, PA 19122

Respondent

Docket No. C-2010-2155867

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**PETITION FOR INTERIM EMERGENCY ORDER
FOR RESTORATION OF GAS SERVICE**

Pursuant to 52 Pa. Code §3.6, Petitioner, Danee Slaton, through counsel Community Legal Services, Inc., hereby petitions the Commission for an Interim Emergency Order to restore gas service, and in support states as follows:

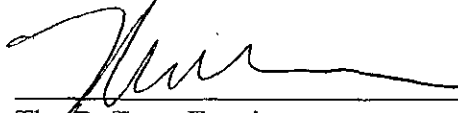
1. Petitioner lives at 630 East Clementine Street in Philadelphia, PA, with her two daughters, ages 5 and 2.
2. Petitioner legally received gas service at 630 East Clementine Street and enrolled into Philadelphia Gas Work's (PGW's) low-income CRP program in the Spring of 2009.
3. Petitioner continued to receive gas service until January 20, 2010, when Petitioner allowed PGW workers into her home to check the meter.
4. On January 20, 2010, PGW shut off Petitioner's gas service for alleged unauthorized usage, stating to Petitioner that gas was already supposed to be shut off before January 20, 2010. PGW did not state whether there was an unsafe condition to warrant immediate termination of heat-related gas service to a low-income household in winter.

5. Petitioner did not experience an interruption in service before January 20, 2010 and did not see PGW workers come to her home for shut off prior to January 20, 2010. Deducing from PGW's final bills to Petitioner, Petitioner suspects that PGW unsuccessfully attempted to shut off her gas from the curb in November, 2009. Through counsel in this matter, Petitioner will seek details about why PGW is alleging unauthorized usage.
6. Petitioner has made attempts to obtain restoration terms from PGW and comply with restoration terms, but PGW increased its restoration terms to an unaffordable amount. Upon information and belief, PGW is demanding the full cost of gas instead of what Petitioner would have been charged under the CRP program.
7. Petitioner has conditionally been approved for LIHEAP Cash and Crisis grants, totaling \$775, and has offered these grants to PGW to cover the reconnection fee and the amount of all missed CRP payments. Petitioner estimates that the reconnection fee and missed CRP payments total about \$421. PGW has refused to restore service under these terms.
8. Petitioner has acted diligently to attempt to restore her service.
9. The need for relief is immediate because Petitioner and her two young children are currently without heat and hot water in the middle of winter. Petitioner fears her home is becoming unsanitary and the health of her family is at risk.
10. Restoration of gas service pending resolution of this matter would not be injurious to the public interest because it would not harm PGW's financial integrity, while providing necessary protection against imminent harm to Petitioner and her children.
11. Counsel for Petitioner contacted PGW's counsel on February 2, 2010 to request restoration of gas service pending resolution of this matter, offering the same \$775 in LIHEAP grants. On February 3, 2010, PGW, through counsel, refused to restore service.

WHEREFORE, Petitioner being without other remedy, requests the Commission to:

1. Issue an Interim Emergency Order compelling PGW immediately to restore Petitioner's gas service at 630 East Clementine Street, in Philadelphia, PA, at no cost to Petitioner and without requiring Petitioner to file a bond.
2. Order such other relief that may be just and appropriate.

Respectfully submitted,



Thu B. Tran, Esquire
Philip A. Bertocci, Esquire
Community Legal Services, Inc.
1424 Chestnut Street, 4th Floor
Philadelphia, PA 19102

Counsel for Complainant/Petitioner

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SECRETARY'S BUREAU**

didn't think I owed more than a couple hundred dollars. I asked about my options to get gas service back on and I was told to apply for LIHEAP and Crisis.

6. The next day, I went to New Kensington CDC. I was counseled to apply for LIHEAP and Crisis and to come back to apply for an additional in \$1500.

7. On January 22, 2010, I went to the LIHEAP office to apply for LIHEAP and Crisis. I was told to go get a Credit Denial Statement from PGW before I could apply. I received the attached Credit Denial Statement from PGW.

8. I went back to the LIHEAP office with the Credit Denial Statement and to apply for LIHEAP and Crisis. I was not approved because the total grants would not restore my heat, but that I could take the ^{attached} LIHEAP notice to apply for UESF.

9. At New Kensington CDC, I was denied UESF because the additional \$1500 would not zero out my total account. A New Kensington worker called PGW with me and I found out that PGW was charging me with unauthorized use.

10. I was referred to the Salvation Army to apply for additional grants, but there was no funding left. I was then referred to Community Legal Services.


11. If my gas is restored, I will pay for my current charges. If PGW will not restore my gas service while this Formal Complaint is pending, I will ask the PUC to order PGW to restore my gas service. I do not see how a big company like PGW will be harmed if gas service is restored to my home while this case is pending.

12. I did not experience a gas shut off before January 20, 2010, so was not aware that I was not supposed to be receiving gas.

I, Danee Slaton, hereby state that the facts contained in the above Statement of Facts 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).

2/1/10
Date


Danee Slaton

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Philadelphia Gas Works

Credit Denial Statement

Date: 01/22/2010
Name: Danee Slayton

Account Number: 00 3353 0778
Service Address: 630 E. Clementine St.

After reviewing your application for service, PGW is unable to provide you with gas service because you have failed to satisfy one or more of the following conditions:

- 1. X [] You owe PGW a total balance of \$3,730.80
2. [] To provide satisfactory personal identification by showing at least two of the following: a government issued picture ID, Social Security card, driver's license, medical assistance card, Public Welfare card, or similar items.
3. [] To provide documentation showing ownership, tenancy or residency at the service address.
4. [] Based on the credit score obtained from Experian, a national credit reporting agency, you failed to meet our credit guidelines.*

In order to establish your account you must do the following:

- 5. X [] Pay or enter into an appropriate agreement; to pay an outstanding debt of \$1346.51 to PGW and/or pay a deposit of \$ 0 and/or a reconnection charge of \$ 123.23.
6. [] Pay total outstanding theft charges of \$ + outstanding balance of \$ + deposit of \$ + reconnection fees of \$
7. [] Pay a cash deposit of \$ which you can pay in the following installments, 50% or \$ immediately to establish service then 25% or \$ at the end of 30 days and 25% or \$ at the end of 60 days.
8. [] Provide positive identification with at least two of the following: a government issued picture ID, driver's license, welfare card, medical assistance card or social security card.
9. [] Provide proof of residency for this premise.
10. [] Provide a guarantor who is a current PGW customer in good standing who will be willing to pay your gas bills if you fail to pay your bill.

Remarks: Customer needs usage amount of \$1,242.85 + 1/24th of previous balance \$103.66 + reconn. Fee \$123.23 along with proof of income and social security cards for household to have gas restored

NEEDS TO HAVE GAS RESTORED \$1,469.74

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Representative - M. Colon

Number - 823

Customer Service Center- Center City Office

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

The terms and conditions offered in this letter will remain valid for 30 days from the date set forth on the top of this letter, Unless there is unauthorized gas usage, gas usage without a contract, or theft of gas at the Service Address. If you have, any questions or concerns please contact PGW at (215)-235-1000

* Under the law, you have the right to obtain a free copy of your credit report from Experian within 60 days from the date of this notice. If you find any of the information provided by the credit reporting agency inaccurate or incomplete, you have the right to dispute the matter with Experian by contacting them at 1-888-397-3742.

694.74 tal



COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF PUBLIC WELFARE
PHILADELPHIA COUNTY ASSISTANCE OFFICE
 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM - LIHEAP
 1348 West Sedgley Avenue
 Philadelphia, PA 19132
 215-560-1583



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Date 1-22-10

JAN 22 2010

Dance Clayton
630 E. Clementine St
Phila Pa 19134

PCAO-LIHEAP

You were approved for LIHEAP Cash amount _____
 LIHEAP Exception Crisis amount _____

_____ You were not approved for LIHEAP Cash and Exception Crisis due to your income exceeding the LIHEAP income limits for the 2009/2010 LIHEAP season.

_____ You were not approved for LIHEAP Cash and Exception Crisis as the amount you would have been eligible for would not have restored your heating service.

- Total Restoration amount needed \$ 1,469.74
- Maximum Cash Eligibility Amount we could have given \$ 375
- Maximum Crisis Eligibility Amount we could have given \$ 400
- Total \$ 775

This is not an official notice of eligibility.

You will receive an official notice in the mail and it is possible that the amounts may vary. The official notice mailed to you will explain your right to appeal. This document is provided as a courtesy so that you may seek assistance from other agencies if needed.

6. Complainant is indigent and not required to file a bond.

Date

Administrative Law Judge

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COMMUNITY LEGAL SERVICES
OF PHILADELPHIA
CERTIFICATE OF SERVICE

Re: Danee Slaton v. Philadelphia Gas Works
Docket Number: C-2010-2155867

I hereby certify that I have this day, served a copy of the foregoing Petition For Interim Emergency Order for Restoration of Gas Service upon parties of record in this proceeding in accordance with the requirements of 52 Pa.Code §1.54 (relating to service by a participant), in the manner and upon the persons listed below:

By Overnight Mail

The Honorable Veronica A. Smith
Chief Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor, L-M West
Commonwealth Keystone Building
Harrisburg , PA 17120

By Overnight Mail and E-mail

Laureto A. Farinas, Esquire
Philadelphia Gas Works
Legal Department
800 West Montgomery Avenue
Philadelphia, PA 19122
Laureto.Farinas@pgworks.com

By First-Class Mail

Danee Slaton
630 East Clementine
Philadelphia, PA 19134

Dated this *4th* day of *Feb*, 2010.

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PA PUBLIC UTILITY COMMISSION
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Thu B. Tran, Esquire
Community Legal Services, Inc.
1424 Chestnut Street, 4th Floor
Philadelphia, PA 19102

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FedEx Express US Airbill

FedEx Tracking Number

8508 9130 3467

Form ID No.

0215

JD

SPH11
Recipient's Copy

RECIPIENT: PEEL HERE

1 From This portion can be removed for Recipient's records.

Date 2-4-2010 FedEx Tracking Number 850891303467

Sender's Name Thu Tran Phone 215 981-3700

Company COMMUNITY LEGAL SERVICES INC

Address 1424 CHESTNUT ST

City PHILADELPHIA State PA ZIP 19102-2505

2 Your Internal Billing Reference Staton

3 To Recipient's Name Secretary McNulty Phone _____

Company PUC

Recipient's Address 400 ~~St~~ North St. 2nd Fl.

Address Commonwealth Keystone Bldg

City Harrisburg State PA ZIP 17120

MCNULTY, J. PUC (MCNULTY)

2/5/2010

4a Express Package Service Packages up to 150 lbs.

FedEx Priority Overnight Next business morning*
 FedEx Standard Overnight Next business afternoon*
 FedEx 1Day Freight* Second business day**
 FedEx 2Day Freight Second business day**
 FedEx Express Saver Third business day*
 FedEx 3Day Freight Third business day**

4b Express Freight Service Packages over 150 lbs.

FedEx 1Day Freight* Next business day**
 FedEx 2Day Freight Second business day**
 FedEx 3Day Freight Third business day**

5 Packaging

FedEx Envelope*
 FedEx Pak* Includes FedEx Smart Pak, FedEx Large Pak, and FedEx Sturdy Pak
 FedEx Box
 FedEx Tube
 Other

6 Special Handling

SATURDAY Delivery Available ONLY for FedEx Priority Overnight, FedEx 2Day, FedEx 1Day Freight, and FedEx 2Day Freight to select ZIP codes
 HOLD Weekday at FedEx Location Not available for FedEx First Overnight
 HOLD Saturday at FedEx Location Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations

Does this shipment contain dangerous goods?
 No Yes As per attached Shipper's Declaration Yes Shipper's Declaration not required
Dry Ice Dry Ice 3, UN 1845
Cargo Aircraft Only

7 Payment Bill to: Recipient Third Party Credit Card Cash/Check

Total Packages _____ Total Weight _____ Total Charges _____

8 Sign to Authorize Delivery Without a Signature

[Signature]