

November 23, 2010

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: ***Georgiana Woodhall and Millie Galagaza v. Equitable Gas Company, LLC***
Docket No. C-2010-2170467

Dear Secretary McNulty:

Enclosed please find Equitable Gas Company's Main Brief in the above-captioned Complaint. Kindly time-stamp and return the enclosed coversheet to the undersigned for proof of filing. Thank you.

Yours very truly,

Chad Cicconi/dH

Chad A. Cicconi
Counsel

Enclosures

cc: Georgiana Woodhall
Millie Galagaza
PUC Scheduling Office
Equitable Gas Compliance

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

GEORGIANA WOODHALL and)
MILLIE GALAGAZA,)

Complainant,)

v.)

EQUITABLE GAS COMPANY, LLC,)

Respondent.)

Complaint Docket
No. C-2010-2170467

Type of Pleading:
MAIN BRIEF OF RESPONDENT

Submitted on behalf of Respondent,
Equitable Gas Company, LLC

Counsel of Record for this party:

Chad A. Cicconi, Esquire
Pa. State Bar ID #62374

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Pittsburgh, PA 15212
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

| | | |
|-----------------------------|---|--------------------|
| GEORGIANA WOODHALL and |) | |
| MILLIE GALAGAZA, |) | |
| |) | |
| Complainant, |) | |
| |) | Complaint Docket |
| v. |) | No. C-2010-2170467 |
| |) | |
| EQUITABLE GAS COMPANY, LLC, |) | |
| |) | |
| Respondent. |) | |

MAIN BRIEF OF RESPONDENT

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes Respondent, Equitable Gas Company, LLC (“Equitable”), by and through its attorney, Chad A. Cicconi, Esquire, and sets forth the following Main Brief, in accord with the briefing schedule set forth in the above-captioned case:

COMPLAINANT’S CONTENTIONS

The instant matter involves a claim by the Complainants that after installation of a high efficiency furnace, they did not experience the level of consumption reduction and bill savings that they expected. Complainant is urging the conclusion that, because her service bills did not reduce in the amount she expected, there must be some problem with Equitable’s meter, and therefore her bills should be reduced by Equitable.

DISCUSSION

The Complainant has failed to establish any violation of regulations by Equitable, and has introduced no evidence establishing that Equitable’s metering equipment was the cause of her perceived high billings. Further, Equitable introduced evidence at the hearing on this matter

establishing that the furnace installed by Complainant is not, in fact, a “high-efficiency” furnace, but is in fact considered by the EPA as a mid-range or base efficiency furnace. See Transcript, at p. 22-23.

Further, Equitable introduced evidence that after installation of the furnace, Complainant’s natural gas consumption has been reduced by 7 to 9 percent per year. See Transcript, at p. 21.

Finally, Equitable also introduced evidence at the hearing on this matter indicating that when Complainant contacted Equitable complaining about the alleged “high” billings, she was offered both a high bill investigation, and a meter change, but Complainant refused both offers, since there is a modest (and permissible) charge associated with the activities. Transcript, at p. 23. There is a permissible \$60 fee associated with the high bill investigation, which involves inspection of the premises and all appliances, which fee is waived if it is discovered that Equitable’s equipment is faulty, and a flat \$10 fee for a meter change, both of which were refused by Complainant. Transcript, at pp. 14-15. It is Complainant’s contention that it is Equitable’s responsibility to conduct the investigation and/or change her meter free of charge, despite the fact that she has proffered no evidence suggesting that the equipment is faulty, other than the fact that her perception of the savings she would experience has not materialized.

Further, at the hearing, Complainant testified that her expectations of savings were based upon calculations and representations by the heating contractor who installed her furnace. Transcript, at pp. 9-10. The contractor was neither identified, nor provided for testimony at the hearing in support of Complainant’s assertions.

CONCLUSION

Complainant has not proffered any evidence supporting the assertion that Equitable's equipment is to blame for her perceived high billings. To the contrary, Equitable has proffered evidence supporting the conclusion that the billings are accurate, and do represent a modest savings over her prior billings, which would be consistent with the installation of a base efficiency or mid efficiency furnace, which appears to be what was installed.

Further, Equitable offered a high bill investigation or meter swap at the permissible charges, which was refused. Complainant has proffered no regulation or other reason supporting the conclusion that it is Equitable's (or Equitable's other ratepayers') responsibility to investigate and determine whether or not Complainant's heating contractor misled her. The Complaint should be dismissed.

Respectfully submitted,
EQUITABLE GAS COMPANY, LLC

By: Chad Cicconi/dlx
Chad A. Cicconi, Esq.
225 North Shore Drive
Pittsburgh, PA 15212
(412) 395-2658 – direct dial

Date: November 23, 2010

CERTIFICATE OF SERVICE

I, Chad A. Cicconi, Esquire, hereby certify that on November 23, 2010, a correct copy of the foregoing Main Brief was served on the Complainant at the address listed below, by first class U.S. Mail, postage prepaid, in accordance with the requirements of Section 1.54 (relating to service by a participant):

Georgiana Woodhall
Millie Galagaza
4560 Broadway Boulevard
Monroeville PA 15146

Chad Cicconi/dtt

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Counsel for Equitable Gas Company, LLC

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Rosemary Chiavetta, Secretary
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