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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

GEORGIANA G. WOODHALL & MILLIE GALAGAZA

NO. C-2010-2170467

v.

EQUITABLE GAS COMPANY

PLAINTIFF'S BRIEF

Filed on Behalf of Plaintiffs:
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Millie Galagaza

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STATEMENT OF FACTS:

On September 11, 2009 Plaintiffs' installed a new furnace, which replaced the old 40+ year old furnace. The old furnace was oversized for the house and had a continuously burning pilot light. Additionally, the old furnace was a 270,000 BTU unit.¹ The new furnace is an 80% energy efficient 160,000 BTU unit with an electric ignition, which eliminates the need to have the pilot light burning at all times. The new furnace was installed after following the advice of Equitable Gas representatives to weatherize the house by replacing single paned windows with double paned windows, weather resistant glass block windows were installed in the basement and 6 ½ inch insulation was placed over said windows. In addition to the windows that were replaced, Equitable Gas also advised Plaintiffs to cover all windows with thick plastic, insulate the water heater and also turn temperature of water heater down, and sealing all doors, all which were done by Plaintiffs. All of these measures were taken by Plaintiffs for the sole purpose of lowering gas consumption and therefore lowering the gas bills. During the winter months, Plaintiffs thermostat is between 60 and 68 degrees, never exceeding 68 degrees Fahrenheit.

1. BTU stands for British Thermal Unit and is the quantity of heat required to raise the temperature of 1 pound of water 1 degree Fahrenheit

On September 18, 2009 Plaintiffs' contacted Equitable Gas customer service to advise them that there had been a new furnace replaced. Plaintiffs' also inquired about any possible rebates that Equitable Gas may be offering for upgrading to an energy efficient furnace, which the company was not. At that point, Plaintiffs' asked to be taken off the budget due to the drastic changes made with the new furnace and expectation of a substantially lower gas bill. Also, Plaintiffs' asked Equitable Gas if they would want a copy of the service order invoice for the new furnace as evidence of said new furnace, to which a company representative responded in the negative, stating that would be something sent to homeowners' insurance company not Equitable Gas.

As of September 25, 2009, Plaintiffs' had a credit on their budget account with Equitable Gas of \$446.21. Plaintiffs' October 2009 bill was \$149.32, for which period of time the furnace was never turned on. Conversely, November 2009 bill was in the amount of \$276.20 and December 2009 bill was in the amount of \$588.80, with both months seeing limited usage of the furnace. After monitoring the gas bills for a few months, Plaintiffs' contacted Equitable Gas to question the extremely high gas bills, the accuracy of the meter readings, and the current condition of the actual gas meter. Plaintiffs' received no assistance from Equitable Gas on said issue therefore, informal complaint, and subsequently a formal complaint were filed with Public Utility Commission.

After said complaints were filed, Lynn Petrie, a customer service representative for Equitable Gas, contacted Plaintiffs' April 21, 2010. During this conversation, Ms. Petrie advised the Plaintiffs' that an Equitable Gas representative would come out to investigate and check gas meter for any leaks and/or problems for a \$70.00 fee. Plaintiffs' refused to pay the \$70.00 and

asked to have the fee waived, which was denied by Equitable Gas. This the only communication between the parties to this case prior to the hearing held on October 18, 2010.

ARGUMENT:

In accordance with 52 Pa.Code § 5.231(a) Equitable Gas was required to contact Plaintiffs' at least one week prior to scheduled hearing to discuss any possible settlements for the case. Counsel for Equitable Gas failed to comply with the Court's Order to contact customer prior to hearing to discuss any possible settlement. This failure demonstrates Equitable's lack of both concern and willingness to resolve this matter without need for a formal hearing.

As previously stated, Plaintiffs' took every possible precaution to both weatherproof their home and conserve energy. All the steps taken by the Plaintiffs' should have resulted in significantly lower gas bills. However, Plaintiffs' saw little to no change in the amount of their gas bills, even with a new furnace and all the weatherproofing that was done to the house itself. Through testimony at the hearing, Equitable Gas representative, Lynn Petrie, stated that it is the ordinary practice of the company to use past history in calculating a customer's current gas usage. Since Plaintiffs' installed a new energy efficient furnace, past history should not have been used to calculate current gas usage as it would be out of date and inaccurate.

Another way that is used to calculate a customer's gas usage is weather variables, more specifically degree-days. It is assumed that the more degree-days there are in a given period, the colder the weather, and the more gas consumed. This method of calculation assumes that all customers turn their thermostat higher when outside temperature lowers, however this is an incorrect assumption. Plaintiffs' thermostat is kept between 60 and 68 degrees Fahrenheit all winter long, therefore the assumption of degree-day calculations does not accurately reflect actual gas consumed by Plaintiffs'.

The condition of Plaintiffs' gas meter, which was previously brought to the attention of Equitable Gas, is of great concern in this case. The meter is located on a steep hill, below street level; it is leaning forward, and has previously been repaired by Equitable Gas with the use of only duct tape. The meter is also extremely corroded, rust covered and the duct tape is frayed. When questioned regarding when the meter was last serviced, Ms. Petrie stated that on June 12, 2006, a representative look at the meter but that no report on the condition of said meter was done. Since that date in 2006, the Plaintiffs' meter has not been inspected by Equitable Gas, even after repeated complaints from Plaintiffs' dealing with gas usage.

It was brought to Plaintiffs' attention that the gas meter reading was done by subcontractors using remote technology. When questioned regarding the validity of the remote readings, the chance of interference with the reading, and the maintenance of the remote technology, Ms. Petrie admitted that she did not have knowledge of any of that information. Plaintiffs' meter is located below street level and is surrounded by overhead power lines and transformers. Equitable gas was unable to substantiate any evidence that would indicate that the remote readings were accurate, valid, and free from interference. Therefore, there is no way of knowing whether or not the remote readings done for Plaintiffs' contain the correct information pertaining to actual gas consumed.

During the hearing, Ms. Petrie was asked if any rebates were available through Equitable Gas for individuals switching to more energy efficient furnaces, to which the reply was in the negative. Equitable Gas does, however, offer rebates to individuals switching from electric to gas utilities. The Department of Environmental Protection has advised all consumers, both commercial and residential, to take every available and viable step to lower utility consumption, including gas. The DEP has also recommended that utility companies offer rebates to customers

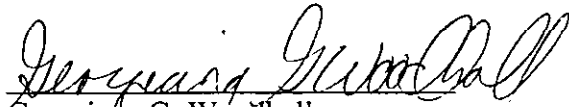
who take steps to lower consumption. It appears that Equitable Gas has taken no steps to either encourage or assist customers in lower gas consumption, but rather encourages more individuals to begin utilize gas consumption.

Equitable Gas has done nothing to assist the Plaintiffs' in determining what is causing the high gas bills. The Plaintiffs' have taken all possible steps to lower gas consumption. However, Equitable Gas has been using past history and degree-days to help calculate current usage, which due to the new furnace, weatherizing of home, and fixed thermostat temperature, does not accurately reflect Plaintiffs' actual gas usage. Additionally, Equitable Gas also utilizes remote readings of the gas meter. Due to location of gas meter and surrounding utility lines/devices it has not been shown by Equitable Gas that such methods of meter readings are accurate and free from interference. Lastly, the condition of Plaintiff's gas meter is both poor and shows major signs of decay, all which could lead to inaccurate monitoring of gas usage.

It is the Plaintiffs' position that Equitable Gas should have independent source to manually read the gas meter to determine actual gas usage, that said gas meter should be replaced free of charge, and a credit shall be given due to use of inaccurate methods for determining gas usage and Plaintiffs' payment based on such methods.

WHEREFORE, it is respectfully requested that this Honorable Court find for the Plaintiffs' in this matter

Respectfully Submitted:


Georgiana G. Woodhall


Millie Galagaza


CERTIFICATE OF SERVICE

It is hereby certified that on 24th day of November, 2010, a true and correct copy of
Plaintiffs' Brief was served on the following parties:

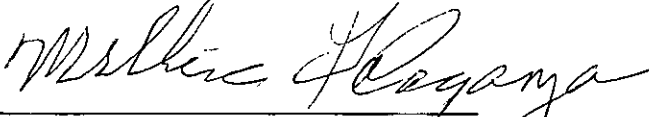
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