

Gary A. Jeffries
Assistant General Counsel



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January 24, 2011

By eFiling

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Thomas Menna v. Dominion Peoples Plus: Docket No. C-2011-2218756

PETITION TO JOIN INDISPENSABLE PARTY

Dear Secretary Chiavetta:

On behalf of Dominion Retail, Inc. formerly d/b/a Dominion Peoples Plus ("DR"), the Respondent in the above-referenced matter, enclosed via eFiling please find the above-referenced pleading.

A copy of this filing is also being served on the Complainant and on counsel for Peoples Natural Gas Company LLC this date by first-class U.S. Mail.

Pursuant to 52 Pa. Code §5.61(a), unless a different time is prescribed by statute, the Commission, or the presiding officer, an answer to a petition shall be filed with the Commission within 20 days after the date of service.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gary A. Jeffries".

Gary A. Jeffries
Assistant General Counsel

Enclosures

cc: Thomas Menna, 859 Goucher Street, Johnstown, PA 15905
William H. Roberts II, Sr. Counsel, Peoples Natural Gas Co. LLC, 1201 Pitt St, Pgh, PA 15221

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THOMAS MENNA)	
)	
Complainant,)	
)	
v.)	Docket No. C-2011-2218756
)	
)	
DOMINION PEOPLES PLUS)	
)	
Respondent)	

PETITION TO JOIN INDISPENSABLE PARTY

NOW comes Dominion Retail, Inc., formerly d/b/a Dominion Peoples Plus (“DR”), the Respondent in the above-referenced proceeding and hereby respectfully files this Petition to Join Indispensable Party whereby DR seeks the joinder of Peoples Natural Gas Company LLC (“Peoples”) as an indispensable party in this proceeding. In support of this petition, DR avers and states as follows:

1. As set forth in the Answer and New Matter filed by DR this date in the instant docket, which is incorporated herein as though fully set forth, Complainant is a natural gas utility customer of Peoples. He is a former natural gas commodity customer of DR, having commenced gas service with DR effective March 21, 2006 until his drop by DR for non-payment on November 6, 2008.
2. During the period that Complainant was a DR customer, the billing of DR’s monthly gas commodity charges was administered by Peoples on DR’s behalf. DR’s charges

were included – in a separate and clearly identified section of the bill – on the monthly utility bill Peoples rendered to Complainant.

3. After his drop by DR on November 6, 2008 for non-payment, Peoples continued for several months to attempt to collect from Complainant the \$1,116.33 balance owed to DR as of the date of termination. On February 19, 2009, according to procedure, Peoples discontinued further attempts to collect this arrearage on DR's behalf and instead informed DR that thereafter it would have to handle collection on its own.
4. After Peoples' discontinuation of collection efforts, DR set out to directly collect the balance owed by Complainant. Accordingly, on February 23, 2009, DR sent a demand letter to Complainant requesting payment—directly to DR—of the \$1,116.33 balance owed to DR. DR's letter included the appropriate payee and address information for Complainant to send the payment. A payment stub was included for Complainant to return to DR along with the payment.
5. On March 10, 2009, Complainant sent DR check #1184, made payable to "Dominion Peoples", in the amount of \$1,120.00. DR's payment stub was included along with the check. DR applied this payment to the outstanding \$1,116.33 balance owed by Complainant. In regard to the \$3.67 overpayment ($\$1,120 - \$1,116.33 = \3.67), DR sent Complainant a refund check in this amount but it was never cashed and subsequently voided.
6. Upon receipt of the referenced payment, DR closed the account and ceased further collections.

7. On June 4, 2009, Peoples contacted DR seeking to confirm that DR had received payment in full of DR's balance from Complainant. DR provided that confirmation.
8. On July 28, 2010, Complainant called the DR call center to ask about the subject payment. DR tied in a representative from Peoples who confirmed that Peoples had removed the DR balance from Peoples' bill in early 2009 and that the \$1,120 payment had been properly made to DR. This conversation was recorded and is available.
9. Complainant now alleges that the \$1,120 payment was "never credited to our account". Presumably, he is here referring to his Peoples account. As noted above, that payment was indeed properly credited – by DR – to his account with DR as payment for natural gas Complainant consumed at his residence. DR had the lawful right to collect and keep this payment for the gas it sold to Complainant.
10. According to the December 2010 Peoples bill provided by Complainant as an attachment to his complaint, Complainant carries a significant current account balance, in the amount of \$2,269.72, with Peoples. Evidently Complainant is at least at present acquiring natural gas directly from Peoples at tariff rates. Complainant seemingly believes that the \$1,120 payment he earlier provided to DR should have been applied to his Peoples account. As noted in the ANSWER AND NEW MATTER, DR disagrees with this assertion.
11. Complainant himself, at paragraph 5 of the complaint, specifically requests that Peoples, not DR, issue him a credit for the referenced \$1,120. Yet, inexplicably, Complainant did not file the subject complaint against Peoples or at least request that Peoples be included as a party.

12. Clearly, Peoples' interests are brought into play by this complaint. Moreover, as the former billing entity on DR's behalf vis-à-vis the Complainant and as the utility service provider, Peoples is uniquely in a position to provide important information and evidence in this proceeding.

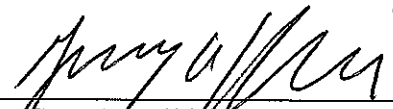
13. Accordingly, DR submits that Peoples' joinder is indispensable to the fair adjudication of this matter.

Pursuant to 52 Pa. Code §5.61(a), unless a different time is prescribed by statute, the Commission, or the presiding officer, an answer to a petition shall be filed with the Commission within 20 days after the date of service.

WHEREFORE, for good cause shown, DR respectfully petitions the Commission for the joinder of Peoples Natural Gas Company LLC as an indispensable party in this proceeding.

DOMINION RETAIL, INC.

DATED: January 24, 2011

By: 

Gary A. Jeffries
Assistant General Counsel

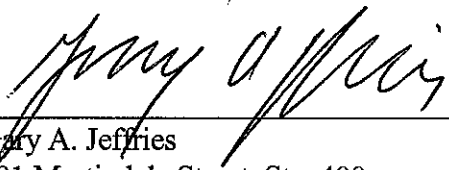
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the entities, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

Thomas Menna
859 Goucher Street
Johnstown, PA 15905

William H. Roberts II
Senior Counsel
Peoples Natural Gas Company LLC
1201 Pitt Street
Pittsburgh, PA 15221

Dated this 24th day of January, 2011.



Gary A. Jeffries
501 Martindale Street, Ste. 400
Pittsburgh, PA 15212