



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

Danielle Ross, Paralegal  
Legal Department  
Direct Dial: 215-684-6862  
FAX: 215-684-6798  
E-mail: [danielle.ross@pgworks.com](mailto:danielle.ross@pgworks.com)

March 26, 2012

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

**Re: Danielle Douglas v. PGW, Docket No. F - 2010- 2164009**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.535, the Philadelphia Gas Works ("PGW") hereby files the original and nine (9) copies of its reply to the Complainant's exceptions to the February 2, 2012, Initial Decision in the above captioned matter.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,

  
Danielle Ross

Enclosure

cc: Danielle Douglas (Regular Mail)  
Anne Marie Cromley (PGW Mail)  
Linda Pereira (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Danielle Douglass**

v.

**Philadelphia Gas Works**

:  
:  
:  
:  
:

**Docket No. F – 2010 – 2164009**

**PHILADELPHIA GAS WORKS'  
REPLY TO COMPLAINANT'S EXCEPTIONS**

Pursuant to 52 Pa. Code §5.535, and the Secretary's letters dated March 6 and 14, 2012 in the above captioned matter, the Philadelphia Gas Works, ("PGW") hereby files an original and nine (9) copies of its reply to the Complainant's exceptions to the Initial Decision issued February 2, 2012, in the above captioned matter (Initial Decision).

**I. INTRODUCTION**

On March 8, 2010, the Complainant filed a formal complaint against PGW with the Commission under the above captioned matter, seeking the reduction in charges for gas utility service provide to the second floor apartment of 4813 Chestnut Street, Philadelphia, Pennsylvania (Service Address).

On March 31, 2010, PGW filed an answer denying the material allegations of the complaint and requested that the Commission dismiss the complaint.

On March 11, 2011, the Commission issued a notice to the parties establishing an Initial Telephonic hearing for May 10, 2011. The Administrative Law Judge (ALJ) granted a request for a continuance to allow time to conduct a meter exchange and testing for accuracy prior to a hearing of this matter, although the Complainant cancelled two previously scheduled meter exchanges for this purpose.<sup>1</sup>

On May 31, 2011, PGW tested the meter for the second floor of the Service Address, which PGW exchanged on May 27, 2011. PGW found that the meter was operating 2.4% fast beyond the acceptable parameters of its tariff.<sup>2</sup>

A further Telephonic Hearing was held on October 6, 2011.

---

<sup>1</sup> Initial Decision, Findings of Fact, Paragraphs 18 and 28; Tr. pp. 70, 83,86-87 and 90-91; PGW Exhibits 3 and 5

<sup>2</sup> Initial Decision, Findings of Fact, Paragraph 31; PGW Exhibit 9

On February 2, 2012, the Commission issued the Initial Decision, which sustained the Complaint and ordered that PGW shall recalculate the Complainant's monthly bill for gas usage in accordance with 52 Pa. Code §59.22(a), refund the meter testing fee pursuant to 52 Pa. Code §59.21(f), and issue a new bill to the Complainant detailing how the bill is recalculated.

The Complainant filed exceptions to the Initial Decision on March 10, 2012 requesting that the Commission expand the recalculation period prescribed in 52 Pa. Code §59.22(a).

Pursuant to the Secretary's letter of March 14, 2012, this timely reply follows.

## **II. PGW'S REPLY TO EXCEPTIONS**

The Complainants' exceptions fail to address any error in fact or law contained in the Initial Decision refuting the conclusion that 52 Pa. Code §59.22(a) should be applied to recalculate the Complainant's monthly bill as stated or to justify the expansion of the period of recalculation.

### **Exception Paragraphs Relating to Expansion of Period of Bill Recalculation**

1. Please clarify Section 59.22(a) of the Commission's regulations entitled, "Adjustment of bills for meter error." Under (a) Fast meters, it states, if the meter has not been tested under 59.21 (relating to meter tests), the period for which it has been in service beyond the regular test period shall be included in computing the refund. (Pg 7 of Administrative Law Judge's Initial Decision)
2. Ms. Douglas is disputing that the adjustment must be based upon what the meter would have registered had it not been fast or slow for a period equal to ½ the time elapsed since the last previous test, but not to exceed 12 months or ½ the period of occupancy of the premises by the customer whichever is less. (Pg. 8 of Administrative Law Judge's Initial Decision)
3. Ms. Douglas would like to ensure that when the refund is computed, the period from 2007 through date of meter exchange. Although she did not request a meter test, she believes that the period for which it has been in service beyond the regular test period should be included in computing the refund.
4. In addition, Ms. Douglas paid \$1,124.00 under a payment plan in 2007 and \$679.15, which was paid under tenant's name by Ms. Douglas on 3/29/2010. (Exhibit 3, p.1)
5. Under the circumstances, Ms. Douglas has clearly demonstrated that she has been persistent in trying to rectify this issue since April 2007.

## PGW Reply to Exception Relating to Expansion of Period of Bill Recalculation

When the meter test was finally completed and the meter at the Service Address was found to be operating 2.4% fast, PGW calculated the amount that would be due with the finding of a fast meter under 52 Pa. Code §59.22(a). PGW provided a \$71.75 credit, representing a recalculation of the Complainant's bill for the most recent 12 months. The record does not reflect that this calculation violates 52 Pa. Code §59.22(a), however PGW will research the history of the testing of the meter pursuant to 52 Pa. Code §59.21(a) in its compliance with the Initial Decision Final Order of this matter.

## Exception Paragraphs Relating to Complainant's Knowledge of Meter Test Availability

6. Ms. Douglas was not aware that a meter test could have been done. Although PGW visited the premises in the 2007, 2008, and 2009, no meter test was suggested or performed during that time.
7. Ms. Douglas first initial call regarding the high bill was made on April 4<sup>th</sup>, 2007. In June of 2007, a high bill field visit was made. No problems were identified. No meter test was performed. (Pg. 4 of Administrative Law Judge's Initial Decision)
8. In February of 2008, Ms. Douglas again contacted PGW to complaint of high gas bills. No high bill field investigation was done at this time. (Pg. 4 of Administrative Law Judge's Initial Decision)
9. As of September 10<sup>th</sup> 2009, a meter test was not suggested to Ms. Douglas. The appointment was cancelled because as of 8/20/2009, Ms. Douglas was told the case was still open, no decision had been rendered. (PGW Exhibit 3, Pg 8)
10. On November 24<sup>th</sup>, 2009, a meter test was suggested. Ms Douglas relay this information to tenant to have the meter tested since she was also in correspondence with PGW on an ongoing bases since the bill was in her name and was physically present during PGW visit on December 4<sup>th</sup>. (PGW Exhibit 3, Pg 8)
11. On December 4<sup>th</sup> 2009, a third visit was made to the premises and bill was considered correct. Although, it was stated a meter test was suggested. A meter test was not conducted.
12. It is stated, "Ms. Douglas and PGW did not reschedule a meter exchange to test the second floor meter prior to the initial telephonic hearing on May 10, 2011. (Pg. 6)
13. Ms. Douglas attempted to reschedule meter test on May 13<sup>th</sup> 2010. It was stated by Call Center Rep. Adam, who deferred to Ms. Higgins in CRU that a meter test was not required at that time since a formal complaint was issued. Therefore, it is in legal hands and Ms. Douglas must wait. (Exhibit 3, Pg. 1)

## PGW Reply to Exception Regarding Complainant's Knowledge of Meter Test Availability

In order to buttress the argument to expand of the bill recalculation, the exceptions assert that, as the Complainant was unaware to the ability to test the meter at the service address, the remedy available in 52 Pa. Code §59.22(a) should be expanded to include a bill recalculation under those circumstances. The record of this proceeding shows most clearly that although the Complainant cancelled two previously scheduled meter exchanges for this purpose, PGW had an interest in testing the meter to acquire specific knowledge about its accuracy.<sup>3</sup> The Commission should deny the exception on these grounds because 52 Pa. Code §59.22(a) does not provide the Commission with authority to expand the time for recalculation of the bill after a meter test because the Complainant was unaware of meter testing.

Furthermore, the record of this proceeding also states that Complainant twice cancelled the exchange of the meter from the Service Address to conduct testing. The Complainant cancelled the meter exchange for testing in September 2009 and March 2010.<sup>4</sup> The Complainant, for her own reasons cancelled the exchange and prevented an earlier discovery of the fast meter. As such, the Complainant should not be entitled to addition time in the recalculation period of the bill. With those cancellations, the Complainant shows that she was not a persistent in the pursuit of this matter as argued in the exceptions.

---

<sup>3</sup> Initial Decision, Findings of Fact, Paragraphs 18 and 28; Tr. pp. 70, 83,86-87 and 90-91; PGW Exhibits 3 and 5

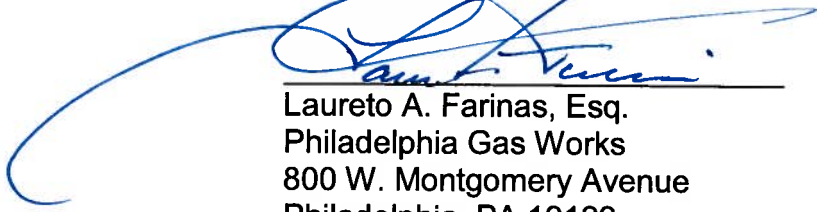
<sup>4</sup> Id.

**III. CONCLUSION**

For the reasons stated above, the PGW requests that the Commission deny the Complainant's exceptions to the Initial Decision and adopt the Initial Decision issued February 2, 2012 in this matter.

March 26, 2012

Respectfully submitted,



Laureto A. Farinas, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

**CERTIFICATE OF SERVICE**

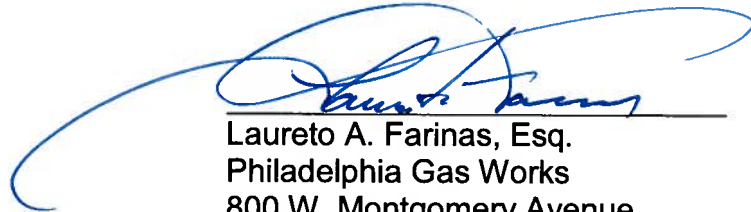
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Ms. Danielle Douglas  
116 – 48 218<sup>th</sup> Street  
Cambria Heights, NY 11411

March 26, 2012



Laureto A. Farinas, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122