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April 11, 2012

Rosemary Chiavetta  
Secretary of the Commission  
Pennsylvania Public Utility Commission  
2<sup>nd</sup> Floor Keystone Building  
400 North Street  
Harrisburg, PA 17105

RE: ANN PENNY V EQUITABLE GAS COMPANY, LLC  
NO. C-2012-2289787


Documents to be submitted: Reply and New Matter to Respondent  
Exhibits; PUC Responsible Utility Customer  
Protection Act  
Notice to Equitable Gas  
Residential Customers  
Equitable Gas Company's Universal  
Service Programs Names

Dear Ms. Chiavetta

Enclosed are copies of the above -reference documents.

Thank you.

Sincerely,



Ann Penny

Enclosures

Cc: Thomas S Anderson, Esquire  
Judge Mary D Long

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ann Penny, ) Complaint Docket  
 )  
Complainant ) No. C-2012-2289787  
 )  
vs. ) U. S. Postal Services  
 )  
Equitable Gas Company, LLC ) Type of Pleading:  
 )  
Respondent. ) **REPLY AND NEW MATTER**  
 ) **TO RESPONDENT**  
 )  
 ) Filed on behalf of:  
 )  
 ) Ann Penny, Complainant  
 )  
 )  
 )  
 ) Ann Penny  
 ) 112 E 14<sup>th</sup> Avenue  
 ) Homestead, PA 15120  
 ) 412-462-6981  
 )

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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ANN PENNY, )  
)  
COMPLAINANT )  
)  
) COMPLAINT DOCKET  
) NO. C-2012-2289787  
VS )  
)  
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)  
)  
)  
EQUITABLE GAS COMPANY, LLC, )  
)  
RESPONDENT )

REPLY AND NEW MATTER TO RESPONDENT

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

AND NOW, comes the Complainant, ANN PENNY, to file the Reply and New Matter to the Respondent's Answer and New Matter filed to Complainant's Formal Complaint to as filed in the above-captioned case.

1. In answer to Respondent's numbered "1" Ann Penny has not had gas services in her name at 112 or 112-114 E 14<sup>th</sup> Ave, Pittsburgh, PA 15120.
2. In answer to number "4" of Respondent's, it is true that I did ask to have the gas turned on in my name on December 28, 2012 after Roy Penny informed that the gas services were terminated. When I applied, I explained to the person taking my application that I needed the gas turned on because I did not want the pipes to burst over the cold winter months. She took my application

and had set the gas to be turned on in my name. Someone in the office with her told her I needed to fill out an application. She relied this new information to me and told me to hurry up and get it back in the mail. I promptly did so.

I received a call telling me that the application had been received and it was being denied. If I wanted service, I would have to have Roy moved. I must also provide proof that he had moved. At first that was not an issue as he was not staying there anyway. However, I had asked for the PUC 's number and was given it. I filed my complaint. I received a call from Equitable Gas Company's Ted Luniewski telling me to provide proof that Roy had moved out. I mentioned that I had filed with the PUC Mr. Luniewski called me several times after I told him of my filing with the PUC with harassing talk. I called the PUC back and reported this matter,

3. In answer to Respondent's number "5" that is not feasible. First, I do not wish to have Roy move. Second, if he moves, he does not have to tell me where he moved. Under those circumstances, I know he would not tell me anything. Again, I state this is not feasible and an impossible demand. Under the Responsible Utility Customer Protection Act, Act 201 of 2004, Chapter 14 of The Public Utility Code any adult who lived at the residence will be responsible to pay all or part of the overdue bill if that adult wants service restored in their name. This includes those over 18 years of age who lived in that household during the time the outstanding balance accrued. It also states payment to restore your service will depend on your household income and payment history. I am not responsible for this bill. I did not live with Roy at any time this bill was acquired. Furthermore, Roy did attempt to make payment arrangements but was told he would have to pay the whole amount.

#### NEW MATTER

1. Ann Penny, Complainant, is not legally responsible for the outstanding balance of the Equitable Gas bill at 512 Junilla Street, Pittsburgh, PA 15219. The code cited 52 PA Code , Section 56.35 has been amended to Chapter 14 (66 PA C. S.), Responsible Utility Customer Protection which states: "If your service is shutoff, any adult who lived at the residence will be responsible to pay all or part of the overdue bill.... Adult occupants include those over 18 years of age who lived with you during the time the outstanding balance accrued.

I did not live with Roy at any time. Furthermore, I was, as a homeowner, never informed of an outstanding bill or at any time was it made known to me that it was owed, or accumulating and /or accruing.

2. As to Roy moving out before the Equitable Gas will restore service in my name, I reviewed Equitable Gas policy on termination and restoration called "Notice to Equitable Gas Residential Customers. It does not state to have gas in another's name that the tenant living there must move. It only states that whose name it is in must pay the bill. Therefore, if Sophia Washington was willing to pay to have gas services in her name as long as she paid the bill, the policy doesn't prevent her from doing so.

Furthermore, the policy does not state that a person who owes the bill must move to have gas restored.

Furthermore, the policy does not state that proof must be provided as to the whereabouts of that tenant if he should move. It is silly to request or demand that I must provide proof as to where Roy has moved. There is not law in this case in this State that says Roy has to tell me where he is at any time in his lifetime.

Furthermore, Equitable policy has been in effect since 2004. This means that Equitable could have and should have as a responsible Company terminated services when a reasonable amount of services had not been paid. The other utilities companies do so. Reasonable to me would be after the first April that the bill was owed.

Furthermore, Equitable has placed Roy in a position where anyone in a like situation would be unable to make such a payment. This truly is unconscientiously action on the part of Equitable Gas Company. It can be viewed as a deliberate scheme to let a bill accumulate to such an enormous amount and then say pay it all knowing without a doubt that

Termination was the intent.

Furthermore, Equitable should be held responsible for such action. They had the law on their side. They could have shut off service the first year it was unpaid. The other utilities do so. They do not let a bill accumulate without termination.

Furthermore, Equitable Gas has several programs that help a customer in like Roy's situation to help them through their customer assistance referral and evaluation services. Also, they have a program for arrearage forgiveness. With such a large amount owed, this would have been the perfect match.

Finally, all that Equitable Gas has done has been totally unnecessary and unfair to both Roy and myself based on how this should have been handled.

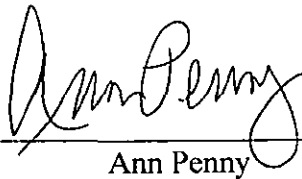
WHEREFORE, the Complaint respectfully request that Roy remain in the premises; that Equitable Gas be required to put Roy in the program of arrearage forgiveness so that he can pay this debt off and provide him with any other information of their programs to

help him pay off the debt. I am also requesting that the gas be restored in his name; and, that the under Chapter 14 ( 66 PA. C.S.) that the Respondent requirement of my paying this bill be dismissed prejudice.

By  \_\_\_\_\_  
Ann Penny, Complainant

VERIFICATION

I, ANN PENNY, the Complainant, hereby state that I am authorized to make this verification and that the facts above set forth in this Reply and New Matter to Respondent are true and correct (or are true to the best of my knowledge, information and belief) and ANN PENNY expects to be able to prove the same at the hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. section 4904 (relating to unsworn falsifications to authorities).



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Ann Penny



# Responsible Utility Customer Protection Act

The General Assembly passed and the Governor signed Senate Bill 677, which became Act 201 of 2004, known as the "Responsible Utility Customer Protection Act," now Chapter 14 of the Public Utility Code. The law changed rules that apply to cash deposits; reconnection of service; termination of service; payment arrangements; and the filing of termination complaints by consumers for electric, gas and water. Under the law, a customer can only establish one payment arrangement with the PUC. The utility company has the discretion to offer more than one payment arrangement. The Public Utility Commission will continue to work with all parties to ensure compliance with the law, as well as protect the health and safety of Pennsylvanians. The Act is intended to protect responsible bill-paying customers from rate increases attributable to the uncollectible accounts of customers that can afford to pay their bills, but choose not to pay.

This fact sheet is designed to provide you with very important information regarding how the Act affects you and your utility service.

Your utility company can **SHUT OFF** your service if you **FAIL** to do the following:

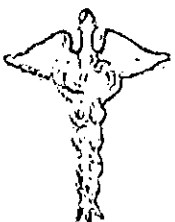
- ✓ **PAY YOUR BILL**
- ✓ **FOLLOW THROUGH ON PAYMENT ARRANGEMENTS**
- ✓ **PAY A DEPOSIT, IF REQUIRED**
- ✓ **ALLOW THE COMPANY ACCESS TO ITS EQUIPMENT**

Before your service is shut off, your utility company will take the following steps:

- **Send you a 10-Day Notice.** Once you get the notice, the utility company has up to 60 days to shut off your service.
- **Attempt to contact you three days prior to your shut-off date.**
- **During winter months (December 1 through March 31), if the utility company cannot reach you at the time of termination, they will leave a 48-hour notice at your residence.**

### Medical Certification

Your utility service will not be shut off if you or someone living in your home is certified as seriously ill by a licensed physician or nurse practitioner. The utility company will require you to provide a letter from a licensed physician or nurse practitioner, stating that shutting off your utility service will harm the ill person in the home.



The initial medical certification can be up to 30 days, with renewals possible.

**You are still responsible to pay your bill even if there is a medical certificate for someone in your home.**

The utility company can **SHUT OFF YOUR SERVICE WITHOUT GIVING YOU NOTICE** for the following reasons:

- ✓ **STEALING UTILITY SERVICE**
- ✓ **GETTING SERVICE THROUGH FRAUD**
- ✓ **TAMPERING WITH YOUR METER**
- ✓ **UNSAFE SERVICE CONDITIONS**
- ✓ **GIVING THEM A BAD CHECK TO STOP TERMINATION**

Your utility service can be shut off any weekday, including Friday, as long as the utility company accepts payment on Saturday.

If your service is shut off, the utility company will leave a notice telling you what you need to do to get your service restored.

### Winter Termination

Your utility service can be shut off during the winter months (December 1 through March 31) without the PUC's prior approval if you fail to be a responsible utility customer, and provided that your household's income exceeds 250 percent of the federal poverty level (for customers of the Philadelphia Gas Works, the income exceeds 150 percent of the federal poverty level). The utility company will give you notice first and allow you the opportunity to contact them to make arrangements to avoid termination. If your income is low, you may qualify for special programs and termination protections. Please call your utility to see if you qualify.

### 2010-11 Monthly Federal Poverty Income Guidelines

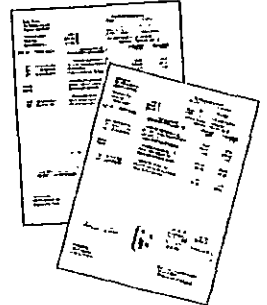
Size of Household	150% of Poverty	250% of Poverty
1	\$1,361	\$2,269
2	\$1,839	\$3,065
3	\$2,316	\$3,860
4	\$2,794	\$4,656
For each additional person, add	\$478	\$796

If your service is shut off in the winter (December 1 through March 31), your utility service will be restored within 24 hours after you pay the bill and meet any other conditions of the utility company. Your service will be restored within three to seven days after you pay the bill and meet any other conditions of the utility company during the remaining months.

If your service is shut off, any adult who lived at the residence will be responsible to pay all or part of the overdue bill if that adult wants service restored in their name. Adult occupants include those over 18 years of age who lived with you during the time the outstanding balance accrued. If the utility company determines that an adult lived at the property by checking names on your mortgage, deed, lease or information from a credit reporting service, that adult will be responsible to pay all or part of the overdue bill. Payment to restore your service will depend on your household income and payment history.

#### In order to obtain new service or to reconnect service:

- You may be required to pay a deposit and a reconnect fee.
- If you have broken two or more prior payment arrangements, the utility company can require you to pay the full balance of your bill.
- Your utility company may require you to provide proof of income.



#### The utility company can require you to pay a deposit if:

- You do not have good credit or if you do have good credit, but have a bad payment history with the utility company.
- You are shut off for an overdue bill.
- If you miss or pay your bill late for two consecutive payments or three times in a 12-month period, you may have to pay a deposit.

The amount of your deposit may be equal to two average monthly bills.

**UNDER THE LAW, A CUSTOMER CAN ONLY ESTABLISH ONE PAYMENT ARRANGEMENT WITH THE PUC. THE UTILITY COMPANY, HOWEVER, DOES HAVE THE DISCRETION TO OFFER MORE THAN ONE PAYMENT ARRANGEMENT TO THE CUSTOMER.**

- You must first contact your utility company to file a complaint or request payment arrangements. You have the right to decline the company's payment arrangement. While the PUC previously could use discretion in setting the terms of payment arrangements, under the Act, the PUC is provided with set payback periods based upon income level.
- If you break a payment arrangement you made with the company, the PUC may establish a payment arrangement using the pre-set payback amounts based upon income levels outlined in the Act. If you break a PUC payment arrangement, the PUC cannot help you unless your income level changed or you have a significant change in circumstances, such as:
  - Onset of chronic or acute illness that results in a significant loss of income.
  - Catastrophic damage to residence that resulted in significant cost to customer.
  - Loss of customer's residence.
  - Increase in the customer's number of dependents in the household.
- The utility company will work with you and explain programs that may help you depending on your income or hardship situation.
- If the outstanding balance that you owe includes unpaid charges from participation in a Customer Assistance Program (CAP), the law does not allow the PUC to establish a payment arrangement on your behalf. For those eligible to participate in a CAP, the CAP payment is usually the lowest monthly payment a utility company or the PUC can arrange for you. Your utility company determines your CAP payment by your household income and size.
- **Third Party Notification** - The third-party notification program provides additional protection against utility service shut-off. The program protects individuals who may either be away from their home for an extended time period or those who may not understand the utility company's guidelines. The program allows consumers to choose another person to receive copies of shut-off notices that are sent to them for non-payment of overdue utility bills. That person (family member or close friend) are made aware of situation before shut-off. The third party is not responsible for paying the bill. For more information about Third Party Notification contact your utility company.
- If you have a Protection from Abuse (PFA) order, you may receive special protections. If you need help, please contact your utility.

For further information, contact the Public Utility Commission:

Write  
PA Public Utility Commission  
Bureau of Consumer Services  
P.O. Box 3765

Visit our website  
[www.puc.state.pa.us](http://www.puc.state.pa.us)

Call  
1-800-692-7380  
TTY 1-877-710-7079



## NOTICE TO EQUITABLE GAS RESIDENTIAL CUSTOMERS

The Governor signed a new law called the Responsible Utility Customer Protection Act (Act 201 or Law) that became effective on December 14, 2004. The Law makes new rules to help utilities keep costs down. To keep costs down, we have new rules for collecting money on past due accounts. These rules also apply to deposits, payment agreements and service accounts that have been shut off. This notice will tell you about the changes we will be making because of the Law.

**Shut-Off of Utility Service** – Equitable Gas can shut off your service if you fail to do any one of the following: to pay for service, to keep a payment agreement, to pay a deposit or to allow us to get to our equipment.

We will send you a 10-day notice. Once you get this notice, we have 60-days to shut off your service. Next, we will try to talk to you at least 3 days before the shut off date. From December through March, if we do not talk to you, we will leave a notice 48 hours at the residence before we shut off your service. If we shut off your service, we will leave a notice to tell you what you need to do to get service back on.

There are certain times we may shut off your service without giving you notice. These include stealing service, getting service through fraud, tampering with our meter, or if there is an unsafe condition.

The Law now allows us to shut-off service on all weekdays, including Fridays. Equitable Gas may also now shut-off your service during the winter (December 1 – March 31). We do not need to get Public Utility Commission (PUC) approval first. But, we will give you notice. If your income is below 250% of the federal poverty guidelines, we must first ask the PUC for permission to shut off your service. For example, this means if there are 3-people in your household your monthly income must be below \$3,265 to require PUC involvement before termination.

If you give us a bad check to stop termination, we may shut off your service without any further notice.

**Payment to Restore Service** – Depending on your income and payment history, we may require you to pay the full bill or we may make a payment agreement. We may also require you to pay a reconnect fee and a deposit. If you have broken two or more payment agreements, we may require payment of the full balance.

Any adult who lived at a home that we shut-off for an overdue bill may have to pay all or part of that balance if you want service in your name.

Between December 1 and March 31, we will reconnect your service within 24 hours after you pay the bill. During other times of the year, we may take three to seven days to restore service.

**Deposits** – You may have to pay a deposit if you do not have good credit. You do not have good credit if you fail a credit test, have a poor payment history with us, or were shut-off for an overdue bill. The amount of the deposit may be equal to two average bills. We will pay 6% interest (simple interest) on your deposit.

Regional Housing Legal Services**PA Low-Income Utility Assistance Programs**

## Partners in Community Renewal

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- [About »](#)
- [Practice Areas »](#)
- [PA Utility Law Project \(PULP\) »](#)
- [Resources »](#)
- [Support](#)
- [Contact »](#)

You are here: [Home](#) / [PA Utility Law Project \(PULP\)](#) / [PA Low-Income Utility Assistance Programs](#) / Equitable Gas Company's Universal Service Programs

## Equitable Gas Company's Universal Service Programs

General Information:

### Where To Call?

You may directly ask about and apply for Equitable's Low Income Programs by calling Equitable at 1-877-577-8735.

### What Are The Names Of Equitable's Programs?

- [CAP \(Customer Assistance Program\)](#)
- [LIURP \(Low income Usage Reduction Program\)](#)
- [CARES \(Customer Assistance Referral and Evaluation Service\)](#)
- [Dollar Energy Fund – Hardship Fund](#)

### How Can These Programs Benefit Me?

- CAP lowers your monthly bill based on the amount of your household income.
- LIURP helps reduce household gas use resulting in lower bills.
- CARES connects you to local social service agencies that can help you.
- Dollar Energy Fund hardship fund provides grants to stop shut-off or to reconnect service.

### The CAP Program

#### What are the actual benefits I can get in CAP?

Reduced monthly payments:

- As a CAP customer, you will receive a sizeable discount on your ongoing gas usage. Your new CAP bill will be based on your income level, rather than your actual gas usage. This will lead to significant savings on your bill.

Freezing past debt:

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the attached

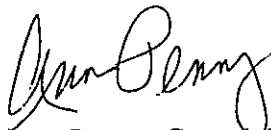
Document was served as follows:

ATTACHED DOCUMENT:           COMPLAINANT'S REPLY AND NEW  
MATTER TO RESPONDENT'S ANSWER AND  
NEW MATTER

DATE OF SERVICE:               APRIL 11, 2012

BY: FIRST CLASS U.S. MAIL

Yukevich, Marchetti, Liekar & Zangrilli, P.C.  
Thomas S. Anderson, Esquire  
Attorney for Equitable Gas Company, LLC  
11 Stanwix Street, Tenth Floor, Suite 1024  
Pittsburgh, PA 15222-1324  
(412) 261-6779 FAX 261-6789



By, Ann Penny, Complainant  
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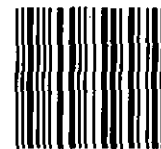
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