

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY
COMMISSION
PUBLIC UTILITY COMMISSION
APPEAL BOARD
HARRISBURG PA. 17105

APPEAL FROM JUDGES
FINDING OF FACTS
And
CONCLUSION OF LAW
C-2009-2134662

MARY F. KINGCADE - Complainant

May 23, 2012

5538 WARRINGTON AVENUE

INITIAL DECISION

PHILADELPHIA PA. 19143

Judge ERANDA VERO

VS

PHILADELPHIA GAS WORKS
DEFENDENT

RECEIVED

JUN 11 2012

800 MONTGOMERY AVE.

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PHILADELPHIA PA. 19122

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION APPEAL BOARD

I hereby appeal from the Decision of Judge Eranda Vera and allege the following finding of Fact, Conclusion of Law and Order are incorrect and are in error and are not supported by substantial Evidence.

Finding of Fact # 23, 28, 29, 33, 46, and 48.

Conclusion of Law # 5 and 6

ORDER - # 1

Are not supported by substantial competent Evidence.

JUNE 11, 2012

Mary F Kingcade

Mary F. Kingcade
Complainant -

BEFORE THE
- PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARY F. KINGDADE

V.

PHILADELPHIA GAS WORKS

DOCKET NO. C-20092134662

EXCEPTIONS OF MARY F. KINGDADE - COMPLAINANT

RECEIVED

JUN 11 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

June 11, 2012

Mary F. Kingsade
Mary F. Kingsade
Complainant

On July 14, 2009 PGW came to Com-
Plaintant Home for a routine gas shut off
That progressed into a major excavation
project on July 16, 2009.

The Respondent PGW was asked had anyone
from the company called 811. PGW answered
No. I made it clear to PGW that 811 should
have been called prior to digging. At
that moment PGW could have stopped
the digging and called 811. PGW chose
to continue with the project, further
violating the 811 Law.

PGW is a one point five Billion dollar
Company with a major part of their job
description being "Excavations". PGW should
have policies, rules, regulations and safety
measures in place with top priority.
There is no room for error where danger
exist. PGW has left room for error with
the carelessness of their actions at my
Property on July 16, 2009.

1. PGW came to my home, placed under ground pipes inside the mainline pipes without a cause.
2. Removed the Gas Meter without a cause.
3. Broke a main line pipe line and did not report it.
4. Turned gas on under ground for four (4) to five (5) hours. The gas had been shut off two (2) days earlier.
5. PGW unable to produce a work order.
6. PGW failed to credit multiple payments made by complainant to her account.
7. PGW failed to call the "Pennsylvania ONE" "CALL" system (811) three (3) business days prior to excavation with powered machinery on complainant's property.
8. PGW failed to return/submit court ordered correspondence "Late Filed Exhibit-9" in a timely manner.

Initial Decision

Before

Eranda VERO

Administrative Law Judge

Page 29 - ORDER

IT IS ORDERED

1. That PGW's late filed Exhibit 9 is admitted into the record in this case.

“
”
Exceptions of Complainant against order # one(1), PGW late filed Exhibit 9 should not be admitted into record in this case for (2) TWO reasons.

1. On November 21, 2011 Complainant filed motion with the Pennsylvania Public Utility Commission with a request that Administrative Law Judge Eranda Vero charge and sanction the Respondent, PGW with constructive contempt of court for failure to comply with a court order;

That was issued to Respondence, PGW, on October 19, 2011. PGW was given thirty days (30) or to the date of November 18, 2011 To submit Correspondence to justify Violating The PA one call system law and the underground utility Line protection Law.

PGW failed To submit the Correspondence Package by November 18, 2011 as ordered.

PGW Correspondence package was an overnight delivery by Federal Express dated November 23, 2011.

Complainant received package November 21, 2011.

2. Administrative law Judge Eranda Vero never answered or respond To The motion filed by complainant against defendant for Contempt of Court.
See page ~~8~~ ^{Error} - 11 Enclosed

For The Above reasons PGW's late filed Exhibit 9 should not be admitted into record in this case.

Mary F. Kingslade
5538 Warrington Ave
Philadelphia PA. 19143
267-670-3845

November 21, 2011

Administrative Law
Judge Eranda Vero
Pennsylvania Public Utility Commission
801 Market Street
Suite 4063
Philadelphia PA. 19107

RE: Mary F. Kingslade v. PGW - Docket No. E-2009 213 4662
E-2010 2778854

Dear Judge Vero:

At the Hearing on October 19, 2011 the defendant, PGW was given thirty days (30) by the court to submit correspondence to justify allegedly violating the PA. One Call System Law and the Underground Utility Line Protection Law.

The defendant, PGW, was given to the date of November 18, 2011 being the deadline date of (30) thirty days. The defendant did not comply with the court order.

Complainant is requesting that the defendant PGW be charged with constructive contempt of court for failure to comply with a court order.

CC: PGW
Laureto Farinas Esq.

Respectfully,
Mary F. Kingslade, Prose
Mary F. Kingslade

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COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARY F. KINGLADE, CLAIMANT

E-2009 2134662

E-2010 277 8854

VS.

PHILADELPHIA GAS WORKS, DEFENDENT

ATTORNEY, LAURETO FARINAS, Esquire

I, MARY F. KINGLADE, is requesting from the PENNSYLVANIA PUBLIC UTILITY COMMISSION, Administrative Law Judge ERANDA VERO that the DEFENDENT PGW, PHILADELPHIA GAS WORKS, be charged and sanctioned for constructive contempt of court for failure to comply with the court order issued on October 19, 2011.

NOVEMBER 21, 2011



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Laureto A. Fariñas, Senior Attorney
Legal Department
Direct Dial: 215-684-6982
FAX: 215-684-6798
E-mail: laureto.farinhas@pgworks.com

November 23, 2011

Administrative Law Judge Eranda Vero
Pennsylvania Public Utility Commission
Suite 4063
801 Market Street
Philadelphia, PA 19107

RE: Mary F. Kingcade v. Philadelphia Gas Works, C – 2009 – 2134662

Dear Judge Vero:

This is in response to the Complainant's letter of November 21, 2011 in which she states that PGW did not comply with your order to provide on or before November 18, 2011, an explanation on how PGW took steps to prevent the failure to call Pennsylvania One Call from happening in the future.

At the hearing held October 19, 2011, the PGW witness testified that the PGW service person who failed to call Pennsylvania One Call was subject to disciplinary action. Your instruction at the conclusion of the further hearing was to submit an explanation of "...company-wide steps that were implemented to address that something like that doesn't happen in the future." (See October 19, 2011 Transcript p. 169, lines 20-25)

On November 18, 2011 in complete compliance with your instruction, PGW sent by FedEx to you and the Complainant a description of a change in PGW procedure regarding contacting the Pennsylvania One Call system for service terminations that is designed to prevent such a failure to call Pennsylvania One Call. Therefore, the Commission should deny the Complainant's request to charge PGW with "constructive contempt of court."

If you need additional information about this matter, please contact me at my direct-dial number above. Thank you.

Sincerely,



Laureto Fariñas

cc: Mary F. Kingcade
Wendy Vacca
Anne Marie Cromley
Linda Pereira
Stephen Lipski

Mary F. Kingsade
5538 Warrington Ave.
Philadelphia PA. 19143
267-670-3845

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November 25, 2011

Administrative Law
Judge ERANDA VERO
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Suite 4063
801 Market Street
Philadelphia PA. 19107

RE: Mary F. Kingsade v. Philadelphia Gas Works; C-2009-2134662
E-2010-277-8854

Dear Judge Vero:

Complainant, Mary F. Kingsade received an overnight package from the defendant, PGW, dated November 21, 2011.

By the Court, Complainant was given a date of (1) one week being the deadline date of November 25, 2011 to respond to defendant's correspondence that was received 11-21-2011. This action gave Complainant only (4) four days to respond to the defendant and to the Court.

The defendant was not in compliance with the Court order issued October 19, 2011. The deadline date was November 18, 2011 not November 21, 2011.

Complainant stands by her request that the defendant PGW be charged and sanctioned for "contempt of court".

Complainant under the Fifth and Fourteenth Amendment pleads: no state shall deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

The issue is not PGW policies or PGW's disciplinary measures. The issue at hand is PGW violation of the PA. one call system law and the underground utility line protection law, as underground pipes were placed on my property without notification. PGW's action has directly affected the safety of the complainant and the residents of the 5500 block of Warrington Ave. PGW abiding by the law would have prevented this claim from ever being filed.

No one is above the law. PGW broke the law and should be held accountable.

Thank you for your attention to this matter.

CC: PGW
 Laureto Farinas Esq.

Respectfully,
 Mary F. Kingsade
 maryf.kingsade

FedEx Express
Customer Support
Domestic Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643

Telephone 901-369-3600



June 07,2012

MARY KINGCADE
(215) 386-3297

Dear MARY KINGCADE:

Our records reflect the following delivery information for the shipment with the tracking number 876457906250. The package was released as authorized by the shipper/recipient.

Delivery Information:

Released By: 9999999999999

Delivered to: 5538 WARRINGTON AVE

Delivery Date: November 25, 2011

Delivery Time: 01:27 PM

Shipping Information:

Tracking No: 876457906250

Ship Date: November 23, 2011

Shipper: LAURETO FARINAS ESQ
PHILADELPHIA GAS WORKS
800 W MONTGOMERY AVE
PHILADELPHIA, PA 191222898
US

Recipient: MS MARY KINGCADE

5538 WARRINGTON AVE
PHILADELPHIA, PA 19143
US

Thank you for choosing FedEx Express. We look forward to working with you in the future.

FedEx Worldwide Customer Service
1-800-Go-FedEx (1-800-463-3339)
Reference No: R2012060701954403833

This Information is provided subject to the FedEx Service Guide.

PETITION

5500 BLOCK-Warrington
Avenue
Philadelphia, PA.
19143

RE: Philadelphia Gas Works - Digging
on property at 5538 Warrington Ave.
on July 16, 2009.

The Residents of 5500 Block of
Warrington Avenue being in agreement
with this Referenced Action by (PGW)
The Philadelphia Gas Works, has signed
This Petition. SEE Signatures next page

PETITION

5500 BLOCK WARRINGTON AVE.

RE: Philadelphia Gas Works

Digging at property: 5538 Warrington Ave.
Philadelphia PA-19143

Signatures

1. Kenneth Cook
2. Larry Mumford
3. Aaron Scott
4. Gatece Gibbs
5. Darrell Falk
6. Emma L. Foster
7. Ted Furr
8. Betty Jones

Page-8
Finding of Facts

Page 10-#23 Disagree

The gas was shut off July 14, 2009 by one service man and one (1) supervisor. The serviceman had difficulty shutting off the gas due to a rusty knob that turns the gas on and off. The Serviceman replaced the knob, shut off the gas and left the property. - Complaint - tr. pg 7-Line-10-13

Page 11-#28 Disagree

Gas service was restore on July 17, 2009 with-out excavation. (2) Two PGW servicemen came into my home after turning the gas on from my yard. PGW service men lit the Pilot in side my gas range then went to the basement and lit the Hot water Tank and The Gas Furnace.

— Complaint - tr. pg 12 - Line - 6 - 17.

Page 11. #29 - Disagree

PGW only replaced a rusty knob on July 14, 2009 as complainant watch from the front door. PGW's The said information is Hearsay. Where is The work order that complainant requested?

#29 continues —

Age doesn't determine replacing PIPES.
If that was true most of the Pipelines
in Philadelphia would be replaced.

All of the Pipeline on my street should
read 1942. Pipelines are a network of Pipes;
Placed as houses are built.

Tr. pg 7 - Line 5
Tr. pg 8 - Line 1-5
↳ 12-25

^{Error-}
P. ~~14~~ #33 - pg-12 - Agree.

PGW failed to call the "Pennsylvania one call"
System prior to digging on complainant Property.
PGW a city owned utility for 176 years should
have their Policies, Rules and Regulations
in place. A company with "Excavation" a major
part of their business should have Education
on safety a top priority. The state has laws
in place for our protection. If the laws
aren't enforced then what good are the laws.
Calling 811 is the law. Complainant called
811. PGW did not. PGW Broke the Law. No
one is above the law.

Complnt-Tr pg. 11
Line 8-25

AUG 04 11 - EXHIBIT - A

Initial Decision - Page 5 - 2nd Paragraph - [Brief - pg-41-42]
Acknowledge - (Complainant's Brief) - [ENCLOSED -]

EXHIBIT "A"

RECEIVED

JUN 11 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CDC 00000 POCS MM/DD/YY TT:TT:TT 20091972450-000 NEW XCAV INSF

=====PENNSYLVANIA UNDERGROUND UTILITY LINE PROTECTION REQUEST=====

Serial Number--[20091972450]-[000] Channel#--[1639003][0591]

Message Type--[NEW][EXCAVATION][INSUFFICIENT]

County--[PHILADELPHIA] Municipality--[PHILADELPHIA CITY] Ward--[51]

Work Site--[5538 WARRINGTON AVE]

Nearest Intersection--[S 56TH ST]

Second Intersection--[]

Subdivision--[]

Site Marked in White--[N]

Location Information--

[THERE IS DIGGING GOING ON AT THIS LOCATION FOR THE GAS LINES. LOCATION IS A TOWNHOUSE. CALLER IS NOT DOING THE DIGGING. CALLER STATES PHILADELPHIA GAS IS DIGGING.]

Caller Lat/Lon--[]

Mapped Type--[P] Mapped Lat/Lon--

[39.941223/-75.227197, 39.939193/-75.230076, 39.938613/-75.229466, 39.940690/-75.226587]

Map Graphic--[http://www.palcall.org/ViewMap/view.aspx?sn=20091972450]

Type of Work--[EXCAVATION ON GAS LINES]

Depth--[]

Extent of Excavation--[]

Method of Excavation--[]

Street--[] Sidewalk--[] Pub Prop--[] Pvt Prop--[X] Other--[]

Lawful Start Dates--[21-Jul-09] Through [30-Jul-09]

Scheduled Excavation Date--[16-Jul-09] Dig Time--[1700] Duration--[]

Response Due Date--[20-Jul-09]

Caller--[MARY KINGCADE]

Phone--[267-776-3464] Ext--[]

Excavator--[MARY KINGCADE]

Homeowner/Business--[H]

Address--[5538 WARRINGTON AVE]

City--[PHILADELPHIA]

State--[PA] Zip--[19143]

FAX--[]

Email--[none]

Work Being Done For--[MARY KINGCADE]

Person to Contact--[MARY KINGCADE]

Phone--[267-776-3464] Ext--[]

Best Time to Call--[ANYTIME]

Prepared--[16-Jul-09] at [1649] by [LAUREN SIDWELL]

Remarks--

[CALLER STATES NO LINES HAVE BEEN MARKED. CALLER STATES THE GAS LINE IS BEING LINED IN PLASTIC AND THERE MAY BE A SMELL OF GAS IN THE AREA. THERE HAS BEEN EXTENSIVE DIGGING WITH NO PREVIOUS ONECALL. CALLER STATES THERE ARE WATER LINES RIGHT NEXT TO THE GAS LINES AND THE WATER HAS BEEN SHUT OFF.]

CQ 0 CQ =COMCAST PHILA KA 0 KA =PECO SCKL PD 0 PD =PHILA C WTR DPT
PSD0 PSD=PHILADELPHIA ST PZ 0 PZ =PGW PHLA PZA0 PZA=PGW PHLA
RU 0 RU =URBAN CABLEWORK YA 0 YA =VERIZON PA CHNT

Serial Number--[20091972450]-[000]

Printed from POCS website

PENNSYLVANIA ONE CALL SYSTEM, INC.
 AUTOMATED RESPONSE SERVICE

Excavator: MARY KINGCADE
 Telephone #: 2677763464
 Caller: MARY KINGCADE
 email: none

Serial Number 20091972450 at the following location:

COUNTY: PHILADELPHIA
 MUNICIPALITY: PHILADELPHIA CITY WARD: 51
 ADDRESS: 5538 WARRINGTON AVE
 NEAREST INTERSECTION: S 56TH ST
 SECOND INTERSECTION:
 LOCATION INFORMATION: THERE IS DIGGING GOING ON AT THIS LOCATION FOR THE GAS LINES.
 LOCATION IS A TOWNHOUSE. CALLER IS NOT DOING THE DIGGING. CALLER STATES PHILADELPHIA GAS
 IS DIGGING.

has been responded to through Pennsylvania One Call System by these facility operators in the following manner:

CDC	MEMBERNAME	STATUS
CQ	COMCAST CABLE	DID NOT RESPOND THROUGH PA ONE CALL
KA	PECO ENERGY	CLEAR - NO FACILITIES
PD	PHILADELPHIA CITY WATER DEPARTMENT	DID NOT RESPOND THROUGH PA ONE CALL
PSD	PHILADELPHIA CITY DEPARTMENT OF STREETS	DID NOT RESPOND THROUGH PA ONE CALL
PZ	PHILADELPHIA GAS WORKS	MARKED
PZA	PHILADELPHIA GAS WORKS	CONFLICT. LINES NEARBY. DIRECT CONTACT TO FOLLOW BY FACILITY OWNER
RU	COMCAST CABLE	CLEAR - NO FACILITIES
YA	VERIZON PENNSYLVANIA INC	INSUFFICIENT INFORMATION. DO NOT DIG.

Please call 1-800-222-6470 to hear any Voice Message



PGW failure to comply with the law set by the PA. One Call (811) System, Inc. (POCS)

The underground utility line protection law - Act 287 of 1974 as amended -

The PA. Act 287 as amended requires excavators and private land owners to call POCS three business days before any kind of digging occurs with powered equipment.

"Mark your excavation area in white before calling with a dig notification."

By calling, you allow the underground facility owners an opportunity to locate and mark their underground facilities

in advance of the planned excavation.
They will mark underground facility lines
using stakes, flags or paint.

Special Note:

If you hit a line and there is no apparent
leak at that location it is still possible
that there could be secondary damage
away from the site, resulting in a leak.
Damage to a line may not be readily
apparent when a line is exposed or hit.

Any damage to a line must be reported
to the facility owner by law, and is
unlawful to cover up a line that may
be damaged.

A Full Criminal Investigation is

DEMANDED

Pg. 14 # 46

PGW, The defendant, notes "Ms. Kingcade" final balance of \$ 5,869.32 was written off by the company on April 04, 2011."

Complainant has never been made aware of this action.

Complainant is asking for affirmation of this action by the defendant in writing.

Pg. 14 - # 48

It is noted by Judge Vera pertaining to the late filed Exhibit 9 "The information would assist the undersigned in determining the extent of the CIVIL Penalty to be imposed upon Respondent. Judge Vera concluded not to impose a penalty against Respondent. - Pg 28 - 1st paragraph -

Wherefore, Complainant respectfully request that the Commission find against the Respondent and affirm the decision to impose a penalty (civil) against PGW and affirm the decision in favor of complainant with "relief."

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARY F. KINGCADE

DOCKET NO. C-20092134662

v.
PHILADELPHIA GAS WORKS

EXCEPTIONS OF MARY F. KINGCADE COMPLAINANT

JUNE 11 2012

Mary F. Kingcade
Mary F. Kingcade
Complainant

RECEIVED

JUN 11 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

P-28 Conclusion of Law

EXCEPTIONS of Mary F. Kingcade-Complainant

1. Agree

2. Agree

3. Agree

4. Agree

5. Disagree - Complainant "high bills"

6. Disagree - Complainant has proved PGW
INCORRECTLY billed for Services.
Fraudulent billing -

7. Opinion of Judge Eranda Vero.

- SEE -
- 1. Brief - Pages - 19-20-21
 - 2. Tr - Page 51 - Line 02-25
 - 3. Exhibit - D - August 04, 2011 - Complainant
 - 4. Breakdown of Exhibit - D - Pages - 4
(1 thru 4)

1. My account displaying high current and total balances are not from delinquent payments.

2. My account increased substantially by PGW bringing forth frozen ERP charges on August 25, 2006 and noting the frozen ERP charges as current charges which justified applying late charges. This action increased the balance to a greater extent.

3. Noted on the Specific Service Agreement Statement of Account Document is as follows:

From transaction date September 26, 2005 To August 24, 2006, the account has a \$ 0.00 balance.

Brief P. 1/9

4. Transaction Date August 24, 2006 to April 13, 2007 the account went from a \$ 0.00 balance to \$ 4,027.43. (within an eight month period)
5. Complainant's account increased to \$ 4,027.43 as frozen LRP charges of \$ 2,511.62 was brought forward as current charges. Complainant was also removed from LRP which allowed the defendants to charge the non discounted price for their service. The charges increased dramatically, as high as \$ 400.00 for one month.
6. Submitted into Evidence, Exhibit F., a LRP Recertification application dated April 12, 2007. A LRP certification application has a validation period of one year, making the prior certification to be near April 12, 2006. It's noted on the payment history document of the defendants that complainant was on LRP in the year 2005 to August 2006, however, removed August 25, 2006 to April 13, 2007 which is an eight month period.
- The validation period should have been from April 2006 to April 2007 a one year period.

Complainant has met her burden of proving that fraudulent and deceitful billing transactions is the cause of complainant's high billing charges.

The debt of \$5,869.32 should be forgiven.

Complainant's Gas service should be restored without options. Defendants committed fraud.

Damages for Fraud and Deceit
DEMANDED

1 there's too much fraudulent activity here.

2 Q. So what do you believe you owe PGW?

3 A. What do I think I owe? That's not the
4 question, ---

5 Q. Yes, that is the question.

6 A. --- what I think I owe because there's so much
7 fraudulent activity.

8 Q. So what's the correct amount?

9 A. You figure that out with the fraudulent activity
10 that went on here.

11 JUDGE VERO:

12 Mr. Farinas, obviously the Complainant is
13 stating that she does not know.

14 BY ATTORNEY FARINAS:

15 Q. If you had a payment arrangement what would be the
16 payment arrangement of your request? What would be a
17 payment arrangement you ---?

18 A. Well, this has to be addressed first, the
19 fraudulent --- the fraud that's taken place here. We
20 can't get to what I'm to --- what I owe PGW until we
21 correct all the fraudulent activity.

22 JUDGE VERO:

23 I agree with you, Ms. Kingcade. Without
24 a clear idea of what the balance is, no payment
25 arrangement can be worked on, so ---

EXHIBIT "D"

RECEIVED

JUN 11 2012

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

Specific Service Agreement Statement of Account SA- 4136712510

Customer Name	From Date	To Date
MARY KINGCADE	8/1/2005	10/26/2009

Service address	Account Number	SA Number	Meter	Rate
5538 WARRINGTON AVE PHIL, PA 191434721	6119569407	4136712510	1975197	GS

STATEMENT

Transaction Date	Type	Reading	Reading Code	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
09/26/2005	BILL	3480	R	44	22	0.50	0		10/19/2005	\$62.55	\$62.55	\$62.55
10/25/2005	BILL	3501	R	31	21	0.68	132		11/18/2005	\$62.55	\$125.10	\$125.10
11/25/2005	BILL	3594	R	30	93	3.10	501		12/20/2005	\$62.55	\$187.65	\$187.65
12/28/2005	BILL	3805	R	34	211	6.21	1011		01/20/2006	\$62.55	\$250.20	\$250.20
01/27/2006	BILL	3974	R	30	169	5.63	761		02/22/2006	\$62.55	\$312.75	\$312.75
02/10/2006	PAY					0.00		Check		(\$312.75)	\$0.00	\$0.00
02/28/2006	BILL	4159	R	32	185	5.78	924		03/23/2006	\$62.55	\$62.55	\$62.55
03/28/2006	BILL	4295	R	28	136	4.86	632		04/21/2006	\$62.55	\$125.10	\$125.10
04/27/2006	BILL	4364	R	30	69	2.30	269		05/22/2006	\$62.55	\$187.65	\$187.65
05/22/2006	PAY					0.00		Check		(\$125.10)	\$62.55	\$62.55
05/27/2006	BILL	4393	R	29	29	1.00	119		06/21/2006	\$62.55	\$125.10	\$125.10
06/27/2006	BILL	4412	R	32	19	0.59	2		07/21/2006	\$62.55	\$187.65	\$187.65
07/27/2006	BILL	4428	R	30	16	0.53	0		08/21/2006	\$62.55	\$250.20	\$250.20
08/24/2006	PAY					0.00		Check		(\$250.20)	\$0.00	\$0.00
08/25/2006	CRPFRZ					0.00				\$2,511.62	\$2,511.62	\$2,511.62
08/25/2006	BILL	4441	R	29	13	0.45	0		09/20/2006	\$35.78	\$2,547.40	\$2,547.40
09/26/2006	LPC					0.00				\$38.21	\$2,585.61	\$2,585.61
09/26/2006	BILL	4458	R	32	17	0.53	19		10/19/2006	\$43.09	\$2,628.70	\$2,628.70
10/25/2006	LPC					0.00				\$38.85	\$2,667.55	\$2,667.55
10/25/2006	BILL	4496	R	29	38	1.31	190		11/17/2006	\$80.93	\$2,748.48	\$2,748.48
11/27/2006	LPC					0.00				\$40.07	\$2,788.55	\$2,788.55
11/27/2006	BILL	4594	R	31	98	3.16	433		12/20/2006	\$195.48	\$2,984.03	\$2,984.03

29

Transaction Date	Type	Reading	Reading Code	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
12/07/2006	PAY					0.00		Check		(\$195.48)	\$2,788.55	\$2,788.55
12/28/2006	LPC					0.00				\$41.82	\$2,830.37	\$2,830.37
12/28/2006	BILL	4730	R	33	136	4.12	669		01/24/2007	\$267.33	\$3,097.70	\$3,097.70
01/30/2007	LPC					0.00				\$45.83	\$3,143.53	\$3,143.53
01/30/2007	BILL	4906	R	33	176	5.33	843		02/23/2007	\$338.39	\$3,481.92	\$3,481.92
02/28/2007	LPC					0.00				\$50.91	\$3,532.83	\$3,532.83
02/28/2007	BILL	5145	R	29	239	8.24	1075		03/23/2007	\$415.99	\$3,948.82	\$3,948.82
03/28/2007	LPC					0.00				\$57.15	\$4,005.97	\$4,005.97
03/28/2007	BILL	5297	R	28	152	5.43	628		04/23/2007	\$276.46	\$4,282.43	\$4,282.43
04/11/2007	PAY					-0.00		Check		(\$100.00)	\$4,182.43	\$4,182.43
04/13/2007	PAY					0.00		Check		(\$155.00)	\$4,027.43	\$4,027.43
04/27/2007	CRPFRZ					0.00				(\$4,027.43)	\$0.00	\$0.00
04/27/2007	BILL	5397	R	30	100	3.33	459		05/22/2007	\$104.00	\$104.00	\$104.00
05/29/2007	BILL	5420	R	29	23	0.79	94		06/21/2007	\$104.00	\$208.00	\$208.00
06/25/2007	PAY					0.00		Check		(\$208.00)	\$0.00	\$0.00
06/27/2007	BILL	5438	R	32	18	0.56	4		07/23/2007	\$104.00	\$104.00	\$104.00
07/25/2007	PAY					0.00		Check		(\$104.00)	\$0.00	\$0.00
07/27/2007	BILL	5455	R	30	17	0.57	0		08/21/2007	\$104.00	\$104.00	\$104.00
08/15/2007	PAY					0.00		Check		(\$104.00)	\$0.00	\$0.00
08/27/2007	BILL	5469	R	29	14	0.48	6		09/20/2007	\$104.00	\$104.00	\$104.00
09/26/2007	BILL	5485	R	32	16	0.50	13		10/19/2007	\$104.00	\$208.00	\$208.00
10/25/2007	BILL	5502	R	29	17	0.59	53		11/20/2007	\$104.00	\$312.00	\$312.00
11/27/2007	BILL	5611	R	33	109	3.30	572		12/20/2007	\$104.00	\$416.00	\$416.00
12/28/2007	BILL	5766	R	31	155	5.00	856		01/24/2008	\$104.00	\$520.00	\$520.00
01/29/2008	BILL	5946	R	32	180	5.62	923		02/22/2008	\$104.00	\$624.00	\$624.00
02/27/2008	BILL	6101	R	29	155	5.34	823		03/24/2008	\$104.00	\$728.00	\$728.00
02/28/2008	PAY					0.00		Check		(\$105.94)	\$622.06	\$622.06
03/27/2008	BILL	6248	R	29	147	5.07	643		04/21/2008	\$104.00	\$726.06	\$726.06
04/25/2008	BILL	6321	R	29	73	2.52	305		05/20/2008	\$104.00	\$830.06	\$830.06
05/27/2008	PAY					0.00		Check		(\$105.55)	\$724.51	\$724.51
05/27/2008	PAY					0.00		Check		(\$105.55)	\$618.96	\$618.96
05/27/2008	BILL	6354	R	29	33	1.14	196		06/19/2008	\$104.00	\$722.96	\$722.96

Transaction Date	Type	Reading	Reading Code	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
06/25/2008	BILL	6371	R	32	17	0.53	5		07/21/2008	\$107.31	\$830.27	\$830.27
07/25/2008	BILL	6386	R	30	15	0.50	0		08/19/2008	\$107.30	\$937.57	\$937.57
08/25/2008	BILL	6402	R	29	16	0.55	0		09/18/2008	\$107.30	\$1,044.87	\$1,044.87
09/24/2008	BILL	6418	R	32	16	0.50	5		10/17/2008	\$107.30	\$1,152.17	\$1,152.17
09/25/2008	PAY					0.00		Check		(\$107.75)	\$1,044.42	\$1,044.42
10/23/2008	BILL	6439	R	29	21	0.72	154		11/18/2008	\$107.30	\$1,151.72	\$1,151.72
11/24/2008	PAY					0.00		Check		(\$107.69)	\$1,044.03	\$1,044.03
11/24/2008	BILL	6508	R	30	69	2.30	579		12/18/2008	\$107.30	\$1,151.33	\$1,151.33
12/05/2008	PAY					0.00		Check		(\$287.56)	\$863.77	\$863.77
12/18/2008	BOLIHP					0.00				\$287.56	\$1,151.33	\$1,151.33
12/29/2008	BILL	6673	R	35	165	4.71	992		01/23/2009	\$107.30	\$1,258.63	\$1,258.63
01/28/2009	BILL	6896	R	32	223	6.97	1101		02/23/2009	\$107.30	\$1,365.93	\$1,365.93
02/26/2009	BILL	7070	R	29	174	6.00	882		03/23/2009	\$107.30	\$1,473.23	\$1,473.23
03/26/2009	BILL	7193	R	28	123	4.39	649		04/21/2009	\$107.30	\$1,580.53	\$1,580.53
04/03/2009	PAY					0.00		Check		(\$382.04)	\$1,198.49	\$1,198.49
04/27/2009	BILL	7286	R	30	93	3.10	394		05/20/2009	\$107.30	\$1,305.79	\$1,305.79
05/27/2009	BILL	7305	R	32	19	0.59	90		06/19/2009	\$107.30	\$1,413.09	\$1,413.09
05/28/2009	PAY					0.00		Check		(\$107.48)	\$1,305.61	\$1,305.61
06/25/2009	BILL	7320	R	29	15	0.52	15		07/21/2009	\$107.30	\$1,412.91	\$1,412.91
07/13/2009	CRPFRZ					0.00				\$3,641.92	\$5,054.83	\$5,054.83
07/15/2009	BPTOCG					0.00				\$123.23	\$5,178.06	\$5,178.06
07/16/2009	DIGCHG					0.00				\$372.00	\$5,550.06	\$5,550.06
07/27/2009	BILL	1366	R	30	12	0.40	0		08/19/2009	\$30.96	\$5,581.02	\$5,581.02
08/21/2009	PAY					0.00		Check		(\$30.96)	\$5,550.06	\$5,550.06
08/25/2009	BILL	1380	R	31	14	0.45	0		09/18/2009	\$34.13	\$5,584.19	\$5,584.19
08/26/2009	INTAPL					0.00				(\$0.20)	\$5,583.99	\$5,583.99
08/26/2009	DEPAPL					0.00				(\$202.50)	\$5,381.49	\$5,381.49
09/01/2009	DIGCGW					0.00				\$372.00	\$5,753.49	\$5,753.49
09/26/2009	LPC					0.00				\$80.72	\$5,834.21	\$5,834.21
09/26/2009	BILL	1395	R	30	15	0.50	10		10/20/2009	\$35.11	\$5,869.32	\$5,869.32

(1)

February 10, 2006 - Check # 1364 - \$ 327.75 - Paid
 \$ 312.75 - Charged
 \$ 15.00 - LOSS

March -

April 11, 2006 - Check # 1374 - \$ 131.10 - not Credited

~~April 13, 2006 - Liheap paid \$ 155.00 - Loss - not Credited - Error MK~~

May 17, 2006 - Check # 1378 - \$ 131.10 - Paid
 125.10 - Charged
 \$ 6.00 - Loss

June -

July -

August 19, 2006 Check # 1003 - \$ 262.20 paid
 250.20 Charged
 12.00 - LOSS

* - August 25, 2006 - LRP Freeze - \$ 2,511.62
 August 31, 2006 - \$ Check # 1006 - \$ 35.76 - not Credited - Loss

September

October

November

December 07, 2006 - Check 1 - \$ 195.48

Jan

Feb

March

* - April 13, 2007 - Liheap paid \$ 155.00
 April 27, 2007 - LRP Freeze - \$ 4,027.43

(2)

May

June 20, 2007 - Check # 1045 - \$ 211.00

July

August 14, 2007 - Check # 1053 - \$ 107.00 paid
 104.00 charged
\$ 3.00 LOSS

September

October - Check # 1063 - \$ 107.00 - paid
 104.00 - charged
3.00 - LOSS

Nov -

Dec -

Jan -

Feb -

- Check # 1076 - \$ 109.00 - paid
 104.00 - charged
5.00 - LOSS

March

Check # 1081 - \$ 109.00 paid
 104.00 charged
5.00 - LOSS

April 23, 2008 - Check # 1091 - \$ 109.00 - paid
 104.00 - charged
5.00 - LOSS

May 21, 2008 - Check # 1090 - \$ 109.00 - paid
 104.00 - charged
5.00 - LOSS

(3)

June

July

August

September 25, 2008 - Check # - \$107.00

Oct

November 24, 2008 - Check - \$107.00

December 05, 2008 - Check - \$287.56 > not Credited

December 18, 2008 Bill - 287.56

December 18, 2008 - Liheap - Paid \$300.00

Jan

Feb

March

April - Check - Paid \$382.04 - For all 3 months

April 06 - Liheap paid \$399.00

May

Check - \$107.30

June -

* - July 13, 2009 - CRP Freeze - \$3,641.92

July 14, 2009 - GAS Shut OFF

August - Check # 1166 - \$233.46

September 23, 2009 - GAS Shut OFF - Final

(H).

Police Report -	50.00
Electric Heater -	
Cooking Burner -	121.92
Humidifier -	36.00
Hospital Bill -	129.95
Hospital Bill -	151.26
Hospital Bill -	68.66
EXHIBITS -	<u>\$ 557.79</u>
	557.79

Liheap -	1. \$ 155.00
	2. \$ 300.00
	3. \$ 399.00
	<u>\$ 854.00</u>

LOSSES -	\$ 513.42
Non Credit	
<u>TOTAL -</u>	<u>\$ 1,925.21</u>

Initial Decision

P26 - Last Paragraph - Line 11 - 15

The Judge research of the issues in this matter did not reveal any Prior Commission decision dealing with a utility's failure to use 811 service prior to digging and

"I note that since PGW was digging up its own pipes the only underground facilities that could potentially have been damaged by PGW's failure to call 811 service were the water and waste water pipes." In view of the above I conclude that the company's conduct warrants a lower penalty."

- See Finding of Fact - Page 12 - #36
- See section - DISCUSSION - Page 25 - Paragraph 2nd - #1,3,8.
- SEE - PG&G - Gas Service Tariff - Pa. P.U.C. NO. 2.
8.4.C. Prosecution - "attached"

8.4. ACCESS TO PREMISES.

8.4.A. Agents of the Company. PGW, or its authorized agents, shall have access to the premises of the Customer at all reasonable times for the purpose of reading meters, disconnecting service, installing, testing, inspecting, repairing, removing, or changing any or all equipment belonging to the Company; and taking whatever remedial action the Company may deem appropriate to avoid or abate hazardous conditions or unauthorized usage; and under emergency conditions to gain entry to the premises by forcible means.

8.4.B. Proper Identification. All employees of the Company who are authorized to enter upon the Customer's premises shall display appropriate PGW identification on their person.

8.4.C. Prosecution. Instances of tampering or unauthorized interference with or diversion or theft of Gas or other Company property may be subject to prosecution.

PGW Exhibit - 6

Page 1 of 2

Page-28

Conclusion of LAW #4 - see page- 25 - 1st Paragraph -
- 2nd Paragraph

Complainant successfully proved that Respondent violated 66 Pa. C.S.A. § 1501 when it failed to call the 811 Service prior to digging in complainant yard on July 16, 2009. Section 3301 of the Code 66 Pa. C.S. § 3301, Permits the Commission to impose a maximum civil penalty of \$1000 per day for each violation of the Code its regulations or its orders.

The commission has set forth in a statement of policy the factors and standards for evaluating proceedings involving violations of the public utility code for the purpose of determining appropriate civil penalty amounts. see 52 Pa. Code § 69.1201(c).

Standards and factors that should be evaluated for purpose of determining appropriate civil penalty amounts against PGW for their violations of the public utility code 66 Pa. C.S.A. section 1501.

Complainant Mary Kingcade Avers the Following:

Judge vero issued an order noting "I will not impose a civil penalty upon Respondent. Instead PGW is ordered to cease and desist from further violations of The Public Utility Code, Commission regulations and Commission Orders." Order # 4 - P-29

Judge vero also notes that "a copy of the Initial Decision shall be served on the Law Bureau for the purpose of tracking cases where PGW is found to have violated the public utility code, Commission regulations and Commission Orders." Order # 5 - P-29

The Respondent, PGW, broke the law. Breaking the law is a crime not a violation. The actions of PGW should be referred to the Proper authority.

Complainant is requesting from the Commission a full investigation of the underground Gas pipeline on Complainant Property prior to Restoration of Gas Service.

Complainant Mary Kingcade Avers the Following:

Complainant is requesting from the Commission Restitution of payments made by complainant that wasn't credited to her account and out of pocket expenses due to inconveniences suffered during the period of having no Heat, gas, or Hot Water for Two (2) years (+) Plus.

The Respondent, PGW, did Commit Fraudulent Billing Practice. SEE - Tr. Page-51 - line-1-25

page-27 SEE - EXHIBIT-D - Aug. 04, 2011

See - Pages - 1-4 attached to ~~EXHIBIT-D~~ EXHIBIT-D
 ERROR MK-

Complainant is requesting that the Commission impose the maximum civil penalty of \$1,000 per day for each violation of the code, its regulations or its orders upon PGW for violating 66 Pa. C. S. A § 1501 or impose a fair and determined civil penalty amount in compliance with the factors and standards set forth by the Commission. See - section - discussion - Page - 25-26 - Initial Hearing.

Wherefore, Complainant
Respectfully request that the Com-
mission Find against the Respondent
PHILADELPHIA GAS WORKS and AFFIRM
The Decision in Favor of Complainant

June 11, 2012

Respectfully Submitted,
Mary F. Kingcade
Mary F. Kingcade
Complainant

CERTIFICATE OF SERVICE

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

SERVICE LIST:

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
ROSEMARY CHIAZZETTA, Secretary
PO BOX 3265
Harrisburg PA 17105-3265

JUNE 11, 2012

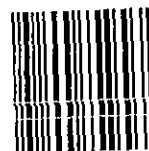
RECEIVED

JUN 11 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Mary F. Kingscade
Mary F. Kingscade
Complainant
5538 Warrington Ave.
Philadelphia PA 19143
267-670-3845-

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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From Mary F. Kingcade
5538 Warrington Ave
Philadelphia PA 19143

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Public Utility Commission
Rosemary Chiavetta, Secretary
PO BOX 3265
Harrisburg PA 17105-3265

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