

Robyn Irving  
3960 Pulaski Avenue  
Philadelphia, PA 19140  
July 15, 2012

The Secretary of the Commission  
2<sup>nd</sup> Floor, Keystone Building  
400 North Street  
Harrisburg, PA17105-3265

**RECEIVED**

JUL 15 2012

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Dear Sir or Madame:

RE: Robyn Irving vs. Philadelphia Gas Works (C-2011-2279259)

In order to meet the published deadline for delivery of hard copies of my exceptions documentation, under separate cover the required number of copies of the exception were delivered as a draft to the offices as designated your June 8, 2012 letter. Kindly be advised that this e-filed document supersedes and replaces all earlier versions of my letter of exception pursuant to the May 22, 2012 decision rendered by Judge Ky Van Nguyen concerning my dispute with the Philadelphia Gas Works (PGW) in connection with item C-2011-2279259.

Since I do not agree with the decision rendered by administrative law Judge Nguyen concerning my dispute with the Philadelphia Gas Works (PGW) pursuant to item C-2011-2279259, the following sections will list the reasons for my dispute with PGW and also describe certain other items and exhibits that are facts but that I wasn't permitted to enter them into the official court's record at the time of the hearing before Judge Nguyen.

To begin, I'm stipulating and agreeing that certain findings of facts contained within Judge Nguyen's written decision are true and accurate. The Findings of Fact that I stipulate as accurate and true include: Item #1; Item #2; Item #3; Item #4; Item #6; Item #7; Item #8; and Item #9.

By contrast, I disagree with Item #5 because there was never any discernible or noticeable odor or smell of natural gas that would be a sure indicator of a gas leak on the fuel line connecting to the dryer within my home. Specifically, the dryer in my home is located on first floor of my home while the gas meter is located in the basement. On June 16, 2011 at the suggestion of a Philadelphia Water Department (PWD) Technician, I called the Philadelphia Gas Work to report an odor of natural gas.

At no time during the past 24 years (my tenure of ownership of the home located at 3960 Pulaski Avenue), has there ever been a noticeable or discernible odor of natural gas of unknown origin either around the dryer, in my kitchen where my gas stove is located, or in the basement where the gas meter is located. Coincidentally, the PGW technician's report from his June 16, 2011 service call does not mention or indicate that there is a leak to the fuel line connecting to the dryer or stove. In addition, I also disagree with and take exception to Item # 10 and Item #11.

An additional important and noteworthy facts concern when I moved into this house in May 1987, a full two months after the installation of the PGW meter. First, prior to actually moving into this home, I requested and obtain a full house inspection that included examination of all gas and electric utilities and their respective connections to external utility main lines. No leaks or improper connections were reported by the residential inspection at the time immediately before I occupied this dwelling. And secondly, subsequent to the March 19, 1987 installation of the PGW meter, no one as adjusted or attempted to adjust the PGW gas meter.

From that time to the present, I have regularly and consistently paid my PGW bill each and every month upon receiving the bill for gas fuel used. As a law-abiding customer, I relied on PGW to send me a true and accurate bill for the amount of natural gas fuel that was consumed within my home. And in accordance with the customs and traditions of good credit practices, I faithfully paid my PGW bill every month.

Shortly after the June 16, 2011 service call, I received a PGW gas bill for an amount over \$12,000. Consistent with PGW internal account dispute resolution procedures, I endeavored to follow this procedure. However, being dissatisfied with PGW's response I filed a complaint with The Public Utility Commission (PUC) and was instructed by PUC to file a formal complaint.

Consistent with PGW internal account dispute resolution procedures, I filed the necessary documentation and endeavored to follow this somewhat confusing procedure. In preparation for the initial dispute resolution procedural meetings with PGW staff, I sought advice and counsel from family and friends about what to do because I couldn't afford to hire my own attorney. In hindsight, I should have exhausted other avenues in seeking legal counsel and advice concerning negotiations with PGW as it relates to their so called "clerical error" in under-charging and billing my account for nearly 25 years.

The dispute resolution meeting was held with PGW staff. However, because I was dissatisfied with PGW's response, I filed a complaint with The Public Utility Commission (PUC) and was instructed by the PUC representative to file a formal complaint, which I did.

During the run-up time period prior to the April 12, 2012 hearing, I was overwhelmed by the perception of being held hostage by PGW for a gas bill of \$12,169.24. I was then later granted a hearing with Administrative Law Judge Ky Van Nguyen on April 12, 2012. The dispute is over the amount of \$3,700.00 that I am being charged by PGW.

In preparation for the April 12, 2012 hearing, I had brought with me four years worth of past PGW gas bill, all having been paid. At the April 12, 2012 hearing, when I tried to present a summation of my bill payment history to Judge Nguyen to indicate my account's payment and fuel usage history with PGW. To my complete surprise, Judge Nguyen refused to permit me to enter my exhibits and documentation into the official hearing record. Yet, I was mystified that Judge Nguyen permitted the Respondent to submit documentation as exhibits at this hearing. I was never given any reason as to why the Respondent's exhibits were acceptable at the Hearing but mine were not.

At the time of my negotiations with PGW, my personal economic uncertainty combined with other events led me to under-appreciate the gravity of the PGW error and their subsequent request for repayment in the form of a mutually agreed upon settlement judgment amount of less than \$3,700. Likewise, a September 30, 2011 newspaper article by Stu Bykofsky in the Philadelphia Daily News that included an interview with PGW Senior Vice President of Marketing and Communications Douglas Oliver contained important revelations. First, a statement from Senior VP of Marketing and Corporate Communications Mr. Doug Oliver who clearly admitted that PGW had made a mistake, i.e., a costly PGW

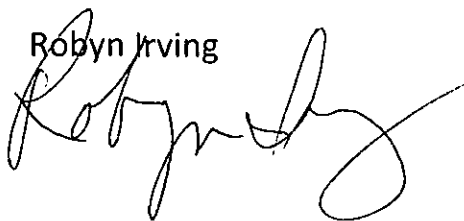
clerical error and second, that 35 other PGW customers had PGW meters similar to mine which caused fuel consumption errors similar to mine. My PGW installed meter suffered from a malfunction which caused the meter to incorrectly measure the amount of natural gas fuel consumed in my dwelling. These revelations combined with my personal circumstances caused me to misjudge the depth of issues concerning the perceived PGW under-payment. In light of these revelations, I would like to re-consider the amount owed PGW and to re-open the earlier negotiations with PGW staff.

I'm not seeking to avoid fair payment for gas service received since I have received gas service in this dwelling from PGW gas service for years uninterrupted. I believe that repaying the balance of over \$3,500 will present an economic hardship.

Your favorable reconsideration by setting aside the administrative law judge's decision and directing PGW to re-open negotiations with me to find a more equitable payment amount and arrangements will be greatly appreciated.

If you have questions or need additional information following your review of my exception letter, please contact me at the return address shown above or at my home telephone number at 215/227-3756.

Sincerely,

Robyn Irving  


**RECEIVED**

JUL 15 2012

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day, July 15, 2012, served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of §1.54 (relating to service by a party).

The Office OF Special Assistants  
P.O Box 3265  
Harrisburg, PA. 17105

Philadelphia Gas Works  
Laureto Farinas  
800 W. Montgomery Ave  
Philadelphia Pa. 19122

# \$12K GAS BILL WAS FIRST SHOCK

W admits  
It, still  
nts her to  
y the piper

VE GOT a shocking story for you. Not one shock, but several — some good, some not. The first shock — a \$12,169 gas bill from PGW — electrified Robyn Irving, a data coordinator at Children's Hospital of Philadelphia.

She got the insane bill for her rowhouse in Nicetown a month after PGW fixed a gas meter. *Twelve thousand dollars?* Was PGW turning Chanel No. 5 into her

g, 58, complained, but PGW was slow to provide an explanation and, ultimately, no satisfaction, she says.

Caught, she told me her story. I looked into it.

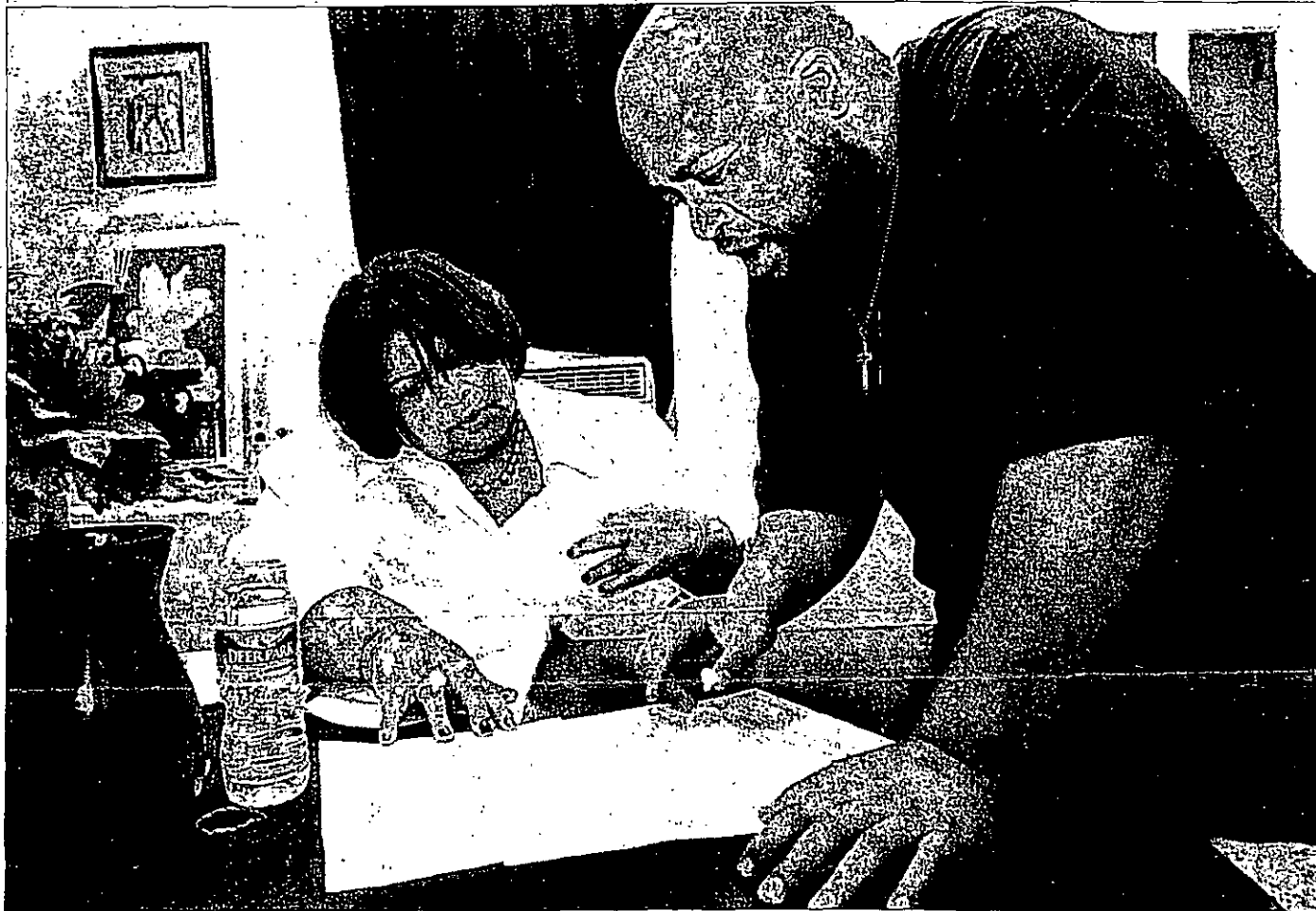
The second shock, this time it came in a chat with PGW's VP of Marketing and Communications Doug Oliver. He admitted that PGW had made a mistake: The \$12K bill was "a clerical error," he says. It was disciplined because it was an "honest mistake."

The utility admitting a mistake was a relief.

A very long-standing clerical error that allowed charges to pile up over a decade, even though Irving dutifully paid every bill PGW sent her, Oliver says. The problem was that PGW had billed Irving only about half the amount she should have.

A wave of malfunction struck PGW's 560,000 customers last year, says Oliver, for a first rate. That's excellent unless you are one of the

and shock was that even the huge mistake was not completely wiped from its books. PGW did



**Robyn Irving** and her son **Tony Irving** examine the \$12,169 bill they got from PGW. The utility has, however, cut the bill to \$3,575.37.

YONG KIM/STAFF



**STU BYKOFKY**  
stubyko@phillynews.com

knock the \$12,169 down to \$4,433.45 — but that wasn't exactly voluntary.

The PUC prohibits reaching back more than four years to collect bills. That's the fourth shock, a good one.

The fifth shock, a small one, is that despite its admitted culpability, PGW wants the remaining \$4,433.45 from Irving.

If PGW doesn't collect the money, Oliver says, "it would be 'bad debt' for PGW and it would be subsidized by the rest of the customers" because "we don't eat the cost. Everyone else must eat the cost."

"Everyone else" means other PGW customers. You.

This is where it gets delicious.

If PGW, as a gesture of contrition, were to clear Irving of the debt for the gas she did actually use, you would be paying that bill — creating a new injustice to rectify an old one. To resolve issues like this we usually turn to philosophy or religion, to discuss the na-

ture of good and evil, fairness and the common good.

Irving was unhappy holding the bag for \$4,433.45. After I started poking around, Irving says that PGW wrote off about \$800 in late fees — which never should have been applied — bringing Irving's debt down to \$3,575.37.

"It's the gas company's fault the meter was malfunctioning. When a meter is scanned, that's what's billed" and that's what she paid, says Irving, who also feels that insult was added to injury when no one from PGW called her to apologize for the mistake.

With its mistake admitted, PGW is offering Irving a plan to spread the payments for the

\$3,575.37 over four years. The same period of time it took for the debt to accrue.

That is a good thing — since Oliver says that the chance of mistake is so rare — something to do would be to clear Irving's remaining bill in half.

That, in addition to an apology that Oliver is offering, would show respect.

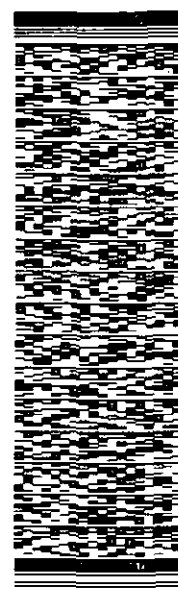
Email [stubyko@phillynews.com](mailto:stubyko@phillynews.com) or call 215-854-5977. See [www.philly.com/Byko](http://www.philly.com/Byko).

TO SECRETARY OF THE COMMISSION

400 NORTH STREET  
KEYSTONE BUILDING 2ND FLOOR  
HARRISBURG PA 17105

REF: (215) 227-3756

SHIP DATE: 15-JUL-12  
ACTWT: 0.6 LB  
CAD: 70FFC1302  
DTMS: 0X0X0 IN  
BILL SENDER



TRK# 8007 1337 0852

TUE - 17 JUL A2  
PRIORITY OVERNIGHT

ZN MDTA

17105  
PA-US MDT



TO: PUC SECRETARY BUREAU  
Agency: PUC  
Floor: External Carrier: FedEx



FedEx NEW Package Express US Airbill

FedEx Tracking Number

8007 1337 0852

Form ID No. 0200

Mc Recipient's Copy

1 From [Redacted] Date 7/15/12  
Sender's Name Rabyin Trving Phone 215 3756  
Company  
Address 3760 Pulaski Ave. Dept./Floor/Suite/Room  
City Phila. State Pa. ZIP 19140

2 Your Internal Billing Reference

3 To Recipient's Name The Secretary of The Commission  
Company 400 North Street 2nd floor  
Address ~~Attn: Bob Gans~~ Keystone Building Dept./Floor/Suite/Room  
Address Home is bureau Pa 17105-3265  
City State ZIP

4 Express Package Service \* To most locations. Packages up to 150 lbs. NOTE: Service order has changed. Please select carefully. For packages over 150 lbs, use the new FedEx Express Freight US Airbill.

Next Business Day  
 FedEx First Overnight  
 FedEx Priority Overnight  
 FedEx Standard Overnight

2 or 3 Business Days  
 FedEx 2Day A.M.  
 FedEx 2Day  
 FedEx Express Saver

5 Packaging \* Declared value limit \$500  
 FedEx Envelope\*  
 FedEx Pak\*  
 FedEx Box  
 FedEx Tube  
 Other

6 Special Handling and Delivery Signature Options  
 SATURDAY Delivery  
 No Signature Required  
 Direct Signature  
 Indirect Signature  
 No  
 Yes  
 Yes  
 Dry Ice  
 Cargo Aircraft Only

7 Payment Bill to:  
 Enter FedEx Acct. No. or Credit Card No. below  
 Sender  
 Recipient  
 Third Party  
 Credit Card  
 Cash/Check  
 Total Packages Total Weight Credit Card Auth.



8007 1337 0852

\*Our liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Guide for details.

644