

August 13, 2012

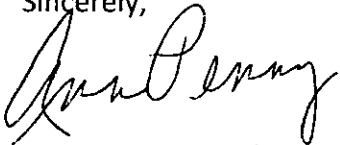
Rosemary Chiavetta
Secretary of the Commission
Pennsylvania Public Utility Commission
2nd Floor, Keystone Building
400 North Street
Harrisburg, PA 17105

RE: Ann Penny v Equitable Gas Company, LLC
No. C-2012-2289787

Dear Secretary of the Commission:

Please find Ann Penny, Complainant, Reply and New Matters to the Respondent Post-Hearing Brief attached.

Sincerely,



Ann Penny, Complainant

Enclosure (10)

CC: Administrative Law Judge Mary D Long/ w/ enclosures
Thomas S Anderson, Esquire/ w/ enclosures

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SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ann Penny)	Complaint Docket
)	
Complainant)	No. C-2012-2289787
)	
Vs)	Type of Pleading
)	
Equitable Gas Company, LLC)	REPLY AND NEW MATTERS TO
)	RESPONDENT POST-HEARING BRIEF
Respondent)	
)	Filed on behalf of:
)	
)	Ann Penny, Complainant

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ann Penny, Complainant) Complaint Docket)) No. C-2012-2289787)
Vs.) Type of Pleading)
Equitable Gas Company, LLC Respondent) REPLY AND NEW MATTERS TO) RESPONDENT POST-HEARING BRIEF))

**REPLY AND NEW MATTERS
TO RESPONDENT POST-HEARING BRIEF**

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

1. In reply to Respondent's Counter-Statement of the Case, Ann Penny's Affidavit and exhibits should not be omitted from this matter as she was given permission by the Briefing Order. In addition, the Affidavit and exhibits clearly provides proof as to the where Ann Penny resides. Respondent has had 30 plus 1 day in which to counter this claim. Respondent has not done so.
2. When Ann Penny applied for service at 512 Junilla Street, Ms Penny listed herself as the owner of the property and told Equitable Gas when they took her application as much and that she would not be living there. Ann Penny stated this fact in her formal complaint with the PUC. Furthermore, Ann Penny let Ted Luniewski of Equitable Gas Company know that she intended Roy Penny to occupy the house once the gas was restored. It was Ted Luniewski's attitude of I must have Roy Penny move out of the house that prompted the formal complaint. I told him to produce a policy that stated that a tenant that owed the gas company must move from the home. No policy was ever produced yet he refused to have the gas turned on in my name. Mr Luniewski continued to harass me. A telephone call record will show that I called the PUC complaining of Mr Luniewski constantly calling my home.

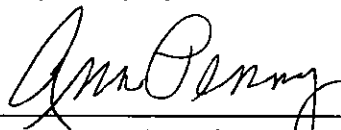
3. There is no name switching in this matter that involves me. Yes, I whole heartly agree that the gas should be in the name of the person paying the bill and who lives at the premises. Equitable Gas Company does have a right to know and they did know because I specifically let them know I wanted the gas restored in my name because I did not was pipes to burst from the cold weather and I wanted the house to be occupied therefore Roy Penny would be staying. This was stated in the Formal Complaint with the PUC.
4. Equitable Gas Company did violate the Responsible Utility Customer Protection Act by attempting to make Ann Penny an occupant of the house when they knew it was not true based on the application for services and the numerous telephone calls that were made trying to make me put Roy out of the house. Naturally, Roy Penny could not occupy the house in the winter since there was no heat. So, no Roy Penny was not occupying the house this winter.
5. Equitable Gas Company has failed to answer questions raised in Ann Penny's formal hearing and in her brief. The question of Equitable Gas Company's nonfeasance behavior in the matter of allowing Roy Penny to accumulate a gas bill that Equitable Gas Company knew Roy Penny would be unable to pay. The Responsible Utility Customer Protection Act gave Equitable Gas Company the advantage of shutting off utilities for a bill as soon as it was in arrears. Equitable Gas Company can only be seen as causing harm to the consumer, Roy Penny by letting the gas bill accumulate to such an amount and then and only then shut it off and demand the whole amount. Equitable Gas Company should bear the burden of their actions by having to assume the payment of this bill.
6. In speaking to someone involved with the revising of the landlord tenant laws and who practiced in this law, there are no case laws that address this issue but this issue has come up before with Equitable Gas Company in which the owner of the property held the gas in his/her name and did not pay the bill. The tenant was given the option of having the gas bill put in his/her name and paying the bill going forward. The past due bill was still the responsibility of the former past due former customer. This is the same situation Ann Penny found herself in. The Equitable Gas Company should have put the gas in her name and she would have been paying for the gas going forward. Roy Penny and Equitable Gas Company should have worked out his payment arrangements. Roy Penny would not be paying a gas bill and could have now directed payment towards Equitable Gas Company.

7. In conclusion, Ann Penny has proven that she does not live at 512 Junilla Street, Pittsburgh, PA 15219 and as such Under the Responsible Utility Protection Act of 2004, which states that if service is shut off, any adult who lives at the residence will be responsible to pay all or part of the overdue bill if that adult wants service restored in their name. Payment to restore your service will depend on your household income and payment history. Therefore, Ann Penny is not responsible for this bill. Equitable Gas Company due to their nonfeasance should be liable for making the client, Roy Penny, whole by assuming forgiveness for this bill. This bill should be restored in Roy Penny' name.

8. Lastly, Thomas S Anderson, Esquire, Attorney for Equitable Gas Company, LLC has raised a lot of irrelevant issues that does nothing to solve any of the issues raised. Yet has failed to provide any concert evidence to the contrary. Equitable Gas Company counter-claims should be dismissed with prejudice.

CONCLUSION OF REPLY TO RESPONDENT POST-HEARING BRIEF

Equitable Gas Company claim of Ann Penny owning this bill due to Ann Penny's residency of 512 Junilla Street, Pittsburgh, PA 15219 or otherwise should be dismissed. Equitable Gas Company should be held responsible for the bill of Roy Penny due to their nonfeasance behavior which has caused harm to the customer, Roy Penny. Equitable Gas Company's counter-claims and accusations should be dismissed with prejudice. Relief as requested by Ann Penny should be granted and this case closed favorable to Ann Penny's request as stated in her brief and reply to post brief of Equitable Gas Company with prejudice.

By:  _____
Ann Penny, Complainant
112 E 14th Avenue
Homestead, PA 15120
412-462-6981
Date: August 13, 2012

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached document was served as follows:

ATTACHED DOCUMENT: **REPLY AND NEW MATTERS TO
RESPONDENT POST-HEARING BRIEF**

DATE OF SERVICE: August 13, 2012

BY: FIRST CLASS U.S. MAIL

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

Administrative Law Judge Mary D Long
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222

Thomas S. Anderson, Esquire
Yukevich, Marchetti, Liekar & Zangrilli, P.C.
Attorneys At Law
11 Stanwix Street, Suite 1024
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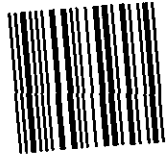
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