

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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:
Sheri & Paul DeLaney v. The Peoples : Docket No.
Natural Gas d/b/a Dominion Peoples. : C-20054944
Billing dispute. :
:
Initial Telephonic Hearing. :
:
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Pages 1 through 17

Pittsburgh State Office Building
Hearing Room 1
300 Liberty Avenue
Pittsburgh, Pennsylvania 15222

DOCUMENT
FOLDER

Tuesday, November 15, 2005

Met, pursuant to notice, at 2:30 p.m.

BEFORE:

LARRY GESOFF, Administrative Law Judge

APPEARANCES:

SHERI DELANEY
512 Saint Phillips Court
Cranberry Township, Pennsylvania 16066
(Pro se)

HORACE P. PAYNE, JR., Esquire
Dominion Towers
625 Liberty Avenue
Pittsburgh, Pennsylvania 15222
(For the Respondent)

g.m.

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WITNESS

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(None.)

FORM 2

EXHIBIT INDEX

NUMBERS

FOR IDENTIFICATION IN EVIDENCE

(None.)

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FORM 2

P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE LARRY GESOFF: This is the
3 time and place set by the Pennsylvania Public Utility
4 Commission for an initial telephone hearing in the
5 complaint of Sheri and Paul DeLaney against The Peoples
6 Natural Gas Company, doing business as Dominion Peoples.
7 This matter is docketed by the Commission at Docket Number
8 C-20054944.

9 I'm Larry Gesoff, the Administrative Law Judge
10 assigned to this proceeding. I note the appearance of
11 Sheri DeLaney on behalf of herself and of Horace P. Payne,
12 Jr., on behalf of Peoples Natural Gas.

13 I think the balance is up to date on this account.
14 Is that correct, Mr. Payne?

15 MR. PAYNE: Yes, it is, Your Honor.

16 JUDGE GESOFF: Is there anything you need to
17 discuss with Ms. DeLaney.

18 MR. PAYNE: Perhaps only to ascertain where we are
19 with this since, as you mentioned and as the account
20 statement reflects, the account is up to date, just to
21 ascertain what more we need to do here.

22 JUDGE GESOFF: Has the security deposit been
23 applied to the account balance or is it still...

24 MR. PAYNE: It's been applied and...

25 MS. DELANEY: It's paid.

1 MR. PAYNE: It's paid, it has been paid.

2 JUDGE GESOFF: The security deposit has been paid?

3 MR. PAYNE: Yes, Your Honor.

4 MS. DELANEY: Yes.

5 JUDGE GESOFF: It's on file and the account is up
6 to date?

7 MR. PAYNE: Yes.

8 JUDGE GESOFF: Ms. DeLaney, you were complaining
9 about the security deposit itself, is that correct?

10 MS. DELANEY: Yes.

11 JUDGE GESOFF: Maybe we can have Ms. Ritchey
12 explain why the company applied a security deposit to your
13 account.

14 MS. DELANEY: Can I say something?

15 JUDGE GESOFF: Yes.

16 MS. DELANEY: I understand why they applied the
17 security deposit. My grievance was that -- here's what
18 happened. In May, the very end of May, that's when I
19 received a bill saying that my payment was late, etcetera,
20 etcetera, I had to get it up to day. The beginning of
21 June, me, my husband and my daughter, we were leaving to go
22 to Florida for a three-month period because I was laid off
23 from my job and I was going down there to help him with his
24 business.

25 When I talked to the customer service rep there, she

1 told me all of this. She said that she would do, because I
2 told her I was leaving in a week, is get a bill in the mail
3 to me that day, that I would have it before I left for
4 Florida, and if I paid the bill in full, which I think at
5 that point was maybe \$250 or \$300, that I then would not
6 have to pay the security deposit.

7 Well, that week came and went. I never received a
8 bill, and I know part of that was my fault because I was
9 trying to pack up the family to head for Florida, so I
10 didn't think twice about not receiving. Then I had all of
11 our mail being transferred down to Florida, and because of
12 that, there was about a two-week delay for my mail here in
13 Pittsburgh to be transferred to Florida.

14 So, two to three weeks go by and I get a statement
15 saying that it's going to be shut off, that the security
16 deposit is being applied when I had planned to pay in full.
17 The customer rep was real nice and she recommended that I
18 not pay it on-line or with a credit card. I think she said
19 there was an additional fee or charge for that.

20 I wasn't disputing the bill at all and I planned on
21 paying it all off on time, but I never received that bill.
22 Then when I got these notices in Florida, I tried calling
23 the gas company. They said it was too late now and, you
24 know -- I don't know. That's what my grievance was over,
25 that this woman promised me that I was going to have this

1 bill before I left, I could put a check in the mail and as
2 long as I got the check got in by such and such date,
3 everything would be taken care of, but I never got the bill
4 from them before I left for Florida.

5 JUDGE GESOFF: Okay.

6 MR. PAYNE: Some of that rings true relative to
7 your complaint, but I don't see anywhere in here where you
8 made mention of the fact that you had made arrangements
9 with someone at our call center or office to issue a bill
10 to you.

11 MS. DELANEY: When I called from Florida, they said
12 that there was a record in your system that I had talked to
13 somebody about this, so she had it in her system. I did
14 not keep names of anybody that I talked to, and I apologize
15 for that, but she said that she did have it in her system
16 that I had contacted somebody and I had talked to somebody.

17 I'm not sure what all -- that all the details of the
18 conversation are recorded in the calls or what is done with
19 that. That's my only grievance. I completely understand
20 the need for a security deposit and everything, but one
21 person is telling me something and saying I am going to get
22 this bill, and then I get -- it was our fault that we had
23 to leave for Florida, but she told me that I was going to
24 have that bill before I left, I could just stick a check in
25 the mail, get it to you and I would be paid in full and I

1 wouldn't have to be bothered with the security deposit.

2 MS. RITCHEY: What we are looking at, Ms. DeLaney,
3 is your original complaint with the Commission that you
4 filed. You didn't really mention that your dispute was
5 over what our representative had explained to you. Your
6 dispute, as I read this complaint, is about your security
7 deposit being added.

8 MS. DELANEY: Right, but I don't even have that in
9 front of me. I don't know how much detail I was supposed
10 to go into in that complaint, but...

11 JUDGE GESOFF: What happens, Ms. DeLaney, is we
12 have to have a hearing based upon what you said in the
13 complaint because it gives the company notice of what your
14 grievance is so that they can prepare for hearing and
15 defend.

16 In this case, what you are saying is that you were
17 told by the company representative that you would get a
18 bill before you left for Florida, which if you paid in full
19 would avoid you having to pay the security deposit. Your
20 complaint is that you didn't get that bill within a week.
21 This is the first time the company has heard about this and
22 they might not be able to go through their screens to
23 determine whether such a conversation place as far as their
24 records are concerned

25 Is that correct, Ms. Ritchey?

1 MS. RITCHEY: That's correct.

2 JUDGE GESOFF: Ms. Ritchey, did the company
3 properly apply Commission regulations with respect to when
4 they can request or require a security deposit from a
5 customer?

6 MS. RITCHEY: Yes, we did.

7 JUDGE GESOFF: What happened in this case that
8 allowed the company to do that?

9 MS. RITCHEY: We had mailed out a security deposit
10 warning letter on April 29th, 2005, and about the third
11 paragraph down, "We ask that you please make payments in
12 full by the due date shown on each monthly bill." The next
13 paragraph, "If we must issue more shut-off notices, we will
14 need to request a security deposit. It will be equal to
15 two times your average usage."

16 JUDGE GESOFF: Okay, and then June 2nd, you had to
17 issue a security deposit request?

18 MS. RITCHEY: Yes, and then on June 2nd, we issued
19 a deposit request letter telling her that we are going to
20 request a deposit of \$176, which is equal to two times her
21 average usage.

22 JUDGE GESOFF: She made that payment, correct?

23 MS. RITCHEY: She did make that payment, yes.

24 JUDGE GESOFF: Okay.

25 MS. DELANEY: When I called back, they said that I

1 had to make that payment until this dispute hearing thing
2 -- if I didn't want anything happening like with my gas
3 being shut off.

4 JUDGE GESOFF: Right. As far as the company is
5 concerned, they didn't do anything wrong in issuing the
6 security deposit request, and you are saying -- I think you
7 are saying you didn't get a chance to pay that bill before
8 you left for Florida so that you could avoid having to do
9 that.

10 MS. DELANEY: Exactly.

11 JUDGE GESOFF: I'm not sure we can do anything
12 about that today because that particular aspect of the
13 matter was not in your complaint. What I would suggest is
14 that we could do one of two things.

15 We could continue the matter and have a further
16 hearing to let the company prepare for that, or you could
17 withdraw this complaint, wait for the company to go over
18 their records and get back to you, and if you weren't
19 satisfied with their explanation, then refile the
20 complaint. If the company did something wrong, then I
21 guess I could direct them to refund the security deposit to
22 you. If not, things would stay just the way they are.

23 MS. DELANEY: I don't want to dismiss the
24 complaint. This is the first time I've ever done anything
25 like this, so I wasn't sure what I was or wasn't supposed

1 to put in that paper.

2 If I need to refile something or if they can just
3 research it -- I really don't want to dismiss this because
4 I tried to do what I was supposed to do and I did not get
5 that bill. Then I was gone for three months and my mail
6 was delayed. The Post Office told me that was going to
7 happen. At that point when I was down on Florida, there
8 was absolutely nothing I could do.

9 JUDGE GESOFF: Right. Of course that part of it is
10 not the company's fault.

11 MS. DELANEY: Right.

12 JUDGE GESOFF: Here's what we can do. We can
13 continue the matter. Ms. Ritchey can research the matter
14 and get back to you. If the company's explanation is not
15 satisfactory to you, then Mr. Payne will come back and ask
16 for an additional hearing.

17 If the company's explanation is satisfactory to you,
18 then Mr. Payne can file what is called a certificate of
19 satisfaction, which basically says you are satisfied with
20 the matter, you don't want to pursue it and when he files
21 that document, it allows me to close the case out and the
22 Commission to send out a letter saying the case is closed.

23 MS. DELANEY: Okay.

24 MS. RITCHEY: Could I ask a question, Judge Gesoff?

25 JUDGE GESOFF: Yes.

1 MS. RITCHEY: Ms. DeLaney, approximately what time
2 did you speak to a representative?

3 MS. DELANEY: You mean time of the day?

4 MS. RITCHEY: Date-wise.

5 MS. DELANEY: It was so crazy. We left for
6 Florida, I think, the very last week in May. I can go back
7 through my dates, but it took us, I think, three days to
8 drive down there and we had to be there for my husband's
9 work, I think, on June the second, so it was probably
10 around May the -- it was that last week in May, the third
11 for fourth week in May when I talked to somebody.

12 MS. RITCHEY: Okay.

13 MS. DELANEY: Then I talked to somebody again when
14 I got -- I don't know that date, but I would say -- we got
15 there around June the 1st. I think I got a notice two to
16 three weeks later, so I then talked to somebody again, I
17 think, the third week of June possibly.

18 MS. RITCHEY: Did you ask for your bills to be
19 forwarded to your Florida address?

20 MS. DELANEY: Oh, yeah, everything, I did it
21 through the Post Office. The Post Office told me that was
22 the best thing to do, to fill out a temporary change card.
23 I put the start date for when I wanted it to be transferred
24 and then the end date for when I wanted it to -- I'm now
25 back in Pittsburgh. We were only down there for three

1 months, but they told me there was going to be a lag. I
2 explained that to the woman on the phone, and that's why
3 she said I would have this before I left for Florida.

4 I was like, okay, fine. I generally don't pay
5 something until I get a bill. I never got the bill, so I
6 didn't even think. I was trying to shut off our cable
7 service and trying to talk to the water company, all the
8 stuff before leaving for Florida.

9 JUDGE GESOFF: Mr. Payne and Ms. Ritchey, I would
10 like to continue the matter. If you go in to the company's
11 records and find such a conversation that a customer
12 representative spoke to Ms. DeLaney and said she would get
13 a bill before she left for Florida and if she paid that
14 bill, she wouldn't have to make the security deposit, would
15 the company then be willing to refund the security deposit?

16 MR. PAYNE: Your Honor, again, I'm not -- we hadn't
17 thought about that.

18 JUDGE GESOFF: That was just my thinking of
19 something you might do on your own to settle the matter,
20 but I'm not requiring it.

21 MR. PAYNE: Thank you, Your Honor. We will
22 certainly take that under advisement.

23 JUDGE GESOFF: Okay. What I would like to do then,
24 Ms. DeLaney, if it's okay with you, is continue the matter
25 for 30 days.

1 Is that enough for you to go in, Ms. Ritchey, and do
2 whatever you need to do to see if the information exists?

3 MS. RITCHEY: Absolutely.

4 JUDGE GESOFF: Okay. I will expect then to receive
5 from Mr. Payne within 30 days -- let's make a specific date
6 here. By December 15th, Mr. Payne, I will receive from you
7 either a certificate of satisfaction or a request for a
8 further hearing or a complaint withdrawal if you get one in
9 writing.

10 MR. PAYNE: Very well, Your Honor.

11 JUDGE GESOFF: Ms. DeLaney, let me make sure you
12 understand what I am saying. I am giving the company 30
13 days to look into their information to see if that
14 conversation took place and then to get back to you.

15 By the 15th of December, based upon that happening,
16 you will either be satisfied or not satisfied. If you are
17 satisfied, the company will submit to me that certification
18 of satisfaction that I referred to before. Then some time
19 in January or February, you will get a one-sentence letter
20 from the Commission saying the case is closed.

21 MS. DELANEY: Okay.

22 JUDGE GESOFF: If for some reason whatever the
23 company finds and then they talk to you about is not
24 satisfactory to you and you want the hearing, then Mr.
25 Payne will either call me or write to me by the 15th of

1 December and we will schedule it for hearing at some time
2 after that. Is that alright with you?

3 MS. DELANEY: That's fine. Just one question,
4 would it be -- my sister, she's an attorney down at Reed,
5 Smith. Would it be beneficial for me to have an attorney
6 involved with this? Is that necessary?

7 JUDGE GESOFF: The short answer to that is no, you
8 don't need an attorney. The long answer is if you are
9 talking about \$176, just by calling an attorney on the
10 phone, you are almost going to spend that kind of money.

11 MS. DELANEY: I know, but it's my sister.

12 JUDGE GESOFF: If she wants to do it for free, she
13 can. That's fine. She could file what is called an
14 appearance with the Commission and send a copy of that to
15 Mr. Payne. Then Mr. Payne would contact her instead of you
16 after Ms. Ritchey makes her determination.

17 MS. DELANEY: Okay.

18 JUDGE GESOFF: If you do that, you should probably
19 do it right away. She needs to file what's a called a
20 notice of appearance, and she will know what that means,
21 with the Secretary of the Commission. If you want to take
22 the information down, I can give it to you.

23 MS. DELANEY: Yes, I am writing it down.

24 JUDGE GESOFF: His name is James McNulty. He has a
25 middle initial, but I can't remember what it is. It's

1 James McNulty, M-c-N-u-l-t-y, Secretary. The next line of
2 the address would be Pennsylvania Public Utility
3 Commission, Box 3265, Harrisburg, Pennsylvania and the zip
4 code is 17105-3265.

5 MS. DELANEY: Okay.

6 JUDGE GESOFF: Then she -- what did you say, it's
7 your sister?

8 MS. DELANEY: Yes.

9 JUDGE GESOFF: She would file the notice of
10 appearance with the Secretary and send a copy to Mr. Payne
11 and to myself, and you should have those addresses on the
12 notice of hearing that you received.

13 MS. DELANEY: Yes, I have that.

14 JUDGE GESOFF: Then, if that happens, Mr. Payne
15 will contact her. What is your sister's name?

16 MS. DELANEY: Donna Doblick, D-o-b-l-i-c-k.

17 JUDGE GESOFF: Then we can take it from there, or
18 you could have the company get in touch with you directly
19 and if you don't like what happens, then you can get your
20 sister involved. That's totally up to you.

21 MS. DELANEY: Okay.

22 JUDGE GESOFF: Then next thing that will happen is
23 the company will be in touch with your sister or you and
24 your sister based upon the research that Ms. Ritchey does.
25 Then by the 15th of December, Mr. Payne will either give me

1 a certificate of satisfaction or say, no, we need a
2 hearing.

3 MS. DELANEY: Okay, that sounds good. Thank you
4 very much.

5 JUDGE GESOFF: You are welcome. The hearing is
6 concluded.

7 (Whereupon, at 2:48 p.m., the hearing was adjourned.)
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9
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11 C E R T I F I C A T E

12 I hereby certify, as the stenographic
13 reporter, that the foregoing proceedings were reported by
14 me and thereafter reduced to typewriting by me or under my
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