

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 10/12/05
8. DOCKET NO: C-20055434	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: CARMICHAEL, ANDREW

RESPONDENT/APPLICANT: PHILADELPHIA GAS WORKS

COMP/APP COUNTY: PHILADELPHIA UTILITY CODE: 125042

ALLEGATION OR SUBJECT

COMPLAINANT STATES HE WANTS THE COMPANY TO REPLACE HIS FOUNDATION OF THE WALL AND EVERYTHING THEY REMOVED FROM HIS WALL OR PAY SOMEONE TO FIX IT. COMPLAINANT STATES HE DID NOT OWE A BILL AND THE GAS COMPANY TURNED THE GAS OF WRONG. COMPLAINANT STATES THE WALLSIDE WAS SEALED OFF TO KEEP THE SNAKES FROM GETTING IN HIS BASEMENT AND THE COMPANY DESTROYED THE SEAL.

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OCT 17 2005

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Formal Complaint Form

OCT 12 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Please print or type.

C-20055434

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name ANDREW CARMICHAEL

Street/P.O. Box 2426, 79th Ave Apt #

City PHILA State PA Zip 19150

County PHILADELPHIA

Area Code/HOME Phone (215) 424-6226

Area Code/WORK Phone NA

Utility Account Number 1119028817
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name NA

Street/P.O. Box

City State Zip

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PHILA Gas works

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER
(taxi, moving company, limousine)

TELEPHONE
(local, long distance)

4 ORIGINAL

89

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.

Other. Gas were shut off at the wrong house, the street (explain) was dug up, at my home, by mistake, a hole were dug in the foundation of my wall, a mess were created, in the basement, they do not want to fix back the mess they created.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

Side walk was dug on April 25-2005 Monday morning, I had no way to cook meals or hot water for 3-days. My husband is a sick man, that has to eat 3-meals a day, I had to buy food, for those 3-days that my gas were off, my bills money. The food I had bought, I had no gas to cook that food, where was the digram showing the mess, which pipe went to each home? they are suppose to know what they are doing.

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

I want the Gas Co to Replace my foundation of the wall, and every thing they removed from my wall, are pay some one to do the work, I had no problem before they shut my gas off wrong. I did not owe any Gas bill. The snakes den in the front yard, we were told by the Rat Control unit to seal the walls in side the basement to keep the snakes from crawling into the basement, we do not have money to pay for this wall to be seal back. My husband, Andrew, had 3-Heart attacks, & 5-by pass Heart Surgery, he can't fix back what the Gas Co. tore down. (next page)

(6)

Andrew's medical bills is so high, this prevents us from having any ex money to pay out for this work to be completed. The pipe do not have to be covered to replaced the work.

I was told by the Gas Co. people that they dont fix back anything they tear down, if we would have had a problem before they done this digging things would be difference.

They offered me \$50.00 to buy some cement and fix the problem, I would have to go buy a bag of cement, lift it to bring into my home, I'm not able to do that, because I'm not well.

Thanks For your Time,
Sign Thera M. Carmichael (wife)

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company **AND** your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES

(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I FLORA M CARMICHAEL (wife), hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Flora M Carmichael OCT 4-2005
(Signature) (Date)

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P O BOX 3265, HARRISBURG PA 17105-3265

DATE SERVED: October 17, 2005

C-20055434

LAURETO FARINAS ESQUIRE
PHILADELPHIA GAS WORKS
800 W MONTGOMERY AVE
PHILADELPHIA PA 19122-2898

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by ANDREW CARMICHAEL. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

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OCT 17 2005

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October 17, 2005

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

James J. McNulty
Secretary

ddi

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: October 17, 2005

ANDREW CARMICHAEL
Complainant

VS.

PHILADELPHIA GAS WORKS
Respondent

Complaint Docket
No: C-20055434

DOCUMENT
FOLDER

DOCKETED

OCT 17 2005

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PHILADELPHIA GAS WORKS

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.

James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

2. Article Number



7160 3901 9843 0834 0918

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

C-20055434

LAURETO FARINAS ESQUIRE
PHILADELPHIA GAS WORKS
800 W MONTGOMERY AVE
PHILADELPHIA PA 19122-2898

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

10/19/05

C. Signature

X

Jim O'Hane

Agent
 Addressee

D. Is delivery address different from Item 1?
If YES, enter delivery address below:

Yes
 No



RJD

Philadelphia Gas Works
800 West Montgomery Avenue, Philadelphia, PA 19122



Mary M. Chan, Paralegal
Legal Department
Direct Dial: (215) 684-6830
Fax: (215) 684-6798
E-mail: mary.chan@pgworks.com

ORIGINAL

November 7, 2005

RECEIVED

James McNulty, Secretary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
Harrisburg, PA 17105-3265

NOV 07 2005

DOCUMENT
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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Andrew Carmichael vs. PGW, Docket No.: C-20055434

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original and three (3) copies of its Answer to the Complaint in the above captioned matter.

If additional information is needed about this matter, please do not hesitate to contact me at my direct-dial number above. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized name.

Enclosure

cc: Andrew Carmichael
Orlando Rosario

RJP

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Andrew Carmichael

:

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v.

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Docket No.: C-20055434

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Philadelphia Gas Works

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Answer of the Philadelphia Gas Works

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby answers the Complaint filed in the above captioned matter. PGW hereby avers the following:

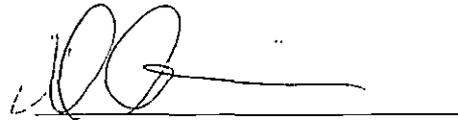
1. Admitted.
2. Admitted.
3. Admitted.
4. (a-b) Denied. PGW denies the averments contained in Paragraph 4 of the Complaint concerning the damage in Complainant's basement, and all other averments that are conclusions. Complainant receives gas service to 2426 79th Avenue (Service Address). PGW records indicate that on April 25, 2005, PGW went to the Service Address and erroneously terminated the service from the main; on April 26, 2005, PGW returned to the Service Address and restored service. Complainant had blocked the gas structures in the basement with paneling. PGW is not responsible for performing cosmetic repairs on the Complainant's basement.
5. Denied. The averments in Paragraph 5 of the Complaint are requests for relief to which no response is required. PGW therefore denies the averments in this paragraph.
6. This paragraph contains no averments.
7. Admitted.

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8. n/a

Wherefore, PGW respectfully requests that this Commission find against the Complainant, and affirm the decision of the BCS in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'DA', written over a horizontal line.

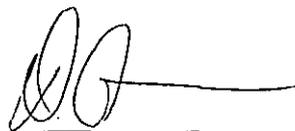
November 7, 2005

Denise Adamucci, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

VERIFICATION

I, Denise Adamucci, hereby declare that I am counsel to the Philadelphia Gas Works; that, as such, I am authorized to make this verification on its behalf: that the facts set forth in the foregoing Answer are true to the best of my knowledge, information and belief, and that I expect to be able to prove these at a hearing held in this matter. I make this verification subject to the penalties of 18. Pa. C.S. §4904, pertaining to false statements to authorities.

Date: November 7, 2005



Denise Adamucci, Esquire

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY
OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED
BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF §1.54
(RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Andrew Carmichael
2426 79th Avenue
Philadelphia, PA 19119

November 7, 2005



Denise Adamucci, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU