

CAPTION SHEET

CASE MANAGEMENT SYSTEM #

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: ALJ
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: C-20054962
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 07/06/05
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: JOHNSON, JULE ANN

RESPONDENT/APPLICANT: PHILLIPS, T. W., GAS & OIL CO.

COMP/APP COUNTY: JEFFERSON

UTILITY CODE: 122350

ALLEGATION OR SUBJECT

COMPLAINANT STATES THERE ARE INCORRECT CHARGES ON THEIR BILL.

DOCUMENT
 FOLDER
 DOCKETED
 AUG 18 2005



ORIGINAL

BCS1613877
T W PHILLIPS GAS COMPANY

Must be returned by July 5, 2005

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

C-20054962

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

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

Name Jule Ann Johnson

Street/P.O. Box 151 Perry Street Apt # _____

City Punxsutawney State PA Zip 15767

County Jefferson

Area Code/HOME Phone 814-938-4367

Area Code/WORK Phone same

Utility Account Number 6200277001
(from your bill)

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

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: T.W. Phillips Gas and Oil Co.

RECEIVED

JUL 06 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

45

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE

(local, long distance)

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.
(explain)

B. State the facts of your complaint.

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.

I began living in a home in November
The woman who lived in the home was ninety and she died.
In January I received a bill for almost \$300.00. When I called
The company to complain I was told by a woman I spoke to
that the bill was compared to the January before and it was
billed accordingly. When I explained the situation all I was told was
that is the way it is done. A bill of \$130 or \$140 was OK but
not \$300

5. RELIEF

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

I paid the bill so I feel I should get at least \$150 back. Also there should be some regulations when this happens and someone new living in the house is only half the age.

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 Jule Ann Johnson; 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).

Jule Ann Johnson
(Signature)

7/5/05
(Date)

9. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

NOTIFICATION OF INTENT TO APPEAL
(Request For Formal Complaint Forms)

Notice to Customer:

If you sign and return this form you are notifying the Public Utility Commission that you intend to appeal this informal complaint decision. Do not return this form unless you want to appeal this decision.

If you want to appeal this decision, you must return this Notification of Intent to Appeal form within twenty days of this date May 23, 2005. The Commission will send you formal complaint forms.

You must comply with the terms of this decision until the Public Utility Commission completes the formal complaint process. You must make all of the required payments, or the utility company may pursue the termination of your service.

Thank You.
Pennsylvania Public Utility Commission

Yes, I want to appeal the decision of the Bureau of Consumer Services. Please send formal complaint forms to me at the following address:

Customer name and address: Jule Johnson
151 Perry Street
Punxsutawney PA 15767

(Please correct any mistakes.)

(Area Code) Telephone Number

Jule Ann Johnson

Signature

Mail this completed form to: SECRETARY
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265
HARRISBURG, PA 17105-3265

FOR OFFICE USE ONLY	
BCS Number: 1613877	Date of mailing: May 23, 2005
Company: T W Phillips Gas and Oil Company	

RECEIVED
05 JUN - 2 AM 9:02
REVISED 11/97
PA. P.U.C.
SECRETARY'S BUREAU



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

IN REPLY PLEASE
REFER TO OUR FILE

JUNE 15, 2005

BCS1613877

JULE JOHNSON
151 PERRY STREET
PUNXSUTAWNEY PA 15767

Dear Sir/Madam:

We have received your request to appeal the decision of the Bureau of Consumer Services.

We have enclosed one complaint form for you to complete. Please read carefully the instructions to help you complete the form.

**** Please make sure you sign the form. We must receive your original signature in order for us to process your complaint. Your form will be returned to you if an original signature is not received.**

Return the form to us on or before JULY 5, 2005 to the address listed below:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

While you wait for us to reach a decision on your complaint, you must pay all undisputed bills (ones that are not a part of your complaint). As long as you pay all undisputed bills and return these formal complaint forms to us on time, the company is not permitted to terminate your service.

Commission Procedures for Formal Complaints

- We send a copy of this letter to the company so they know you are appealing the Bureau of Consumer Services' decision;
- We also send the company a copy of your completed formal complaint forms. Once they receive it, they have 20 days to send us an answer to your complaint. The company will send you a copy of their answer.

- Once we receive all the paperwork, we usually will schedule your hearing before an Administrative Law Judge.
- We will notify both you and the company by mail when the hearing date is set.
- If you cannot travel to your hearing, you can request that the hearing be held by phone. This is called a telephonic hearing. If we can, we will schedule a telephonic hearing for you.
- We will most likely schedule your hearing sometime within three months after you file your complaint forms. If you know of certain dates when you will not be available for a hearing, let us know when you file your forms. We will try to work around your schedule.
- **If you cannot attend the hearing on the scheduled date, you must request a different time or date. You should request the change at least 5 days before your hearing by writing to:**

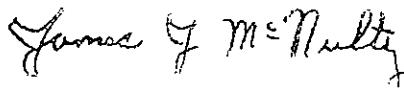
**Office of Administrative Law Judge
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265**

YOU SHOULD INCLUDE YOUR DAYTIME TELEPHONE NUMBER IN YOUR LETTER. DEPENDING ON YOUR REASON FOR NOT BEING ABLE TO ATTEND THE SCHEDULED HEARING, YOUR REQUEST TO CHANGE THE HEARING MAY OR MAY NOT BE APPROVED. WE WILL LET YOU KNOW OUR DECISION ON YOUR REQUEST FOR CHANGING THE HEARING DATE BEFORE THE DATE OF THE HEARING.

YOU MUST ATTEND SCHEDULED HEARINGS IN PERSON OR BY PHONE. IF YOU DO NOT ATTEND, YOUR COMPLAINT MAY BE DISMISSED (THROWN OUT).

If you have any questions about the complaint process, please call the Bureau of Consumer Services, toll free, at 1-800-782-1110.

Very truly yours,



James J. McNulty
Secretary

ddi

cc: T W PHILLIPS GAS COMPANY

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: AUGUST 19, 2005

JULE ANN JOHNSON
Complainant

VS.

T W PHILLIPS GAS & OIL
Respondent

Complaint Docket
No: C-20054962

DOCUMENT
FOLDER

DOCKETED
AUG 18 2005

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: T W PHILLIPS GAS & OIL

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,

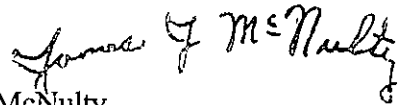
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, 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

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

DATE SERVED: AUGUST 19, 2005

C-20054962

T W PHILLIPS GAS & OIL
ROBERT M HOVANEC VICE PRES
205 N MAIN ST
BUTLER PA 16001

DOCUMENT
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by JULE ANN JOHNSON. 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.

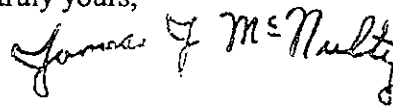
AUGUST 19, 2005

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

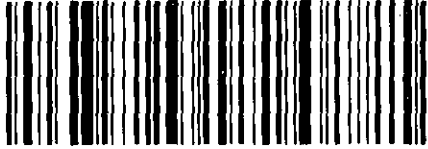
Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty
Secretary

JH

2. Article Number



7160 3901 9843 0728 9607

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes No

1. Article Address

T W PHILLIPS GAS & OIL
ROBERT M HOVANEK VICE PRES
205 N MAIN ST
BUTLER PA 16001

C-20054962

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

[Signature]

8-22-05

C. Signature

[Signature]

Agent
 Addressee

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

Yes
 No

FC R



T.W. PHILLIPS
GAS AND OIL CO.

ORIGINAL

205 North Main Street
Butler, Pennsylvania 16001
(724) 287-2751

September 12, 2005

EXPRESS MAIL

DOCUMENT RECEIVED
FOLDER

SEP 12 2005

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor North
Harrisburg, Pennsylvania 17105

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Jule Ann Johnson v. T. W. Phillips Gas and Oil Co.
PUC Docket No. C-20054962

Dear Mr. McNulty:

Enclosed for filing are the original and three copies of T. W. Phillips Gas and Oil Co.'s Answer and New Matter to the Formal Complaint with which it was recently served in the above-referenced proceeding. Please acknowledge your receipt of this filing by date stamping and returning to me the extra copy of this cover letter that is enclosed, using the envelope provided for your convenience.

Very truly yours,

T. W. PHILLIPS GAS AND OIL CO.

Jay W. Dawson
Vice President – Legal
and Secretary

JWD/bjr

Enclosures

cc: Jule Ann Johnson
Jennifer L. Jones

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Company Report prepared on April 13, 2004 in response to Complainant's Informal Complaint at BCS Case No. 1613877, a copy of which is attached hereto as Exhibit "B" and made a part hereof, T. W. Phillips' Customer Service Representative informed Complainant that in order to check the reasonableness of her gas usage during the period in question, her actual gas usage from December 9, 2003 to February 9, 2004 had been compared with the volume of gas used by the prior resident of the same service address from December 9, 2002 to February 10, 2003. Complainant was told that her usage, at 33 Mcf, was 7 Mcf less than the amount of gas used by the prior resident (40 Mcf) during the same period in the prior year. Complainant was also told that the degree days were slightly lower (2,338) during the current period than had been the case during the same period in 2003/03 (2,370), which would be consistent with her lower gas usage. On the basis of that comparison with prior usage at the same service address, Complainant was informed that her gas usage for the month ended February 9, 2004 seemed reasonable and consistent.

7. The averments of fact contained in the fifth unnumbered sentence in the Formal Complaint are specifically denied. To the contrary, as explained in the Utility Company Report attached hereto as Exhibit "B", Complainant was advised that if she was still dissatisfied, the Company would conduct a high bill investigation to re-check the meter reading, look for gas leaks, and test her meter for accuracy. Complainant declined the offer and hung up on the Customer Service Representative.

8. The averments of fact contained in the sixth unnumbered sentence in the Formal Complaint constitute conclusions to which no response is necessary or required. To the extent that a response is required, said averments are specifically denied.

NEW MATTER

9. On May 23, 2005, more than a year after T. W. Phillips' Utility Company Report of April 13, 2004, the Bureau of Consumer Services ("BCS") issued a Decision on Complainant's Informal Complaint at Case No. 1613877, a copy of which Decision is attached hereto as Exhibit "C" and made a part hereof.

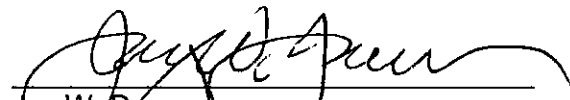
10. T. W. Phillips properly compared Complainant's gas usage with the usage of a prior resident during the same period (December to February) in the prior year and found Complainant's gas usage to be even less than that of the prior resident, which Complainant has indicated was a 90-year old woman.

11. T. W. Phillips believes that the comparison of Complainant's actual usage with the usage of the former resident in the previous year was one prudent method of establishing the reasonableness of Complainant's gas usage for the month ended February 9, 2003, especially when Complainant declined T. W. Phillips' offer to conduct a thorough high bill investigation to follow-up on her complaint.

12. T. W. Phillips believes that the simple answer to the higher usage for the month ended February 9, 2004 might be that Complainant erred in the meter reading she provided on January 9, 2004, and that the January 9th meter reading may have been 353, rather than 343, as she reported. Such an error would have caused her usage for the month ended February 9, 2004 to be 10 Mcf higher than would have been the case with an accurate meter reading by Complainant on January 9, 2004.

WHEREFORE, T. W. Phillips respectfully requests that the BCS Decision at Case No. 1613877 be affirmed and that Complainant's Formal Complaint be dismissed promptly and with prejudice.

Date: September 12, 2005



Jay W. Dawson
T. W. PHILLIPS GAS AND OIL CO.
205 North Main Street
Butler, Pennsylvania 16001
(724) 287-2751
Attorney for T. W. Phillips Gas and Oil Co.

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true copy of the foregoing Answer and New Matter of T. W. Phillips Gas and Oil Co. to Formal Complaint upon Complainant, Jule Ann Johnson, by first class mail, at the following address in accordance with the requirements of 52 Pa. Code, Section 1.54:

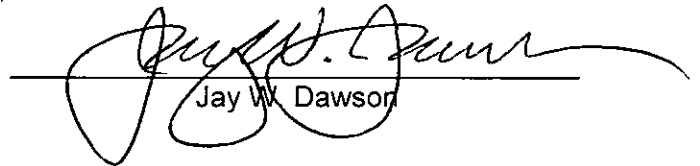
Jule Ann Johnson
151 Perry Street
Punxsutawney, Pennsylvania 15767

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SEP 12 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

Date: September 12, 2005


Jay W. Dawson

RECEIVED

SEP 12 2005

PA PUBLIC UTILITIES COMMISSION
SECRETARY'S BUREAU

EXHIBIT "A"

CUSTOMER USAGE REPORT

T. W. PHILLIPS GAS AND OIL CO.

**CUSTOMER USAGE REPORT
Jule Johnson (Account No. 6200277001)**

Service To	Meter Reading	Gas Usage (Mcf)	Bill Amount	Due Date	Late Payment Charge	Payment	Payment Date	Balance
08/08/05	485E	1	\$22.70	09/05/05				
07/11/05	484E	2	\$34.59	08/08/05		\$34.59	08/08/05	\$22.70
06/08/05	482E	3	\$46.37	07/06/05		\$46.37	07/11/05	\$34.59
05/09/05	479A	5	\$68.75	06/06/05		\$68.75	05/31/05	\$46.37
04/08/05	474E	11	\$136.94	05/04/05		\$136.94	05/05/05	\$68.75
03/08/05	463A	19	\$228.62	04/04/05		\$228.62	04/07/05	\$136.94
02/08/05 ¹	452E	16	\$194.26	03/07/05		\$194.26 ²	02/03/05	\$228.62
01/10/05	436A	8	\$102.62	02/07/05		\$102.62	01/07/05	\$102.63
12/08/04	434C	19	\$228.62	01/05/05		\$228.62 ²	01/03/05	\$228.62
11/05/04	415A	2	\$32.16	12/01/04		\$32.16	12/01/04	\$32.16
10/08/04	413E	4	\$52.59	11/03/04		\$52.59	11/01/04	\$52.59
09/09/04	409A	2	\$31.81	10/06/04		\$31.81	09/29/04	\$31.81
08/09/04	407E	2	\$31.47	09/07/04		\$31.47	09/09/04	\$31.47
07/09/04	405E	2	\$31.32	08/04/04		\$31.32	08/05/04	\$31.32
06/08/04	403A	2	\$31.32	07/06/04		\$31.32	07/06/04	\$31.32
05/10/04	401C	5	\$60.70	06/07/04		\$60.70	06/07/04	\$60.70
04/08/04	396A	10	\$109.39	05/05/04		\$109.39	05/03/04	\$109.39
03/08/04	386C	15	\$158.46	04/05/04		\$158.46	04/09/04	\$158.46
02/09/04	371A	28	\$280.29	03/08/04		\$280.29	03/10/04	\$280.29
01/09/04	343C	5	\$58.60	02/04/04		\$58.60	02/04/04	\$58.60
12/09/03	338A	13	\$134.77	01/06/04		\$134.77	01/06/04	\$134.77

¹ Customer called in a meter read of 444 on February 18, 2005

² Includes customer payment and credit adjustment

RECEIVED

SEP 12 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

EXHIBIT "B"

**UTILITY COMPANY REPORT
IN RESPONSE TO BCS CASE NO. 1613877**

TIME : APR 13 '04 :27
TEL NUMBER : 724-287-5017
NAME : CUSTOMER SERVICE

NBR	FILE	DATE	TIME	DURATION	PGS	TO	DEPT NBR	MODE	STATUS
719	08	APR. 13	15:24	02/42	7	PUC-HARRISBURG		EC	M OK

T. W. PHILLIPS GAS AND OIL CO.
 205 North Main Street
 Butler, PA 16001
 Phone: 724-287-2751
 Fax: 724-287-5017

facsimile transmittal

To: Terry Ridge **Fax:** 1-717-787-6641

From: Tracy Lazzo **Date:** 4/13/04

Re: Julie Johnson **Pages:** 7

CC: BCS #1613877

Urgent For Review Please Comment Please Reply Please Recycle

T. W. PHILLIPS GAS AND OIL CO
UTILITY COMPANY REPORT

"DISPUTE"

Customer's Name:	Jule Johnson	BCS Investigator:	Ridge
Service Address:	151 Perry St. Punxsutawney, PA 15767	BCS Case Number:	1613877
Mailing Address:	(same)	Date Received:	3/18/04
Phone (home):	814-938-4367	Rate:	Residential
(work):		Account Balance:	\$0.00
Account No:	6200277001	Budget Amount:	\$100.00
		Due Date:	4/05/04
		Heating:	Yes

PLEASE NOTE: This customer is not a CAP participant.

DETAILS OF THE COMPANY'S ORIGINAL INVESTIGATION

- 2/19/04 The customer called the company regarding a bill for service from 1/09/04 to 2/09/04 for 28 Mcf based on an actual read of 371. The bill totaled \$280.29 with a due date of 3/08/04. The customer stated that she did not smell gas. The customer stated that gas supplied the furnace, stove, hot water tank, and dryer. The company compared the customer's gas usage from 12/09/03 to 2/09/03 to the previous customer's gas usage from 12/09/02 to 2/10/03. The gas usage from 12/09/03 to 2/09/03 totaled 33 Mcf. Degree-days totaled 2338. Gas usage from 12/09/02 to 2/10/03 totaled 40 MCf. Degree-days totaled 2370. The company advised the customer that the gas usage decreased 18%. The degree-days decreased 1%. The company explained to the customer that she was using less gas than the previous customer. The customer still felt that the meter was reading incorrect usage. The company offered to schedule a high bill investigation to re-read her meter #23181, check for gas leaks inside and outside, and special test her meter for a \$10.00 fee. The customer declined the investigation, and stated that the company would be hearing from her lawyer. The customer then hung up on the company's representative.
- 2/20/04 The company sent a serviceman to the customer's property located at 151 Perry Street, Butler, Pennsylvania, to re-read meter #23181. The customer's meter #23181 read 379.
- 3/03/03 The company mailed the customer a Written Dispute Report. Please refer to the attached.
- 3/18/04 The company received notice that the customer filed an Informal Complaint with the Bureau of Consumer Services.

COMPANY'S FINAL POSITION TO THE CUSTOMER

Please refer to the above.

Customer: Johnson
BCS Case#: 1613877
Investigator: Ridge
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CUSTOMER'S DISPUTE TO BCS

Customer billed for November 2003 and January 2004 was very high. Customer called the company questioning the amounts of the bills and was told the amount was based on usage from last year. The lady who had lived in the home last year was 90 years old. Customer got the home in November 2003 and told the company the amount of usage couldn't be compared because they are different people. Customer was told PUC gives them the right to base reading on last year's usage. Customer wants an actual reading for what she uses and credit for overpayment.

DETAILS OF THE COMPANY'S INVESTIGATION AFTER BCS CONTACT

3/22/04 The company serviceman obtained an actual read on the customer's meter #23181 located at 151 Perry Street, Punxsutawney, Pennsylvania, of 391.

COMPANY'S FINAL POSITION TO BCS

The customer established gas service effective 11/04/03 at a read of 325. On 12/16/03, the company issued a bill for service from 11/04/03 to 12/09/03 for 13 Mcf based on an actual read of 328. The bill totaled \$134.77, with a due date of 1/06/04. On 1/09/04, the customer called into the company a customer read of 343. On 1/15/04, the company issued a bill for service from 12/09/03 to 1/09/04 for 5 Mcf based on a customer read of 343. The bill totaled 58.60, with a due date of 2/04/04. On 2/17/04, the company issued a bill for service from 1/09/04 to 2/09/04 for 28 Mcf based on an actual reading of 371. The bill totaled \$280.29, with a due date of 3/08/04. The 3/12/04, the customer called into the company a customer read of 386. On 3/16/04, the company issued a bill for service from 2/09/04 to 3/08/04 for 15 Mcf based on a customer read of 386. The bill totaled \$158.46, with a due date of 4/05/04. The company compared gas usage from 12/09/03 to 2/09/03 to the previous customer's gas usage from 12/09/02 to 2/10/03. The gas usage from 12/09/03 to 2/09/03 totaled 33 Mcf. Degree-days totaled 2338. Gas usage from 12/09/02 to 2/10/03 totaled 40 MCf. Degree-days totaled 2370. The customer's gas usage decreased 18%. Degree-days decreased 1%. The customer's gas usage is normal. The company has billed the customer usage based on actual reads. The company believes that on 1/09/04, the customer possibly under read her meter at a read of 343. The read possibly was 353. Therefore, the customer received a high bill in February. The customer's account is paid to a zero balance as of 4/13/04. The bill is correct as rendered.

ACCOUNT #: 6200277001

CUSTOMER USAGE REPORT

JOHNSON, JULE
151 PERRY ST PUNXY

INVESTIGATOR: LAZZO

SERVICE TO	NO DAYS	METER READING	TR	CONSUMPTION	ADC	DEGREE DAYS*	BILL AMOUNT	DUE DATE	LATE PAY CHARGE	PAYMENT or ADJUSTMENT	PAY/ADJ DATE	BALANCE
3/08/04	28	386	C	15	.54	760	158.46	4/05/04	.00	158.46-	4/09/04	158.46
2/09/04	31	371	A	28	.90	1366	280.29	3/08/04	.00	280.29-	3/10/04	280.29
1/09/04	31	343	C	5	.16	972	58.60	2/04/04	.00	58.60-	2/04/04	58.60
12/09/03	35	338	A	13	.37	865	134.77	1/06/04	.00	134.77-	1/06/04	134.77
11/04/03	1	325	A	0	.00	0	.00	0/00/00	.00	.00		.00

* DEGREE DAYS ARE A MEASURE OF COLD WEATHER.

** INCLUDES ADJUSTMENT

ACCOUNT #: 6200277000

CUSTOMER USAGE REPORT

151 PERRY ST PUNXY

INVESTIGATOR: LAZZO

SERVICE TO	NO DAYS	METER READING	TR	CONSUMPTION	ADC	DEGREE DAYS*	BILL AMOUNT	DUE DATE	LATE PAY CHARGE	PAYMENT or ADJUSTMENT	PAY/ADJ DATE	BALANCE
11/04/03	27	325	A	5	.19	313	57.98	12/05/03				
10/08/03	29	320	A	5	.17	220	57.89	11/06/03				
9/09/03	32	315	E	2	.06	9	29.75	10/07/03				
8/08/03	30	313	A	3	.10	0	39.82	9/04/03				
7/09/03	30	310	E	2	.07	12	30.38	8/07/03				
6/09/03	32	308	A	7	.22	203	78.97	7/08/03				
5/08/03	30	301	E	6	.20	267	69.26	6/06/03				
4/08/03	29	295	A	12	.41	501	121.00	5/06/03				
3/10/03	28	283	E	17	.61	1066	163.48	4/08/03				
2/10/03	32	266	A	25	.78	1409	221.61	3/11/03				
1/03	31	241	E	15	.48	961	132.81	2/06/03				
12/02	33	226	A	15	.45	948	132.81	1/07/03				
11/06/02	29	211	E	10	.34	565	89.52	12/05/02				
10/08/02	28	201	A	3	.11	75	34.35	11/05/02				
9/10/02	33	198	E	2	.06	5	26.58	10/08/02				
8/08/02	30	196	A	2	.07	0	25.88	9/05/02				
7/09/02	29	194	E	2	.07	9	25.63	8/06/02				
6/10/02	33	192	A	5	.15	211	47.57	7/09/02				
5/08/02	30	187	E	6	.20	290	54.89	6/06/02				
4/08/02	31	181	A	12	.39	709	98.77	5/07/02				
3/08/02	28	169	E	13	.46	793	106.09	4/04/02				
2/08/02	30	156	A	11	.37	814	93.03	3/07/02				
1/09/02	30	145	E	16	.53	1011	131.24	2/07/02				
12/10/01	33	129	A	8	.24	573	71.12	1/08/02				
11/07/01	30	121	E	7	.23	357	65.82	12/06/01				

* DEGREE DAYS ARE A MEASURE OF COLD WEATHER.

** INCLUDES ADJUSTMENT

T. W. PHILLIPS GAS AND OIL CO.
205 North Main Street
Butler, PA 16001

CUSTOMER DISPUTE REPORT

Customer Name: Jule Johnson
Service Address: 151 Perry St
Punxsutawney, PA 15767
Mailing Address: same

Report Date: 03/01/04
Account No: 6200277001
Date Received: 02/19/04

1. **Customer dispute:** On 2/19/04 you called and questioned your bill for gas service from 01/09/04 - 02/09/04. On 02/09/04 we read your gas meter #23181 at a read of 371. We billed you for 28 Mcf. The amount of your bill was \$280.29. You stated the gas supplies your furnace, stove, hot water tank, and dryer. You stated you did not smell gas.
2. **Company position:** We compared your gas usage from 11/04/03 - 02/09/04 to the gas usage from 11/06/02 - 02/10/03. Your gas usage from 11/04/03 - 02/09/04 totaled 51 Mcf. Degree-days totaled 3516. The gas usage from 11/6/02 - 02/10/03 totaled 55 Mcf. Degree-days totaled 3318. Your gas usage decreased 7%. Degree-days increased 6%. We offered to re-read your gas meter #23181 and check for gas leaks inside and outside. We also offered to change and special test your gas meter #23181 for a fee of \$10.00. You declined. On 2/20/04 we sent a serviceman to your home to re-read your gas meter #23181. On 2/20/04 your gas meter #23181 read 379. Your bill is correct as rendered. Please call our office at 1-800-222-5101 if you would like to schedule an investigation of your gas bill and/or if you would like more information on either the customer meter read program and/or monthly budget. Enclosed is a Customer Usage Report.
3. We will not shut-off your service during the dispute process, including both informal and formal complaints, as long as you pay all undisputed bills.
4. If you do not agree with our report, you should file an informal complaint with the Pennsylvania Utility Commission within ten (10) days of the date of this report or the mailing date of this report to protect all of your rights.
5. You can make payment at our office or get more information by calling us at 1-800-222-5101, writing. You could also pay at any of our payment agencies. Call us for the agency nearest you.
6. The PUC office where you could file an informal complaint is:

PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF CONSUMER AFFAIRS
P. O. BOX 3265
HARRISBURG, PA 17105-3265

Or, you can call the PUC at 1-800-692-7380 if you have a shut-off notice, or at 1-800-782-1110 if you have a billing dispute.

PROCEDURE FOR FILING AN INFORMAL COMPLAINT

You can file an informal complaint by calling or writing the PUC. You must include the following information:

- A. The customer's name.
- B. The customer's address, and if different, the service address.
- C. The customer's account number, if there is one.
- D. The utility company's name.
- E. A brief statement of the dispute.
- F. Whether the company has already investigated and reported on the dispute.
- G. Whether you filed the same formal or informal complaint with the PUC in the past.
- H. The proposed shut-off date, if any.
- I. What you want the PUC to do.

Note: Number 7 or 8 may apply to your dispute, or both may apply. There is a check next to the one or ones that do apply.

7. BILLING DISPUTE:

- a. Attached is a Customer Usage Report of your account showing the amount of credit and the proper amount due. Due \$280.29
- b. As of 03/16/04, your account will be overdue unless you make a payment agreement with us or file a complaint with the PUC.

8. OTHER THAN A BILLING DISPUTE:

We will shut-off your service on _____ unless you:

- a. Or
- b. Make a payment arrangement with us for the amount you owe, or
- c. File an informal complaint with the PUC.

Jodi
Customer Service Representative

03/01/04
Report Completion Date

Attachments

RECEIVED

SEP 12 2005

PUBLIC UTILITY COMMISSION
CLERK'S BUREAU

EXHIBIT "C"

**BCS DECISION ON INFORMAL COMPLAINT
CASE NO. 1613877**

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JULE JOHNSON
151 PERRY STREET
PUNXSUTAWNEY PA 15767

T W Phillips Gas and Oil Company

v.

Account Number: 6200277001

Case Number: 1613877

Decision On Informal Complaint By The Bureau Of Consumer Services:**Statement Of Complaint:**

A summary of the customer's complaint is as follows: That the Company is billing the customer based on last year's usage. That the prior customer was ninety years old and that the T W Phillips Gas and Oil Company representative told her the PUC gave them the right to bill her based on the prior customer's usage. That T W Phillips Gas and Oil Company had not investigated her dispute and she wanted an actual reading and credit for the overpayment.

Investigation By Staff Of The Bureau Of Consumer Services Revealed:

1. That T W Phillips reports the customer established service effective November 4, 2003.
2. That T W Phillips reports the customer was billed for service from November 4, 2003 to December 9, 2003 for 13 MCF based on an actual read.
3. That T W Phillips reports the customer was billed for service from December 9, 2003 to January 9, 2004 for 5 MCF based on a customer read.
4. That T W Phillips reports the customer was billed for service from January 9, 2004 to February 9, 2004 for 28 MCF based on an actual read.
5. That on February 19, 2004 the Company did a usage comparison and explained to the customer the gas usage at this address had decreased 18% and the degree days had decreased 1% and she was using less gas than the previous customer. That the Company offered to schedule a high bill investigation to re read the meter and check for gas leaks inside and out and special test her meter for a \$10.00 fee and she declined stating the Company would be hearing from her lawyer and hung up.
6. That T W Phillips believes that on January 9, 2004, the customer possibly under read the meter at a read of 343. The read possibly was 353. That this, therefore, caused a high bill in February, 2004.

Based On These Findings, The Bureau Of Consumer Services Concludes:

That the bills are correct as rendered.

Therefore It Is Decided:

1. **That the dispute of Jule Johnson is denied..**

Date: May 23, 2005

Signature
Terry Ridge
Utility Complaint Investigator
Bureau of Consumer Services
PA Public Utility Commission