

CAPTION SHEET

SE 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-20054964
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 07/05/05
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: FIDURSKE, JASON C.

RESPONDENT/APPLICANT: EQUITABLE GAS CO.

COMP/APP COUNTY:

UTILITY CODE: 121100

ALLEGATION OR SUBJECT

COMPLAINANT STATES THERE ARE INCORRECT CHARGES ON HIS BILL. HE WANTS TO GET HIS FINAL BILL REDUCED.

DOCUMENT
FOLDER

DOCKETED
AUG 19 2005

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED

C-20054964

2005 JUL -5 AM 12: 05

Please print or type.

PA P.U.C. SECRETARY'S BUREAU

1. CUSTOMER NAME (COMPLAINANT)

121100

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

Name JASON C. FIDURSKF

Street/P.O. Box 10200 BELLA VISTA Apt # 1304

City MIAMI LAKES State FL Zip 33913

County LEE

Area Code/HOME Phone 239-267-5895

Area Code/WORK Phone 239-598-7718

Utility Account Number (from your bill)

ORIGINAL

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

Name JASON C. FIDURSKF

Street/P.O. Box 2027 CRAFTON BLVD

City PITTSBURGH State PA Zip 15205

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: EQUITABLE GAS

3. TYPE OF UTILITY (check one)

- ELECTRIC, GAS, WATER, TELEPHONE, STEAM HEAT, WASTE WATER, MOTOR CARRIER (taxi, moving company, limousine)

Handwritten signature/initials

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.

HUNDREDS OF DOLLARS IN CHARGES FOR
A PERIOD FROM 11/8/04 TO 11/19/04.
WHEN WEATHER WAS WARM.

5. RELIEF

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

GET THE FINAL BILL REDUCED.

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

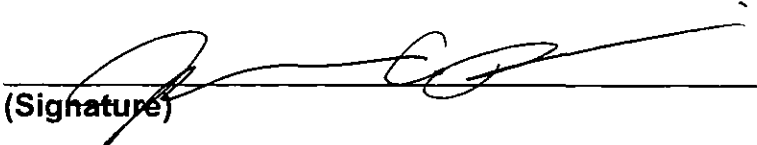
If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

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 JASON C. FIDURSKIE, 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).


(Signature)

6/25/05
(Date)

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: August 19, 2005

DOCKETED
AUG 19 2005

JASON C. FIDURSKE
Complainant

VS.

EQUITABLE GAS COMPANY
Respondent

Complaint Docket
No: C-20054964

DOCUMENT
FOLDER

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: EQUITABLE GAS COMPANY

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 two 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

DOCUMENT
FOLDER

DATE SERVED: August 19, 2005

C-20054964

EQUITABLE GAS COMPANY
ATTN: DAN FRUTCHEY
225 NORTH SHORE DRIVE
3rd FLOOR
PITTSBURGH PA 15212

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by JASON C. FIDURSKE. 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,

James J. McNulty
Secretary

ANE

2. Article Number



7160 3901 9843 0729 0535

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Equitable
FC
C-20054964

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

Agent

Addressee

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

Yes

No

PS Form



Receipt

YUKEVICH, MARCHETTI, LIEKAR & ZANGRILLI, P.C.

ATTORNEYS AT LAW

11 STANWIX STREET

SUITE 1024

PITTSBURGH, PENNSYLVANIA 15222-1324

September 19, 2005

TELEPHONE 412/261-6777

FAX 412/261-6789

Writer's Direct Dial:

412-261-6779

Email: jliekar@ymlz.com

James J. McNulty
Secretary of the Commission
Pennsylvania Public Utility Commission
2nd Floor, Keystone Building
400 North Street
Harrisburg, PA 17105

ORIGINAL

**RE: Jason C. Fidurske v. Equitable Gas Company
No. C-20054964**

Document to be filed: **Praecepte for Entry of Appearance of John P. Liekar, Jr., Esquire, Thomas S. Anderson, Esquire, Lori Nolan Lindsey, Esquire on Behalf of Equitable Gas Company**


Dear Mr. McNulty:

Enclosed is the **original** and three (3) copies of the above noted document to be filed, together with three (3) copies of this letter and one extra **copy** of the **cover sheet**.

Please file the original and then time-stamp and return the extra cover sheet to the undersigned in the enclosed self-addressed envelope as proof of filing. Thank you for your courtesy.

Yours truly,

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By: 
John P. Liekar, Jr., Esquire
JPL/nwj

Enclosures

cc: Jason C. Fidurske (w/enc) via Regular Mail
Daniel L. Frutchey, Esquire (w/enc) via Regular Mail

DOCUMENT
FOLDER

RECEIVED
05 SEP 21 AM 9:50
PA.P.U.C.
SECRETARY'S BUREAU

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Jason C. Fidurske,

Complainant,

vs.

Equitable Gas Company,

Respondent.

) Complaint Docket
)
) No. C-20054964
)
) Type of Pleading:
)
) **PRAECIPE FOR ENTRY OF**
) **APPEARANCE OF JOHN P. LIEKAR,**
) **JR., ESQ. , THOMAS S. ANDERSON,**
) **ESQUIRE AND LORI NOLAN**
) **LINDEY, ESQUIRE**
)
) Filed on behalf of:
)
) **Equitable Gas Company, Respondent**
)
) Counsel of record for this party:
)
) John P. Liekar, Jr. Esq.
) PA ID No.: 23161
)
) Thomas S. Anderson, Esq.
) PA ID No. 91016
)
) Lori Nolan Lindey, Esq.
) PA ID No. 66803
)
) YUKEVICH, MARCHETTI, LIEKAR
) & ZANGRILLI, P.C.
) Firm I. D. No. 891
) 11 Stanwix St., Tenth Fl., Suite 1024
) Pittsburgh, PA 15222-1324
) Phone: (412) 261-6777
) Fax: (412) 261-6789
) E-Mail: jliekar@ymlz.com
)

RECEIVED

05 SEP 21 AM 9:51

PA.P.U.C.
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Jason C. Fidurske,)
)
Complainant,) Complaint Docket
) No. C-20054964
vs.)
)
Equitable Gas Company,)
)
Respondent.)

PRAECIPE FOR ENTRY OF APPEARANCE

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Please enter an appearance for Yukevich, Marchetti, Liekar & Zangrilli, P.C., John P. Liekar, Jr., Esquire, Thomas S. Anderson, Esquire and Lori Nolan Lindey, Esquire on behalf of **Equitable Gas Company, Respondent**. I am authorized to accept service on behalf of said participant in this matter.

On the basis of this notice, I request a copy of each document hereafter issued by the Commission in this matter.

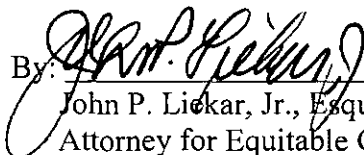
I am already receiving or have access to a copy of each document issued by the Commission in this matter (alone, or in a consolidated proceeding) and do not on the basis of this notice require an additional copy.

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

September 19, 2005

**DOCUMENT
FOLDER**

DOCKETED
SEP 22 2005

By: 
John P. Liekar, Jr., Esquire
Attorney for Equitable Gas Company
11 Stanwix Street, Tenth Floor, Suite 1024
Pittsburgh, PA 15222-1324
(412) 261-6779 FAX 261-6789

CERTIFICATE OF SERVICE

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

ATTACHED DOCUMENT: **PRAECIPE FOR ENTRY OF APPEARANCE
OF JOHN P. LIEKAR, JR., ESQUIRE, THOMAS S.
ANDERSON, ESQUIRE AND LORI NOLAN
LINDEY, ESQUIRE ON BEHALF OF EQUITABLE
GAS COMPANY**

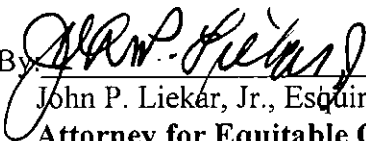
DATE OF SERVICE: September 19, 2005

BY: FIRST-CLASS U.S. MAIL

TO: Jason C. Fidurske
 10200 Bellavista
 Apartment 1304
 Miromar Lakes, FL 33913

James J. McNulty
Secretary of the Commission
Pennsylvania Public Utility Commission
2nd Floor, Keystone Building
400 North Street
Harrisburg, PA 17105

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By  _____
John P. Liekar, Jr., Esquire
Attorney for Equitable Gas Company

RECEIVED
05 SEP 21 AM 9:51
PA.P.U.C.
SECRETARY'S BUREAU

YUKEVICH, MARCHETTI, LIEKAR & ZANGRILLI, P.C.

ATTORNEYS AT LAW

11 STANWIX STREET

SUITE 1024

PITTSBURGH, PENNSYLVANIA 15222-1324

September 22, 2005

TELEPHONE 412/261-6777

FAX 412/261-6789

Writer's Direct Dial:

412-261-6779

Email: jliekar@ymlz.com

Via Federal Express No. 8509 2068 6586

James J. McNulty
Secretary of the Commission
Pennsylvania Public Utility Commission
2nd Floor, Keystone Building
400 North Street
Harrisburg, PA 17105

DOCUMENT
FOLDER

RECEIVED

SEP 22 2005

**RE: Jason C. Fidurske v. Equitable Gas Company
No. C-20054964**

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Document to be filed: **Answer and New Matter to Complaint**

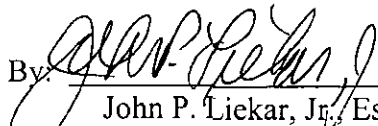
Dear Mr. McNulty:

Enclosed is the **original** and three (3) copies of the above noted document to be filed, together with three (3) copies of this letter and one extra **copy** of the **cover sheet**.

Please file the original and then time-stamp and return the extra cover sheet to the undersigned in the enclosed self-addressed envelope as proof of filing. Thank you for your courtesy.

Yours truly,

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By: 
John P. Liekar, Jr., Esquire

JPL/nwj

Enclosures

cc: Jason C. Fidurske (w/enc) via Regular Mail
Daniel L. Frutchey, Esquire (w/enc) via Regular Mail

ORIGINAL

76

RECEIVED

SEP 22 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Jason C. Fidurske,

Complainant,

vs.

Equitable Gas Company,

Respondent.

DOCUMENT
FOLDER

) Complaint Docket
)
) No. C-20054963
)
) Type of Pleading:
)
) **ANSWER and NEW MATTER**
) **TO COMPLAINT**
)
) Filed on behalf of:
)
) **Respondent Equitable Gas Company**
)
) Counsel of record for this party:
)
) John P. Liekar, Jr. Esq.
) PA ID No.: 23161
)
) Thomas S. Anderson, Esq.
) PA ID No. 91016
)
) Lori Nolan Lindey, Esq.
) PA ID No. 66803
)
) YUKEVICH, MARCHETTI, LIEKAR
) & ZANGRILLI, P.C.
) Firm I. D. No. 891
) 11 Stanwix St., Tenth Fl., Suite 1024
) Pittsburgh, PA 15222-1324
) Phone: (412) 261-6777
) Fax: (412) 261-6789
) E-Mail: jliekar@ymlz.com
)

ratepayer of record for two floors at 2027 Crafton Boulevard, Pittsburgh PA 15212. The first floor billing for the time period July 30, 2001 to December 29, 2004 has a balance of \$125.60. The second floor billing for the time period June 7, 1999 to December 29, 2004 had a balance of \$293.14.

Complainant filed an informal complaint on February 1, 2005, regarding an estimated bill. The BCS closed the complaint verbally on May 3, 2005, without rendering a decision because of the limited jurisdiction over final bills. The budget amount is not applicable as they are final accounts.

In addition, although there are two floors, the dispute is regarding the second floor account. Complainant originally requested a final reading for November 19, 2004. Respondent shut off the service and took Complainant out of billing with an actual meter reading of 546.6. On November 29, 2004, Complainant called to have service turned back on for a home inspection. The service was turned back on November 30, 2004 with an actual meter reading of 546.6. An actual meter reading was obtained on December 10, 2004 of 543.2 but was not used for billing as the auditor felt the reading was incorrect and requested another reading. The meter was read again on December 20, 2004 at 553.5. Complainant called December 27, 2004 and requested service be shut off December 28, 2004. The service was shut off and an actual meter reading of 559.4 was taken.

In further answer to the allegations, Complainant has failed to provide any documentation or other evidence to support its claims and, therefore, Respondent cannot provide any further response other than to state that the Complainant remains liable for the account since it ordered, accepted and benefited from the natural gas products and services for which it has been invoiced.

WHEREFORE, the Respondent, Equitable Gas Company, respectfully requests that the subject Complaint be dismissed with prejudice.

NEW MATTER

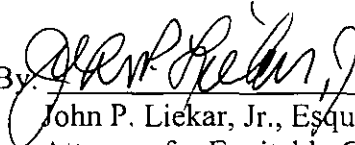
6. Paragraphs 1 through 5 inclusive of Respondent's Answer are incorporated herein as though set forth more fully at length.

7. The Complaint fails to allege a violation of any particular provision of the Public Utility Code and/or its implementing regulations and/or the regulations and procedures of the Public Utility Commission.

8. The PUC-approved rates charged the Complainant were fair and reasonable and not in violation of any PUC regulation or order or any statutory provision of the Public Utility Code.

WHEREFORE, the Respondent, Equitable Gas Company, respectfully requests that the subject Complaint be dismissed with prejudice.

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By: 

John P. Liekar, Jr., Esquire
Attorney for Equitable Gas Company

VERIFICATION

I, JEFF MITCHELL, hereby state that I am authorized to make this verification on behalf of Equitable Gas Company, a division of Equitable Resources, Inc., being the holder of the office of Director – Credit and Collections, and 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 falsifications to authorities).


JEFF MITCHELL

CERTIFICATE OF SERVICE

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

ATTACHED DOCUMENT: RESPONDENT'S ANSWER and NEW MATTER TO COMPLAINT

DATE OF SERVICE: September 22, 2005

BY: FIRST CLASS U. S. MAIL

TO: Jason C. Fidurske
 10200 Bellavista
 Apartment 1304
 Miromar Lakes, FL 33913

BY: FEDERAL EXPRESS

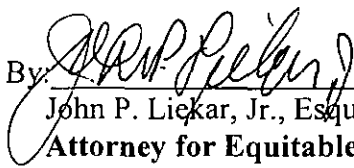
James J. McNulty
Secretary of the Commission
Pennsylvania Public Utility Commission
2nd Floor, Keystone Building
400 North Street
Harrisburg, PA 17105

RECEIVED

SEP 22 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By: 

John P. Liekar, Jr., Esquire
Attorney for Equitable Gas Company
11 Stanwix Street, Tenth Floor, Suite 1024
Pittsburgh, PA 15222-1324
(412) 261-6779 FAX 261-6789