

COMMONWEALTH OF PENNSYLVANIA
Public Utility Commission
July 10, 2006

SUBJECT: F-01761817 – Carlos Perez v. Philadelphia Gas Works

TO: James J. McNulty
Secretary

FROM: Cheryl Walker Davis, Director
Office of Special Assistants

DOCUMENT
FOLDER

Pursuant to the requirements of Act 294, (66 Pa. C.S. §332(h)), Vice Chairman Cawley, Commissioner Shane and Commissioner Pizzingrilli have requested full review of the Administrative Law Judge's Initial Decision in the above captioned proceeding. The third request for review was dated July 10, 2006.

Please notify the Office of Administrative Law Judge to prepare the case for consideration at a future Public Meeting.

DOCKETED
JUL 26 2006

RECEIVED
2006 JUL 11 PM 3:55
PA. P.U.C.
SECRETARY'S BUREAU

11

Act 294

RECEIVED
2006 JUL 11 PM 3: 57
F.P.E.U.C.
SECRETARY'S BUREAU

Case Identification:

F-01761817; Carlos Perez v. Philadelphia Gas Works

Initial Decision By:

ALJ Mark A. Hoyer

Deadline for Return to OSA:

July 10, 2006

This decision has not been reviewed by OSA.

RECEIVED
2006 JUL 10 AM 10:45
OFFICE OF SPECIAL ASSISTANTS

* * * * *

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Dorrell J. Skland

Commissioner

Jul 10 2006

Date

Act 294

Case Identification:

F-01761817; Carlos Perez v. Philadelphia Gas Works

Initial Decision By:

ALJ Mark A. Hoyer

Deadline for Return to OSA:

July 10, 2006

This decision has not been reviewed by OSA.

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OFFICE OF SPECIAL ASSISTANTS

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I want full Commission review of this decision.

James H. Cawley 7/7/06
Commissioner Date

I do not want full Commission review of this decision.

Commissioner Date

Staw

Act 294

Case Identification:

F-01761817; Carlos Perez v. Philadelphia Gas Works

Initial Decision By:

ALJ Mark A. Hoyer

Deadline for Return to OSA:

July 10, 2006

This decision has not been reviewed by OSA.

Per Staw, VC requested review and by Commission
2006 JUL 10 PM 3:05
OFFICE OF SPECIAL ASSISTANTS
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I want full Commission review of this decision.

Bill Shane^{SB}
Commissioner

7/10/06
Date

I do not want full Commission review of this decision.

Commissioner

Date

Act 294

Case Identification: F-01761817; Carlos Perez v. Philadelphia Gas Works

Initial Decision By: ALJ Mark A. Hoyer

Deadline for Return to OSA: July 10, 2006

This decision has not been reviewed by OSA.

RECEIVED
2006 JUL -7 PM 2:38
OFFICE OF SPECIAL ASSISTANTS

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I want full Commission review of this decision.

2nd for JC

Kim Fitzgerald

7/7/06

Commissioner

Date

I do not want full Commission review of this decision.

Commissioner

Date

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

July 25, 2006

Carlos Perez
8901 Lewin Place
Philadelphia Pa 19136-1014

F-01761817; Carlos Perez v. Philadelphia Gas Works

**DOCUMENT
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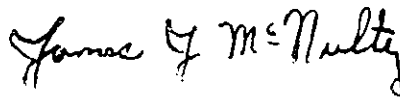
TO WHOM IT MAY CONCERN:

The purpose of this letter is to advise you that on July 10, 2006 the Commission exercised its right under 66 Pa. C. S. Section 332(h) to review the above captioned case at Public Meeting.

Therefore, the Initial Decision of the Administrative Law Judge will be placed on a future Public Meeting Agenda for the review of the full Commission.

You will be notified at a subsequent date of the action of the Commission in this matter.

Very truly yours,



for James J. McNulty
Secretary

cc: All Parties of Record
Administrative Law Judge
Office of Special Assistants
Law Bureau

DOCKETED
JUL 26 2006

DATE: July 25, 2006

SUBJECT: F-01761817

TO: Office of Administrative Law Judge

FROM: James J. McNulty
Secretary
nvl

DOCKETED
JUL 26 2006

CARLOS PEREZ
VS
PHILADELPHIA GAS WORKS

**DOCUMENT
FOLDER**

The attached is assigned to your Bureau to prepare the case for consideration at a future Public Meeting

nvl

Philadelphia Gas Works

Gregory J. Stunder
Senior Attorney



800 W. Montgomery Avenue, Philadelphia, PA 19122
Telephone: (215) 684-6878 – Fax (215) 684-6798
Email: greg.stunder@pgworks.com

July 28, 2006

VIA EXPRESS MAIL

James J. McNulty
Secretary
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RE: Carlos Perez v. PGW, Docket No. F-01761817

Dear Secretary McNulty:

Enclosed for filing are an original and three (3) copies of PGW's Petition for Leave to File An Exception Out of Time and attached thereto as Exhibit A the Exception of Philadelphia Gas Works. If you have any questions, please contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory J. Stunder", is written over the typed name. The signature is fluid and cursive.

Gregory J. Stunder

Enclosures

cc: All Parties of Record

DOCUMENT
FOLDER

RECEIVED
JUL 28 2006
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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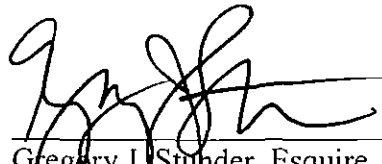
CERTIFICATE OF SERVICE

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:

Carlos Perez
8901 Lewin Place
Philadelphia, PA 19136



Gregory J. Stunder, Esquire
Philadelphia Gas Works
800 West Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6878

Date: July 28, 2006

RECEIVED

JUL 28 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED

AUG 03 2006

CARLOS PEREZ

v.

PHILADELPHIA GAS WORKS

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F-01761817

DOCUMENT
FOLDER

PETITION FOR LEAVE TO FILE AN EXCEPTION OUT OF TIME

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Philadelphia Gas Works ("PGW" or the "Company") hereby petitions the Pennsylvania Public Utility Commission ("PUC" or "Commission") for leave to file an exception out of time to the Administrative Law Judge's Initial Decision in the above-referenced matter. In support of this Petition, PGW states the following:

- 1) The Initial Decision of Administrative Law Judge Mark A. Hoyer in the above-referenced matter was issued on June 26, 2006.
- 2) Exceptions may be filed by a party and served within 20 days after the Initial Decision. In this matter, the exception due date was Monday, July 17, 2006.
- 3) In determining whether to grant a petition for leave to file exceptions out of time, the petitioner is required to show good cause.
- 4) Although the Initial Decision was received by PGW within the appropriate timeframe, the undersigned did not receive the Initial Decision until Thursday, July 27, 2006 because the Initial Decision was incorrectly filed by PGW administrative personnel.
- 5) Upon discovering that the Initial Decision was incorrectly filed, the undersigned has instituted measures to prevent this error in the future.
- 6) An Exception to the Initial Decision have been drafted and attached to this Petition as Exhibit A for consideration should the Commission grant this Petition for Leave to File Exception Out of Time.

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JUL 28 2006

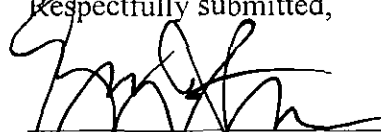
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

7) Upon receiving the Initial Decision, the undersigned contacted the Secretary's Bureau telephonically, filed this Petition and drafted the Exception within one day.

8) The filing of this Petition and the attached Exception is eleven days after the Exception due date of July 17, 2006.

WHEREFORE, it is respectfully requested that the Pennsylvania Public Utility Commission grant PGW's Petition for Leave to File An Exception Out of Time.

Respectfully submitted,



Gregory L. Stunder, Esquire
Philadelphia Gas Works
800 West Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6878

Attorney for Philadelphia Gas Works

Date: July 28, 2006



RECYCLED PAPER MADE FROM 20% POST CONSUMER CONTENT

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

JUL 28 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CARLOS PEREZ :
 :
 V. :
 :
 PHILADELPHIA GAS WORKS :

F-01761817

EXCEPTION OF PHILADELPHIA GAS WORKS

INTRODUCTION

In this matter, the Complainant resided at 1601 Worrell Street in an apartment unit during the period of March 2001 to April 2004. The Complainant also received gas service during the period of March 2001 to April 2004. In December 2000, the prior tenant of the same apartment unit at 1601 Worrell Street contacted PGW and requested termination of gas service. Pursuant to Philadelphia Gas Works' ("Respondent" or "PGW") "Soft-Off" program, service to the apartment was terminated in December 2000 in PGW's billing system but service was not physically terminated. Also located at 1601 Worrell Street is an entirely separate unit which is described as an office. During the period of March 2001 to April 2004, the Complainant was billed for the office usage and not the apartment usage. Although an automatic meter reading device transmitted usage data for the apartment from March 2001 to April 2004, the usage remained unbilled until August 8, 2004, when the Complainant was credited for the bills issued for the office usage and re-billed for the previously unbilled apartment usage.

On January 13, 2006, the Complainant filed a formal complaint with the Pennsylvania Public Utility Commission (“Commission”) against PGW claiming that he is not responsible or liable for payment of the gas bill for previously unbilled service at 1601 Worrell Street. Administrative Law Judge Mark A. Hoyer presided over a telephonic hearing on April 18, 2006 and an Initial Decision was issued on June 26, 2006. Judge Hoyer concluded that the Complainant was responsible for the bills issued by PGW for the apartment usage but also concluded that PGW should have discovered and investigated the unbilled apartment usage in six months or less and thereby fined PGW \$500.00.

EXCEPTION

PGW takes exception to the Discussion Section statement that PGW did not present any evidence that corrective measures have been taken to insure that mistakes of this nature are discovered and investigated in a timely manner in the future.

The Discussion Section of the Initial Decision states:

PGW did not present any evidence that corrective measures have been taken to insure that mistakes of this nature are discovered and investigated in a timely manner in the future.¹

Although the foregoing statement was not incorporated into the Findings of Fact or Conclusions of Law, the Respondent takes exception to this statement. PGW has indeed taken corrective measures and the Company did not have the opportunity during the telephonic hearing to provide evidence of these measures. The Respondent’s witness who testified in this matter investigated the facts that were the direct subject matter of the

¹ *Carlos Perez v. PGW*, Initial Decision (June 26, 2006) at 11.

complaint and the Respondent's corrective measures were not a direct inquiry of the hearing.

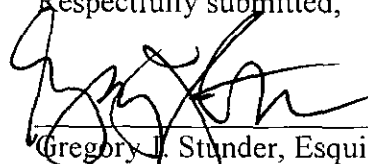
Procedures to prevent circumstances similar to those described in the complaint were implemented in mid-2004. Specifically, in this matter, the prior tenant of the apartment unit at 1601 Worrell Street requested termination in December 2000 but the apartment unit was placed in Soft-Off status which means that the service was only terminated in the billing system and not physically terminated at 1601 Worrell Street. When the Complainant began leasing the apartment unit in March 2001, the meter recorded the Complainant's gas usage and the usage data was transmitted by the Automatic Meter Reading ("AMR") device but the usage remained unbilled until 2004. Procedures have now been in place for two years that prompt investigation of AMR-transmitted usage that remains unbilled if the usage exceeds a certain baseline level. Depending upon the individual circumstances, either notices and/or field visits to the service address are arranged. These procedures are documented and have been incorporated into PGW's standard practices. As a result of the foregoing, the Respondent requests the opportunity to provide evidence of these procedures for the record in this matter.

CONCLUSION

For the aforementioned reasons, PGW respectfully requests that the Commission grant the Respondent's exception and permit the record to be opened in order for PGW to present evidence that the Company has implemented corrective measures in 2004 that

detect and investigate unbilled usage for service addresses that have been placed in Soft-Off status.

Respectfully submitted,



Gregory J. Stunder, Esquire
Philadelphia Gas Works
800 West Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6878

Attorney for Philadelphia Gas Works

Date: July 28, 2006

COMMONWEALTH OF PENNSYLVANIA

DATE: August 3, 2006

SUBJECT: F-01761817

TO: Office of Special Assistants

FROM: James J. McNulty, Secretary *KB*

Carlos Perez
v.
Philadelphia Gas Works

Attached is a copy of a Petition for Leave to File An Exception Out of Time, filed by Philadelphia Gas Works in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment:

cc: ALJ
OTS

ksb

DOCUMENT
FOLDER

DOCKETED
AUG 03 2006