

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

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 :  
Carlos Perez v. Philadelphia : Docket No.  
Gas Works. : F-01761817  
 Billing dispute. :  
 :  
 :  
 Initial telephonic hearing. :  
 Telephonic Call of the Docket.:  
 :  
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ORIGINAL

Pages 1 through 61

State Office Building  
300 Liberty Avenue  
11th Floor  
Hearing Room No. 3  
Pittsburgh, Pennsylvania

DOCUMENT  
FOLDER

Tuesday, April 18, 2006

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

BEFORE: MARK A. HOYER, Judge

APPEARANCES:

CARLOS PEREZ  
8901 Lewin Place  
Philadelphia, Pennsylvania 19136  
(pro se)

GREGORY J. STUNDER, Esquire  
800 West Montgomery Avenue  
Philadelphia, Pennsylvania 19122  
(For Philadelphia Gas Works)

*Jm*  
2006 MAY -4 PM 1:20  
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WITNESS INDEX

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Carlos Perez				
(By Judge Hoyer)	7	--	16/18	--
(By Mr. Stunder)	--	14	--	17
Jennifer Raksnis				
(By Mr. Stunder)	20/35	--	47	--
(By Mr. Perez)	--	35	--	50

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EXHIBIT INDEX

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
<u>PGW</u>		
1 (History Request Report)	33	33
2 (Bureau of Consumer Services Decision)	33	33
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1 I should explain if you choose to do that, what  
2 will happen is I will leave the hearing room. We will stop  
3 tape recording and stop taking a stenographic record, and you  
4 and Attorney Stunder will be able to discuss the dispute and  
5 see if you can't resolve the matter between yourselves.

6 Would you like to have an opportunity for such a  
7 meeting, Mr. Perez?

8 MR. PEREZ: No, Your Honor. I would like to  
9 proceed forward.

10 JUDGE HOYER: You don't feel as though you can  
11 resolve this informally?

12 MR. PEREZ: Roger that.

13 JUDGE HOYER: Mr. Perez, as the complainant here  
14 today, you have the burden of proof. You're going to go  
15 first. You're going to present your testimony and evidence.  
16 When you're finished testifying, Attorney Stunder is going to  
17 have an opportunity to cross-examine you. Then you may offer  
18 some additional testimony if you wish and we'll have a second  
19 round of cross-examination.

20 After you have finished offering testimony and  
21 exhibits and you have rested, then it's going to be Attorney  
22 Stunder's opportunity to present his case on behalf of PGW.  
23 He's indicated that he intends to call one witness here today.  
24 When that witness is finished testifying, you will have an  
25 opportunity to cross-examine her as well.

1           At the conclusion of today's hearing, I am going  
2 to give each side an opportunity to summarize their position,  
3 and I'll begin with Attorney Stunder so that you, Mr. Perez,  
4 will have the last word here today. All the testimony will be  
5 under oath. I am going to swear in all the witnesses.

6           Mr. Perez, do you have any questions on the  
7 hearing procedure that I have just explained?

8           MR. PEREZ: No, Your Honor.

9           JUDGE HOYER: How about you, Attorney Stunder?

10          MR. STUNDER: No, Your Honor.

11          JUDGE HOYER: Any preliminary matters before we  
12 begin, Attorney Stunder?

13          MR. STUNDER: No, Your Honor.

14          JUDGE HOYER: Mr. Perez, I am going to swear you  
15 in as a witness here today.

16                   (Whereupon, Carlos Perez was duly sworn.)

17          JUDGE HOYER: Let the record reflect that the  
18 witness was sworn in and will testify under oath. I should  
19 say before I forget for the record that we are in Hearing Room  
20 No. 3 in the Pittsburgh offices of the Pennsylvania Public  
21 Utility Commission.

22          Whereupon,

23                                   CARLOS PEREZ,

24          having been duly sworn, testified as follows:

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## DIRECT TESTIMONY

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JUDGE HOYER: Okay, Mr. Perez. You may begin.

As I have indicated, I have read your Complaint. If you could perhaps tell me the nature of your dispute and exactly what relief you're seeking from the Commission here today.

MR. PEREZ: Yes, Your Honor. On March 6, 2001 I requested that --

JUDGE HOYER: I missed what you just said there. Could you repeat that, sir?

MR. PEREZ: Yes, Your Honor. On March 6, 2001 I requested service to be turned on for me to live in a residence that I was renting with my wife that I just started to rent from a prior residence in Texas, Fort Hood.

JUDGE HOYER: What was the address?

MR. PEREZ: Address, Your Honor, 1601 Lewin Street.

JUDGE HOYER: Could you spell that?

MR. PEREZ: I apologize. 1601 Worrell Street.

JUDGE HOYER: Could you spell that, please?

MR. PEREZ: Yes. W-o-r-r-e-l-l Street located in Philadelphia, Pennsylvania, zip code 19124.

JUDGE HOYER: Were you listed as the ratepayer?

MR. PEREZ: Yes, Your Honor, and I did receive bills every month.

1 JUDGE HOYER: Are you a current customer of PGW?

2 MR. PEREZ: Yes, Your Honor.

3 JUDGE HOYER: You may continue.

4 MR. PEREZ: Well, when I went to apply for the  
5 gas, I asked for 1601 Worrell Street. I lived there for three  
6 years. Like I said, every bill and any bill that's gotten  
7 mailed to me has a total. I mailed it in and that's it. Just  
8 cut and dry, plain and simple. The whole situation is based  
9 upon the negligence on PGW's behalf.

10 MR. STUNDER: Objection, legal conclusion.

11 JUDGE HOYER: I'll sustain the objection to that  
12 statement. You may continue, Mr. Perez.

13 MR. PEREZ: Well, the situation is three years  
14 of a meter that was being billed to me that I had that I was  
15 paying. When I moved out and moved to a new location of my  
16 current residence in my home at 8901 Lewin Street --

17 JUDGE HOYER: Could you spell Lewin Street for  
18 me?

19 MR. PEREZ: Yes, Your Honor. It's L-e-w-i-n  
20 Place. I apologize, Place.

21 JUDGE HOYER: That's your current residence?

22 MR. PEREZ: Yes, Your Honor. 8901 Lewin Place.

23 JUDGE HOYER: When did you move out of Worrell  
24 Street and into Lewin Place?

25 MR. PEREZ: I moved out in 2 -- April 30th of

1 2004, Your Honor.

2 JUDGE HOYER: Okay. Thank you. You may  
3 continue.

4 MR. PEREZ: Well, what happened, when I came  
5 here, I looked at my bill. And, you know -- because prior to  
6 this I lived in the barracks. I never had any bills. I lived  
7 with my parents prior to being in the military.

8 I come to here, 8901 Lewin Street, and comparing  
9 bills, because now I'm in a house and I finally own. So I  
10 look at it and I say, "Man, why the heck were they charging  
11 me " -- they charged me \$18 for commercial, and I'm going over  
12 looking at residential, 12 bucks. So I then say to myself --  
13 I call up PGW immediately and I say, "You know, why were you  
14 guys charging me \$18?" She's like, "There's nothing we can do  
15 about that. You had to have handled that situation when you  
16 were residing in your residence."

17 MR. STUNDER: Objection, hearsay.

18 JUDGE HOYER: Objection sustained as to what may  
19 have been said during a telephone conversation with PGW. You  
20 may continue.

21 MR. PEREZ: Well, I had spoken to PGW, customer  
22 service, and they said, "We cannot" --

23 MR. STUNDER: Objection, hearsay, Your Honor.

24 JUDGE HOYER: Okay. I'm going to sustain the  
25 objection as to what may have been said by a third person who

1 is not here to testify today. You may continue, Mr. Perez.

2 MR. PEREZ: Yes. Well, just basically stating  
3 that. I mean, three years I was living at a house. I was  
4 getting charged a bill, and I currently move here. Now all of  
5 a sudden they're saying now -- I can't say -- I can't say.  
6 All I know is I made a call and had asked for a refund, unable  
7 to do so, unable to do so, because you are not there. I said  
8 okay.

9 MR. STUNDER: Objection, hearsay.

10 MR. PEREZ: It wasn't --

11 MR. STUNDER: Strike all hearsay, Your Honor.

12 JUDGE HOYER: Well, to that last statement, I'm  
13 going to overrule your objection. You may continue with your  
14 testimony, Mr. Perez.

15 MR. PEREZ: I'm renting a house. I'm getting a  
16 bill in my name. I was paying the bill. There is -- in no  
17 shape, form, or fashion was I trying to get over in the City  
18 of Philadelphia or in any utility whatsoever. I was paying  
19 the bill that was mailed to me.

20 Now, if there's -- now, after me moving into my  
21 current residence, I finally know now that there's two meters.  
22 Is that my fault for not knowing? Unknowingly they signed me  
23 up for the wrong meter and one meter, the one that I was --

24 MR. STUNDER: Objection to that conclusion, that  
25 based on the -- there's no factual basis for that.

1 MR. PEREZ: Factual basis --

2 JUDGE HOYER: Hold on. I don't understand what  
3 that objection is, but it's overruled. You may continue with  
4 your testimony.

5 MR. STUNDER: Your Honor, if I could explain.

6 JUDGE HOYER: Sure.

7 MR. STUNDER: He said, "They signed me up for  
8 the wrong meter." He has not presented any testimony that  
9 established that conclusion that, "They signed me up for the  
10 wrong meter."

11 JUDGE HOYER: Okay. Well, that objection is  
12 sustained. Mr. Perez, perhaps you could tell me, are you  
13 telling me that there were two meters at your former address,  
14 1601 Worrell Street?

15 MR. PEREZ: Yes, Your Honor.

16 JUDGE HOYER: Are you saying that the bills that  
17 you received while you lived there were for a different meter?

18 MR. PEREZ: Roger that, Your Honor, the whole  
19 three years.

20 JUDGE HOYER: So of the two meters, you received  
21 the bill for the other meter and not the meter on your  
22 residence?

23 MR. PEREZ: Roger that, Your Honor.

24 JUDGE HOYER: Okay. You may continue.

25 MR. PEREZ: During this whole time, one meter

1 was being billed. How am I supposed to know any different?  
2 My name, my bill, I pay. They signed me up for the wrong  
3 meter --

4 MR. STUNDER: Objection again, Your Honor --

5 JUDGE HOYER: I'll sustain that objection.

6 Mr. Perez, on your billings, did it indicate the address with  
7 specificity? Was there a difference between the address on  
8 your bills at your former residence and the other meter, if  
9 you understood what I just asked? Were both meters the same  
10 address?

11 MR. PEREZ: Which -- I apologize. Are you  
12 talking about the Worrell Street?

13 JUDGE HOYER: Yes.

14 MR. PEREZ: The whole time at Worrell Street,  
15 Your Honor, I was getting the same bill for the whole three  
16 years. Then when I moved of course to my new location,  
17 everything was was fine. I checked the meter, because I  
18 always observe every number when it's going up and down.  
19 I'm -- currently moving here, I learned to do that, you know.

20 Then I'm currently -- all I know is the whole  
21 three years, they said that -- my goodness. This is really  
22 hard, because this is really overwhelming. I was renting for  
23 three years. You already know this.

24 JUDGE HOYER: Yes.

25 MR. PEREZ: I get a bill in my name. I pay the

1 bill. Now, there's supposedly two meters. I was paying the  
2 wrong meter. The meter that they are saying I supposedly was  
3 using, right, why was it never shut off at the whole three  
4 years? I don't understand. Three months, four, five, six  
5 months, the latest.

6 If I was using a bill that was never being paid,  
7 it should have been shut off, and it would have been resolved  
8 a long time ago. Three years going on five, probably six now,  
9 Your Honor, going on five years saying that I owe a bill from  
10 years ago, years ago. This isn't something I unknowingly did,  
11 I did not do. It's their fault, billing negligence,  
12 omission --

13 MR. STUNDER: Objection, Your Honor, to their  
14 fault and negligence and billing negligence. That has not  
15 been established. He's making legal conclusions, and he  
16 doesn't have facts presented in evidence that support those  
17 conclusions.

18 JUDGE HOYER: Well, I'll sustain that objection,  
19 but are you telling me, Mr. Perez, that you received a bill  
20 after you moved for service at the Worrell Street property?

21 MR. PEREZ: Correct, after I moved into my new  
22 location.

23 JUDGE HOYER: What was the amount of that bill?

24 MR. PEREZ: The first one said amount five  
25 thousand something dollars, and that was prior -- I received

1 that bill after I had spoken to PGW in regards to questioning  
2 why was I getting charged commercial. So I believe I  
3 serviced -- I serviced a mistake for three years. I serviced  
4 a mistake, and the lady said to me, "You cannot do this" --

5 MR. STUNDER: Objection.

6 JUDGE HOYER: Objection to what a third person  
7 who is not here to testify --

8 MR. PEREZ: Roger that.

9 JUDGE HOYER: -- may have said outside of this  
10 proceeding. Is there anything else that you wanted to add to  
11 the record at this time, Mr. Perez? I think I understand your  
12 position.

13 MR. PEREZ: Yes, Your Honor.

14 JUDGE HOYER: You may continue then with your  
15 testimony.

16 MR. PEREZ: I apologize. No. Everything --  
17 that's basically everything, Your Honor.

18 JUDGE HOYER: I'm going to see if Attorney  
19 Stunder has any questions for you on cross-examination.  
20 Attorney Stunder, do you have any questions for Mr. Perez?

21 MR. STUNDER: Yes, Your Honor, a couple.

22 CROSS-EXAMINATION

23 BY MR. STUNDER:

24 Q. Mr. Perez, 1601 Worrell Street, is that a house?

25 A. It's a house, Your Honor. Yes, sir.

- 1 Q. There are two units in that house?
- 2 A. No, sir. There's a barbershop downstairs. I was  
3 renting from the owner of the house.
- 4 Q. How many floors was the house?
- 5 A. It was a basement, first and second floor.
- 6 Q. On what floors did you live?
- 7 A. I lived -- I occupied all three, half basement that I  
8 was occupying with the first and second floor.
- 9 Q. Was this a twin home or row home?
- 10 A. It was a row home, corner.
- 11 Q. How many rooms were in the basement?
- 12 A. Just one. There was a garage that he had and then his  
13 barbershop.
- 14 Q. I'm confused. I just want to clarify with you. On the  
15 first floor -- I mean, I'm sorry, in the basement, that was --  
16 you had said you had part of the basement; is that correct?
- 17 A. Correct.
- 18 Q. The barbershop was somebody else's; correct?
- 19 A. The homeowner, yes.
- 20 Q. Okay. So the man who owned the home lived in the  
21 barber -- I mean, worked in the barbershop?
- 22 A. Roger.
- 23 Q. The garage was also his?
- 24 A. Roger.
- 25 JUDGE HOYER: Was that a yes or no, sir?

1 MR. PEREZ: Yes. Yes.

2 BY MR. STUNDER:

3 Q. In the basement, what portion of the basement was  
4 yours?

5 A. The front part of the basement which was below the  
6 first and second floor.

7 Q. Was it a room you lived in, or was it just --

8 A. No. It was just a basement, you know, wash clothes,  
9 dry clothes, that's all.

10 Q. Storage, like that?

11 A. Roger. Yes.

12 Q. On the first floor, how many rooms were there?

13 A. It was just one big living room, dining room,  
14 kitchen.

15 Q. And on the second floor?

16 A. Second floor was three bedrooms with a bathroom.

17 MR. STUNDER: One moment, Your Honor. I just  
18 want to review my notes.

19 JUDGE HOYER: Sure.

20 MR. STUNDER: Okay. Thank you, Your Honor.  
21 That's all I have.

22 JUDGE HOYER: I have a few questions before I  
23 turn it over to see if there is any testimony from Mr. Perez.

24 REDIRECT TESTIMONY

25 JUDGE HOYER: When you lived at 1601, did you

1 heat that row home with gas, Mr. Perez?

2 MR. PEREZ: Yes. Unfortunately, it was still  
3 cold. I still kept it at a certain temperature. I used  
4 electric heaters because the house was terrible. It was  
5 cold.

6 JUDGE HOYER: Did you have any other gas  
7 appliances?

8 MR. PEREZ: Yes. I did have a gas stove.

9 JUDGE HOYER: What about hot water?

10 MR. PEREZ: Yes, I believe so.

11 JUDGE HOYER: Was that gas or electric? Do you  
12 know?

13 MR. PEREZ: I believe it was gas. I believe it  
14 was gas, Your Honor.

15 JUDGE HOYER: Based upon my additional  
16 questions, Attorney Stunder, do you have any more questions?

17 RE-CROSS-EXAMINATION

18 BY MR. STUNDER:

19 Q. Sir, I just want to clarify. There was a gas heater in  
20 the house though too for space heating?

21 A. What do you mean, space heating?

22 Q. There was a gas heater in the house?

23 A. I mean, I received a PGW bill.

24 Q. But your house was heated by a gas heater; correct?

25 A. Yes, I believe. Yes. The thermostat, that was --

1 yeah, because I had a situation one time where my wife woke  
2 up, and she said to me, "Babe, I smell gas." So she called  
3 PGW --

4 MR. STUNDER: Objection, hearsay.

5 MR. PEREZ: I'm just giving --

6 JUDGE HOYER: That's not hearsay.

7 BY MR. STUNDER:

8 Q. There was a heater in your house powered by gas for  
9 space heating; correct?

10 A. To heat the house, correct.

11 MR. STUNDER: Thank you.

12 FURTHER REDIRECT TESTIMONY

13 JUDGE HOYER: Okay. Mr. Perez, do you have any  
14 additional testimony that you wish to offer at this time?

15 MR. PEREZ: Yes. Just basically --

16 JUDGE HOYER: I am going to give you a chance to  
17 summarize your position, but is there anything else other than  
18 what you have said thus far? Hello?

19 MR. PEREZ: Yes, Your Honor.

20 JUDGE HOYER: Is there anything else that you  
21 wanted to add other than what's been said thus far?

22 MR. PEREZ: Yes, Your Honor. Just basically  
23 saying, you know, I was being charged for the wrong meter.  
24 There was two meters. The one that wasn't being paid for that  
25 whole time supposedly should have been turned off. It should

1 have been resolved three, six months later. It was not my  
2 fault, an omission of -- everything should have been squared  
3 away. It should have been realized.

4 I get it now. I drive around the City of  
5 Philadelphia working, and I see people, gas companies, digging  
6 up peoples' things because they're not paying their bill.

7 MR. STUNDER: Your Honor, this isn't relevant to  
8 this proceeding.

9 MR. PEREZ: I am --

10 JUDGE HOYER: I'll sustain the objection to that  
11 last part about what occurs at other peoples' properties.  
12 That's not relevant here. Anything else, Mr. Perez?

13 MR. PEREZ: No, Your Honor.

14 JUDGE HOYER: Any additional cross-examination,  
15 Mr. Stunder, based upon that additional testimony?

16 MR. STUNDER: No, Your Honor.

17 JUDGE HOYER: Now, Mr. Perez, it's going to be  
18 Attorney Stunder's opportunity to present his case. Do you  
19 intend to call a witness here today, Attorney Stunder?

20 MR. STUNDER: Yes, Your Honor. I intend to call  
21 Jennifer Raksnis.

22 (Whereupon, Jennifer Raksnis was duly sworn.)

23 JUDGE HOYER: Let the record reflect that the  
24 witness was sworn in and will testify under oath. You may  
25 proceed, Attorney Stunder.

1 MR. STUNDER: Thank you, Your Honor.

2 Whereupon,

3 JENNIFER RAKSNIS,

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. STUNDER:

7 Q. Ms. Raksnis, could you please tell His Honor what you  
8 do here at PGW, what your title is?

9 A. I'm a customer review unit officer.

10 JUDGE HOYER: Could you please speak up?

11 A. I'm a customer review unit officer.

12 JUDGE HOYER: Customer review --

13 MS. RAKSNIS: Unit officer.

14 JUDGE HOYER: Thank you.

15 BY MR. STUNDER:

16 Q. As a customer review unit officer, what do you do?

17 A. I investigate informal and formal complaints.

18 Q. How long have you been in that position?

19 A. Two years.

20 Q. Did you investigate the formal complaint in this  
21 situation?

22 A. Yes.

23 Q. Have you reviewed the records in this situation?

24 A. Yes.

25 Q. Ms. Raksnis, I would like to direct your attention

1 towards PGW Exhibit 1. Could you please explain to His Honor  
2 what PGW Exhibit 1 is?

3 A. This is a history request for an account under Carlos  
4 Perez's name for 1601 Worrell Street, office destination.  
5 This basically lists bills and payments and transactions that  
6 occurred underneath that meter number of 1520518.

7 Q. Ms. Raksnis, on page 1 of 5, the very first page of PGW  
8 Exhibit 1, what are the time periods of those invoices?

9 A. I'm sorry. Can you --

10 Q. What is the time periods of those invoices? Is that  
11 from the inception of the account?

12 A. Yes, from 3/6 of 2001, when the service was first  
13 requested.

14 THE COURT REPORTER: I'm sorry?

15 JUDGE HOYER: The stenographer didn't get that  
16 last part. Could you repeat it?

17 A. Yes. This is a statement of account, the history  
18 request of 3/6 of 2001 from when the account was started  
19 forward.

20 Q. Up until the point of Mr. Perez's departure from 1601  
21 Worrell Street, where do those bills end and what is the end  
22 date?

23 A. Mr. Perez requested the service be taken out of his  
24 name in April of 2004 at that location. So he was billed for  
25 the service since April of '04.

1 Q. Now, when --

2 JUDGE HOYER: Did you say April 2004 that  
3 service at 1601 Worrell Street was taken out of Mr. Perez's  
4 name?

5 MS. RAKSNIS: Yes.

6 BY MR. STUNDER:

7 Q. Where is the last bill for 1601 Worrell Street under  
8 Mr. Perez's original application?

9 A. It was issued 5/4 of 2004.

10 Q. Where does it appear in PGW Exhibit 1?

11 A. Page 3 of 5.

12 Q. Okay. Ms. Raksnis, I'm going to depart from PGW  
13 Exhibit 1 for a moment. I would like to go back to March of  
14 2001. Did you discover how Mr. Perez applied for service back  
15 in March of 2001?

16 A. Yes. He contacted the company over the telephone to  
17 apply for service, and when he contacted the company, the  
18 address of 1601 Worrell Street with an OFC indicator was  
19 provided by Mr. Perez.

20 MR. PEREZ: I object, Your Honor, hearsay.

21 JUDGE HOYER: Do you care to respond to that  
22 objection, Attorney Stunder?

23 MR. STUNDER: Your Honor, an admission by the  
24 other party is not hearsay. Mr. Perez is here. He's a party  
25 to the suit and --

1 MR. PEREZ: How are you going --

2 JUDGE HOYER: Hold on, Mr. Perez.

3 MR. PEREZ: That's a lie.

4 MR. STUNDER: I have PGW Exhibit 3A that will  
5 indicate that was correct, that was the information  
6 provided.

7 MR. PEREZ: Negative.

8 JUDGE HOYER: I will note the objection for the  
9 record then. I'm not going to rule on it at this time since  
10 you have indicated that you have an exhibit that will  
11 demonstrate that it's not hearsay.

12 BY MR. STUNDER:

13 Q. Ms. Raksnis, when there is a phone application, is  
14 there a paper record of the application itself?

15 A. There's a record, but the customer --

16 Q. Meaning is there a hard copy record?

17 A. No.

18 Q. Are there records that exist of the application in  
19 PGW's billing system?

20 A. Yes.

21 Q. I would like to direct your attention to a series of  
22 exhibits that all begin with PGW Exhibit 3. Then there's  
23 letters after each one, A through H. I would like to direct  
24 your attention first to Exhibit 3A. Could you please tell His  
25 Honor what that represents?

1 A. This represents a copy in PGW's billing system of how a  
2 bill was issued to Mr. Perez.

3 Q. Now, what is the billing periods for 3A?

4 A. This is from 3/6 of 2001 to 5/3 of 2001.

5 Q. How can you tell that?

6 A. If you look at the dark line that's at the top of the  
7 page, if you move over to the center, it has billing period,  
8 and it says 3/6 to 5/3. At the very top of the page, where it  
9 says Bill Segment, it says 5/3 of '01. So we know it's in  
10 2001.

11 Q. Now, this record from PGW's billing system, does it  
12 contain the information that is also produced on the bill that  
13 goes to the customer?

14 A. Yes.

15 Q. Now, in PGW Exhibit 3A, to where was this bill sent?

16 A. 1601 Worrell Street OFC.

17 Q. What does OFC stand for?

18 A. That's when this meter is listed in the system as  
19 possibly office. It's an abbreviation.

20 Q. This data where it says premise, that was produced on  
21 the PGW bill that was sent to Mr. Perez?

22 A. That's correct.

23 Q. Without going into each individual exhibit from 3A to  
24 3D, I think we can end with 3D. Could you please tell us what  
25 that is the bill segment for, what period?

- 1 A. The dates?
- 2 Q. Yes.
- 3 A. This is the period from 7/5 of 2001 to 8/3/2001.
- 4 Q. To what address was that bill sent?
- 5 A. 1601 Worrell Street OFC.
- 6 Q. The date of -- I would like to direct your attention  
7 towards PGW Exhibit 3D to 3H. For what bill periods are those  
8 four exhibits?
- 9 A. From 3/4 of --
- 10 Q. I'm sorry. 3D.
- 11 A. I'm sorry. 3E is for the periods of 12/3 of 2003 to  
12 January 5th of 2004.
- 13 Q. Then what is the ending date on 3H?
- 14 A. F or H?
- 15 Q. 3H, the final exhibit?
- 16 A. 4/2 of 2004.
- 17 Q. Now, this was the latter part of Mr. Perez's tenure at  
18 1601 Worrell Street. Those four invoices, to which premise  
19 were those invoices sent?
- 20 A. 1601 Worrell Street OFC.
- 21 Q. Did each of those bills contain that date on it, that  
22 that was the premise?
- 23 A. Yes.
- 24 Q. Ms. Raksnis, have you reviewed all the bills in between  
25 in PGW's billing system?

- 1 A. Yes.
- 2 Q. To what premise were those bills sent?
- 3 A. They were all sent to 1601 Worrell Street OFC.
- 4 Q. Would that have been printed on every bill that went to  
5 Mr. Perez during that period of time?
- 6 A. That is correct. The bill also indicated that that was  
7 a commercial non-heating account.
- 8 Q. That premise address to where the bill was sent, where  
9 would that data have come from?
- 10 A. From our billing system, the information provided by  
11 Mr. Perez directly.
- 12 Q. From the date of application?
- 13 A. Yes.
- 14 Q. When do PGW records indicate that Mr. Perez called to  
15 have his gas service removed from 1601 Worrell Street?
- 16 A. He contacted the company on 4/14/2004 to have his  
17 service removed out of his name as of 4/30 of '04, and then he  
18 also requested service be transferred to the new address at  
19 8901 Lewin Place, L-e-w-i-n, place.
- 20 Q. Did PGW do that?
- 21 A. Yes.
- 22 Q. When did PGW discover that there was a billing error at  
23 Worrell Street?
- 24 A. On July 20th of 2004.
- 25 Q. Could you please tell us how PGW found out?

1 A. The landlord for the property at 1601 Worrell Street  
2 was in the district also, and she provided copies of leases  
3 for the occupants of the property at Worrell Street. She  
4 informed the company that Mr. Perez was the tenant at 1601  
5 Worrell Street.

6 Q. Was it a she or a he, ma'am?

7 A. I'm sorry. You know what? I'm not sure. Elias Rosa.  
8 I'm not sure if it's a male or female.

9 MR. PEREZ: It was a male.

10 A. I just know the name. The person provided information  
11 that Mr. Perez was the tenant at 1601 Worrell Street, the  
12 house, not 1601 Worrell with the location of OFC. It was also  
13 determined by her business that Mr. Perez was responsible for  
14 heating at that property and not a non-heating account. Based  
15 on the information provided, the company rebilled the account  
16 correctly.

17 MR. PEREZ: It's really a shame. May I please  
18 make a statement?

19 JUDGE HOYER: Hold on a second, Mr. Perez.  
20 Please don't interrupt during the course of the direct  
21 examination other than for a question for me or for an  
22 objection.

23 MR. PEREZ: Roger that, Your Honor.

24 JUDGE HOYER: You may continue with your  
25 examination, Attorney Stunder.

1 MR. STUNDER: Thank you, Your Honor.

2 BY MR. STUNDER:

3 Q. Now, as a result of discovering that information, what  
4 did PGW do?

5 A. PGW then canceled out all of the bills that were billed  
6 under 1601 Worrell Street OFC completely off the account and  
7 then billed him correctly for the correct meter, which was a  
8 heating account listed as house or HSE.

9 Q. Where in PGW Exhibit 1 are the credited bills or the  
10 canceled bills? Where are they documented?

11 A. On page 3 of 5. Halfway through the page, you see on  
12 8/9 of 2004 the transaction date. All the bills that were  
13 billed to Mr. Perez originally for this location were  
14 canceled. This is the case on page 4 of 5 as well as page 5  
15 of 5.

16 Q. Where were the rebills?

17 A. I'm sorry?

18 Q. Where were the billings for 1601 Worrell Street  
19 house?

20 A. If you go to the next page, which is page 1 of 1, this  
21 will show you at the top the address location, 1601 Worrell  
22 Street HSE, and Mr. Perez was billed for the service from  
23 March of 2001 up until 4/14 of 2004, the date he contacted the  
24 company originally to stop service at that address.

25 Q. Now, are these rebills shown in three lines on PGW

1 Exhibit 1?

2 A. That's correct.

3 Q. Could you please tell His Honor what amounts they  
4 were?

5 A. 1,291.37 for the billing period of 3/1 of '01 to 3/4 of  
6 '02 which was based on an actual reading, one thousand --

7 Q. Let me stop you there. When you say actual reading,  
8 that was an actual reading from the meter itself?

9 A. Correct.

10 Q. Okay. The meter contained at 1601 Worrell Street  
11 house?

12 A. It had an automatic meter reader.

13 Q. Okay.

14 A. 1,520.86 for the period of 3/4 of '02 to 3/5 of '03,  
15 then 2,113.05 for 3/5 of '03 to 4/14 of '04.

16 Q. What do those rebills total?

17 A. Actually, with the payment that occurred on 7/27 of '04  
18 for \$28.59 and also the late payment charges 73.45, the total  
19 amount was 4,970.14. Then you see a transfer on 8/9 of '04,  
20 of 1,675.76 credit. That represents all the payments that  
21 Mr. Perez made to the original location of OFC. They now  
22 apply to this.

23 MR. PEREZ: That was not the original location.  
24 I object.

25 MS. RAKSNIS: Original location --

1 JUDGE HOYER: Hold on. You had an objection,  
2 Mr. Perez?

3 MR. PEREZ: Yes.

4 JUDGE HOYER: What is your objection?

5 MR. PEREZ: My objection is her saying the  
6 original location of OFC. When I received a bill every month,  
7 Your Honor, for three years, it came 1601 Worrell Street. It  
8 doesn't say anything about OFC. If it said, OFC, Your Honor,  
9 I would have questioned it. It said 1601 Worrell Street with  
10 my name on it.

11 JUDGE HOYER: Your objection is overruled.  
12 That's additional testimony, Mr. Perez. You may continue,  
13 Attorney Stunder.

14 BY MR. STUNDER:

15 Q. Ms. Raksnis, could you please describe -- could you  
16 please explain the last two sheets of PGW Exhibit No. 1, page  
17 1 of 2 and page 2 of 2, what they represent?

18 A. This represents service to 8901 Lewin Place, which is  
19 the most recent address that Mr. Perez has service.

20 Q. As of Mr. Perez's most recent billing at April 4th of  
21 2006 -- one minute. I want to double check.

22 JUDGE HOYER: I'm sorry. I can't hear you.

23 MR. STUNDER: If I may ask just one moment. I  
24 want to double check a balance.

25 BY MR. STUNDER:

1 Q. As of 4/4/2006, what is the current balance on  
2 Mr. Perez's account?

3 A. 3,342.43.

4 Q. Is Mr. Perez currently under a payment plan?

5 A. Yes.

6 Q. If I could direct your attention to PGW Exhibit No. 2.  
7 Could you please explain what that is to His Honor?

8 A. This is an electronic copy of a Decision issued by the  
9 Bureau of Consumer Services for a Complaint that was  
10 previously filed by Mr. Perez.

11 Q. Was the Complaint the same as the formal Complaint,  
12 Ms. Raksnis?

13 A. Yes.

14 Q. Complaining of the same issue?

15 A. Yes.

16 Q. What did the Bureau of Consumer Services of the PUC  
17 decide?

18 A. They concluded that the bills were correct as rendered,  
19 that PGW may rebill the customer for previously unbilled gas  
20 usage, and that the customer was responsible for the balance  
21 owing to PGW.

22 It was decided that PGW would waive late payment  
23 charges from January 5th of '05 to the present, and then  
24 beginning with the bill due in January of '06, a payment  
25 arrangement was issued for \$186 monthly. It goes on to

1 explain it a little bit and break it down.

2 Q. Did PGW waive the late payment charges?

3 A. One second, please. Yes. It was waived on 12/27 of  
4 2005 for \$650.48.

5 Q. Has Mr. Perez been adhering to his payment plan?

6 A. Yes.

7 MR. STUNDER: Your Honor, if I could have one  
8 final look through my exhibits to make sure I don't have any  
9 further questions of this witness.

10 JUDGE HOYER: Certainly. Go ahead.

11 MR. STUNDER: Thank you, Your Honor. No further  
12 questions, Your Honor.

13 JUDGE HOYER: Are you going to be offering these  
14 three exhibits that have been premarked?

15 MR. STUNDER: Yes, Your Honor. I would like  
16 to -- I don't know what Your Honor's practice is, to move them  
17 into evidence at the end of all testimony, but if this is the  
18 appropriate time for Your Honor --

19 JUDGE HOYER: Yes.

20 MR. STUNDER: -- I would like to move all three  
21 exhibits into evidence.

22 JUDGE HOYER: Mr. Perez, do you have copies of  
23 what PGW has referred to here this afternoon, PGW Exhibit 1,  
24 Exhibit 2, and Exhibit 3?

25 MR. PEREZ: Roger, that. Yes, Your Honor.

1 JUDGE HOYER: Is there any objection to the  
2 admissibility of any of those documents here today?

3 MR. PEREZ: Yes. Just a part of the 1601  
4 Worrell Street office, I was getting mailed 1601 Worrell  
5 Street the house. Just basically, if I was renting -- if I  
6 had the meter, the one that they are now saying was used, why  
7 was it not shut off? Because all I know is I received a bill  
8 at 1601 Worrell Street. It did not say office in the mail.  
9 It was mailed to my door at my house. I never applied for  
10 office.

11 MR. STUNDER: Your Honor --

12 JUDGE HOYER: That's not a proper objection to  
13 the exhibits. In fact, it's additional testimony. So that  
14 objection is overruled, and I'm going to admit PGW Exhibits 1,  
15 2 and including 3, and 3 contains A through H, I believe.

16 (Whereupon, the documents were marked as PGW  
17 Exhibit Nos. 1, 2, and 3 for identification and were received  
18 in evidence.)

19 MR. PEREZ: Yes. I have them here.

20 JUDGE HOYER: Based upon that additional  
21 testimony of Mr. Perez, do you have any additional questions  
22 for him, Attorney Stunder?

23 MR. STUNDER: No, Your Honor.

24 JUDGE HOYER: Before I see if Mr. Perez has any  
25 questions on cross-examination for your witness, Mr. Stunder,

1 I have a question for the witness. Exactly how did PGW  
2 calculate what was owed for this previously unbilled service  
3 at 1601 Worrell Street?

4 MS. RAKSNIS: The whole time the meter that was  
5 associated with what he should have been billed for was every  
6 month getting an actual reading in our system. So it was just  
7 a matter of billing him for that usage that was recording in  
8 our system.

9 JUDGE HOYER: Did the cost of the gas change at  
10 all during that time period?

11 MS. RAKSNIS: The price had changed. Yes.

12 MR. PEREZ: I would like to say, Your Honor --

13 JUDGE HOYER: Did you have a question,  
14 Mr. Perez?

15 MR. PEREZ: Yes, Your Honor. My question is:  
16 Why wasn't I getting that bill?

17 MS. RAKSNIS: Getting what bill?

18 MR. PEREZ: Why wasn't I getting that bill?

19 JUDGE HOYER: That's a question for the witness.  
20 If you could reserve asking that question. I'm going to give  
21 you a chance to cross-examine. I thought you may have a  
22 question for me.

23 Attorney Stunder, before I turn it over for  
24 cross-examination, based upon my questioning, do you have any  
25 additional questions?

1 MR. STUNDER: Just one, your Honor.

2 JUDGE HOYER: Okay.

3 CONTINUED DIRECT EXAMINATION

4 BY MR. STUNDER:

5 Q. Ms. Raksnis, the bills that -- the rebillings that you  
6 testified to on page 1 of 1 that are approximately in the  
7 center of PGW Exhibit 1, those bills represent -- do those  
8 bills properly reflect the gas costs during those periods of  
9 time for which they were billed?

10 A. Yes. They were billed in steps in between. So  
11 everything in the system when it rebilled should have picked  
12 up any changes in rates.

13 Q. They were based upon actual readings from the meter?

14 A. Yes.

15 MR. STUNDER: That's it, Your Honor. Thank  
16 you.

17 JUDGE HOYER: Mr. Perez, now it's your  
18 opportunity to cross-examine the witness. So if you have any  
19 questions for Ms. Raksnis, you may begin.

20 CROSS-EXAMINATION

21 BY MR. PEREZ:

22 Q. Ms. Raksnis, I would like to know, if there was two  
23 meters being billed in the house, why weren't two bills being  
24 sent out at all times?

25 A. Mr. Perez, there was two bills sent out, but you had

1 only applied for service at one of those. So a bill with your  
2 name would have only come out for one location.

3 Q. So the bill for my name was being sent out to me.  
4 Where was the other bill being sent to?

5 A. That I wouldn't be prepared to testify to today as it's  
6 not related to your case --

7 Q. Well, it should have been --

8 JUDGE HOYER: Let her finish the answer first,  
9 Mr. Perez. Continue with that answer. Ms. Raksnis, are you  
10 finished --

11 A. I'm prepared to testify, Mr. Perez, to anything that's  
12 involving direct billing to your account. I can't testify on  
13 what someone else may have been billed or what the situation  
14 was regarding billing of somebody else.

15 JUDGE HOYER: Well, Ms. Raksnis, I think it's a  
16 proper question about the other meter on the premises.

17 MS. RAKSNIS: Your Honor, if you allow me a  
18 moment to go look, I mean, to see what the situation was, but  
19 I don't have any of that information on someone else's account  
20 in front of me.

21 JUDGE HOYER: You don't have any information on  
22 the other account at 1601 Worrell Street?

23 MS. RAKSNIS: Who was billed for it, no, Your  
24 Honor.

25 MR. STUNDER: Your Honor, I have access to our

1 billing system. I could take a quick look if you would  
2 like.

3 JUDGE HOYER: I think Mr. Perez has a legitimate  
4 question there. So take a moment, Ms. Raksnis, and look at  
5 that information.

6 MS. RAKSNIS: Yes.

7 (Pause.)

8 MS. RAKSNIS: Thank you, Your Honor. Nobody was  
9 being billed for the service for that meter of house heater  
10 destination. Actually, what we have just discovered in our  
11 system is that our revenue recovery unit went out to the  
12 property and left a notice to terminate the service, and that  
13 actually is more than likely what prompted the owner to come  
14 in with all of the information and resolve the situation.  
15 Nobody was being billed.

16 BY MR. PEREZ:

17 Q. Ms. Raksnis, I have a question.

18 A. Sure.

19 Q. After three years, a termination letter finally? What  
20 happens if a bill is not paid?

21 JUDGE HOYER: Is that your question, what  
22 happens if a bill is not paid?

23 MR. PEREZ: Roger. Yes, Your Honor.

24 JUDGE HOYER: Okay.

25 A. There was no bill generating. When somebody is not

1 attached to a meter, we record our readings off of every meter  
2 in the City of Philadelphia monthly. So that prompted  
3 investigation to occur by our revenue recovery unit to have  
4 that usage that's being used billed.

5 Q. So how was there gas being provided if the bill was not  
6 being paid?

7 A. Because there was no bills generating, Mr. Perez.  
8 That's what I'm saying.

9 Q. But there was gas flowing; wasn't there?

10 A. There was gas being used at the property, and nobody  
11 was actively being billed for that, which prompted an  
12 investigation by the company to go out to the property, which  
13 then prompted the owner to come in with the information and to  
14 have your account billed correctly. It's now billed  
15 correctly.

16 Q. I would like to ask, Ms. Raksnis, after three years?

17 A. Mr. Perez, I don't know what to tell you about the time  
18 frame unfortunately, but the company did actually correct  
19 everything that occurred. Nobody was being billed. We went  
20 out to investigate the situation. The owner provided  
21 information, and we billed the responsible party, or in your  
22 case the responsible party. I'm sorry.

23 Q. I would like to ask you another question. If I did  
24 sign up for office, why wasn't it squared away? Who is to say  
25 that I did sign up for office?

1 A. That's what the company records indicate.

2 Q. The records indicate?

3 A. Uh-huh.

4 Q. If someone is moving into a house, why would they even  
5 say office?

6 A. I don't know.

7 Q. Exactly. I lived in a house, not an office. I didn't  
8 know anything about an office.

9 JUDGE HOYER: That's testimony, Mr. Perez. At  
10 this time you're to ask the witness questions. So if you have  
11 any additional questions, you may continue.

12 MR. PEREZ: Roger that, Your Honor.

13 BY MR. PEREZ:

14 Q. If I did -- I have a question for you.

15 A. Yes.

16 Q. If you're moving into a house, why would you sign up  
17 for office?

18 MR. STUNDER: Objection, Your Honor. This is a  
19 question that requires speculation. That's for argument.

20 JUDGE HOYER: I agree, and I'll sustain the  
21 objection. You may ask your next question, Mr. Perez.

22 BY MR. PEREZ:

23 Q. If the 1601 Worrell Street house had no bill being paid  
24 or accumulated, why was there gas being serviced? Why was  
25 there never a bill being paid?

1 A. Mr. Perez, I'm trying to -- I don't understand really  
2 what your question is specifically asking. Maybe if you can  
3 repeat it for me, please.

4 Q. If you have a bill --

5 A. There wasn't a bill there. That's what I'm saying to  
6 you. There was no bill being billed at that property. What  
7 the company had was usage registering on a meter and nobody  
8 being billed, which prompted an investigation.

9 Q. After how long? After how long was this computerized  
10 mistake being made?

11 A. That wasn't a computerized mistake, per se.

12 Q. It wasn't? It was a personnel mistake?

13 A. We were billing a previous tenant at the property up  
14 until the time frame of about 2000, 2001 time frame.

15 Q. I don't know about 2000. I was --

16 JUDGE HOYER: Let her answer your initial  
17 question about the time frame for how long there was no  
18 ratepayer listed but usage at the property. Do you have that  
19 information?

20 MS. RAKSNIS: Let me give you the exact time  
21 frame, Your Honor. Bear with me just a moment.

22 (Pause.)

23 MS. RAKSNIS: Actually, it was 12/22 of 2000  
24 that the prior tenant at the property was no longer at the  
25 property. So it was actually longer than 2001.

1 JUDGE HOYER: So from December 22nd, 2000 to  
2 what date that it was discovered there was usage but no  
3 ratepayer being billed?

4 MS. RAKSNIS: Do you want the exact date the  
5 company went out? I believe they discovered it, Your Honor,  
6 prior to that and sent the notice.

7 JUDGE HOYER: Okay.

8 MS. RAKSNIS: Give me one moment.

9 (Pause.)

10 MS. RAKSNIS: On July 28th of 2004, a 72-hour  
11 notice was left at the property. There was also one  
12 previously left on 3/7/2003, but revenue recovery went out to  
13 the property on 7/8 of 2004. That's the last time that our  
14 investigation unit was out in reference to it.

15 JUDGE HOYER: Thank you. Mr. Perez, do you have  
16 any additional questions?

17 MR. PEREZ: Yes, Your Honor.

18 BY MR. PEREZ:

19 Q. During that time of 2000, when you noticed the prior  
20 tenant or owner, whoever it was, had the request turned off?

21 A. I'm sorry. You're asking if the previous tenant  
22 requested service off?

23 Q. The prior tenant prior to me, a few months, because you  
24 said December of, what, 2000?

25 A. Uh-huh.

1 Q. Did he have it turned off?

2 MR. STUNDER: It did indicate turn-off.

3 A. I believe so.

4 JUDGE HOYER: Attorney Stunder, I would  
5 appreciate it if you could let the witness answer to the best  
6 of her knowledge. It sounded as though you were giving her  
7 the answer.

8 MR. STUNDER: The only reason I did, Your Honor,  
9 is because I saw it on the screen.

10 JUDGE HOYER: I would appreciate it if you just  
11 let her answer, please.

12 MR. STUNDER: Okay.

13 JUDGE HOYER: Based on your knowledge, can you  
14 answer that question?

15 A. Based on my knowledge, yes, there was an order to turn  
16 it off.

17 Q. So how can a meter be turned on if it was off?

18 A. Mr. Perez --

19 Q. Who has the request -- I'm asking you a question. If a  
20 meter had to be turned on, who requested the meter be turned  
21 on?

22 A. Mr. Perez, I understand the questions you're asking,  
23 but the question -- there is lots of things that happened.  
24 Number one, I would have to actually go right now and see if  
25 the company physically turned it off, because there's

1 different ways to stop an account. It could have been  
2 finalized in the offense because he called us and said he no  
3 longer wanted to be billed, and nobody then could have  
4 contacted.

5 So right now, without me actually going and looking,  
6 the company in situations sometimes does put a lock on the  
7 meter and somebody tampers with it. I mean, there's a bunch  
8 of different scenarios. So your question is general unless I  
9 actually review.

10 I mean, I can find out that information if we shut it  
11 off or not, but there is still -- the result is that usage  
12 recorded on the meter, whether or not the company actually did  
13 shut it off or whether it was a request to stop billing the  
14 customer, based on the information provided by the property  
15 owner, we had -- we billed her for the usage from -- I'm  
16 sorry. Him or her. I'm not sure if the owner is actually a  
17 male or female.

18 We billed her from 2000 to 2001 because nobody  
19 apparently was in there prior to you. She was billed  
20 accordingly, and then you were billed for your lease dates  
21 correctly for the usage that recorded on the meter.

22 JUDGE HOYER: Any additional questions,  
23 Mr. Perez?

24 MR. PEREZ: Yes.

25 BY MR. PEREZ:

1 Q. If the meter owner in December had turned off the  
2 meter, how was it ever turned on? If it was on, who was  
3 paying that bill?

4 A. Mr. Perez, I'm going to look right now to see exactly  
5 what happened so I can answer you more directly instead of  
6 hypothetically. Bear with me a moment.

7 (Pause.)

8 A. It was shut off in the office. The company never went  
9 to the property to put a lock on the gas meter. That means  
10 that the tenant just requested the account removed from their  
11 name.

12 JUDGE HOYER: Could you repeat what you just  
13 said?

14 A. Yes. The tenant contacted the company to have the  
15 service removed from their name. The company simply finalized  
16 this billing and making him the responsible party for billing.  
17 So the company never did put a lock on the meter.

18 JUDGE HOYER: Any additional questions, Mr.  
19 Perez?

20 MR. PEREZ: Yes, Your Honor.

21 BY MR. PEREZ:

22 Q. So it was never shut off?

23 A. It was never shut off. That's correct.

24 Q. Where were the bills being sent to all the time it was  
25 used? If there was two meters on a property, should not have

1 there been two bills being sent out?

2 MR. STUNDER: Your Honor, with your permission,  
3 if I understand what Mr. Perez is asking --

4 JUDGE HOYER: Let's see if the witness does.  
5 Can you answer that question?

6 MS. RAKSNIS: Yes, Your Honor. I think so.

7 MR. STUNDER: What I was going to suggest, if  
8 you want me to ask her a bunch of questions, since I  
9 understand both the system and what Mr. Perez is asking, that  
10 would facilitate answering his question.

11 JUDGE HOYER: I'm going to let him cross-examine  
12 the witness. Then you'll have an opportunity for redirect.

13 MR. STUNDER: Okay. I seriously was just trying  
14 to help him out so it could become clear.

15 JUDGE HOYER: The witness indicated she could  
16 answer the question. So --

17 MR. STUNDER: Okay.

18 A. Mr. Perez, because nobody contacted the company and  
19 requested service at that location, nobody was being billed.  
20 So the company doesn't generate a bill and send it out to the  
21 property. The company finalized the account as the previous  
22 person requested, and the company was monitoring the usage on  
23 the meter. Nobody was being billed because nobody applied for  
24 service. This is what prompted the investigation. I'm sorry  
25 that it was a delayed investigation.

1 Q. I applied for service for house.

2 JUDGE HOYER: Do you have additional questions,  
3 Mr. Perez?

4 MR. PEREZ: Yes, Your Honor.

5 JUDGE HOYER: Go ahead.

6 BY MR. PEREZ:

7 Q. If there are two meters on -- Ms. Raksnis, if there's  
8 two meters with supposedly two providing gas, why were there  
9 not two meters being billed?

10 MR. STUNDER: Your Honor, I'm going to object at  
11 this point, because this is the fifth time he's asked the same  
12 question.

13 JUDGE HOYER: I will sustain the objection that  
14 that has been asked and answered. Mr. Perez, do you have any  
15 additional questions?

16 MR. PEREZ: Am I able to make a statement, Your  
17 Honor?

18 JUDGE HOYER: You're going to have an  
19 opportunity to summarize your position at the conclusion of  
20 the hearing. The next step is if you don't have any  
21 additional questions now, I'm going to see if Mr. Stunder has  
22 any additional redirect questions. Then you'll have a chance  
23 for additional cross-examination. Do you have any questions  
24 right now, Mr. Perez?

25 MR. PEREZ: No more questions, Your Honor.

1 JUDGE HOYER: Any questions on redirect,  
2 Attorney Stunder?

3 MR. STUNDER: Yes, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. STUNDER:

6 Q. Ms. Raksnis, could you please explain the procedure  
7 when they do, in a sense, a shut-off by a call in from a  
8 customer? Could you explain how that happens?

9 A. Well, the process varies, but right now, if a customer  
10 contacts the company and they request a service taken out of  
11 their name, the company stops billing the party as requested.  
12 We're not currently shutting off the gas meters. It  
13 alleviates the company from having to go out to the property  
14 to turn off the service and immediately send someone back out  
15 to turn it on. It's a temporary process.

16 Q. Is that part of PGW's common procedures?

17 A. Yes.

18 Q. Was there an automatic -- by the way, Ms. Raksnis,  
19 approximately how many commercial -- residential customers  
20 does PGW have?

21 A. I don't know off the top of my head. I'm sorry.

22 MR. STUNDER: Your Honor, failing a witness, I  
23 would like for the record, if I can testify to one piece of  
24 information that PGW has approximately --

25 JUDGE HOYER: Well, actually you can't testify

1 to facts here today, Attorney Stunder, as a representative.

2 MR. STUNDER: Okay.

3 BY MR. STUNDER:

4 Q. Ms. Raksnis, let me back up a second. 1601 Worrell  
5 Street house, did that have an automatic reading device?

6 A. Yes.

7 Q. What does that mean, to have an automatic meter reading  
8 device?

9 A. It means that the company is able to obtain an actual  
10 reading off of the meter monthly without having to actually  
11 get into the property.

12 Q. How does that happen?

13 A. When PGW's van drives by, a reading is transmitted  
14 electronically from the meter to the van.

15 Q. Now, from the period of 2000 to the period of July  
16 2004, was PGW's system registering meter readings from 1601  
17 Worrell Street house?

18 A. Yes.

19 Q. Was a bill being generated for 1601 Worrell Street  
20 house?

21 A. No.

22 Q. Was a bill generated for 1601 Worrell Street office?

23 A. Yes.

24 Q. Who received that bill?

25 A. Mr. Perez.

1 Q. Now, after Mr. Perez was rebilled for 1601 Worrell  
2 Street house, was anybody billed for the usage Mr. Perez was  
3 billed for for 1601 Worrell Street office?

4 A. Yes.

5 Q. Who was billed for that?

6 A. The property owner.

7 Q. Was that the property owner that you referred to  
8 before, Elias Rosa?

9 A. Yes.

10 Q. What are PGW's procedures in regard to a situation  
11 where no bill is generated and there is automatic meter  
12 reading devices registering usage?

13 A. I'm not sure that I understand the question, but --

14 Q. Well, let me phrase it a different way. If the system  
15 is recording meter readings and a bill is not being generated,  
16 what eventually happens in that situation?

17 A. Eventually, as in this case, our revenue recovery unit  
18 does an investigation, and that prompts information to be  
19 provided under the responsible parties for the usage that  
20 recorded on the meter and was never billed.

21 Q. Thank you, Ms. Raksnis.

22 JUDGE HOYER: Is that it, Attorney Stunder?

23 MR. STUNDER: I have one notation, if I may,  
24 Your Honor. No. That's all right, Your Honor. Thank you.

25 JUDGE HOYER: Based upon those additional

1 questions, do you have any additional cross-examination  
2 questions, Mr. Perez?

3 MR. PEREZ: Yes, Your Honor.

4 RECROSS-EXAMINATION

5 BY MR. PEREZ:

6 Q. Ms. Raksnis, you said something about PGW's reader by  
7 van?

8 A. Yes.

9 Q. It's supposed to be easy?

10 A. I'm sorry. Say it again.

11 Q. What type of reader is it?

12 A. Automatic meter reader.

13 Q. Automatic should be easy?

14 MR. STUNDER: Objection, Your Honor. The  
15 question is not understandable.

16 JUDGE HOYER: I'll sustain the objection. Can  
17 you ask that in a different manner, Mr. Perez?

18 MR. PEREZ: Yes, Your Honor.

19 BY MR. PEREZ:

20 Q. PGW's reader is by van. So should that not be easier  
21 for PGW?

22 A. I still don't understand.

23 Q. If something, Ms. Raksnis, is automatic --

24 A. Yes.

25 Q. -- should it not be easy?

1 A. Yes. We easily obtain meter readings when we drive by.  
2 Yes.

3 Q. And acknowledging knowing that there is gas being  
4 utilized at that residence?

5 A. Right. After that usage was monitored, that prompted  
6 an investigation, which is normal company procedure.

7 Q. What is the normal time that something should be  
8 realized like this? Should it be three years?

9 A. Mr. Louis -- I'm sorry. Mr. Perez, I can't really  
10 answer what a valid time frame is. We try to respond as quick  
11 as possible when we discover that nobody is being billed at a  
12 location.

13 Q. What is valid for PGW standards, Ms. Raksnis?

14 A. As soon as possible.

15 Q. As soon as possible. Would you consider three years --  
16 that's hypothetical; wouldn't you say?

17 A. Mr. Perez, all I can say at this point --

18 MR. STUNDER: Your Honor, I object. He's asking  
19 questions that Ms. Raksnis can't answer.

20 JUDGE HOYER: I'll sustain the objection to that  
21 question, but perhaps, Mr. Perez, do you have any additional  
22 questions? It seems to me as though we're covering some  
23 ground that's already been covered. Are you there?

24 MR. PEREZ: Yes, Your Honor.

25 JUDGE HOYER: Do you have any additional

1 questions?

2 BY MR. PEREZ:

3 Q. Yes, Ms. Raksnis. Who has to pay for PGW's accounting  
4 and automatic meter reading errors?

5 A. Who has to pay for PGW --

6 MR. STUNDER: Your Honor, that question assumes  
7 facts not in evidence that this was an error.

8 JUDGE HOYER: Well --

9 MR. STUNDER: Because PGW's contention --

10 JUDGE HOYER: I don't understand the question  
11 myself. I think it's general. I'm not sure based on that  
12 question if it refers to this specific account or not. So can  
13 you ask that question in a different way, Mr. Perez?

14 BY MR. PEREZ:

15 Q. Who should be held accountable for PGW's mistakes after  
16 a whole three years?

17 MR. STUNDER: I didn't hear the question. You  
18 faded out.

19 JUDGE HOYER: Ask it again, Mr. Perez.

20 BY MR. PEREZ:

21 Q. If there is an accounting mistake or a billing error,  
22 who should be held accountable?

23 MR. STUNDER: Your Honor, I object to that  
24 question because it's assuming facts not in evidence. He's  
25 making legal conclusions with that question that he's asking

1 Ms. Raksnis to answer. That's a question -- he's attempting  
2 to make his closing argument through questions.

3 MR. PEREZ: Sir, that is an error. If it takes  
4 three years for somebody to notice --

5 MR. STUNDER: That's argument, Your Honor

6 JUDGE HOYER: I'm going to sustain the objection  
7 that it's argumentative. Any additional questions, Mr. Perez?

8 MR. PEREZ: That's all there is.

9 JUDGE HOYER: Now I'm going to give each side a  
10 chance to summarize their position for the record. I think I  
11 understand your positions.

12 Mr. Perez, you're saying that you lived at  
13 Worrell Street. You requested service and the bills came, and  
14 it didn't say office on them, and then after you moved out and  
15 got service at a different address, you got a big back bill  
16 for service at 1601 Worrell Street.

17 Ms. Raksnis is testifying that the bills did say  
18 office on them, that you requested service for office, and  
19 that because of that, the bills were sent to you for the  
20 office and not for the residential use at that property and  
21 they discovered the mistake and billed you for the usage while  
22 you were the lessee.

23 Having said that, I'll give each side a chance  
24 to summarize their position, and if you disagree with what I  
25 have said, please indicate you disagree. Attorney Stunder,

1 you may begin when you're ready.

2 MR. STUNDER: Thank you, Your Honor. Your  
3 Honor, Mr. Perez rented a home that had a kitchen, a living  
4 room, and a dining room with a stove and a hot water heater,  
5 and a space heater, three bedrooms, and a bathroom. You can  
6 see how low his bills were on pages -- on the first three  
7 pages of PGW Exhibit A, because those are the bills that were  
8 billed for the barbershop.

9 It defies credibility to say that during those  
10 three years when he received those low bills -- and you heard  
11 testimony from Ms. Raksnis that those bills at 1601 Worrell  
12 Street office -- it defies credibility with those low bills  
13 with that very low usage that Mr. Perez could have possibly  
14 thought that he had the correct bills because they were going  
15 to the wrong addressee. It said office, and clearly what  
16 Mr. Perez lived in was not an office.

17 If he couldn't tell where they were being  
18 addressed, he should have been able to tell by the usage and  
19 how low they were. Your Honor, if you would look at those  
20 three pages, it just defies commonsense that the bills would  
21 be so low for a space that is so large. That's not only using  
22 heating usage, but also using hot water usage and cooking  
23 usage.

24 So it defies credibility that Mr. Perez did not  
25 know what was going on at the time, especially since the

1 addressee was office and he was not living in an office.

2 Now, Mr. Perez had a chance to produce exhibits  
3 here today, but he did not. He had a chance to offer his  
4 bills, but he did not, to show that it said just 1601 Worrell  
5 Street, but he did not present any bills here today.

6 MR. PEREZ: Bills? I have bills.

7 JUDGE HOYER: Attorney Stunder is speaking now  
8 offering his summary. You're going to get a chance to make a  
9 final summary statement, Mr. Perez

10 MR. PEREZ: I apologize, Your Honor.

11 JUDGE HOYER: You may continue, Attorney  
12 Stunder.

13 MR. STUNDER: Thank you. Now, what we commonly  
14 run into, Your Honor, as a utility and so do you and you  
15 understand that there is a four-year statute of limitations or  
16 four-year contract period that utilities can go back and  
17 rebill customers when they find a situation like this.

18 If Mr. Perez was billed four years after this  
19 situation for any billing period, then Mr. Perez would have a  
20 valid argument, but the law does not support his argument.  
21 Mr. Perez, first of all, first and foremost, because he  
22 applied for it in the wrong -- for the wrong premise, he  
23 applied for 1601 Worrell Street office --

24 MR. PEREZ: Negative. That's hearsay.

25 JUDGE HOYER: Mr. Perez, let him finish. You're

1 going to get a chance to tell me your position in your  
2 summary.

3 MR. PEREZ: Roger that.

4 MR. STUNDER: So Mr. Perez's argument that three  
5 years isn't a reasonable amount of time, well, the law  
6 supports PGW. We have a four-year contract period. We are  
7 permitted to credit and rebill customers during that four-year  
8 period.

9 Mr. Perez initially signed up for service in  
10 March of 2001, and then he left the premises in April of 2004.  
11 That's a three-year period. Then we rebilled him in August of  
12 2004. That's lower than the four-year contract period, and we  
13 are permitted to rebill him during that period.

14 Had his rebill occurred outside of that  
15 four-year period, Mr. Perez would have a valid argument for  
16 the billings that occurred outside of the four-year window  
17 previously, but none of these do. Plus, coupled with the fact  
18 that he saw the low billings, Mr. Perez has culpability by  
19 applying in the wrong service address and also by seeing for  
20 three years how low his bills were for such a large space and  
21 not doing anything about it and waited until --

22 MR. PEREZ: Objection, Your Honor.

23 JUDGE HOYER: This isn't a proper time for  
24 objections.

25 MR. PEREZ: Oh.

1 JUDGE HOYER: He's not testifying. He's just  
2 summarizing PGW's position. Again, if you disagree with  
3 anything he says, you're going to get a chance to tell me.

4 MR. PEREZ: Roger.

5 JUDGE HOYER: Okay?

6 MR. STUNDER: If I may, Your Honor.

7 JUDGE HOYER: Continue.

8 MR. STUNDER: My stream of thought was  
9 interrupted. Let me consult my notes. Your Honor, just in  
10 conclusion, Mr. Perez doesn't have a legal basis or a factual  
11 basis supporting his claim at all, and PGW does in its defense  
12 in this matter.

13 JUDGE HOYER: Okay. Mr. Perez, now it's your  
14 turn to make a final summary statement.

15 MR. STUNDER: Your Honor, if I may, just one  
16 more conclusion.

17 JUDGE HOYER: Okay.

18 MR. STUNDER: Also, the Bureau of Consumer  
19 Services of the PUC also reviewed this matter in detail and  
20 issued a detailed report in PGW Exhibit 2 indicating that  
21 PGW's actions in this situation were correct.

22 JUDGE HOYER: Okay. Mr. Perez, you may make  
23 your final summary statement.

24 MR. PEREZ: Yes, Your Honor.

25 JUDGE HOYER: Just for the record, you had

1 indicated in your testimony that the bills did not say office  
2 on them.

3 MR. PEREZ: When it was sent to my house, Your  
4 Honor, no. It said 1601 Worrell Street, Your Honor.

5 JUDGE HOYER: Okay. Make your final summary  
6 statement.

7 MR. PEREZ: Your Honor, the only reason why any  
8 of this was ever brought to light in the first place was  
9 because when me and my wife moved into our house, I noticed  
10 the difference in the billing. I moved into a house. Now, to  
11 say that my prior residence was humongous and everything like  
12 that is hearsay as well. To say I applied for office is  
13 hearsay as well. There is no way I did that.

14 Before I was -- I was in the Army. I lived in  
15 the barracks. I didn't pay any utility bills before. Prior  
16 to being in the Army, I lived with my parents. Right after  
17 high school I went into the military. I didn't pay any. The  
18 barracks were provided to me, meals and everything. I served  
19 my country. I came out. I met my wife. I came over to  
20 Philadelphia because this is where I was born and raised.

21 I went to rent a house, and my first utility  
22 bill is ever being paid. Everything in my life is paid. Now  
23 I go check my credit report, and I got PUC ruining my credit.  
24 The only reason why this was ever brought to light was because  
25 I noticed a difference in the bill.

1 I mean, the whole time I'm living in this house  
2 on Worrell Street, I set my thermostat at 70. I did not  
3 overindulge anything. Like to say I neglectfully tried to get  
4 over on something by you basically saying that by looking at  
5 the bill and not noticing the usage is completely wrong. It's  
6 false to say that I would even try to do something like that.

7 My first bill, commonsense is whenever you get  
8 something billed in your name, you pay it. You had no trouble  
9 from me or any utility past or present with me. My credit is  
10 outstanding. All bills are paid. To say someone -- to say I  
11 was going to even think and do something like that is  
12 completely wrong.

13 So with the bill from PGW now accumulating over  
14 all this time, I can't see how it's possible -- I mean, over  
15 the whole time, it's equal to the amount of rent we paid in  
16 three years. Even if this bill did come to that much over  
17 three years, how can we have any time or a chance to regulate  
18 it because we were never being billed correctly in the first  
19 place?

20 We never had a chance to regulate ourselves and  
21 set the control to be like, "Okay. We can't pay this much.  
22 Look at this." We never had a chance to do that, because we  
23 didn't get the proper bill. It should have been turned off  
24 three or six months if a bill is being used that much, and we  
25 would have had this resolved and never had troubles.

1           We'd never be here with you, Your Honor, today  
2 if this would have been resolved sooner. They signed me up  
3 for the wrong meter. It's their mistake. This is the whole  
4 reason why we're here today unfortunately.

5           JUDGE HOYER: I think I understand your  
6 position, Mr. Perez, and I also understand PGW's position. It  
7 sounded as though you were finished there. Was there anything  
8 else that you wanted to add?

9           MR. PEREZ: No, Your Honor.

10          JUDGE HOYER: Okay. We have three exhibits  
11 offered by the respondent, PGW, Exhibits 1 through and  
12 including 3. 3 has parts A through H. After today, the  
13 record is going to close, and I will issue an Initial Decision  
14 on this case. That will go out to the parties with a letter  
15 indicating how the parties can file exceptions to that  
16 Decision if they wish to do so. Any questions before we  
17 adjourn from either side?

18          MR. STUNDER: No, Your Honor.

19          MR. PEREZ: No, Your Honor.

20          JUDGE HOYER: Okay. I would like to thank you  
21 all for participating in this afternoon's hearing. We are  
22 adjourned. Have a good day.

23                   (Whereupon, at 3:56 p.m., the hearing was  
24 adjourned.)

25

C E R T I F I C A T E

I hereby certify, as the stenographic reporter,  
that the foregoing proceedings were taken stenographically by  
me and thereafter reduced to typewriting by me or under my  
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