

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Venessa Burrell

v.

Philadelphia Gas Works

:
:
:
:
:

F-01763537

ORDER #4

DOCUMENT
FOLDER

Based on the information submitted by the parties after the March 14, 2006 hearing, it is my opinion that neither of the tenants needs to be added as an indispensable party. Consequently, an additional hearing is not necessary.

During the initial hearing the Complainant, Venessa Burrell, appeared, testified and sponsored nineteen exhibits. The Respondent was represented by Andre C. Dasent, Esquire. The Respondent presented the testimony of Eloise Carnall, a customer review officer for the Respondent, who sponsored five exhibits.

The Complainant is the landlord of the two properties involved in this matter. She disputed charges added to her bill at the Tulpehocken Street address (PGW Ex. 2). The Complainant also disputed the amount of the bills she received for the 20th Street property (Tr. 20, 21; C. Ex. 14, 15, 16). The account was initiated in 2004 so that repairs could be made. The Complainant contends that tenants have been in the property since July 2005 (Tr. 22-24; C. Ex. 17, 18). She provided a lease indicating that Tareka and Carlton Harris would rent the 20th Street property from month to month beginning on July 1, 2005 (Tr. 23; C. Ex. 17). The last name of two of the three children was "El" (C. Ex. 17). The Complainant testified that the Respondent denied her request to discontinue service in her name. In addition, she stated that the tenant had an account for service to the same property between July 2005 and November 2005 (Tr. 23, 24).

The record was held open so that the presiding officer could determine whether one or more tenants needed to be added as an indispensable party. In Order #2, dated May 8, 2006, the Complainant was ordered to provide the name of the tenant who applied for service from the Respondent and either a copy of a bill for service between July and November 2005 or some evidence that the tenant applied for or paid the Respondent for service during this time.

On May 25, 2006, I received a letter from the Complainant with a copy of a bill for Gregory El at 7353 N. 20th Street, Philadelphia dated March 20, 2006. The Complainant noted that she provided a lease during the hearing. The bill had a past due balance of \$3,188.38. Based on that information, in Order #3, dated July 5, 2006, the Respondent was instructed to send the Complainant and the presiding officer a copy of Mr. El's account statement for the 20th Street property.

With a cover letter dated July 11, 2006, Eloise Carnall, the Respondent's witness sent a copy of the Complainant's account statement for 20th Street (from April 2004 to November 2005) and the account statement for Gregory El from November 2005 to June 2006. In the correspondence Ms. Carnall stated that on June 28, 2006, the gas service for Mr. El was dug at the main for non-payment. The July 11, 2006 letter will be marked PGW Exhibit 6. The account statement for the Complainant will be marked PGW Ex. 3A since it pertains to the same time period as PGW Ex. 3. The account statement for Mr. El will be marked PGW Ex. 7.

On August 7, 2006, I received correspondence from the Complainant dated August 2, 2006. The correspondence will be marked Complainant's Exhibit 20. The Complainant questioned why the start date was April 23, 2004 and the end date was November 15, 2004 for the first bill on PGW Ex. 3A. She submitted correspondence dated July 21, 2004 requesting that the Respondent put the gas in her name at that time until a tenant moved in. The correspondence will be marked Complainant's Exhibit 21. The bill due June 16, 2004 was included in the Complainant's packet. That document has already been marked Complainant's Exhibit 3 and entered into evidence.

If the Complainant objects to PGW Exhibit 3A, 6 or 7, she should send a written objection to the Respondent's counsel and the presiding officer on or before August 28, 2006. If the Respondent objects to Complainant's Exhibit 20 or 21, the Respondent's counsel should send a written objection to the Complainant and the presiding officer on or before August 28, 2006.

Please send my copy to:

Administrative Law Judge Cynthia Williams Fordham
1302 State Office Building
1400 W. Spring Garden Street
Philadelphia, PA 19130


ORDER

THEREFORE:

IT IS ORDERED:

1. That any objections to the late file exhibits shall be submitted on or before August 28, 2006.
2. If there is no objection to an exhibit, it will be entered into evidence as a late filed exhibit pursuant to 52 Pa. Code §5.404 (a).
3. If there is an objection to an exhibit, the presiding officer will rule on the objection.
4. The evidentiary record in this matter will be marked closed on August 31, 2006.

Date: August 15, 2006


Cynthia Williams Fordham
Administrative Law Judge

Venessa Burrell v. Philadelphia Gas Works
Docket No. F-01763537

SERVICE LIST

Venessa Burrell
1748 East Tulpehocken Street
Philadelphia, PA 19138

Andre C. Dasent, P.C.
1500 Market Street
12th Floor/East Tower
Philadelphia, PA 19102

Eloise Carnall
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122