

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Venessa Burrell

v.

Philadelphia Gas Works

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F-01763537

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PREHEARING ORDER

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On December 14, 2005, I was assigned as the presiding officer in this case. The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. An **Initial Hearing** in this case is scheduled for **Tuesday, March 14, 2006 at 1:30 p.m. in Hearing Room 1 on the 13th floor of the Philadelphia State Office Building.** Your case is one of several cases that have been scheduled at this time in Hearing Room 1. **You must be available in the hearing room when your case is called by the presiding Administrative Law Judge.** You should arrive at the Hearing Room no later than 1:15 p.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all afternoon, if necessary. **If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.**

On August 24, 2005, the Complainant filed a formal complaint against Philadelphia Gas Works ("PGW" or "Respondent") alleging the following: that there are incorrect charges on her bill; that she wants the Commission to order the Respondent to remove the charges from her bill; that she wants the Respondent to remove unauthorized repairs made at 7353 N. 20th Street; and that she wants to pay her normal bill.

On January 30, 2006, the Respondent, through its counsel, filed an Answer. The Respondent denied the allegations in the complaint concerning the inaccuracy of the Complainant's bill. The Respondent averred that the Complainant's bills were based on actual readings. The Respondent referred to the Bureau of Consumer Services decision, dated July 15, 2005, finding the bills correct as rendered and instructing the Complainant to contact PGW for a payment arrangement.

On February 2, 2006, Chief Administrative Law Judge Veronica A. Smith issued an Interim Payment Order requiring the Complainant to pay her monthly bill until the Commission issues a final Order or the case is otherwise resolved.

The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. §332(a).

The parties are hereby directed to comply with the following requirements:

1. A request for a continuance of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa.Code §1.15(b). Requests for a change of hearing date must be sent to me and all parties of record. The correct address is:

Administrative Law Judge Cynthia Williams Fordham
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

Changes are granted only in rare situations where good cause exists.

2. **Commission policy promotes settlements. 52 Pa.Code §5.231(a). The utility shall contact the Complainant at least one week before the scheduled hearing to discuss a possible settlement of this case.** Even if you are unable to settle this case, you may

still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. The Pennsylvania Legislature has recently enacted the Responsible Utility Customer Protection Act. 66 Pa. C.S. §1401 *et seq.* This new law provides strict guidelines as to how the Commission must handle customer complaints. The application of this law may result in the issuance of a less favorable payment arrangement than a customer's current payment arrangement.

4. If the Complainant has not made the payments that the Bureau of Consumer Services ("BCS") directed her to make, she must explain why the payments were not made.

5. The customer must make monthly payments towards his/her utility bill while the complaint is pending. **FAILURE TO MAKE PAYMENTS WILL RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE. FAILURE TO MAKE PAYMENTS MAY RESULT IN THE UTILITY TERMINATING YOUR SERVICE.**

6. If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), you must bring four (4) copies (a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record). Please keep a copy for yourself. 52 Pa. Code §5.409.

7. At the hearing, the customer must be prepared to testify about the total gross monthly income of the household. A household includes all adults living at the service address and benefiting from the utility service. The "total gross monthly household income" includes but is not limited to the following:

- (a) income from salaries, wages, tips or other compensation;
- (b) pension, retirement or social security benefits;
- (c) Supplemental Security Income (SSI)

- (d) unemployment compensation benefits;
- (e) workers' compensation benefits;
- (f) alimony;
- (g) support;
- (h) public assistance, and
- (i) any other source(s) of income.

8. The utility must bring the following documents to the hearing:

- (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less;
- (b) a service usage comparison report for the same period as the account statement;
- (c) a copy of the most recent Bureau of Consumer Services (BCS) decision, if any;
- (d) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission, and;
- (e) information regarding the Complainant's customer readings and request for an automatic meter reading device.

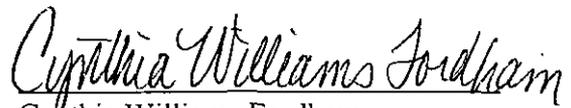
9. Pursuant to 52 Pa.Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code §1.24(b).

10. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa.Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

11. **YOUR CASE WILL BE DISMISSED IF YOU DO NOT PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

12. This is a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Date: February 17, 2006


Cynthia Williams Fordham
Administrative Law Judge

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

SERVICE LIST

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Philadelphia Gas Works
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F-01763537 VENESSA BURRELL v. PHILADELPHIA GAS WORKS

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