

DOCUMENT

PLEASE DOCKET

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Petition for Rescission	:	M-0021612
And Amendment of	:	P-00032061
Philadelphia Gas Works	:	
	:	
Edward Morrison v. Philadelphia Gas Works	:	C-20030297

DOCKETED
FEB 23 2004

PREHEARING ORDER NO. 4 CONSOLIDATING CASE

By notice dated December 23, 2003, the complaint of Edward Morrison v. Philadelphia Gas Works, docketed at C-20030297 was transferred to this ALJ. In his complaint which he filed on May 15, 2003, Morrison avers and alleges that: "I will turn 65 on September 5, 2003. I have been looking forward to the 20% discount at that time. I am retired and need that discount. . Now I understand they will not enroll anyone after September 1, 2003. But those already enrolled will continue to get the discount. I do not think this [is] fair. I need this 20% discount also and do not feel that I should [lose] out for a couple of days difference. Thank you!" Morrison wants the PUC to get his discount with PGW. PGW filed its Answer, with attachments on July 16, 2003, relying on the Commission's Restructuring Order.

The case was originally assigned to ALJ Smolen, who held a telephone Prehearing Conference on December 10, 2003. Prior to the proceeding, counsel for PGW submitted a letter to ALJ Smolen in which he stated "PGW moves that the instant matter be consolidated with PaPUC v PGW, Docket No. M-00021612; P-00032061 and that Mr. and Mrs. Edward Morrison be considered as intervenors in that case."

At the Prehearing, PGW's Motion was discussed on the record. The transcript has not yet been received. But it appears that Morrison agreed to the consolidation of his case with the larger case, and ALJ Smolen agreed to recommend to consolidation to the ALJ central office in Harrisburg.

RJP

The Commission's regulations allow for consolidation of proceedings involving a common question of law or fact, and allow a presiding officer to make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay. 52 Pa. Code §5.81(a). The Commission's regulations also allow for intervention, 52 Pa. Code §§5.71-5.76, but since intervention is initiated by petition, that does not appear to be the most appropriate procedure to follow here.

Consolidation is appropriate because the Morrison complaint and PGW's Petition for Rescission and Amendment of Final Order (the Commission's PGW Restructuring Order) regarding the Senior Citizen Discount (SCD) Program involve common questions of law and fact. Both involve whether there should be a continuation of the SCD program, and both involve the Commission's PGW Restructuring Order. Therefore, the two cases will be consolidated. PGW has already filed an Answer to Morrison's complaint, but, if upon review and reflection, it wishes to amend that Answer, it may do so.

Morrison will now be a complainant at the consolidated docket, and will be expected to participate in the hearing scheduled for January 13, 2004. A copy of the hearing notice is attached to this Order. He should also be informed of the details of any settlement, and may join, oppose or not oppose any settlement as he decides.

ORDER

THEREFORE,

IT IS ORDERED:

1. The complaint of Edward Morrison v. Philadelphia Gas Works docketed at C-20030297 shall hereafter be consolidated with the Petition of PGW for Rescission and Amendment of Final Order docketed at M-00021612 and P-00032016, and henceforth the two cases shall be included in the same caption, and Edward Morrison shall be considered a party in

the consolidated docket along with the parties already of record at the Petition docket. The new consolidated docket shall read as follows:

In Re: Petition for Rescission	:	M-0021612
And Amendment of	:	P-00032061
Philadelphia Gas Works	:	
	:	
Edward Morrison v. Philadelphia Gas Works	:	C-20030297

2. The service list attached to this Order is the one which will be used by the ALJ, and should be used by the parties. It should include email addresses and fax numbers for each party on the list. If yours is not included, or is incorrect, please send the correct information to Maureen Govan, mgovan@state.pa.us


Allison K. Turner
Administrative Law Judge

Date: December 31, 2003

Pennsylvania Public Utility Commission v. Philadelphia Gas Works
Docket No. M-00021612
Petition for Rescission and Amendment of Philadelphia Gas Works
Docket No. P-00032061

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