



**National Fuel**

**ORIGINAL**

Lee E. Hartz  
Attorney

December 5, 2005

**RECEIVED**

DEC 05 2005

Mr. James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

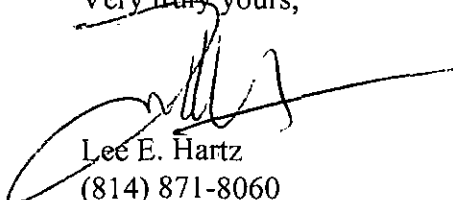
**DOCUMENT  
FOLDER**

RE: Willie J. Locke v.  
National Fuel Gas  
Distribution Corporation  
Docket No. C-20055569

Dear Secretary McNulty:

Enclosed please find an original and three copies of National Fuel Gas Distribution Corporation's Answer regarding the above-referenced Complaint.

Very truly yours,



Lee E. Hartz  
(814) 871-8060

LEH/cjc

Enclosures

03

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

WILLIE J. LOCKE,

Complainant,

v.

NATIONAL FUEL GAS  
DISTRIBUTION CORPORATION,

Respondent.

DOCUMENT  
FOLDER

ANSWER

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SECRETARY'S BUREAU

DOCKET NO. C-20055569

DOCKETED  
DEC 14 2005

ANSWER

For its Answer to the Formal Complaint ("Complaint") filed against it by Willie J. Locke ("Complainant"), National Fuel Gas Distribution Corporation ("Respondent") respectfully states as follows:

- 1) Paragraph one is admitted.
- 2) Paragraph two is denied. Correct name of Respondent is National Fuel Gas

Distribution Corporation.

- 3) Paragraph three is admitted.
- 4) As to the allegations contained in paragraph four of the Complaint, Respondent states

the following:

- a) Respondent admits that Complainant's account was initiated on October 4, 2004.

Respondent is without information regarding why Complainant changed residences and therefore, that allegation is denied.

- b) Respondent admits that Complainant did, at one time, participate in Respondent's Low Income Residential Assistance ("LIRA") program.

- c) Respondent admits that Complainant was removed from participation in the LIRA program because the reported income of Respondent's household exceeded the allowable LIRA guidelines.
- d) Respondent admits that Respondent's defaulted LIRA amount must be paid in full before Respondent could again participate in the LIRA program as detailed in the letter attached to Respondent's formal complaint form.
- e) Respondent admits that Complainant received a decision from the Pennsylvania Public Utility Commission Bureau of Consumer Services ("BCS") directing Complainant to pay the current monthly budget amount of \$251.00 plus an additional \$21.00 towards the arrearage on the account. See Exhibit A.
- f) Respondent admits that its budget plan is determined, in part, by the past gas usage in the home. Respondent further avers that the budget amount is reviewed quarterly so that adjustments can be made to reflect any increase or decrease in usage along with rate changes. See Exhibit B.
- g) Respondent is without knowledge or information regarding who resided in Complainant's home and when as well as at what temperature Complainant's home is/was maintained. Therefore, said allegations are denied with strict proof thereof demanded at time of hearing.
- h) Respondent admits that Complainant contacted Respondent on June 27, 2005, to request reinstatement on the LIRA program or to obtain a new arrangement. At that time the Complainant was advised to contact the PAPUC.
- i) Respondent admits that the Complainant is seeking a lower payment arrangement and specifically a lower monthly budget plan amount. However, Respondent cannot

lower the Respondent's budget amount based on the current usage and rates. Absent participation in the LIRA program, Respondent is forbidden, by law, to charge less than its approved rates for gas service.

j) Respondent lacks knowledge or information regarding Complainant's income and, therefore, said allegation is denied with strict proof thereof demanded at time of hearing.

k) Respondent lacks sufficient knowledge, at this time, regarding whether Complainant applied for a LIHEAP grant.

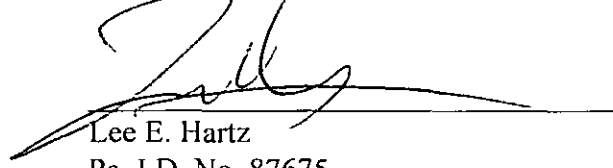
5) The allegations contained in paragraph five of the Complaint constitute a demand for relief and do not call for a response. However, Respondent is unable to arbitrarily set Complainant's monthly budget amount. The monthly budget amount is based on usage and Respondent is required to charge its current tariff rates.

6) *The information contained in Paragraph 6 regarding Protection from Abuse orders* pertains to parties other than Respondent and therefore, no response from Respondent is required.

7) The information contained in Paragraph 7 regarding whether or not Complainant attempted to speak with a utility company representative about their complaint involves actions by a party other than Respondent and, therefore, no response from Respondent is required.

WHEREFORE, National Fuel Gas Distribution Corporation requests that the Complaint  
be dismissed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lee E. Hartz', is written over a horizontal line. The signature is fluid and cursive.

Lee E. Hartz

Pa. I.D. No. 87675

Attorney for National Fuel Gas  
Distribution Corporation

P.O. Box 2081

Erie, PA 16512

COMMONWEALTH OF PENNSYLVANIA )  
 )  
 ) SS.  
 )  
COUNTY OF ERIE )

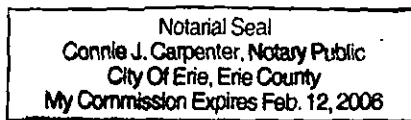
Kathleen H. Whipple, being duly sworn according to law, deposes and says that she is a Supervisor for National Fuel Gas Distribution Corporation; that she is authorized to and does make this Affidavit on its behalf; that the facts set forth in the within Answer are true and correct to the best of her knowledge, information and belief; and that she expects National Fuel Gas Distribution Corporation to be able to prove the same at a hearing thereof.

  
Kathleen H. Whipple

Sworn to and subscribed before me this

5<sup>th</sup> day of December, 2005.

  
Notary Public



Member, Pennsylvania Association Of Notaries

**PA. PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
CASE DECISION**

<b>BCS Number:</b>	1950985	<b>Case Closed On:</b>	2005-09-22
<b>Investigator:</b>	WOLLWEBER, KATHY		
<b>Account Number:</b>	591749501	0063 - NFG (NATIONAL FUEL GAS DISTRIBUTION CORP)	
<b>Customer Name:</b>	WILLIE LOCKE		
<b>Service Address:</b>	505 SPEARMAN AVE	<b>Total Balance:</b>	1216.31
	FARRELL, PA 16121	<b>Date of Acct Balance:</b>	2005-07-29
<b>Decision Issued?</b>	Y	<b>Violation:</b>	NO
<b>Oral/Written:</b>	W	<b>Chap. 56/64 Other:</b>	
<b>Heading Date:</b>	2005-09-22	<b>Section/Rule:</b>	

**Resolution:** COMPANY REPORT RECEIVED. DECISION - LVL 1 - WAIVE LPC'S - BB \$251 + \$21 (1/60 OF \$1216.31 BALANCE) = \$272 BY NOVEMBER 2005 DUE DATE. CII - INCOME DECREASE OF \$1565 SINCE LAST CO PAR IN 3-05 (MORE THAN 10%).

**Letter Description:** EGW STRAIGHT PAR/NO LPCS/BUDGET + FOR LEVEL 1 HOUSEHOLDS

**PAR Description:**

**No. 2's (OFFS) - To have Service Restored Pay:**

**No. 3's (REMEDI) - To Keep Service on Pay:**

**Terms: Beginning:**

NOVEMBER 2005

**Special Budget or Optional Payment Amount:**

272.00

**Regular Budget Amount:**

251.00

**Plus Payment Toward Arrears:**

21.00

**Final Bill Monthly Payment:**

**Current Bill Monthly Payment:**

**End of Month Payment:**

**Billing Date:**

**Reconnect Amt:**

**Payment Amt:**

By:

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**PUC Fax Nbr:** 717 7876641

**Times Sent:** 1

**Times Faxed:**

0

# ACCOUNT STATEMENT

CUSTOMER: Willie Locke  
 ACCOUNT #: 5917495-01

INVESTIGATOR: Formal Complaint  
 CASE NUMBER: C-20055569

SVC TO	DAYS	MTR RDG	*TYPE	CONS	DD	BILL AMT.	DUE DATE	LPC	PYMTS	DATE	BALANCE	COMMENTS
10/13/2004	9	8588	IA	47	101	\$ 32.68	11/4/2004		\$ 82.39 \$ 82.96 \$ (223.06)	10/6/2004 10/12/2004 10/13/2004	\$ 90.39	Final cr trans. Final cr. Trans Budget roll-in
11/10/2004	28	8693	E	105	415	\$ 128.62	12/5/2004	\$ 1.36			\$ 234.75	Budget \$143
12/13/2004	33	9046	A	353	762	\$ 407.09	1/5/2005	\$ 3.50			\$ 381.25	
1/14/2005	32	9306	E	260	1060	\$ 303.55	2/8/2005		\$ 50.00	1/12/2005	\$ 493.25	Term notice for 1/31 LIHEAP Budget \$162
2/14/2005	31	9890	A	584	1294	\$ 664.00	3/9/2005				\$ 655.25	Term notice for 3/1
3/15/2005	29	0311	E	421	1146	\$ 482.61	4/7/2005				\$ 817.25	Term notice for 3/31
4/14/2005	30	0469	A	158	731	\$ 190.00	5/9/2005		\$ 197.00	4/6/2005	\$ 901.25	Budget \$281
5/13/2005	29	0631	E	162	459	\$ 203.98	6/7/2005		\$ 200.00	5/4/2005	\$ 982.25	Term notice for 5/31
6/14/2005	32	0691	A	60	194	\$ 86.68	7/7/2005		\$ 701.25	5/24/2005	\$ 562.00	
7/14/2005	30	0702	E	11	15	\$ 25.84	8/8/2005				\$ 801.00	Budget \$239 Term notice for 7/25
8/11/2005	28	0738	A	36	0	\$ 58.25	9/6/2005		\$ (415.31) \$ 15.89	7/28/2005 8/10/2005	\$ 1,258.67	Budget adj.
9/13/2005	33	0746	E	8	4	\$ 23.40	10/6/2005		\$ 40.00	9/7/2005	\$ 1,242.07	
10/13/2005	30	0798	A	52	96	\$ 83.36	11/6/2005				\$ 1,493.07	Budget \$251

Exhibit B

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\*TYPE CODES: A - Actual      IA - Initial (Actual)  
 E - Estimate      FA - Final (Actual)  
 C - Customer      ADJ - Adjustment

PA PUBLIC UTILITY COMMISSION  
 SECRETARY'S BUREAU

CUSTOMER: Willie Locke  
ACCOUNT #: 5917495-01

INVESTIGATOR: Formal Complaint  
CASE NUMBER: C-20055569

SVC TO	DAYS	MTR RDG	TYPE	CONS.	DD	BILL AMT	DUE DATE	LPC	PYMTS	DATE	BALANCE	COMMENTS
11/10/2005	28	0940	E	142	387	\$ 215.06	12/5/2005		\$ 125.00	11/2/2005	\$ 1,619.07	Term notice for 11/28

\*TYPE CODES: A - Actual      IA - Initial (Actual)  
E - Estimate      FA - Final (Actual)  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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WILLIE J. LOCKE,

Complainant,

v.

NATIONAL FUEL GAS  
DISTRIBUTION CORPORATION,

Respondent.

**PROOF OF SERVICE**

DOCKET NO. C-20055569

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I hereby certify that I have this day served a true copy of the foregoing document upon the participant, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

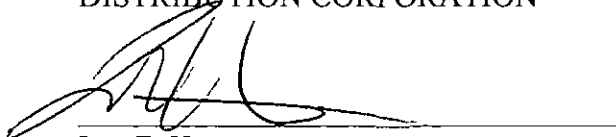
Mr. Willie J. Locke  
505 Spearman Avenue  
Farrell, PA 16121

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NATIONAL FUEL GAS  
DISTRIBUTION CORPORATION



Lee E. Hartz  
Pa. I.D. No. 87675  
Attorney for National Fuel Gas  
Distribution Corporation  
P.O. Box 2081  
Erie, PA 16512

Dated: 12/05/2005