

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman)	
5367 Thomas Ave)	
Philadelphia, PA 19143)	
)	
Petitioner)	C-2015-2489503
)	
Vs.)	
)	
PHILADELPHIA GAS WORKS)	
4th Floor)	
800 W Montgomery Ave)	
Philadelphia, PA 19122)	
)	
Respondent)	
)	

EXCEPTIONS OF COMPLAINANT DERE E J. NORMAN

Pro Se Complainant Deree J. Norman objects and responds to the Initial Decision of Administrative Law Judge Dennis J. Buckley pursuant to 52 Pa. Code §§5.533

FINDINGS OF FACT

1. The Complainant in this case is Deree Norman.

RESPONSE

Subject to and without waiving the right to object to the admissibility of this information at further litigation of this matter, Petitioner concurs with Judge Buckley’s conclusion.

2. The Respondent is Philadelphia Gas Works, a Commission jurisdictional natural gas distribution company (NGDC).

RESPONSE

Subject to and without waiving the right to object to the admissibility of this information at further litigation of this matter, Petitioner concurs with Judge Buckley’s conclusion.

3. PGW provided natural gas service to Complainant’s residence at 5367 Thomas Avenue, Philadelphia, Pennsylvania, during the period covered by the Complaint.

RESPONSE

Subject to and without waiving the right to object to the admissibility of this information at further litigation of this matter, Petitioner concurs with Judge Buckley's conclusion.

4. Complainant has lived at the service address since 2005. Tr. at 13-14.

RESPONSE

Subject to and without waiving the right to object to the admissibility of this information at further litigation of this matter, Petitioner concurs with Judge Buckley's conclusion.

5. Complainant's corrected Exhibit J and the issues therein listed are being investigated by PGW. Tr. at 42-43.

OBJECTION

Neither The PUC nor PGW have offered any proof in relationship to this statement.

RESPONSE

PGW has not made any attempts to contact the complainant in regards to any issues raised in Complainant's corrected Exhibit J or Exhibit I which clearly shows he is being charged twice for multiple days over a nine month period. (See Complaint's Exhibit I)

A) Moreover, the complainant has been denied access to the written record of the hearing held on September 24, 2015. As per Sue (no last name given) of the PUC, the PUC will not make the record available at its Philadelphia location. This is in direct conflict with 52 PA Code §§1.71 and 1.72 of making Court records available for public viewing. In addition, the Honorable Dennis J. Buckley failed to rule on the Complainant's In Forma Paupers petition, the granting of which would have entitled the Complainant to a copy of the record at no cost. (See PA R. C. P. 240 (a) and (b)).

6. Complainant has had gas appliances at his residence; i.e. a stove and water heater, replaced in 2015 having been disconnected in 2009-2010, and a natural gas fired house heater that was disconnected in 2009. Tr. at 20, 48.

RESPONSE

Subject to and without waiving the right to object to the admissibility of this information at further litigation of this matter, Petitioner concurs with Judge Buckley's conclusion.

7. On April 29, 2012, a PGW repairman visited the residence due to a reported possible gas leak and found the natural gas fired house heater connected. Tr. 47.

OBJECTION

This is a complete misrepresentation of the facts of this matter.

RESPONSE

PGW's repairman (not available for questioning at the hearing) never visited the Complainant's home on April 29, 2012 as stated in this decision (pg. 3), therefore no PGW repairman could not have observed the Complainant's house heater (which was disconnected in 2009 and reconnected after the purchase of a new heater in 2015). This misrepresentation of facts is corroborated by PGW's own records (See Finding of Fact 8 below and (pg. 3) also (See PGW Exhibit 1 page 3 of 6 – no entry listed for 04/29/2012)

8. According to PGW's records, Complainant's gas water heater was disconnected in September, 2011. Tr. at 48.

OBJECTION

This is a complete misrepresentation of facts. PGW's fraudulent misrepresentation of facts should be deemed a criminal violation.

RESPONSE

PGW has NOT presented any evidence of disconnecting the Complainant's house heater in September of 2011 (e.g. Copy of Work Order Receipt). That is because the house heater was disconnected in 2009. From 2010 thru 2014 PGW has registered less than 20 Ccf of gas used during any given winter month, this would have made it impossible for the house heater to have been connected and operational during the winters of 2010 and 2011 as PGW claims.

Furthermore PGW has altered its own work records (A criminal Act) by claiming they disconnected the Complainant's house heater on August 29, 2011. This would have been one day after Hurricane Irene wreaked havoc on the City of Philadelphia on August 28, 2011. (See: Judge Buckley interjection on the record.) (See PGW Exhibit 1 page 3 – date 08/29/2011)

PGW's falsified record also makes no mention of water in the Complainant's basement on August 29, 2011. This would have been an unavoidable obstacle given the prior day storm and the propensity for the Complainant's basement to flood during heavy rain fall. The fact is no representative from PGW ever entered the complainant's residence on August 29, 2011. This work document submitted by PGW contains fraudulent and or altered information.

However, PGW did visit the Complainant's flooded basement 11 days after the hurricane Irene for a gas leak in relation to the Complainant's hot water heater that had been under 3 ft. of water since the storm. (See PGW Exhibit 1 page 3 – 09/10/2011) Although the water had receded considerably PGW clearly acknowledges the remaining water and thereby informing the Complainant to seek out a plumber to replace the damaged water heater.

9. Complainant has been a participant in PGW's CRP, originally enrolled prior to 2009, and has had discussions with PGW representatives about CRP billing, re-certification and LIHEAP. Tr. at 44-45; PGW Exhibit 1.

OBJECTION

Complainant never enrolled in CRP program. This is yet another manipulation and or misrepresentation of facts and or work procedures exercised by PGW.

RESPONSE

No evidence has been presented by PGW showing that the Complainant ever enrolled into the CRP program. To the contrary the Complainant submitted a years' worth of PGW request for CRP billing re-certification, which were never submitted and or responded to by the Complainant yet the Complaint somehow remained on CRP. This manipulation of the bill compromises the rate x usage ration and thereby establishes a fictitious balance on the account.

10. On December 21, 2009, Complainant's participation in the CRP was suspended due to his failure to re-certify. Tr. at 54; PGW Exhibit 2.

OBJECTION

(See Item 9 above)

11. In February-March, 2012, Complainant was actively seeking to re-enroll in the CRP. Tr. at 49.

OBJECTION

(See Item 9 above)

12. Complainant was denied re-enrollment in the CRP due to his failure to produce required documentation. Tr. at 48-49.

OBJECTION

(See Item 9 above)

13. The net effect of CRP participation is to freeze a customer's arrearages and to charge the customer based solely on his income; the customer is not charged on the basis of gas used. Tr. at 56-58.

OBJECTION

(See Item 9 above)

14. When Complainant was no longer a participant in the CRP on March 1, 2013, his arrearages were unfrozen, and he was billed based on gas usage. Tr. at 57; PGW Exhibit 2.

OBJECTION

(See Item 9 above)

15. As of the date of the hearing in this case, Complainant had an outstanding balance of \$580.61, based on actual meter readings. Tr. at 60.

OBJECTION

This balance is not based on actual meter readings but the manipulated data submitted by PGW.

RESPONSE

There is no way to determine what the Complainant's balance or credit is unless all the manipulative aspects of PGW's calculations are removed. A pure rate x usage is the only way to confirm a balance or credit. Moreover, a clear and concise application of any LIHEAP grants need to be incorporated along with any payments made by the complainant to determine a true balance or credit.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. §§ 701, 1501.

RESPONSE

Subject to and without waiving the right to object to the admissibility of this information at further litigation of this matter, Petitioner concurs with Judge Buckley's conclusion.

2. The due process rights of Complainant have been fully protected in this proceeding. *Sentner v. Bell Telephone Company of Pennsylvania*, Docket No. F-00161106 (Order entered October 25, 1993); and 52 Pa.Code § 5.245(a).

RESPONSE

Subject to and without waiving the right to object to the admissibility of this information at further litigation of this matter, Petitioner concurs with Judge Buckley's conclusion.

3. A preponderance of the evidence is not dependent on the number of witnesses testifying on either side but rather on the credibility of the testimony in the light of all the evidence in a case. *Burch v. Reading Co.*, 240 F.2d 574 (3d Cir. 1957) cert. denied, 353 U.S. 965 (1957).

OBJECTION

The commission of a fraudulent act should eliminate the credibility of the party committing said fraudulent act.

RESPONSE

If credibility of testimony in light of all evidence is paramount, one must ask this Honorable Commission if altering work records would gain or lose credibility with the Commission. Does the misrepresentation of facts gain or lose credibility with the Commission. Does the failure over a 10 month period to explain why a customer's billing dates overlap by two day thereby over billing the customer gain or lose credibility with the Commission.

4. Pursuant to 66 Pa. C.S. § 332(a), the burden of proof in this proceeding is on the Complainant.

RESPONSE

Subject to and without waiving the right to object to the admissibility of this information at further litigation of this matter, Petitioner concurs with Judge Buckley's conclusion.

5. The Complainant has not met his burden of proving that he is entitled to relief. 66 Pa. C.S. §§ 332(a).

OBJECTION

This statement is not based on the facts and credibility of testimony given in this case.

RESPONSE

The Complainant has not only met his burden but has surpassed his burden of proof. The billing process and business practices of PGW are unethical and illegal. It is unconscionable to contemplate a decision being rendered in favor of a Respondent in July of 2016 from a hearing held on September 24, 2015 without the Respondent addressing the issues it was ordered to investigate. (e. g. Complainant's Exhibits I and J) Furthermore, the Administrative Law Judge in this matter expressed his reservations to the validity of PGW work records in relation to their claim of visiting the Complainant's home to disconnect his house heater one day after Hurricane Irene while his basement was under 3 feet of water.

August 11, 2016

By: /s/ Deree J. Norman
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