

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

James Hanible	:	
	:	
v.	:	F-2016-2538658
	:	
Philadelphia Gas Works	:	

PREHEARING ORDER

An Initial Telephonic Hearing is scheduled for **Thursday, December 1, 2016, at 10:00 a.m.** You must be available at this time or you may lose your case. If you will be at a different telephone number than the number provided on your Complaint or Answer, then you **MUST** provide that telephone number at least seven days prior to the hearing. You must be at the telephone number given at the time listed above or you may lose your case. The parties are directed to comply with the following requirements:

1. If you intend to present any documents for my consideration, you must mail one copy to each other party, and mail three copies to me at least five (5) days prior to the date of the hearing. Note that attachments to your Complaint are not admitted into the record unless submitted separately in accordance with this paragraph. Exhibits should be pre-marked for identification at the hearing.

2. If you are an individual, you may either represent yourself or have an attorney licensed to practice law in the Commonwealth of Pennsylvania represent you. You are not required to have a lawyer to represent you in the complaint process before the Public Utility Commission. However, if you are interested in receiving legal representation and live in Dauphin, Cumberland, Perry, Juniata, Northumberland, Schuylkill, Lebanon, Lancaster or York County, you may contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, via email at lawclinichb@mail.widener.edu or by phone at 717-541-0320.

You may also contact MidPenn Legal Services - Harrisburg, 213-A North Front Street, Harrisburg, PA 17101, at (800) 932-0356 or at www.midpenn.org. Based on your income, legal representation may be available to you at no cost or a reduced fee.

3. If you are a partnership, corporation, trust, association, joint venture, other business organization, trust, trustee, legal representative, receiver, agency, governmental entity, municipality or other political subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania represent you in this proceeding.

4. Unless you are an attorney, you may not represent someone else. Attorneys shall comply with the Commission's appearance requirements. 52 Pa. Code § 1.24(b). References to the Pa. Code may be accessed at www.pacode.com.

5. A request for a change of the scheduled hearing date should be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code § 1.15(b). The requesting party must contact the other party to determine whether there is agreement to the change prior to contacting the presiding officer. Requests for changes of the scheduled hearings date must be sent to me with copies to all parties of record. A copy of anything filed with the Secretary or submitted shall be sent directly to the presiding officer. My address is:

Andrew M. Calvelli
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pa. 17105-3265
Telephone: (717) 787-1399
Fax: (717) 787-0481
Email: acalvelli@pa.gov

Requests for changes to the scheduled hearing date are granted only where good cause exists.

6. YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.

7. Although the hearing is being conducted telephonically for the convenience of the parties, this hearing is a formal proceeding and will be conducted in accordance with the Commission's rules of practice and procedure. 52 Pa. Code Chapters 1, 3 and 5.

8. The complainant bears the burden of proving the case and should be prepared to prove claims with testimony and documentary evidence.

9. If the customer seeks a payment arrangement on any outstanding amount owed, the customer should be prepared to testify at the hearing 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) 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) child support; (h) public assistance; and (i) any other source(s) of income.

10. The Responsible Utility Customer Protection Act, 66 Pa. C.S. §§1401-1418, may apply to this case. This law provides specific details that the Commission must follow in handling certain customer complaints. The application of this law may result in the issuance of less favorable payment terms than a customer's current payment arrangement.

11. If the customer is making a claim for a high bill, the customer should be prepared to testify about his or her billing history; any change in the number of occupants residing at the household; the potential for energy utilization; and any other relevant facts or circumstances that are brought that may impact usage.

12. The utility should prepare and submit the following documents at least five business days before the hearing: (a) an account statement, showing the history of the account for a minimum of 48 months or the entire history of the account, whichever is less; (b) a copy of the most

recent BCS decision, if any; and (c) a brief summary of any payment arrangement(s) made between the utility and the customer.

13. 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 you will have enough time to receive the subpoena and serve it.

14. Commission policy is to encourage settlements. 52 Pa. Code § 5.231(a). Utility is required to contact Complainant at least seven (7) days prior to the hearing to discuss informally the possible settlement of this case as soon as possible. The parties are reminded that the presiding officer may participate in settlement discussions upon agreement of all parties. 66 Pa.C.S. § 331(d)(6), 52 Pa.Code §§ 5.223(c), 5.231(c). If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

15. If you or anyone you plan to call as a witness on your behalf has a limited ability to speak or understand English or are deaf or hearing-impaired, a qualified interpreter can be provided upon your request. If you need an interpreter, please contact the scheduling office of the Office of Administrative Law Judge at (717) 787-1191 at least ten (10) days before the hearing to make your request. The AT&T Relay Service number for persons who are deaf or hearing-impaired is 1-800-654-5988.

16. Pursuant to 52 Pa Code § 1.24, parties must promptly report to the Commission and the other parties a change in address that occurs during the course of the proceeding.

17. The customer is responsible for payment of current bills pending the resolution of this complaint, if applicable. Failure to make payments may result in the termination of utility service.

18. The utility is put on notice that a finding of a violation of a Commission Order, regulation or statute may result in the imposition of a civil penalty consistent with 66 Pa. C.S. § 3301 or other provision of the Public Utility Code. [See, Pocono Water Company v. Pennsylvania Public Utility Commission, 630 A.2d 971(Pa.Cmwth. 1993).]

Dated: November 14, 2016



Andrew M. Calvelli
Administrative Law Judge

F-2016-2538658 - JAMES HANIBLE v. PHILADELPHIA GAS WORKS

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