

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Howard Smith

v.

Philadelphia Gas Works

:  
:  
:  
:  
:

C-2016-2569010

**PREHEARING ORDER**

An Initial Telephonic Hearing in this case is scheduled for Tuesday, December 6, 2016, at 10:00 a.m.

**You must be available when contacted by the presiding officer or your case will be dismissed. If you will be at a telephone number that is different than the number on the hearing notice, you must notify me of that telephone number before the hearing.**

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

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

Special Agent Rebecca Waldemar  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
**Telephone:** (717) 787-1399  
**Fax:** (717) 787-0481

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

2. **Commission policy promotes settlements.** 52 Pa. Code § 5.231(a). The utility shall contact you at least one week before the scheduled hearing to talk over 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. **THIS CASE WILL BE DISMISSED IF YOU DO NOT PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

4. The Responsible Utility Customer Protection Act, 66 Pa. C.S. § 1401, *et seq.*, applies to this case. This law provides strict requirements that the Commission must follow in handling customer complaints. The application of this law may result in the issuance of less favorable payment terms than a customer's current payment arrangement.

5. The customer must make monthly payments for current usage on or before the billing due date while this complaint is pending. **FAILURE TO MAKE PAYMENTS MAY RESULT IN THE UTILITY TERMINATING YOUR SERVICE.**

6. As the party seeking affirmative relief from the Commission, Complainant bears the burden of proof and must present evidence sufficient to demonstrate that the utility has violated the Public Utility Code, or a regulation or order of the Commission. 66 Pa. C.S. § 332(a).

7. If you intend to present any documents or exhibits for my consideration, you must send one copy to the other party and three copies to me at least five business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.

8. 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) 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.

9. The utility must prepare and submit the following documents, if applicable, at least five business days before 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 copy of the most recent BCS decision, if any;
- (c) a brief summary of any payment arrangement(s) made between the utility and the customer;
- (d) a usage comparison report for a minimum of 24 months or the entire history of the account, whichever is less.

10. Pursuant to 52 Pa. Code §§ 1.21 and 1.22, you may represent yourself, if you are an individual. If you are interested in receiving legal representation, you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you.

You may qualify for reduced or no cost services through the Widener Harrisburg Civil Law Clinic. Contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, by phone at 717-541-0320 or via email at [lawclinichb@mail.widener.edu](mailto:lawclinichb@mail.widener.edu). The law clinic only serves customers living in Dauphin, Cumberland, Perry, Juniata, Northumberland, Schuylkill, Lebanon, Lancaster, and York counties whose income is 200 percent or below the federal poverty level. For additional information see Widener Harrisburg's Civil Law Clinic's website:

<http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinic.aspx>.

Please note that the Commission does not provide any legal representation to anyone. The information regarding the law clinic is provided as a courtesy. The Widener Civil Law Clinic is not affiliated with the Public Utility Commission.

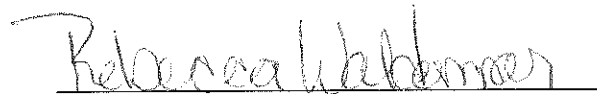
11. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not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

12. 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 days of notice to answer or object, and so that you will have enough time to receive and serve the subpoena.

13. Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

14. If you have, 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 want an interpreter, please contact the Scheduling Office to make your request. The telephone number for the Scheduling Office is (717) 787-1399. To reach AT&T Relay Services for persons who are deaf or hearing-impaired, please call 1-800-654-5988.

Date: November 17, 2016

  
\_\_\_\_\_  
Rebecca Waldemar  
Special Agent

C-2016-2569010 - HOWARD SMITH v. PHILADELPHIA GAS WORKS

HOWARD SMITH  
2404 S MILLICK STREET  
PHILADELPHIA PA 19142  
215.760.5630

LAURETO FARINAS ESQUIRE  
PHILADELPHIA GAS WORKS  
4TH FLOOR  
800 W MONTGOMERY AVENUE  
PHILADELPHIA PA 19122  
215.684.6982  
-ACCEPTS E-SERVICE-