

PLEASE DOCKET

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Tanya McClendon :  
 :  
 v. : Z-01527344  
 :  
 Philadelphia Gas Works :

DOCUMENT  
FOLDER

PREHEARING ORDER

**DOCKETED**  
JUN 21 2004

On January 8, 2004, Tanya McClendon (McClendon, Complainant or Customer) filed this formal complaint against Philadelphia Gas Works (PGW or Company).

On March 2, 2004, the Company filed a timely Answer denying the material allegations of the complaint.

On June 11, 2004, a hearing notice was issued scheduling an initial telephone hearing to be held on this case on Wednesday, August 25, 2004 at 10:00 a.m. The case has been assigned to ALJ Turner for hearing and initial decision.

The purpose of this order is to bring to the attention of all parties certain procedural rules, observance of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa. Code §1.2(a). The parties are directed to comply with the following requirements:

1. Proceedings before the Commission are governed by, inter alia, 52 Pa. Code §1.15, which provides:

§1.15. Extensions of time.

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown, will requests for continuance be considered. The requests should be submitted at least 5 days prior to the hearing date. (Emphasis added.)

In accordance with the foregoing, absent a timely request for continuance for good cause (i.e., no later than 5 days before the scheduled hearing on August 25, 2004), all parties to this proceeding shall be prepared to participate in the scheduled hearing.

2. If for any reason any party cannot appear at this initial hearing as scheduled, that party should request a continuance. **If you do not appear at the hearing, and you have not obtained a continuance, the hearing may be held without you and you may lose this case.** Continuances are only granted if good cause is presented. Any request for a change of the scheduled date for the initial hearing must be sent to the Office of Administrative Law Judge Scheduling Staff, to the office of the presiding officer, and to the opposing party or parties. The mailing address for the Scheduling Staff is: PA PUC, P.O. Box 3265, Harrisburg, PA 17105-3265, and the phone number is (717) 787-1399. The scheduling officer for your case is Ona Lester. The mailing address for the Philadelphia Administrative Law Judges is: PA PUC, Room 1302 Philadelphia State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. The phone number for this office is (215) 560-2105. The presiding officer on your case is Administrative Law Judge Allison K. Turner.

3. **COMPLAINANT:** Please be aware that you have the burden of proof in this proceeding, and must show by a preponderance of the evidence that respondent has violated the Public Utility Code or a regulation or order of the Commission, and that you are entitled to

the relief requested in the Complaint. If this burden is not satisfied, the Complaint must be denied as a matter of law. Pursuant to 52 Pa. Code §§1.21 and 1.22, if you are an individual, you may be represented by an attorney or you may represent yourself. **If this is an adversarial proceeding and you are a partnership, corporation, trust, association or governmental agency or subdivision, you must be represented by an attorney.**

4. TO ASSIST THE CUSTOMER TO PROVIDE THE INCOME AND EXPENSE INFORMATION REQUESTED BY THIS ORDER, THREE (3) COPIES OF A BUDGET INFORMATION SHEET ARE ENCLOSED WITH THIS ORDER. THE CUSTOMER SHOULD FILL OUT THIS BUDGET SHEET, AND KEEP ONE COPY OF THE BUDGET SHEET AND THE ORDER FOR YOUR USE DURING THE HEARING. PLEASE RETURN ONE COPY TO ME AND SEND ONE COPY TO COUNSEL FOR THE UTILITY AT LEAST ONE WEEK BEFORE THE HEARING.

5. At the hearing, the Customer must be prepared to testify about, or otherwise document, the total gross and the total net monthly income of the household. A household includes all individuals regularly residing there and receiving the benefit of the utility service. The "total net monthly income of the household" includes, but is not limited to, the following payments received by every person residing in the customer's home: (a) the "after taxes take-home pay" from 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) support; (h) public assistance; and (i) any other sources(s) of income.

6. If the Customer or any member of the Customer's household is receiving food stamps and/or medical assistance, the Customer must be prepared to testify or document the amount of food stamps or the nature of the medical assistance received.

7. At the hearing, the Customer must be prepared to testify about or document the total monthly expenses of the household, which shall include, but are not limited to, the following items: (a) rent or mortgage payments; (b) utility bills (including electric, gas,

telephone, water, sewer cable television, etc.); (c) food, in addition to any food stamp benefits; (d) clothing; (e) automobile (loan payments, gasoline, maintenance, etc.); (f) transportation (bus, taxicab, jitneys, etc.); (g) insurance premiums (homeowners' or renters' insurance, automobile insurance, life insurance, medical insurance, etc.); (h) medical bills (doctors, dentists, hospitals, prescriptions, etc.); (i) credit card and charge account payments; (j) loan payments; and (k) miscellaneous expenses. When testifying to these expenses, the customer should be prepared to give balances due or missed payments for each item.

8. You must arrange to have those who intend to testify as witnesses on your behalf present with you at the time set for the hearing.

9. If you wish to offer into evidence at the hearing material in the form of documents (letters, bills, cancelled checks and the like), you must send the required number of copies (an original and two copies for the Commission, one copy for every other party in the case, and a copy for yourself) by first class mail. 52 Pa. Code §5.409. These must be received one week before the hearing.

10. PLEASE BE AWARE THAT ALTHOUGH THIS HEARING IS BEING CONDUCTED TELEPHONICALLY FOR THE CONVENIENCE OF THE PARTIES, IT IS A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.

11. Please be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents you file in this proceeding.

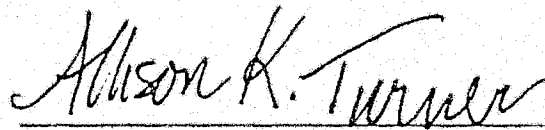
12. If the parties intend to conduct discovery, please note that 52 Pa. Code §5.331(b) provides, *inter alia*, that "[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible," and 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements which require the

presiding officer's participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.

13. Commission policy is to encourage settlements. 52 Pa. Code §5.231(a). Therefore, the parties are urged to **discuss informally between themselves the possible settlement of this case at least one week before the hearing, and to notify the ALJ and or the Scheduling Office by August 18, 2004 if agreement is reached, and the hearing is not necessary.** If you are unable to completely settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

ORDER

The parties shall comply with procedural rules and regulations discussed herein.



ALLISON K. TURNER  
Administrative Law Judge

Date: June 16, 2004

**MONTHLY BUDGET INFORMATION**

Customer's Name: Tanya McClendon Date: June 16, 2004

Name of Utility: Philadelphia Gas Works

P.U.C. Docket No.: Z-01527344

Hearing Date: August 25, 2004

Administrative Law Judge: Allison K. Turner

<u>Monthly Household Income</u>	<u>Amount</u>
<i>(Include gross income from all persons living in your home.)</i>	
Salaries, wages & tips	\$ _____
Public Assistance	_____
Social Security or SSI	_____
Alimony	_____
Child support	_____
Pension	_____
Retirement benefits	_____
Unemployment compensation	_____
Worker's compensation	_____
Food stamps	_____
Other income (List source and amount):	_____
_____	_____
_____	_____
Total:	\$ _____

<u>Monthly Household Expenses</u>	<u>Amount</u>
Rent/mortgage	\$ _____
Electric	_____
Gas	_____
Telephone	_____
Water	_____
Sewage	_____
Trash pickup	_____
Food (other than food stamps)	_____
Total:	\$ _____

**Philadelphia Gas Works**  
Legal Department



800 W. Montgomery Avenue, Philadelphia, PA 19122  
Fax: (215) 684-6798

Laureto A. Farinas, Senior Attorney  
Legal Department  
Direct Dial: 215-684-6982  
FAX: 215-684-6798  
E-mail: laureto.farinas@pgworks.com

August 25, 2004

James McNulty, Secretary  
Pennsylvania Public Utility Commission  
Room B-20, North Office Building  
Harrisburg, PA 17105-3265

*ORIGINAL*

**RE: Tanya McClendon v. PGW, Docket No. Z - 01527344**

Dear Secretary McNulty

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaint has been satisfied and the Complainant acknowledges that the Complaint has been satisfied. PGW and the Complainant have discussed her concerns with her PGW account and reached a settlement. With this discussion and settlement the Complainant has indicated that she is satisfied with the resolution of this complaint.

By copy of this letter, I am notifying the Complainants of her right to object to any part of this settlement, in writing to the Public Utility Commission within ten (10) days of the date of this letter.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,

*Laureto Farinas*

DOCUMENT  
AUG 31 2004

cc: Tanya McClendon  
Administrative Law Judge Allison K. Turner (via FAX)  
Anne Cromley  
Zayda Santiago

RECORDED  
AUG 26 2004  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

DOCUMENT  
FOLDER

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# OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	Z-01527344		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Tanya McClendon v. Philadelphia Gas Works	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:	- 0 -	
Date:	August 25, 2004	RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Allison K. Turner	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Sargents Court Reporting Service, Inc.	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	<p style="font-size: 1.2em; margin: 0;">McClendon &amp; PGW settled; Settlement entered on record; PGW to file certificate of satisfaction</p>	

DOCUMENT

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
<p style="font-size: 1.2em;">Laurito Farina</p> <p>515-681-6782</p> <p>Telephone:</p>	<p style="font-size: 1.2em;">800 W. Montgomery Ave Phila PA 19122</p> <p style="font-size: 0.8em; margin-left: 20px;">City State Zip</p> <p>laurito.farina@pgworks.com</p> <p>E-mail Address:</p>	<p style="font-size: 1.2em;">Phila Gas Works</p> <p>515-681-6798</p> <p>Fax Number:</p>
<p style="font-size: 1.2em;">Tanya McClendon</p> <p>(215) 457-7978</p> <p>Telephone:</p>	<p style="font-size: 1.2em;">4544 N. CAMAC Phila Pa 19140</p> <p style="font-size: 0.8em; margin-left: 20px;">City State Zip</p> <p>E-mail Address:</p>	<p style="font-size: 1.2em;">Self</p> <p>Fax Number:</p>
<p>Telephone:</p>	<p>E-mail Address:</p>	<p>Fax Number:</p>

Check this box if additional parties or attendees appear on back of form.

Reporter's Signature

Anthony J. Barrett → Sargents Court Reporting

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

Name and Telephone Number	Address			Who are you representing?
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number
	City	State	Zip	
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	City	State	Zip	
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	City	State	Zip	
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	City	State	Zip	
Telephone:	E-mail Address:			Fax Number
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number

PLEASE DOCK

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

**DATE:** September 15, 2004  
**SUBJECT:** Certification of Satisfaction Filed  
Z-01527344 Tanya McClendon v. Philadelphia Gas Works  
**TO:** Wanda Zeiders,  
Docket Management  
**FROM:** Elizabeth L. Plantz, Scheduling Officer  
Office of Administrative Law Judge

On August 26, 2004, a Certificate of Satisfaction was filed in the above-captioned proceeding by Laureto A. Farinas, Esquire. If no objection is filed to this certificate within 10 days of service, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

This is to further inform you that the Initial Telephonic Hearing scheduled for Wednesday, August 25, 2004 was cancelled.

Attachment

pc: ALJ Allison K. Turner  
Beth Plantz  
Case File

**DOCKETED**  
SEP 27 2004

DOCUMENT  
FOLDER