

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Marta Aikens

v.

Duquesne Light Company

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Docket No.  
F-00306788

JLS

INTERIM ORDER TWO --  
Pertaining to Prehearing and Posthearing Matters

On May 3, 1996, Marta Aikens (Aikens or Complainant), filed the subject complaint with the Pennsylvania Public Utility Commission (the Commission) against Duquesne Light Company (DLC, Duquesne, or Respondent) alleging that inasmuch as she receives only public assistance in the amount of \$316.00 per month as income, she cannot afford to pay for her electric utility service as apparently prescribed by a decision on informal complaint issued by the Commission's Bureau of Consumer service on April 10, 1996, at BCS No. 0306788. The subject complaint is apparently an appeal from the cited BCS decision.

The BCS decision indicates that the complaint was originally a complaint that the bill dated March 18, 1996, in the amount of \$45.00 was too high. After noting (1) that the customer has requested cancellation of service, effective April 22, 1996 (because the Complainant is moving and will not need new service at the new address), (2) that the challenged bill is in line with the Complainant's normal usage, and (3) that the Complainant failed to satisfy a payment arrangement made with DLC, the BCS decision decided (in part), as follows:

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2. That the customer must pay current bills plus \$50.00 per month toward the outstanding balance [\$1,519.40] as long as she remains a customer of the Company.

3. That if the customer does not get service as a new location or in fact does cancel the subject service, she still has an obligation to pay this bill and may pay it off at the rate of \$50.00 per month, beginning April 30, 1996 and continuing monthly until the outstanding balance is paid in full.

The BCS decision contains no financial information regarding the Complainant.

Duquesne Light Company (by counsel) answered the subject complaint and averred new matter on May 29, 1996. As new matter, DLC avers (1) that at the request of the Complainant, service was terminated on April 22, 1996, (2) that on May 10, 1996, the Complainant requested that service be reinstated at the same address, and (3) that DLC reinstated service transferring the balance due of \$1,547.26 to the new account. DLC requested an interim payment order requiring the Complainant to make payments on account pursuant to the above-referenced BCS decision.

On June 4, 1996, Robert A. Christianson, Acting Chief Administrative Law Judge, issued an Interim Payment Order requiring the Complainant "to pay current bills plus \$50.00 until otherwise directed by the Administrative Law Judge hearing this case or until a final Commission Order is issued."

Pursuant to notice to the parties, dated June 19, 1996, the above-captioned complaint has been scheduled for a hearing to be held on Monday, August 19, 1996, at 2:00 P.M. by use of a telephonic conference call, with ALJ James D. Porterfield assigned

as the presiding officer. To ensure an efficient and complete hearing, this Order directs the parties to do certain things before the hearing and in preparation for the hearing and also alerts the Complainant to the possibility of a lump-sum, make-up payment.

1. If the Complainant or the Respondent (or both) intends to submit documentary evidence (e.g., copies of utility bills, a letter, etc.) at the hearing, the party must, pursuant to 52 Pa. Code §5.409, send one copy of each document to the other party or parties and three copies to me on or before Monday, August 12, 1996.

2. If the Complainant or the Respondent or a witness, either party may use during the hearing, will be at a telephone number that is different from the number shown on the hearing notice, the party must inform me of the name of the witness and the telephone number at which the party or the witness may be contacted for the hearing on or before Monday, August 12, 1996. My office telephone system has only three-way calling capability. Your timely response, consistent with this Order, will allow sufficient time to arrange for the use of another telephone system, if necessary. You may contact me at the telephone number or at the address shown on the hearing notice.

3. If the Complainant has not complied with the payment arrangement prescribed by the above-referenced BCS decision and the Interim Payment Order, issued June 6, 1996, the Complainant should be prepared at hearing to provide an explanation for the noncompliance.

4. The Complainant is reminded of the Complainant's obligation to continue to pay current bills and/or all undisputed amounts of bills during pendency of the complaint proceedings, consistent with the above-referenced BCS decision and the Interim Payment Order. 52 Pa. Code §56.174(3), §56.181, and §64.171.

5. Although an inability to pay complaint has been filed, it remains the responsibility of the Complainant to pay the undisputed amounts of current utility bills; if the amount of any bills are in dispute, then the Complainant should be prepared at hearing to raise the issue and to present evidence of any incorrect bill that may be alleged.

6. The Complainant shall be prepared at hearing to testify or otherwise document the entire amount of household income(s) and major household expense(s), the latter to include, but not necessarily be limited to: (a) rent/mortgage payments (and the delinquent amounts, if any); (b) utilities (gas, electric, water, sewer, telephone, TV cable, etc.); (c) food, (d) auto (payments, gasoline, maintenance, etc.); (e) clothing (purchases and maintenance, including required work clothes); credit card and charge accounts; (f) medical; (g) loan(s) (and any balances); and so forth.

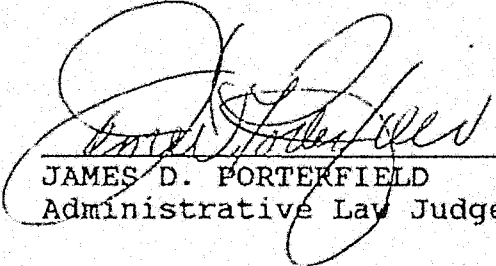
7. The Respondent shall prepare exhibits for hearing that shall include, but not be limited to: (a) an account statement, showing the history of the account for at least a 24month period or for the entire history of the account, if the history of the account is less than 24 months in duration; (b) a

service usage comparison report; (c) a copy of the most recent BCS decision, if any; (d) a brief history of any payment arrangements with the Complainant; and so forth.

8. The parties are urged to confer sometime before the day of the scheduled hearing for the purpose of exploring whether there is a payment arrangement that is satisfactory to both parties and that would result in the withdrawal of the complaint or whether the Complainant is eligible to participate in the Respondent's customer assistance program. In order to confer telephonically, the parties are referred to the hearing notice in order to obtain their respective telephone numbers.

9. The Complainant is advised that if the hearing to be held on August 19, 1996, does not produce any evidence of negatively changed financial circumstances since the decision on informal complaint was issued by the Commission's Bureau of Consumer Services on April 10, 1996 (at BCS No. 0306788) and there is no other apparent compelling reason to adjust the payment arrangement set forth in the referenced decision and in the Interim Payment Order issued June 4, 1996 (at the subject docket number), then a lump-sum, make-up payment will be immediately ordered as a condition for the continued receipt electric utility service (if then applicable), i.e., the Complainant may have her electric utility service suspended or terminated for nonpayment at the involved location.

Date: August 5, 1996

  
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JAMES D. PORTERFIELD  
Administrative Law Judge

**APPEARANCE SHEET**

**ALJ HEARING REPORT**

Docket No. F-00306788

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Case Name Marta Aikens v.  
Duquesne Light Company

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Location Pittsburgh

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Date August 19, 1996 *2PM*

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ALJ Porterfield

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Reporting Firm KCC & Associates

CHECK THOSE BLOCKS WHICH APPLY:

Prehearing held YES  NO

Hearing held YES  NO  *JAF*

Testimony taken YES  NO

Transcript due YES  NO

Hearing concluded YES  NO

Further hearing needed YES  NO

Estimated add'l days \_\_\_\_\_

RECORD CLOSED YES  NO

DATE 08-19-96

Briefs to be Filed YES  NO

DATE \_\_\_\_\_

BENCH DECISION YES  NO

**DOCKETED**  
AUG 27 1996

REMARKS: *Entered decision from  
The Bench which was  
immediately prepared.  
04-10-96 cited 172.64*

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NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD  
PLEASE PRINT CLEARLY  
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
Telephone No. <u>412-414-4444</u> <i>Leslie Key</i>	City _____ State _____ Zip _____ <u>411 Seventh Ave.</u> <u>P.O. Box 153</u>	<u>Duquesne Light Co.</u>
Telephone No. _____	City <u>PA</u> State <u>PA</u> Zip <u>15230-1930</u>	
Telephone No. _____	City _____ State _____ Zip _____	

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CHECK THIS BOX IF ADDITIONAL PARTIES  
OR COUNSEL OF RECORD APPEAR ON BACK.

*J. J. [Signature]*  
REPORTER