

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: ALJ
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: C-20066045
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 03/28/06
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: EMBERG, WILLIAM & VICTORIA

RESPONDENT/APPLICANT: NATIONAL FUEL GAS DISTRIBUTION

COMP/APP COUNTY: ARMSTRONG

UTILITY CODE: 121850

ALLEGATION OR SUBJECT

COMPLAINANT STATES SERVICE IS BEING TERMINATED. THEY WOULD LIKE THE PUC TO LOOK INTO TERMINATION TO SEE IF ANYTHING ELSE CAN BE DONE BY NATIONAL FUEL TO AVOID HAVING TO CHANGE OVER TO PROPANE.

**DOCUMENT
FOLDER**

DOCKETED
MAR 29 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION RECEIVED

Formal Complaint Form

2006 MAR 28 PH11:01

Please print or type. C-20066045

PA P.U.C. SECRETARY'S BUREAU

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name William J. + Victoria L. Emborg

Street/P.O. Box RD#1 Box 164 Apt #

City Cowansville State PA Zip 16218

County Armstrong

Area Code/HOME Phone (724) 545-6697

Area Code/WORK Phone (724) 543-8123 (wife)

Utility Account Number RBA# 3292492-05 (from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: National Fuel

3. TYPE OF UTILITY (check one)

[] ELECTRIC

[] STEAM HEAT

[x] GAS

[] WASTE WATER

[] WATER

[] MOTOR CARRIER (taxi, moving company, limousine)

[] TELEPHONE (local, long distance)

ORIGINAL

f

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other.
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint

copies enclosed

May 19, 2005 - Initial notice of gas termination received; no further communication.
(March 8, 2006 - Letter received Re: Appt. for Energy Audit - RBA #329249)

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

We do not want our service discontinued or changed to any other fuel type. Please look into this situation to see if this can be avoided.

Is National Fuel doing everything they can to try to keep our line operating? We know several others who would like to "tap-in", but were denied by the fuel company. We don't want PROPANE !!
Can you help?

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company **AND** your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES

(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I William J. & Victoria L. Emborg hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

William J. Emborg + Victoria L. Emborg 3-23-06
(Signature) (Date)

9. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.



National Fuel

May 19, 2005

Mr. & Mrs. William J. Emberg
RR 1, Box 164
Cowansville, PA 16218

Re: Conversion of the Natural Gas Delivery System
RBA No. 3292492

Dear Mr. & Mrs. Emberg:

There is a large section of natural gas pipeline (Line P-69) that is owned by National Fuel Gas Supply Corporation, from which you are attached, that has been found to be in poor condition. The Operations Department, while doing a leakage study, has determined that the existing aged pipeline system lacks the economic justification to replace the pipe and continue to operate this portion of the pipeline system.

What does that mean to you? In the near future, I will be in contact to make an appointment to come to your home. **If you are not the owner of the property please contact me with that information.** The purpose of the home visit is to go over the procedures for converting your home to propane; conduct an energy audit to determine the approximate cost of converting your appliances to propane; and, discuss the process of National's filing of a petition with the Pennsylvania Public Utility Commission (P.U.C.) for the abandonment of natural gas service. **National will pay the costs associated with converting your home to propane including the cost of any required new appliance.**

When we meet I am sure that any question that you may have can be answered. National will do everything possible to make the transition as easy as possible. Should you wish to speak to me prior to my calling you, please contact me at 1800-458-0413, extension 4640.

Sincerely yours,

Troy J. Tippen
Supervisor, Land Department



National Fuel

March 8, 2006

Mr. & Mrs. William J. Emberg
RR 1, Box 164
Cowansville, PA 16218

Re: Appointment for Energy Audit – RBA# 3292492

Dear Mr. & Mrs. Emberg:

I am attempting to make an appointment to meet at your home to discuss National Fuel's project to abandon a section of pipeline from which you are attached. **I am sending this letter requesting that you call me so that an appointment can be made to meet and conduct an energy audit for your property on Adrian-Sterritt Road.**

We have set aside time during the third and fourth week of March on Tuesday, Thursday, Monday and Wednesday to have the appointments. Those dates are Tuesday (Mar. 21st), Thursday (Mar. 23rd), Monday (Mar. 27th) and Wednesday (Mar. 29th).

During the meeting we will also discuss the process of National's filing of a petition with the Pennsylvania Public Utility Commission (P.U.C.) for the abandonment of natural gas service.

Mark Amann will be with me to conduct the energy audit and to discuss the conversion process. The energy audit has been estimated to require thirty- (30) to forty-five (45) minutes to complete.

Remember that National will pay the costs associated with converting your home to propane including the cost of any required new appliance.

Please contact me at 1-800-458-0413, extension 4640.

Sincerely yours,

Troy J. Tippen,
Supervisor, Land Department

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: MARCH 29, 2006

WILLIAM AND VICTORIA EMBERG
Complainant

DOCKETED
MAR 29 2006

v.

NATIONAL FUEL GAS DISTRIBUTION COMPANY
Respondent

Complaint Docket
No: C-20066045

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: NATIONAL FUEL GAS DISTRIBUTION COMPANY

**DOCUMENT
FOLDER**

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

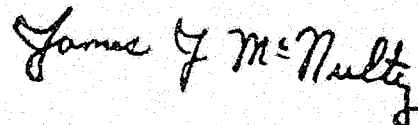
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: MARCH 29, 2006

C-20066045

NATIONAL FUEL GAS
DISTRIBUTION COMPANY
CARL M CARLOTTI VICE PRESIDENT
PO BOX 2081
ERIE PA 16512

**DOCUMENT
FOLDER**

Dear Mr. Carlotti:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by WILLIAM AND VICTORIA EMBERG. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

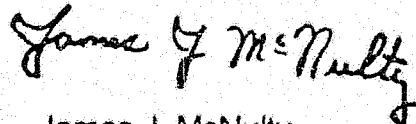
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

MARCH 29, 2006

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the typed name and title.

James J. McNulty
Secretary

SS



National Fuel

ORIGINAL

Lee E. Hartz
Attorney

April 17, 2006

RECEIVED

APR 17 2006

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

RE: William & Victoria Emberg v.
National Fuel Gas
Distribution Corporation
Docket No. C-20066045

Dear Secretary McNulty:

Enclosed in connection with the above-referenced Complaint are: (1) an original and three copies of National Fuel Gas Distribution Corporation's Answer; and, (2) an original and three copies of National Fuel Gas Distribution Corporation's Motion to Dismiss and/or Consolidate.

Very truly yours,

Lee E. Hartz
(814) 871-8060

LEH/cjc

Enclosures

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

WILLIAM & VICTORIA EMBERG,

Complainant,

v.

NATIONAL FUEL GAS
DISTRIBUTION CORPORATION,

Respondent.

ANSWER

DOCKET NO. C-20066045

RECEIVED

APR 17 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION
STAFF COUNSEL BUREAU

DOCUMENT
FOLDER

ANSWER

For its Answer to the Formal Complaint ("Complaint") filed against it by William & Victoria Emberg ("Complainant"), National Fuel Gas Distribution Corporation ("Respondent") respectfully states as follows:

- 1) Paragraph one is admitted.
- 2) Paragraph two is denied. Correct name of Respondent is National Fuel Gas Distribution Corporation.
- 3) Paragraph three is admitted.
- 4) As to the allegations contained in paragraph four of the Complaint, Respondent states the following:
 - a) The letters attached to the Complaint are documents that speak for themselves and no response is required to the allegations that merely reference these documents.
 - b) The Complaint makes no other factual allegations that require a response.
 - 5) The allegations contained in paragraph five of the Complaint constitute a demand for relief and do not call for a response.

DOCKETED
APR 26 2006

6) The information contained in Paragraph 6 regarding Protection from Abuse orders pertains to parties other than Respondent and therefore, no response from Respondent is required.

7) The information contained in Paragraph 7 regarding whether or not Complainant attempted to speak with a utility company representative about their complaint involves actions by a party other than Respondent and, therefore, no response from Respondent is required.

WHEREFORE, National Fuel Gas Distribution Corporation requests that the Complaint be dismissed.

NEW MATTER

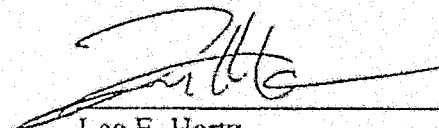
8) National Fuel has notified certain customers, including the Complainants that it intends to file a petition with the Pennsylvania Public Utility Commission ("PUC") for the abandonment of natural gas service.

9) As of the date of this answer, National Fuel has yet to file such a petition.

10) As discussed in the Motion to Dismiss filed contemporaneously herewith, until National Fuel does file a petition to abandon the Complainants' natural gas service, this Complaint is premature and should be dismissed.

WHEREFORE, National Fuel Gas Distribution Corporation requests that the Complaint be dismissed.

Respectfully submitted,



Lee E. Hartz
Pa. I.D. No. 87675
Attorney for National Fuel Gas
Distribution Corporation
P.O. Box 2081
Erie, PA 16512

RECEIVED
APR 17 2006
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

WILLIAM & VICTORIA EMBERG,

Complainant,

v.

NATIONAL FUEL GAS
DISTRIBUTION CORPORATION,

Respondent.

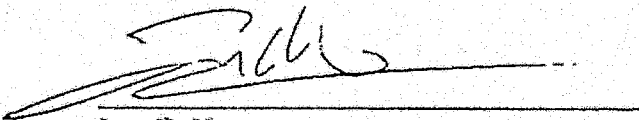
PROOF OF SERVICE

DOCKET NO. C-20066045

I hereby certify that I have this day served a true copy of the foregoing document upon the participant, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

Mr. & Mrs. William & Victoria Emberg
RD #1 Box 164
Cowansville, PA 16218

NATIONAL FUEL GAS
DISTRIBUTION CORPORATION



Lee E. Hartz
Pa. I.D. No. 87675
Attorney for National Fuel Gas
Distribution Corporation
P.O. Box 2081
Erie, PA 16512

Dated: 4/17/2006

RECEIVED

APR 17 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

APR 17 2006

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU

WILLIAM & VICTORIA EMBERG,

Complainant,

v.

NATIONAL FUEL GAS
DISTRIBUTION CORPORATION,

Respondent.

MOTION TO DISMISS and/or
CONSOLIDATE

DOCUMENT
FOLDER

DOCKET NO. C-20066045

MOTION TO DISMISS and/or CONSOLIDATE

NOW COMES, Respondent National Fuel Gas Distribution Corporation ("Respondent" or "National Fuel"), by and through its counsel, and files this Motion to Dismiss and/or Consolidate pursuant to 52 Pa. Code § 5.102(a), and in support thereof avers as follows:

1. On or about May 19, 2005 and March 8, 2006, National Fuel notified certain customers, including Mr. & Mrs. Emberg ("Complainants") that it intended to file a petition with the Pennsylvania Public Utility Commission ("PUC") for the abandonment of certain natural gas service accounts.

2. As of the date of this Motion, National Fuel has not yet filed the required petition with the PUC to abandon natural gas service.

3. The Complainants filed a formal complaint at the above-referenced docket number objecting to the proposed abandonment of service.

4. The regulations of the PUC along with 66 Pa.C.S. § 1102 require that National Fuel provide notice to any customer that would be affected by a petition to abandon natural gas service.

DOCKETED
APR 26 2006

5. As National Fuel has yet to file its petition to abandon the relevant natural gas service, the Complainants' Formal Complaint objecting to said abandonment is currently premature and the Complainants are, technically, without standing.

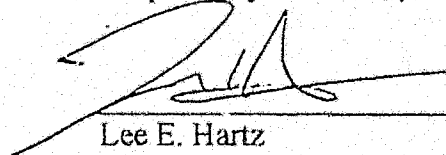
6. Under Pennsylvania law, the Public Utility Commission is granted discretion to "dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest." 66 Pa. C.S. § 703(b); 52 Pa. Code § 5.21(d).

7. Since the instant Formal Complaint is premature, it should be dismissed. Such dismissal should be done without prejudice for the Complainants' to file a similar complaint as part of National Fuel's abandonment proceeding once that action is commenced.

8. In the alternative, this docket should be consolidated with National Fuel's relevant abandonment petition once that petition is filed.

WHEREFORE, Respondent, National Fuel Gas Distribution Corporation respectfully requests that the Complaint filed by Mr. & Mrs. Emberg at Docket Number C-20066045 be dismissed.

Respectfully submitted,



Lee E. Hartz
Pa. I.D. No. 87675
Attorney for National Fuel Gas
Distribution Corporation
P.O. Box 2081
Erie, PA 16512

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WILLIAM & VICTORIA EMBERG,, :

Complainant, :

v. :

NATIONAL FUEL GAS
DISTRIBUTION CORPORATION, :

Respondent. :

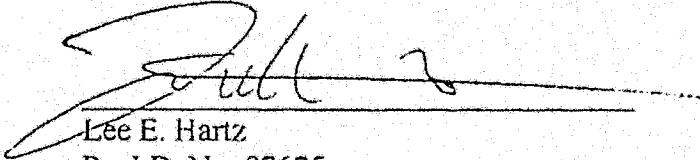
PROOF OF SERVICE

DOCKET NO. C-20066045

I hereby certify that I have this day served a true copy of the foregoing document upon the participant, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

Mr. & Mrs. William & Victoria Emberg
RD #1 Box 164
Cowansville, PA 16218

NATIONAL FUEL GAS
DISTRIBUTION CORPORATION


Lee E. Hartz
Pa. I.D. No. 87675
Attorney for National Fuel Gas
Distribution Corporation
P.O. Box 2081
Erie, PA 16512

Dated: 4/17/2006



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
June 13, 2006

IN REPLY PLEASE
REFER TO OUR FILE

Re: C-20066045

(SEE ATTACHED LIST)

William & Victoria Emberg v. National Fuel Gas Distribution
Corporation

Gas Line Abandonment

DOCUMENT
FOLDER

Motion Judge Assignment Notice

This is to inform you that a preliminary motion was filed on the above-captioned case. This motion is being assigned to Chief Administrative Law Judge Veronica A. Smith for ruling. The Commission rule of practice at 52 Pa. Code §5.101 specifies that the person who filed the complaint has ten (10) days from the date the motion was served on you to file an answer.

If you file any pleading or document relating to this motion with the Secretary of the Commission, please provide a duplicate copy to the judge.

Procedural questions or comments should be directed to the judge at:

717-783-5452

pc: SA Rumsey
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section