

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Elsie McPierce

v.

Philadelphia Gas Works

DOCKETED
JAN 10 2007

C-20067051

**DOCUMENT
FOLDER**

PREHEARING ORDER

On December 5, 2006, I was assigned as the presiding officer in this case. The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. An Initial Hearing in this case is scheduled for Thursday, February 8, 2007 at 9:30 a.m. in an available hearing room on the 13th floor of the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the hearing room no later than 9:15 a.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all afternoon, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

On November 6, 2006, the Complainant filed a formal complaint against the Philadelphia Gas Works ("PGW" or the Respondent) alleging the following: that, on March 3, 2006, she notified the Respondent that she was ill; that she was discharged from the hospital on April 24, 2006; that she pays for her medication because she has no benefits at work; that she has not received an affordable payment arrangement since she was removed from the CRP program without proper notification; that she wrote letters to explain her situation; that she made calls in

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August and September 2006; that she received a termination notice in September 2006; and that she could not afford to pay \$327.00 by September 29, 2006.

On November 29, 2006, the Respondent, through its counsel, filed an Answer. The Respondent denied that there are incorrect charges on the Complainant's bill. The Respondent admitted that the Complainant received a termination notice. The respondent stated that on September 22, 2006, the Complainant agreed to pay \$113.00 for her budget payment plus \$40.00 a month on the arrearage. The Complainant broke this agreement because she failed to pay the requested amount. The Respondent admitted that the Complainant was removed from the Customer Responsibility Program because she was no longer income eligible. The Respondent averred that it notified the Complainant of her ineligibility by letter dated July 17, 2006. The Respondent referred to the Bureau of Consumer Services decision, dated October 16, 2006, which stated that the Bureau of Consumer Services could not assist the Complainant.

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

1. A request for a continuance of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa. Code §1.15(b). Requests for a change of hearing date must be sent to me and all parties of record. The correct address is:

Administrative Law Judge Cynthia Williams Fordham
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

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

2. **The Commission's policy promotes settlements. 52 Pa. Code §5.231(a). The utility shall contact the Complainant at least one week before the scheduled hearing to discuss 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. The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. §332(a).

4. The Pennsylvania Legislature has recently enacted the Responsible Utility Customer Protection Act. 66 Pa. C.S. §1401 *et seq.* This law provides strict guidelines as to how the Commission must handle customer complaints. The application of this law may result in the issuance of a less favorable payment arrangement than a customer's current payment arrangement.

5. If the Complainant has not made the payments that the Bureau of Consumer Services ("BCS") directed her to make, she must explain why the payments were not made.

6. The customer must make monthly payments towards his/her utility bill while the complaint is pending. **FAILURE TO MAKE PAYMENTS MAY RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE. FAILURE TO MAKE PAYMENTS MAY RESULT IN THE UTILITY TERMINATING YOUR SERVICE.**

7. If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), you must bring four (4) copies (a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record). Please keep a copy for yourself. 52 Pa. Code §5.409.

8. During the hearing, the Complainant 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) income 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 source(s) of income.

9. The utility must bring the following documents to 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 Bureau of Consumer Services (BCS) decision; and,
- (c) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission.

10. Pursuant to 52 Pa. Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. 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 insure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

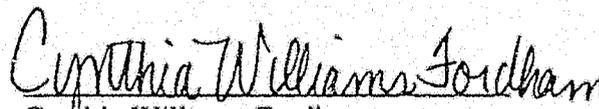
11. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code § 5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it. The written subpoena application must be submitted to the presiding officer, the

Secretary of the Commission, opposing counsel and the person to be subpoenaed. 52 Pa. Code §5.421 (a, b).

12. **THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE IN SUPPORT OF THE COMPLAINT.**

13. This is a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Date: January 2, 2007


Cynthia Williams Fordham
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office of Administrative Law Judge

1302 Philadelphia State Office Building, 1400 W. Spring Garden St., Philadelphia, PA 19130
Telephone: (215) 560-2105

IN REPLY PLEASE
REFER TO OUR FILE

February 1, 2007

Elsie McPierce
2009 South Bouvier Street
Philadelphia, PA 19145

DOCUMENT
FOLDER

Laureto A. Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

Re: Elsie McPierce v. Philadelphia Gas Works
Docket No. C-20067051

Dear Parties:

On January 31, 2007, I received a continuance request from the Complainant. She indicated that she has been unable to focus on her answers and prepare exhibits pertaining to this case due to the recent illnesses of her son and another close family member. However, the Complainant is requesting a payment arrangement in this matter. In addition, the Complainant included several documents when she filed her complaint.

Since the Complainant is requesting a payment arrangement, this case does not involve issues that require the submission of numerous exhibits. Consequently, the request for a continuance is denied.

Sincerely,

Cynthia Williams Fordham
Administrative Law Judge

CWF/mg

cc: Document File
Dawn Reitenbach, Scheduler

OALJ Hearing Report

Please check Those Blocks Which Apply

Docket No.:	C-20067051		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Elsie McPierce v. Philadelphia Gas Works	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" 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:		
Date:	February 8, 2007			
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Cynthia W. Fordham	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
<div style="font-size: 2em; font-weight: bold; margin: 0;">RECEIVED</div> <div style="margin: 5px 0 0 0;">FEB 23 2007</div> <div style="font-size: 0.8em; margin: 5px 0 0 0;">PA PUBLIC UTILITY COMMISSION MILITARY'S BUREAU</div>		REMARKS: <i>Parties settled. Certificate of satisfaction to be filed.</i>		

PA PUBLIC UTILITY COMMISSION
MILITARY'S BUREAU

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

Name and Telephone Number	Address	Who are you representing?
<i>Laurel Fariner</i> Telephone: <i>215-684-6882</i>	<i>800 W. Montgomery Ave.</i> <i>Phila PA 19122</i> <small>City State Zip</small> E-mail Address: <i>laurel.fariner@pgworks.com</i>	<i>Phila Gas Works</i> Fax Number: <i>215-684-6882</i>
<i>Elsie McPierce</i> Telephone: <i>215-587-3580</i>	<i>2009 S. Bouvier ST</i> <i>Phila PA 19145</i> <small>City State Zip</small> E-mail Address:	<i>Self</i> Fax Number:
Telephone:	<small>City State Zip</small> E-mail Address:	Fax Number:

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

elf

PCP

Reporter's Signature

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

Philadelphia Gas Works



ORIGINAL

800 West Montgomery Avenue, Philadelphia, PA 19122
Laureto A. Farinas, Senior Attorney
Legal Department
Direct Dial: 215-684-6982
FAX: 215-684-6798
E-mail: laureto.farinas@pgworks.com

February 9, 2007

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

RECEIVED

FEB 22 2007

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RE: Elsie McPierce v. PGW, Docket No. C – 20067051

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaints have been satisfied. PGW and the Complainant have discussed the issues raised in the complaint and reached a settlement. With this discussion and settlement, the Complainant has indicated on the record of this proceeding that she is satisfied with the resolution of the complaint.

By copy of this letter, I am notifying the Complainant 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,

A handwritten signature in black ink, appearing to read "Laureto Farinas", is written over a large, stylized flourish that extends to the left and then curves back under the signature.

Laureto Farinas

**DOCUMENT
FOLDER**

cc: Elise McPierce (Regular Mail)
Administrative Law Judge Cynthia W. Fordham (via FAX)
Dawn Reitenbach, Scheduler (via FAX)
Linda Pereira (PGW Mail)
Anne Marie Cromley (PGW Mail)

DOCKETED
FEB 27 2007

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: February 26, 2007
SUBJECT: C-20067051
Elsie McPierce v. Philadelphia Gas Works
TO: Wanda Zelders
Docket Management
FROM: Janean Spiegel, ALJ Support Staff
Office of Administrative Law Judge

On February 26, 2007, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of the filing, 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.

Attachment

pc: ALJ Cynthia W. Fordham
Beth Plantz
Case File

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DOCKETED
MAR 02 2007

BTL



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

IN REPLY PLEASE
REFER TO OUR FILE

March 28, 2007

C-20067051

ELSIE MCPIERCE
2009 S BOUVIER STREET
PHILADELPHIA PA 19145

ELSIE MCPIERCE
v.
PHILADELPHIA GAS WORKS

DOCKETED
MAR 29 2007

TO WHOM IT MAY CONCERN:

Please be advised that the Commission has marked closed the above-entitled proceeding.

Very truly yours,

James J. McNulty
Secretary

cc: All parties of Record

nvl

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FOLDER**