

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Calvin Millwood

v.

Philadelphia Gas Works

DOCUMENT

Z-01437022

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PREHEARING ORDER #2

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. This case is scheduled to be heard in an available hearing room on the 13th floor of the Philadelphia State Office Building on Monday, November 22, 2004 at 2:00 p.m.

On September 25, 2003, Calvin Millwood ("Millwood" or "Complainant") filed a formal complaint with the Pennsylvania Public Utility Commission ("Commission") against Philadelphia Gas Works ("PGW" or "Respondent") alleging the following: that the Complainant received a shutoff notice from the Respondent in August 2003; that the Respondent stated that the Complainant owed \$2,000 for non-payment of services; that when he called the Respondent, he was told that he had not paid a bill in 2 years; that the Respondent engaged in negligent conduct; and that the Complainant could have paid his bills on time or reduced his consumption if he had received monthly bills. The Complainant requested that he be absolved of the debt, that the Respondent change its policy of not contacting customers after 3 months of nonpayment and that the Commission require the Respondent to acknowledge that its policy of allowing service to continue for 2 years without payment is a negligent practice.

The Respondent did not file an answer because it reached a settlement with the Complainant prior to the deadline for filing an answer. The Respondent submitted a certificate of satisfaction, dated October 24, 2003.

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By hearing notice dated July 22, 2004, a telephonic hearing was scheduled to be held on Monday, September 13, 2004.

The hearing was cancelled because it was noted that a certificate of satisfaction had been filed by the Respondent.

Based on the Complainant's faxed letters on August 27, 2004 and September 9, 2004, and conversations with the Respondent about the certificate of satisfaction, the presiding officer issued an Order, dated September 10, 2004, instructing the Respondent to file an answer within twenty days of the date of the order and ordering that a hearing be scheduled in this matter. The September 9, 2004 letter was considered an objection to the certificate of satisfaction. In said letter, the Complainant noted that this would be his second winter without PGW. In addition, he requested that Commission determine that this was a bad debt and order the Respondent to stop further collections and remove the account from all its affiliated collection agencies.

An initial in person hearing was scheduled in this matter by hearing notice dated September 15, 2004.

To date, the Respondent has not filed an answer in this matter.

Any documents filed in this proceeding should be served on me at the Philadelphia office and the other party. 52 Pa. Code §154(a) and (d).

During the hearing, 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). The Complainant is required to pay any undisputed bills pending a final order in this matter.

The Respondent must submit the relevant account statement, which includes monthly meter readings, usage, billed amounts, balances and payments, and the most recent BCS decision.

Pursuant to 52 Pa. Code §1.15(b), requests for postponements or continuance of hearings must be submitted in writing no later than five (5) days prior to the hearing. Requests for postponement or continuance of hearings are to be sent to the presiding officer with copies to the Scheduling Office and the other party of record. The address for the Scheduling Office is P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complainant shall pay any undisputed bills pending a final order in this matter.
2. That the parties shall comply with the procedural rules and regulations discussed herein.

Date: November 4, 2004

Cynthia Williams Fordham
Cynthia Williams Fordham
Administrative Law Judge

Philadelphia Gas Works



800 West Montgomery Avenue, Philadelphia, PA 19122

Mary M. Chan, Paralegal
Legal Department
Direct Dial: (215) 684-6530
Fax: (215) 684-6796
E-mail: mary.chan@pgworks.com

November 17, 2004

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NOV 17 2004

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

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Calvin Millwood vs. PGW, Docket No.: Z-01437022

Dear Secretary McNulty,

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original and three (3) copies of its Answer to the Complaint in the above captioned matter.

If additional information is needed about this matter, please do not hesitate to contact me at my direct-dial number above. Thank you for your assistance in this matter.

Sincerely,

Mary M. Chan, Paralegal

Enclosure

cc: Calvin Millwood
CRU Rep

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Calvin Millwood

:
:

v.

:
:

Docket No.: Z-01437022

Philadelphia Gas Works

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Answer of the Philadelphia Gas Works

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby answers the Complaint filed in the above captioned matter. PGW hereby avers the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied in part. PGW denies the averments contained in Paragraph 4 of the Complaint concerning that the Complainant never received bills. The remaining averments are denied as legal conclusions. PGW records indicate that bills were sent to Complainant's address. PGW records also indicate that Complainant never called PGW to inform that he has not received bills.

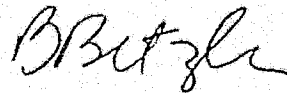
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5. Denied. The averments in Paragraph 5 of the Complaint are requests for relief to which no response is required. PGW therefore denies the averments in this Paragraph.

Wherefore, PGW respectfully requests that this Commission finds in favor of Philadelphia Gas Works and against the Complainant.

Respectfully submitted,



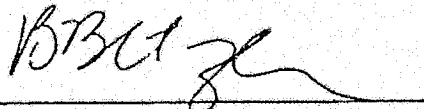
November 17, 2004

Bernadette Betzler, Esquire
Philadelphia Gas Works
800 W Montgomery Avenue
Philadelphia, PA 19122

VERIFICATION

I, Bernadette Betzler, hereby declare that I am counsel to the Philadelphia Gas Works; that, as such, I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Answer are true to the best of my knowledge, information and belief, and that I expect to be able to prove these at a hearing held in this matter. I make this verification subject to the penalties of 18 Pa. C.S. §4904, pertaining to false statements to authorities.

Date: November 17, 2004



Bernadette Betzler

CERTIFICATE OF SERVICE

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I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY
OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED
BELOW.

Service List:

For Complainant:

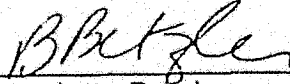
*Calvin Millwood
3332 N. Mascher Street
Philadelphia, PA 19126*

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

November 17, 2004



Bernadette Betzler
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

OALJ Hearing Report

Please Check Those Blocks Which Apply

| | | | | |
|-----------------|---|-------------------------|---|-------------------------------------|
| Docket No.: | Z-01437022 | | YES | NO |
| | | Prehearing Held: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Case Name: | Calvin Millwood 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: | | |
| Date: | November 22, 2004 | | | |
| | | RECORD CLOSED: | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ALJ: | Cynthia W. Fordham | DATE: | 12/15/04 | |
| | | Briefs to be Filed: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Reporting Firm: | Commonwealth Reporting | DATE: | | |
| | | Bench Decision: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| DOCUMENT FOLDER | | REMARKS: | The record will close on Dec. 15, 2004, the date the transcript is due. | |

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

| Name and Telephone Number | Address | Who are you representing? |
|--|---|--------------------------------|
| Calvin Millwood Telephone: 215-927-4413 | 6514 N 7th St 3rd Fl Phila PA 19126 | Self |
| Laureto Farmer Telephone: 215-684-6982 | 800 W. Montgomery Ave Phila PA 19122 E-mail Address: laureto.farmer@psu.edu | PGW Telephone: 215-684-6788 |
| | | |
| | | |
| | | |

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

Reporter's Signature

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