

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Calvin Millwood

v.

Philadelphia Gas Works

Z-01437022

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BUREAU  
OCT 1 2004

PREHEARING ORDER

History

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.

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

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OCT 01 2004

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FOLDER**

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

On August 27, 2004, the presiding officer received a faxed letter from the Complainant. He indicated that the Respondent would not provide him with information about the case. He was advised that Bernadette Betzler, Esquire, was the attorney for the Respondent.

The presiding officer faxed the letter to Ms. Betzler and the scheduling officer. Hector Ferrer called the presiding officer on behalf of Ms. Betzler and explained that the certificate of satisfaction was filed after the parties reached a settlement.

On September 7, 2004, a memo was issued indicating that the case would be marked closed if the Complainant did not file an objection to the certificate within 10 days of service.

On the morning of September 9, 2004, the Complainant faxed a letter to the presiding officer concerning this matter. The Complainant explained his position and 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.

#### Discussion

This hearing was cancelled because a certificate of satisfaction was submitted. However, based on the Complainant's September 9, 2004 correspondence, he is contesting the certificate. Consequently, the case will not be closed.

The Respondent should file an answer to the complaint within twenty days of the date of this order.

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).

An initial in person hearing will be scheduled in this matter.

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's September 9, 2003 letter be deemed an objection to the certificate of satisfaction.
2. That an in person hearing be scheduled in this matter.

3. That the parties shall comply with the procedural rules and regulations discussed herein.

Date: September 10, 2004

*Cynthia Williams Fordham*  
Cynthia Williams Fordham  
Administrative Law Judge



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

PLEASE DOCK

IN REPLY PLEASE  
REFER TO OUR FILE

September 15, 2004

In Re: Z-01437022

(See attached list)

Calvin Millwood v. Philadelphia Gas Works

Billing/Service Dispute

HEARING NOTICE

This is to inform you that an Initial In-Person Hearing on the above-captioned case will be held as follows:

Type: Initial In-Person Hearing

Date: Monday, November 22, 2004

Time: 2:00 PM

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

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*Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.*

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Fordham  
Elizabeth L. Plantz, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File

PLEASE DOCKET

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

**DATE:** September 15, 2004  
**SUBJECT:** Request to Rescind  
Z-01437022 Calvin Milwood v. Philadelphia Gas Works  
**TO:** Wanda Zeiders, Supervisor  
Docket Management Division  
**FROM:** Elizabeth L. Plantz, Scheduling Officer  
Office of Administrative Law Judge

**DOCUMENT  
FOLDER**

On September 7, 2004 you received a request for satisfaction of complaint from the Office of Administrative Law Judge on the above-captioned proceeding. This request has been **rescinded** by the Complainant. Therefore, the proceeding should remain in active status and not be closed by Secretarial Letter.

I apologize for any inconvenience this may have caused and ask that you take the necessary steps to update the Commission file.

pc: ALJ Cynthia W. Fordham  
Beth Plantz  
Case File

**DOCKETED**  
OCT 01 2004

**FAX COVER SHEET**

Pennsylvania Public Utility Commission  
Office of Administrative Law Judge  
1302 State Office Building  
1400 West Spring Garden Street  
Philadelphia, Pennsylvania 19130  
Main Office: (215) 560-2105  
Fax: (215) 560-3133

Date: August 27, 2004

To: Bernadette Betzler, Esquire,  
Elizabeth Plantz

At Fax No.: (215) 684-6798

From: ALJ Cynthia W. Fordham

At Phone No.: (215) 560-2105

Number of Pages Faxed: (Including this Page)

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Comments:

Re: Calvin Millwood v. PGW, Z-01437022

The Complainant faxed this letter requesting information about his case. The hearing is scheduled for September 13, 2004. No answer was filed by the Respondent. I have not drafted a prehearing order because the Commission was informed that a certificate of satisfaction was filed. However, based on this letter the Complainant does not agree to a settlement.

**\*\*CONFIDENTIALITY NOTICE\*\***

The documents accompanying this facsimile message contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the recipient. You are hereby notified that any disclosure, copying, or distribution of, or the taking of any action in reliance on, the contents of this telecopied information is strictly prohibited. If you have

Calvin Millwood  
6514 N. 7<sup>th</sup> St 3<sup>rd</sup> Fl  
Philadelphia PA 19126  
August 27, 2004

In Re: Z-01437022

The Honorable Cynthia W. Fordham  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130

(Calvin Millwood v. Philadelphia Gas Works)

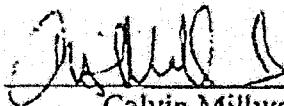
Dear Judge Fordham,

I have made attempts to contact the representatives of the Philadelphia Gas Works to request copies of the history of this account. I am not having success-getting copies of the exhibits I need for the upcoming hearing on 9/13/04. Therefore I am asking your help in obtaining copies of the history of the account that shows:

- A) The date the service started
- B) Billing history of the account
- C) Payment history of the account
- D) The date I requested the service to be terminated
- E) The date the service was actually terminated

After speaking with Laureto A. Farinas, Esquire, I have learned that the representative handling this matter is Bernadette Betzler at 215-684-6631. I have left a message for her to contact me and I still waiting for her response.

Thank you for your help in this matter.

  
\_\_\_\_\_  
Calvin Millwood

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SEP 17 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE  
Calvin Millwood  
14 N. 7<sup>th</sup> St 3<sup>rd</sup> Fl  
Philadelphia PA 19126  
September 9, 2004

PLEASE DOCKET

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SEP 27 2004

In Re: Z-01437022

The Honorable Cynthia W. Fordham  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130

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Calvin Millwood v. Philadelphia Gas Works) COMPLAINT

1. A review of the history of the dispute will show that after Calvin Millwood started leasing the premises, PGW service was transferred into his name. For several years during the service, PGW continued to mail the invoices to a different address. During the disputed period Calvin Millwood never received any bills.

2. For years PGW continued to register unpaid invoices on this account. PGW neglected to make any other formal request for payment. A reminder to a customer, after three (3) months, should have been made. After six (6) months of no response or payment on the account, PGW should have realized something was wrong with this account and taken some other formal action, at the minimum a telephone call.

3. A further review of the gas usage will show that the gas usage remained constant; in January the gas used was the same as the amount used in July. I did not benefit from the service I am being billed for. I did not need nor want a heater running in July. The moment a downstairs neighbor delivered a gas shutoff notice to me, I contacted PGW and shortly afterward I requested the service turned off.

4. I believe that a faulty heating appliance running over a substantial amount of time caused the constant flow of gas used. A reminder would alert me to the defect immediately and I would have taken earlier action. It should have been a minimum standard for PGW to contact me within three (3) months. I would have exercised my right to refuse non-defective goods and/or services. This will be my second winter without PGW.

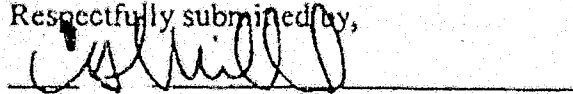
5. The facts are a customer was unknowingly billed for several years for service. It was negligent of PGW how it performed its duties. PGW operated with no standard to prevent waste and a customer is being billed for something that is defective.

RELIEF

Therefore your honor, upon your examination of the actions, award the following relief:

1. Rule this debt is a bad debt incurred with a misrepresentation of service that met a minimum operating standard.
2. Order PGW to halt any further collections and to remove this account from all it affiliated collection agencies.
3. Provide for such or any other relief that your honor deem just and proper.

Respectfully submitted by,



Calvin Millwood

(215) 605-0456