

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

James S. Keffalas

v.

T.W. Phillips Gas & Oil Company

:
:
:
:
:

C-20055627

PREHEARING ORDER

DOCUMENT
FOLDER

An Initial Telephone Hearing in this case is scheduled for Thursday, February 16, 2006 at 10:00 a.m. You must be available when contacted by the presiding officer or your case will be dismissed. If you will be at a telephone number that is different than the number listed on the telephone hearing notice, you must notify me of that telephone number at least five (5) business days before the hearing.

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

1. A request for a change 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 changes of hearing dates must be sent to me and all parties of record. The correct address is:

*P.O. Box 3265
Harrisburg, Pa. 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481*

DOCKETED
APR 7 2006

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

2. Commission policy promotes settlements. 52 Pa. Code §5.231(a). The utility will contact the customer at least one week before the scheduled hearing to talk over 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. If you intend to present any documents or exhibits for my consideration, you must send one copy to the other party and three (3) copies to me at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.

4. Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedures.

5. 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).

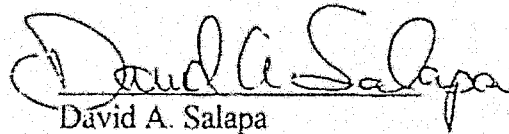
6. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to the Administrative Law Judge sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days'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

7. The Complainant is responsible for payment of current bills pending the resolution of this complaint. Failure to make payments may result in the termination of utility service.

8. **THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

9. The Complainant bears the burden of proof and must demonstrate by a preponderance of the evidence that he is entitled to the relief requested in the Complaint.

Date: January 5, 2006

A handwritten signature in cursive script that reads "David A. Salapa". The signature is written in black ink and is positioned above the printed name and title.

David A. Salapa
Administrative Law Judge

January 12, 2006

James S. Keffalas
790 Pittsburgh Road
Butler, PA 16002

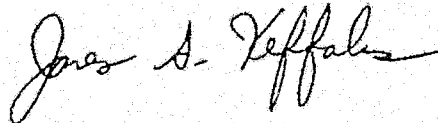
David A. Salapa, Administrative Law Judge
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

RE: James S. Keffalas vs. T. W. Phillips Gas and Oil Co.
PUC Docket No. C-20055627

Dear Judge Salapa:

Enclosed for filing are the original and three copies of my REPLY AND NEW MATTER TO ANSWER AND NEW MATTER OF T. W. PHILLIPS GAS AND OIL CO. TO FORMAL COMPLAINT BY JAMES S. KEFFALAS which was recently serviced in the above-referenced proceeding. Please acknowledge your receipt of this filing by date stamping, and returning to me, the extra copy that is enclosed. I have included a pre-address envelope for your convenience.

Respectfully,



James S. Keffalas, Complainant

RECEIVED

JAN 18 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCUMENT
FOLDER

RECEIVED

JAN 18 2006

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

JAMES S. KEFFALAS,
Complainant,
vs.
T. W. PHILLIPS GAS AND OIL CO.,
Respondent.

)
) Complaint Docket
)
) No C-20055627
)
)
)
)
)

HEARING
REQUESTED BY
COMPLAINANT

DOCKETED
MAR 10 2006

DOCUMENT
FOLDER

REPLY AND NEW MATTER TO
ANSWER AND NEW MATTER OF
T. W. PHILLIPS GAS AND OIL CO.
TO FORMAL COMPLAINT
BY JAMES S. KEFFALAS

NOW COMES James S. Keffalas, Pro Se, and submits this Reply and New Matter to the Answer and New Matter of T. W. Phillips Gas and Oil Company in the above-captioned matter as follows.

1. Complainant, James S. Keffalas, is a gas service customer of T. W. Phillips, but the Formal Complaint, to the extent that it even constitutes a Complaint against T. W. Phillips, does not pertain to any gas service that the Complainant is currently receiving from T. W. Phillips.

REPLY: Admitted with Clarification in that the formal complaint filed by Complainant is in fact, by any standards, a Complaint against T. W. Phillips Gas.

2. The Formal Complaint is presented in the form of several requests to the Pennsylvania Public Utility Commission (the "Commission") and not as specific complaints against T. W. Phillips. To the extent that such requests incorporate averments of fact or inferences to which

T. W. Phillips can respond, T. W. Phillips will respond in the order they have been presented.

REPLY: Denied, The Formal Complaint filed with the Pennsylvania Public Utility Commission is a direct complaint against the practices of T. W. Phillips Gas and speaks for itself. Formal Complaint is specific in averments of T. W. Phillips violation and non-compliance of Title 66 (Pennsylvania Consolidated Statutes – 66 PA. C. S.) and has Tariffs in place that are contrary to public interest and are not in the spirit of serving retail customers as required by PUC regulations.

3. The averments of fact contained in the handwritten paragraph on the bottom of the second page of the Formal Complaint, in the space below "Section 5 - Relief and continuing in the first paragraph (Paragraph #1) on the reverse side of that page, which are asserted against T. W. Phillips and infer (i) that T. W. Phillips has refused to provide the Complainant with responses to his inquiries or (ii) that T. W. Phillips has, in some way, failed to comply with any PUC testing regulations' or any pipeline safety regulations to which it is subject are specifically denied. To the contrary, T. W. Phillips representatives met with the Complainant during the fall of 2005 to address his inquiries relative to the availability of gas service to his residence on McCalmont Road in Butler Township, Butler County and responded fully to his inquiries. Furthermore, T. W. Phillips has complied with all applicable laws and regulations pertaining to the safe operation of the gas distribution system from which gas service might, under stated conditions, be available to the Complainant's McCalmont Road residence.

REPLY: Denied, The Formal Complaint filed with the Pennsylvania Public Utility Commission is a direct complaint against the practices of T. W. Phillips Gas and speaks for itself. Formal Complaint is specific in averments of T. W. Phillips violation and non-compliance of Title 66 (Pennsylvania Consolidated Statutes – 66 PA. C. S.). T. W. Phillips has failed to supply to Complainant, after written request to do so, the requested information as to the McCalmont Road pipe sizing, date of pipe installation, past testing of pipe, and flow/volume/demand history and current calculations. This information was requested by Complainant to determine if T.W. Phillips was in compliance of PUC regulations and to have an independent review by Complainant's expert(s) to determine if flow/volume/demand calculations are accurate and appropriate. WITH THIS WRITING, A PRODUCTION OF THE REFERENCED DOCUMENTS IS HEREBY REQUESTED. STRICT PROOF OF T. W. PHILLIPS COMPLIANCE WITH ALL

APPLICABLE LAWS AND REGULATIONS DEMANDED AT HEARING.

4. The averments of fact contained in the second handwritten paragraph (Paragraph #2) on the reverse side of the second page of the Formal Complaint, which infer that T. W. Phillips' Commission-approved Tariff (Tariff Gas - PA PUC No. 5) is, in some unspecified way, "...contrary to the letter and spirit of Title 66..." is specifically denied.

REPLY: Denied. Title 66 (Pennsylvania Consolidated Statutes – 66 PA. C. S.) is specific both in "letter" and intent. Complainant prays that the PUC will strike Tariff Gas – PA PUC No. 5 as contrary to Title 66 and against public policy.

5. The averments of fact contained in the third handwritten paragraph (Paragraph#3) on the reverse side of the second page of the Formal Complaint, which infer that T. W. Phillips' Commission-approved Tariff (Tariff Gas - PA PUC No. 5) is, in some unspecified way, unfair or unduly burdensome on residential customers is specifically denied

REPLY: Denied. See Reply to # 4 above. Title 66 is specific and speaks for itself.

6. The averments of fact contained in the fourth handwritten paragraph (Paragraph #4) on the reverse side of the second page of the Formal Complaint, which infer that T. W. Phillips' Commission approved Tariff (Tariff Gas - PA PUC No. 5) fails to comply with either unnamed Commission regulations or 'normal utility standards' to which T. W. Phillips should be subject are specifically denied. To the contrary, T. W. Phillips' current Tariff (Tariff Gas - PA PUC No. 5) has been reviewed and approved by the Commission, as being in compliance with all applicable laws, rules and regulations.

REPLY: See Reply to # 4 & 5 above. With this Complaint, the PUC shall determine if Tariff Gas – PA PUC No. 5 should be stricken if full, or in part, in this instance.

NEW MATTER

7. In the late summer of 2005, Complainant inquired about the availability of T. W. Phillips'

gas service to his residence at 401 McCalmont Road in Renfrew, Butler County.

REPLY: Denied with Correction. Complainant first contacted T. W. Phillips in 1997 prior to purchasing land at McCalmont Road with intentions to build a residence in the future. Via a telephone call to T. W. Phillips, both the real estate agent listing the property for sale and Complainant verified from a T. W. Phillips employee that gas was available to the land. Further, T. W. Phillips informed Complainant that a dwelling had existed on said land, which had gas service (dwelling was destroyed by fire on or about 1976).

8. In response to his inquiry, T. W. Phillips' representatives met with Complainant on September 8, 2005 and evaluated the existing facilities available to provide the requested gas service.

REPLY: Admitted with qualification that Complainant first requested gas service in spring of 2005. Several requests were made to T. W. Phillips by Complainant (which were never responded to by T. W. Phillips) to determine where I needed to have my service line installed so as to connect to the main line on McCalmont Road. Finally, in June 2005, Complainant met with T. W. Phillips employees Zane McCurdy and George Isovitch. The June 2005 meeting went without a response from T. W. Phillips. Consequently, Complainant filed an informal complaint with the PUC, which evoked an immediate response from T. W. Phillips. Said response informed the Complainant that the existing main line needed enlarged to meet demand, and that cost would have to be paid in full by Complainant.

9. Following said evaluation, which included the use of a computer-based flow model of the affected gas distribution system to determine whether or not the capacity of the existing distribution system could satisfy Complainant's load requirements, T. W. Phillips advised Complainant of three alternatives available to him in securing gas service:

a. Complainant could contribute toward the cost of installing 160 feet of new 4-inch diameter plastic pipeline extension and replacing 240 feet of existing 2-inch diameter pipeline with new 4-inch diameter pipeline on the existing low-pressure distribution system to increase the size and capacity of the system, and thereby enable the system to serve Complainant's load requirement. The contribution required of Complainant under this scenario would be \$5,562, as stated in T. W. Phillips' September 15, 2005 letter, a copy of which is attached hereto as Exhibit "A" and made a part

hereof.

or

b. Complainant could install a service line from his residence in an easterly direction to a point of connection with T. W. Phillips' nearby high-pressure line, for which Complainant would incur no cost except for the cost of his service line; or

c. Complainant could contribute toward the cost of installing a regulator station sufficient to upgrade the existing low-pressure system from which Complainant sought to obtain gas service to an intermediate-pressure system to make sufficient gas volumes available to serve Complainant's load requirements. T. W. Phillips estimated that Complainant's contribution under this option would be approximately \$11,000.

REPLY: Partly admitted and partly denied. Exhibit "A" – Letter dated September 15, 2005 from T.W. Phillips to Complainant only states one alternative, alternative a. above. In alternative b. above, T.W. Phillips represents that a "nearby" high-pressure line exists to the east of Complainants residence. Complainant and George Isovitch (T. W. Phillips employee) measured distance of "nearby" high-pressure line, being 430 feet. More important, connection to this high-pressure is through a heavily wooded area with a steep grade and over the lands of others by 300 feet. It is highly unlikely that Complainant would obtain a needed right of way that travels through the middle of occupied land of others. Alternatively, a direct service line from Complainants residence to McCalmont Road is 336 feet and directly intersects existing main line of T. W. Phillips.

10. As Complainant was disinclined to accept the alternative service options set forth in Paragraph 9.b or 9.c above, T. W. Phillips applied its main extension policy, as set forth in Rule 3 of its Tariff, to calculate the contribution that Complainant would be required to make toward the facilities extension and presented that option to the Complainant in the letter attached hereto as Exhibit "A". A copy of Tariff Rule 3 is attached hereto as Exhibit "B" and made a part hereof.

REPLY: Tariff Rule 3 makes references to "main line extension". In this instance, Complainant does not request an extension of the main line currently in place. Complainant's service line can readily intersect main line "as is" which fronts the Complainant's residence at the eastern corner. T. W. Phillips is using misleading terminology by defining a main line pipe size enlargement as a "main line extension".

Complainant requests PUC to determine that Tariff Rule 3 is not applicable in this instance.

11. Since T. W. Phillips' existing low-pressure distribution system along McCalmont Road in Butler Township in the vicinity of Complainant's residence is sufficient to provide safe and reliable service to the existing gas customers connected to it, but does not have either the length or the capacity to also serve the gas requirements of Complainant, the circumstances called for the application of T. W. Phillips' main extension policy. The corresponding calculation of Complainant's required contribution in aid of construction for the service option described in paragraph 9.a. above, was made pursuant to Tariff Rule 3.C.

REPLY: Denied. Main service line has sufficient length, "as is", to serve Complainant's residence. Complainant's request for T. W. Phillips calculations to determine the need for an increase in main line size were never supplied to Complainant for independent expert review. *STRICT PROOF OF CALCULATIONS REQUESTED AS A REQUEST FOR PRODUCTION OF DOCUMENTS HEREWITH.*

12. T. W. Phillips' Tariff Rule 3 has been approved by the Commission and is entirely consistent with the Public Utility Code at Title 66, Section 101, *et al*, including Title 66 Section 1501, which sets forth each public utility's service obligations. A copy of Section 1501 is attached hereto as Exhibit "C" and made a part hereof.

REPLY: Complainant hereby requests that the PUC reviews Tariff Rule 3 and strikes Tariff Rule 3 in full, or in part, as contrary to public interests and in violation of Title 66.

13. In addition to calling upon public utilities to "furnish and maintain adequate, efficient, safe and reasonable service and facilities, and . . . make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience and safety of its patrons, employees and the public." Section 1501 also clearly states that ". . . every public utility may have reasonable rules and regulations giving the conditions under which it shall be required to provide such service".

REPLY: Complainant prays that the PUC shall determine that given the facts in this matter, it is T.W. Phillips responsibility and duty to "make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience and safety of its patrons, employees and the public".

14. T. W. Phillips' main extension policy, as set forth in its Tariff Rule 3, constitutes a reasonable rule governing the conditions under which it shall extend service to potential customers, such as those in the position of Complainant.

REPLY: Again, T. W. Phillips wrongfully states that the main line requires extension when in fact the main line capacity does not meet retail demand.

15. Having been approved by the Commission, it is entirely fair and appropriate that T. W. Phillips apply its main extension policy in Tariff Rule 3 to require Complainant to contribute to the cost of extending the McCalmont Street gas distribution facility, particularly since he was also provided with an alternative service option that would require no extension of T. W. Phillips' facilities and no contribution by him, except for the cost of installing his own service line from his residence to T. W. Phillips' high-pressure pipeline facility. Accordingly, Complainant has no basis for a Formal Complaint against T. W. Phillips.

REPLY: See reply to # 9. above. T.W. Phillips options, as presented herein, are inefficient, and unreasonable, in light of the main line on McCalmont Road being the closest line to Complainants residence. The options T. W. Phillips provided only deter and misplace T. W. Phillips responsibly to serve retail customers as regulated by the PUC and PA State Law (Title 66). The cost to increase the capacity (not length) of an existing main line to serve multiple retail customers should be paid in total, in this instance, by T. W. Phillips. It is unreasonable and unfair to displace a normal cost to do business on one customer when it financially benefits T.W. Phillips. Over a period of time, the added revenues from Complaints retail service shall offset the initial investment.

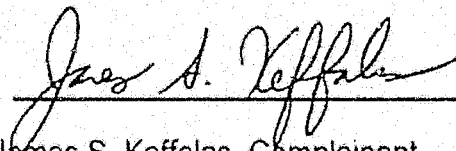
**NEW MATTER BY COMPLAINANT
AS OF JANUARY 12, 2006.**

16. Complainant has made T. W. Phillips aware that the alternative outlined in letter dated September 15, 2005 (Exhibit "A") was unacceptable and inefficient in that the main line does not need extended to service my residence. Consequently, T. W. Phillips advised Complainant in a letter (Exhibit "D" attached - along with a map), dated January 6, 2006, that

207 feet of existing main line needed enlarged from 1.25 inches and 2 inches to 4 inches. Complainant avers that Title 66 mandates T.W. Phillips to meet the demand of retail customers in this instance. Further, it is unlawful to demand that Complainant pay the costs associated with increasing the size/capacity of a main line already in place due to an undersized main line.

THEREFORE, Complainant prays that the PUC strikes, nullifies, amends, and/or dismisses, in whole or in part, any and all T.W. Phillips Tariffs that are against public policy and contrary, either in letter or in spirit, to Title 66. Complainant hereby requests that the PUC issues an immediate order to T.W. Phillips that requires T.W. Phillips to upgrade existing main line along McCalmont Road, as outlined in Exhibit "D" attached, at T.W. Phillips sole cost and expense, work to be completed within 90 days of order.

Respectfully submitted.



James S Keffalas, Complainant

790 Pittsburgh Road
Butler, PA 16002
(724) 586-2222

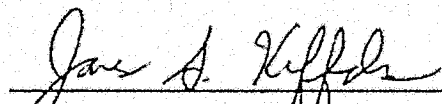
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COMMONWEALTH OF PENNSYLVANIA)

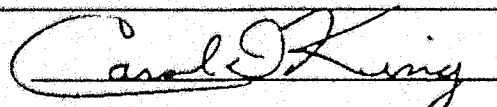
) ss

COUNTY OF BUTLER)

Before me, the undersigned authority, a Notary Public, in and for the said Commonwealth and County, personally appeared James S. Keffalas who, being duly sworn according to the law, swears, and does make this Affidavit for it, and that the facts set forth in the foregoing REPLY AND NEW MATTER TO ANSWER AND NEW MATTER OF T. W. PHILLIPS GAS AND OIL CO. TO FORMAL COMPLAINT BY JAMES S. KEFFALAS are true and correct to the best of his knowledge, information and belief.


James S. Keffalas, Complainant

Sworn to and subscribed before me this 12th day of January, 2006


Notary Public
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Carol D. King, Notary Public
City of Butler, Butler County
My Commission Expires Nov 17, 2007
(Notary Seal)

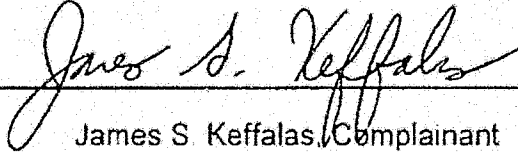
My Commission Expires *November 17, 2007*

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true copy of the foregoing REPLY AND NEW MATTER TO ANSWER AND NEW MATTER OF T. W. PHILLIPS GAS AND OIL CO. TO FORMAL COMPLAINT upon Respondent, T. W. Phillips Gas and Oil Co., by first class mail, at the following address in accordance with the requirements of 52 Pa. Code, Section 1.54:

Attn: Robert M. Hovanec,
Vice President
T. W. Phillips Gas and Oil Co.
205 North Main Street
Butler, Pennsylvania 16001

Date: January 12, 2006


James S. Keffalas, Complainant



T.W. PHILLIPS
GAS AND OIL CO.

205 North Main Street
Butler, Pennsylvania 16001
(724) 287-2751

January 6, 2006

VIA FACSIMILE (724-586-2223)

James S. Keffalas
790 Pittsburgh Street
Butler, Pennsylvania 16002

Re: James S. Keffalas v. T. W. Phillips Gas and Oil Co.
PUIC Docket No. C-20055627

Dear Mr. Keffalas

Following up on the meeting that George Isovitsch and I had with you yesterday, please be advised that T. W. Phillips Gas and Oil Co. ("T. W. Phillips") is prepared to offer yet another gas service option. All of the options that we discussed with you yesterday are reflected on the enclosed drawing.

In response to your specific request, be advised that the option labeled 'Alt. #2' on the enclosed map calls for the replacement of only 207 feet of existing 1½-inch and 2-inch diameter pipe at the end of the low-pressure distribution system nearest your property with 4-inch diameter pipe. Your contribution to the cost of that installation under T. W. Phillips' line extension policy, as approved by the Pennsylvania Public Utility Commission, would amount to \$2,465.00. As we discussed, you would also be obliged to install your own service line of approximately 336 feet in length to a point of connection at the end of the distribution line, as shown on the enclosed map.

Please notify me if you wish to proceed with 'Alt. #2', as shown on the enclosed map, so that necessary arrangements can be made. Feel free to contact me if you have any additional questions.

Very truly yours,

T. W. PHILLIPS GAS AND OIL CO.

Richard G. Shaffer

Director of Operations - Western Division

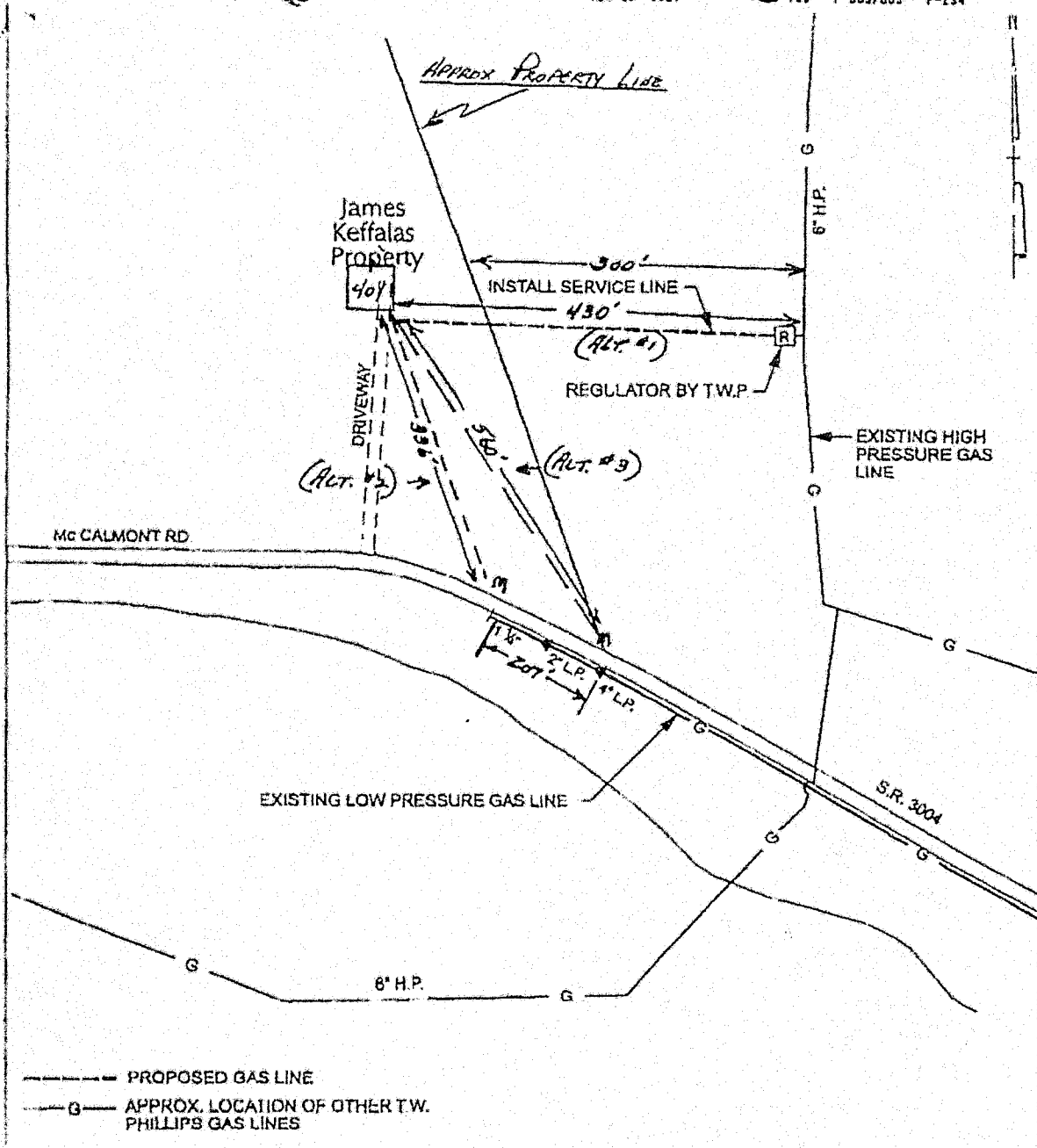
JWD/bjr

Enclosure


cc: Keith A. Swanton
George Isovitsch

EXHIBIT " D "

Page 1 of 2.



----- PROPOSED GAS LINE
 ---G--- APPROX. LOCATION OF OTHER T.W. PHILLIPS GAS LINES

James Keffalas Property		 <p>T.W. PHILLIPS GAS AND OIL CO. 205 NORTH MAIN STREET BUTLER, PENNSYLVANIA 16001</p>
TWP: BUTLER	CO: BUTLER	
SCALE: NOT TO SCALE	DATE: JAN. 4, 2006	
MAP: D425	BY: BKB	

04-JAN-2006 08:20 E:\mapes\06-120105 kaffalas.dwg

EXHIBIT " D "

February 9, 2006

James S. Keffalas
790 Pittsburgh Road
Butler, PA 16002

DOCUMENT
FOLDER

David A. Salapa, Administrative Law Judge
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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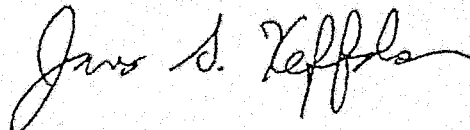
FEB 16 2006
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: James S. Keffalas vs. T. W. Phillips Gas and Oil Co.
PUC Docket No. C-20055627

Dear Judge Salapa:

Enclosed for filing are the three true and correct copies of my REQUEST FOR THE PRODUCTION OF DOCUMENTS which was serviced in the above-referenced proceeding. Please acknowledge your receipt of this filing by date stamping, and returning to me, the extra copy that is enclosed. I have included a pre-address envelope for your convenience.

Respectfully,



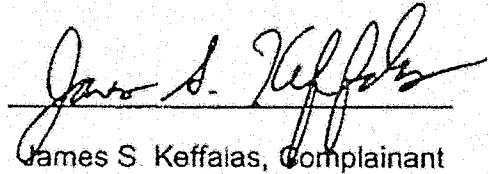
James S. Keffalas, Complainant

PUC

Time is of the essence.

Failure to comply with this request on a timely basis may subject Respondent to further legal action from the Complainant and/or punishment sanctions by the Court.

Respectfully submitted,



James S. Keffalas, Complainant

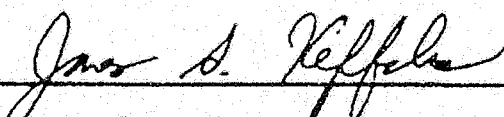
790 Pittsburgh Road
Butler, PA 16002
(724) 586-2222

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true copy of the foregoing REQUEST FOR PRODUCTION OF DOCUMENTS upon Respondent, T. W. Phillips Gas and Oil Co., by first class mail, at the following address in accordance with the requirements of 52 Pa. Code, Section 1.54:

Attn: Robert M. Hovanec,
Vice President
T. W. Phillips Gas and Oil Co.
205 North Main Street
Butler, Pennsylvania 16001

Date: February 3, 2006


James S. Keffalas, Complainant

Salapa, David

From: Salapa, David
Sent: Wednesday, February 15, 2006 2:44 PM
To: 'Dianne Dusman'; 'James Keffalas'; 'Jay Dawson'
Cc: Pyle, Cherie; Williams, Christine
Subject: C-20055627, Keffalas v. T W. Phillips Gas and Oil Co.

Ms. Dusman, Mr. Keffalas and Mr. Dawson

Ms. Dusman contacted me by telephone this afternoon on behalf of Mr. Keffalas and requested that I continue the hearing in this matter set for tomorrow, February 16 at 10:00 a.m. because Mr Keffalas had sent a request for production of documents to T.W. Phillips and under the Commission's Rules of Practice and Procedure T.W. Phillips' response to that request is not due until after the hearing date. Ms. Dusman represented that Mr. Dawson agreed to continuing this matter. Based on this agreement, I will grant the request to continue the hearing with the understanding that the parties are waiving any rights they may have to a timely hearing. I will cause this matter to be set for a hearing in approximately sixty days. During that time period the parties should complete any discovery and attempt to resolve the complaint. If the parties successfully resolve the complaint, they may notify the Commission and me pursuant to 52 Pa. Code 5.24 that the complaint is satisfied. In the event that a statement of satisfaction is filed, the hearing will be cancelled and the case closed. If the parties are unable to resolve the matter, the hearing will proceed as scheduled. Any further continuances will only be for good cause shown. A copy of this email letter will be docketed in the Commission's official file for this proceeding.

David A. Salapa
Administrative Law Judge
Pennsylvania Public Utility Commission
P O Box 3265
Harrisburg, Pa. 17105-3265

Cc: File Room-please place in document file

RECEIVED
2006 FEB 16 PM 12:50
SECRETARY'S BUREAU

BTL



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
February 16, 2006

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20055627

(SEE LETTER DATED 1/4/06)

James S. Keffalas v. T. W. Phillips Gas & Oil Company

Tariff Review

Hearing Cancellation/Reschedule Notice

This is to inform you that the Initial Telephonic Hearing on the above-captioned case, previously scheduled for Thursday, February 16, 2006, has been canceled.

The hearing has been rescheduled as follows:

Type: Initial Telephonic Hearing
Date: Tuesday, April 11, 2006
Time: 10:00 a.m.
Presiding: Administrative Law Judge David A. Salapa
PO Box 3265
Harrisburg, PA 17105-3265
Telephone: 717.783.5452
Fax: 717.787.0481

DOCUMENT
FOLDER

Please mark your records accordingly.

DOCKETED
FEB 24 2006

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

At the above date and time, the Presiding Officer will contact the parties as follows:

James S. Keffalas	724-586-2222
Jay W. Dawson, Esquire	714-287-2751

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 5 days before the hearing.

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 at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Salapa
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File



T.W. PHILLIPS
GAS AND OIL CO.

PLEASE RECYCLE

205 North Main Street
Butler, Pennsylvania 16001
(724) 287-2751

April 5, 2006

EXPRESS MAIL

Honorable David A. Salapa
Administrative Law Judge
Pennsylvania Public Utility Commission
3rd Floor West
Commonwealth Keystone Building
Harrisburg, Pennsylvania 17105-3265

APR - 7 2006
PUBLIC UTILITY COMMISSION
CLERK'S BUREAU

Re James S. Keffalas v. T. W. Phillips Gas and Oil Co., PUC Docket No. C-20055627

Dear Judge Salapa:

In anticipation of the telephonic hearing that is scheduled in the above-referenced proceeding for Tuesday, April 11, 2006, I have enclosed three copies each of the four Exhibits (A-D) that T. W. Phillips Gas and Oil Co. will present during the hearing. By copy of this letter, the Exhibits are also being sent to the Complainant.

To make it easier to contact me on the morning of the hearing, please note that my extension, which was not included on the Hearing Notice with my telephone number, is 224.

Very truly yours,

T. W. PHILLIPS GAS AND OIL CO.

Jay W. Dawson
Vice President - Legal
and Secretary

**DOCUMENT
FOLDER**

JWD/bjr

Enclosures

cc: James S. Keffalas

PA PUC
COMMUNICATIONS
SECTION

April 6, 2006

James S. Keffalas
790 Pittsburgh Road
Butler, PA 16002

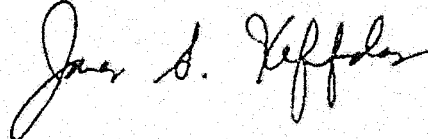
David A. Salapa, Administrative Law Judge
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

RE: James S. Keffalas vs. T. W. Phillips Gas and Oil Co.
PUC Docket No. C-20055627

Dear Judge Salapa:

Enclosed please find five (5) exhibits, in triplicate, for the above reference matter which telephonic hearing is scheduled for April 11, 2006 at 10:00 am.

Respectfully,



James S. Keffalas, Complainant

**DOCUMENT
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BTL

RECEIVED

APR 11 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PA PUC
APR 11 2006

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No:	C-20055627		YES	NO
Case Name:	James S Keffalas v T.W Phillips Gas & Oil Co	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	HBG	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	April 11, 2006	Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	David Salapa	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		DATE:	5/2/2006	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	CERTIFICATE OF SATISFACTION TO BE FILED W/ 5 days	

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RECEIVED

APR 14 2006

PAID BY UTILITY COMMISSION
SECRETARY'S BUREAU

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

Name and Telephone Number	Address	Who are you representing?
James S. KEFFALAS Telephone (724) 586-2222	790 P. HSBURGH Rd BUTLER PA 16002	PRO. SE.
Jay W. DAWSON Telephone (724) 287-2751	205 W MAIN ST BUTLER PA 16002	T.W. Phillips GAS & OIL Co.

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

4/13/06
rip

Reporter's Signature

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



T.W. PHILLIPS
GAS AND OIL CO.

205 North Main Street
Butler, Pennsylvania 16001
(724) 287-2751

April 11, 2006

ORIGINAL

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

Re: James S. Keffalas v. T. W. Phillips Gas and Oil Co.
PUC Docket No. C-20055627

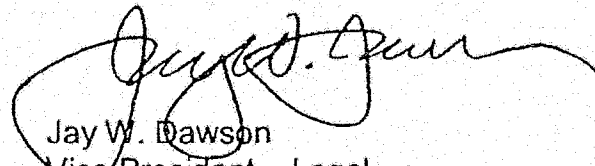
Dear Mr. McNulty:

Enclosed for filing are the original and three copies of a Certificate of Satisfaction to confirm that the parties to the above-referenced proceeding have reached a settlement agreement which satisfies the Formal Complaint. Please acknowledge your receipt of this filing by date stamping and returning to me the extra copy of this cover letter that is enclosed, using the envelope provided for your convenience.

Very truly yours,

T. W. PHILLIPS GAS AND OIL CO.

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FOLDER**


Jay W. Dawson
Vice President - Legal
and Secretary

JWD/bjr

Enclosure

cc: Honorable David A. Salapa
James S. Keffalas

PA P.U.C.
SECRETARY'S BUREAU

2006 APR 13 AM 9:24

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COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: April 13, 2006
SUBJECT: C-20055627
James S. Keffalas v. T. W. Phillips Gas & Oil Company
TO: Wanda Zeiders
Docket Management
FROM: Cherie Pyle, ALJ Support Staff
Office of Administrative Law Judge

On April 13, 2006, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of service, 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 David Salapa
Beth Plantz
Case File

**DOCUMENT
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DOCKETED
APR 26 2006