

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 02/17/06
8. DOCKET NO: C-20065890	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: BOYLAN, JAMES T.

RESPONDENT/APPLICANT: PHILADELPHIA GAS WORKS

COMP/APP COUNTY:

UTILITY CODE: 125042

ALLEGATION OR SUBJECT

COMPLAINANT STATES THERE ARE INCORRECT CHARGES ON HIS BILL. HE DOES NOT FEEL THAT HE SHOULD BE HELD LIABLE OR RESPONSIBLE FOR THE COMPANY'S MISTAKE.

DOCUMENT
FOLDER

DOCKETED

FEB 21 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

125042

Please print or type.

C-20065890

RECEIVED
2006 FEB -9 AM 9:01
SECRETARY'S OFFICE

1. CUSTOMER NAME (COMPLAINANT)

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

Name James T. Boylan

Street/P.O. Box 2049 Barnsboro Rd Apt# H-17

City Blackwood State NJ Zip 08012

County Gloucester

Area Code/HOME Phone 856-228-4404

Area Code/WORK Phone 856-217-1253

Utility Account Number 1721956
(from your bill)

ORIGINAL

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

Name James T. Boylan

Street/P.O. Box 10219 N. Canterbury Rd.

City Phila State PA Zip 19114

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Philadelphia Gas Works

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER
(taxi, moving company, limousine)

TELEPHONE
(local, long distance)

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2006 FEB 17 AM 8:42
SECRETARY'S BUREAU

44
X

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. On 6-25-01, Property 10219 N. Canterbury Rd. was sold. PGW was informed of the date to turn off the gas and we were given the final bill amount to be paid. The sum of \$766.72 was paid to PGW at settlement. We relocated to New Jersey and approx 6-8 months later were informed that we were given an incorrect final bill due to a malfunction in a meter PGW had installed. Apparently we used more gas than we were billed for and we were being charged for over \$2000.00 in gas charges from this mistake. They had not realized this mistake until long after we sold the property.

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 feel that we are liable nor responsible for a mistake they made. We had no idea that our bills were incorrect because we were on a budget plan with them. We were also never shown or offered any proof of this so called mistake. They were not willing to help us in any way. We attempted an informal complaint, and we just realized when we checked our credit report this January, that although the PUC said that some changes had occurred, the PGW and our credit report does not agree. The informal complaint was about 8 months ago. PGW agreed to take off some fees, but we still dispute any responsibility. I can understand if we were not being billed or getting very low bills, but we did pay them \$766.72 at settlement. How could we owe over \$2000? We are in the process of trying to buy a house. This is a burden on my credit and really need this matter resolved.

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 James T. Boylan, 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).

James T. Boylan
(Signature)

2-1-06
(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
----------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------

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.

A. U.S. Department of Housing
and Urban Development

B. Type of Loan

1. FHA 2. FMHA 3. Conv. Unins.
4. VA 5. Conv. Ins. Other.

6. File Number 7. Loan Number
2012-01

8. Mortgage Ins. Case No.

Settlement Statement

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked ("POC") were paid outside the closing; they are shown here for information purposes and are not included in the totals.

D. Name of Borrower: Patricia Hughes and Richard L. Gundrum, Jr

E. Name of Seller: James T. Boylan

F. Name of Lender: Option One Mortgage Corporation, 701 Route 73 South, Suite 420, Marlton, NJ 08053

G. Property Location: Philadelphia City

10219 North Canterbury Road, Philadelphia, PA 19114-1102

H. Settlement Agent: Security Search & Abstract Company, Inc.

Place of Settlement: Urban RE, 7267 Rising Sun Ave., Philadelphia, PA 19111

I. Settlement Date: 06/22/2001

Proration Date: 06/22/2001

J. Summary of Borrower's Transaction

K. Summary of Seller's Transaction

100. Gross amount due from borrower:		400. Gross amount due to seller:	
101. Contract sales price	100,000.00	401. Contract sales price	100,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	7,372.84	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance:		Adjustments for items paid by seller in advance:	
106. City/town taxes 06/22/2001 to 01/01/2002	866.96	406. City/town taxes 06/22/2001 to 01/01/2002	866.96
107. County taxes		407. County taxes	
108. Assessments		408. Assessments	
109. School Taxes		409. School Taxes	
110.		410.	
111.		411.	
112.		412.	
120. Gross amount due from borrower:	108,239.80	420. Gross amount due to seller:	100,866.96
200. Amounts paid by or in behalf of the borrower:		500. Reduction in amount due to seller:	
201. Deposit or earnest money	2,500.00	501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)	85,000.00	502. Settlement charges to seller (line 1400)	8,975.89
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	

1104.	Title insurance binder			
1105.	Document preparation			
1106.	Notary fees & Services	to D. Tedeschi-Quaile	25.00	25.00
1107.	Attorney's fees to			
	<i>includes above items no.:</i>			
1108.	Title insurance	to Security Search & Abstract Company, Inc.	828.75	
	<i>includes above items no.:</i>			
1109.	Lender's coverage	\$85,000.00		
1110.	Owner's coverage	\$100,000.00	\$828.75	
1111.	PA End 300/900/100/710 & CPL	to Security Search & Abstract Company, Inc.	235.00	
1112.	UPS mtg payroll	to Security Search & Abstract Company, Inc.		15.50
1113.	Reimburse federal express	to C 21 American Vista		25.00
1200.	Government recording and transfer charges			
1201.	Recording fees:	Deed \$58.50 Mortgage \$53.50	112.00	
1202.	City/county tax/stamps:	Deed \$3000.00	1,500.00	1,500.00
1203.	State tax/stamps:	Deed \$1000.00	500.00	500.00
1204.	Domestic Relations searches	to Security Search & Abstract Company, Inc.	40.00	20.00
1205.	Final Gas bill	to Phila. Gas Works		766.72
1206.				
1207.	2001-06 WS Bill	to WATER REVENUE BUREAU		23.67
1208.				
1300.	Additional settlement charges			
1301.	Survey			
1302.	Pest inspection			
1303.	Reimburse L & I Cert	to C21 American Vista		100.00
1400.	Total settlement charges (entered on lines 103, section J and 502, section K)		7,372.84	8,975.89

CERTIFICATION: I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of HUD-1 Settlement Statement.

To the best of my knowledge, the HUD-1 Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.

Security Search & Abstract Company, Inc.

Date

Patricia Hughes
 Patricia Hughes
Richard L. Gundrum, Jr.
 Richard L. Gundrum, Jr.

6/22/01
James T. Boylan
 James T. Boylan

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see Title 18 U.S. Code Section 1001 and Section 1010.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: February 21, 2006

DOCUMENT
FOLDER

JAMES T. BOYLAN
Complainant

v.

PHILADELPHIA GAS WORKS
Respondent

Complaint Docket
No: C-20065890

FILED
FEB 21 2006

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PHILADELPHIA GAS WORKS

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: February 21, 2006

C-20065890

LAURETO FARINAS ESQUIRE
PHILADELPHIA GAS WORKS
800 W MONTGOMERY AVE
PHILADELPHIA PA 19122-2898

DOCUMENT
FOLDER

Dear Mr. Farinas:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by JAMES T. BOYLAN. 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.

February 21, 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,

James J. McNulty
Secretary

ane

Philadelphia Gas Works
800 West Montgomery Avenue, Philadelphia, PA 19122



Mary M. Chan, Paralegal
Legal Department
Direct Dial: (215) 694-6830
Fax: (215) 694-6788
E-mail: mary.chan@pgwworks.com

March 7, 2006

ORIGINAL

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

RE: James T. Boylan vs. PGW, Docket No.: C-20065890

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,

A handwritten signature in black ink, appearing to be "M. Chan", written over the typed name "Mary M. Chan".

Mary M. Chan

DOCUMENT
FOLDER

Enclosure

cc: James T. Boylan
Orlando Rosano

RECEIVED
MAR 7 2006
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

249

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

James T. Boylan :
 :
 v. : Docket No.: C-20065890
 :
 Philadelphia Gas Works :

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.

DOCKETED
MAR 15 2006

DOCUMENT
FOLDER

4. (a) Denied. PGW denies the averments contained in Paragraph 4 of the Complaint concerning the inaccuracy of the Complainant's bills, and all other averments that are conclusions. The Complainant's bills are correct as rendered.

(b) Admitted in part and denied in part. PGW admits that PGW were informed of the gas turn off date as of June 21, 2001 at 10219 N. Canterbury Road, Philadelphia, PA (Service Address) because the Complainant was selling the property. It is also admitted that as of May 9, 2001 the balance at the Service Address was \$776.72.

By way of further averment, the Complainant was informed on August 30, 2001 that PGW installed the meter at Service Address on April 28, 1997 under 1ft dial which caused PGW to bill him for 1/2 of his actual gas usage and did not acknowledge this error until June 21, 2001. The error was corrected. On June 12, 2001, the Complainant received a final bill for the

RECEIVED

MAR 7 2006

amount of \$2,815.53 as shown on the statement of account which is attached hereto as Exhibit "A." Therefore, PGW denies the averments contained in this paragraph concerning the Complainant's lack of knowledge regarding this billing error.

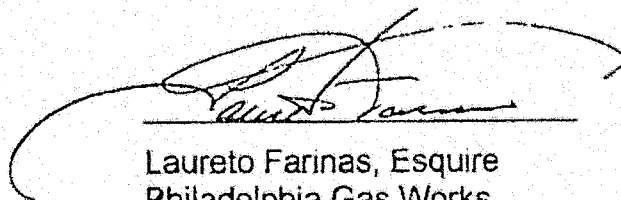
By way of further response, Pursuant to the Bureau of Consumer Services ("BCS") decision dated April 13, 2005, PGW waived late payment charges, reducing the final bill to \$1,805.79. PGW also gave a credit on the Complainant's gas account in the amount of \$361, which further reduced the final bill to \$1,444.79. A copy of the BCS decision is attached hereto as Exhibit "A."

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.
6. Admitted.
7. Admitted.

Wherefore, PGW respectfully requests that this Commission find against the Complainant, and affirm the decision of the BCS in this matter.

Respectfully submitted,

Dated March 7, 2006



Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

EXHIBIT A

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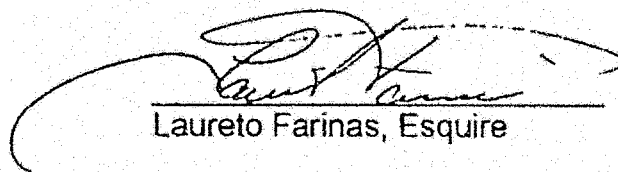
MAR 7 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VERIFICATION

I, Laureto Farinas, hereby declare that I am counsel for the Philadelphia Gas Works. I am authorized to make this verification on its behalf. The facts set forth in the foregoing Answer are true and correct to the best of my knowledge, information and belief. I expect to be able to prove these facts at a hearing held in this matter. This verification is made subject to the penalties of 18 Pa. C.S. §4904, concerning false statements to authorities.

Dated: March 7, 2006


Laureto Farinas, Esquire

CERTIFICATE OF SERVICE

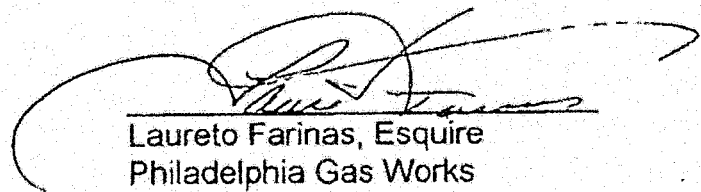
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

James T. Boylan
2049 Barnsboro Road, H-17
Blackwood, NJ 08012

Dated: March 7, 2006



Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

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MAR 7 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU