

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Carol Kirkpatrick

v.

T.W. Phillips Gas & Oil Company

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C-20065955

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PREHEARING ORDER

An initial telephonic hearing in this case is scheduled for Tuesday, May 2, 2006 at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you intend to present any documents or exhibits for my consideration, you must send one (1) copy to the other party and three (3) copies to me one week before the hearing. This includes a copy of a Protection from Abuse (PFA) Order if you marked the "yes" response on the Complaint form that asks if you are a victim under a PFA.

2. If you or any proposed witness will be at a telephone number that is different than the number on the hearing notice, you must notify me of that telephone number at least one (1) week before the hearing.

3. If the Commission's Bureau of Consumer Services ("BCS") has directed the customer to make payments and those payments have not been made, the customer must be prepared to explain at the hearing why those payments have not been made. **FAILURE TO MAKE REGULAR PAYMENTS FOR CURRENT CONSUMPTION (SERVICE) BY THE DUE DATE EACH MONTH MAY RESULT IN THE TERMINATION OF THE CUSTOMER'S SERVICE BEFORE THE TIME SET FOR THE HEARING. FAILURE TO MAKE THESE PAYMENTS MAY ALSO SUBJECT THE CUSTOMER TO THE**

PAYMENT OF A LUMP SUM OF MONEY EQUAL TO ALL MISSED PAYMENTS FOR SERVICE FROM THE DATE OF THE BCS DECISION UNTIL THE DATE ON WHICH THE COMMISSION ENTERS ITS ORDER. 66 Pa. C.S. §§1405(f), 1406(a) & 1410(2).

4. At the hearing, the customer must be prepared to testify about and document the total gross monthly income of the household. A household includes all adults living in a residential household, who benefit from the utility service. The "total gross monthly income of the household" includes, but is not limited to, the following income received by every person residing in the customer's home: (a) the "before taxes or other deductions pay" 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. 66 Pa. C.S. §1403.

5. The Pennsylvania Legislature added Chapter 14 to the Public Utility Code, 66 Pa. C.S. §§1401, *et seq.*, which became effective December 14, 2004. Chapter 14 applies to your case and may result in new payment terms, which may be less favorable than those you currently have.

a. For instance, the length of any payment agreement you had with the utility may change. Depending upon how your gross monthly household income and the number of people living in your household relate to the federal poverty level, the length of time you have to pay off the entire balance owed on your account may be anywhere from less than six (6) months to no more than sixty (60) months. 66 Pa. C.S. §1405(b).

b. The Commission has no authority to negotiate or approve any payment agreement involving your participation in this utility's Customer Assistance Program ("CAP"). 66 Pa. C.S. §1405(c).

c. Unless you have had a change in income, the Commission can not establish or direct the utility to establish a second or subsequent payment agreement, if you have failed to make all payments under an earlier payment agreement with the utility. 66 Pa. C.S. §1405(d).

d. Depending upon the level of your gross monthly household income, it may be easier for the utility to terminate your service in the winter months. Regardless of your income level, the utility can terminate your service in the winter months if you used service that was not authorized, if you misrepresented your identity to obtain service, if you tampered with meters or other utility equipment or if you violated the utility's tariff to the extent that it endangered the safety of a person or the integrity of the utility's delivery system. 66 Pa. C.S. §1406.

e. There also are stricter provisions regarding reconnection fees, security deposits and payments to restore service. 66 Pa. C.S. §1407.

6. At the hearing, the customer must be prepared to testify about and document any change in income that would support establishing a second or subsequent payment agreement if the customer has missed a payment on a previous payment agreement or any significant change in circumstance that would support extending the time period for a payment plan. 66 Pa. C.S. §1405(d) & (e).

7. The utility must prepare and submit the following documents at least one week before 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 service usage comparison report for the same period as the account statement; (c) a copy of the most recent BCS decision, if any; and (d) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission.

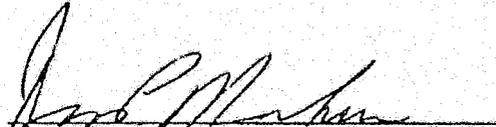
8. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes of initial hearings must be sent to the undersigned Administrative Law Judge, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222. Only the undersigned Administrative Law Judge or OALJ Scheduling Staff may grant a request for a change of an initial hearing. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent hearings, if any, should also be served directly on me.

9. **YOU MAY LOSE THIS CASE, IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.** 52 Pa. Code §5.245.

10. ALTHOUGH THIS HEARING IS BEING CONDUCTED TELEPHONICALLY FOR THE CONVENIENCE OF THE PARTIES, IT IS STILL A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE. 52 Pa. Code §§1.1, *et seq.*

11. Commission policy is to encourage settlements. 52 Pa. Code §5.231(a). Therefore, you are urged to discuss informally between yourselves the possible settlement of this case at least one week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

Date: March 31, 2006


Robert P. Meehan
Administrative Law Judge