

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: 07/18/03
8. DOCKET NO: C-20030766	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: DOWNES, DENNIS G.

RESPONDENT/APPLICANT: WEST PENN POWER CO.

COMP/APP COUNTY: WESTMORELAND

UTILITY CODE: 111250

ALLEGATION OR SUBJECT

COMPLAINANT STATES COMPANY USED WRONG METER MULTIPLIER IN CALCULATING BILL. HE WANTS COMPANY TO REPAY HIM WITH INTEREST AND TO BE FINED BY PUC.

URGENT  
POWER

ORIGINAL

C - 2603076

11250

RECEIVED

JUL 18 2003

Formal Complaint Form  
Pennsylvania Public Utility Commission  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Please Print: (you may also type your answers directly onto the form as it appears on your screen)

1. Your name, mailing address and telephone number.

Name Dennis G. Downes

Street/P.O.Box R. D. # 3 Box 403 Apt # \_\_\_\_\_

City New Alexandria State PA Zip 15670

Country Westmoreland Area Code/Home Phone 724-668-2600

Area Code/Work Phone 724-668-2000

2. Name of company your complaint concerns: Allegheny Power (Acct # 12302011237501)

3. What is your complaint? (Use additional paper if need more space)

Allegheny Power used the wrong meter multiplier in calculating our bill. A new meter was installed February 6, 2002. Our bills immediately doubled. After complaining, they told me I was stealing power with my old meter. It is their fault for not using the correct multiplier that is on the meter.

4. What do you want the Public Utility Commission to do about your complaint? (Use additional paper if need more space).

Make the power company repay me with interest and fine the power company.

The reason you should fine the company is: 1) they refuse to calculate my bill properly, 2) the power company's attitude is to cheat the customer--see my enclosed letter.

5. You must sign and date your complaint below

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

Dennis G. Downes  
Signature

July 16, 2003  
Date

Continued on next page

6. If you are represented by a lawyer you must provide your lawyer's name, address and telephone number.

Lawyer's Name \_\_\_\_\_

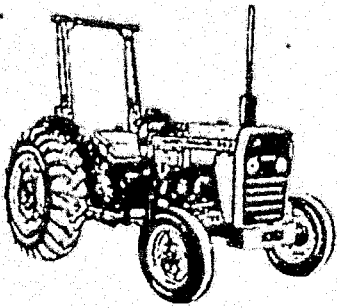
Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

**Mail to:**  
Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**For more information, please contact the Secretary's Bureau at 717-772-7777.**



**NEW ALEXANDRIA TRACTOR SUPPLY**

RD #3 Box 403

New Alexandria, PA 15670

(412) 668-2000  
724

July 11, 2003



**MASSEY-FERGUSON**  
Where farmers ideas take root

Public Utilities Commission  
P. O. Box 3265  
Harrisburg, Pa. 17105

Dear Sirs:

I am having an ordeal with Allegheny Power Company.

Enclosed find the data on the over-billing by 100%. They used an 80 conversion factor instead of a 40 factor since they installed a new meter from February 6, 2002 to April 2003.

If you read my enclosed letter to Allegheny Power it will explain my problem which they seem unwilling to correct.

Please send me the proper forms for a hearing, if you cannot straighten out my billing.

Sincerely,

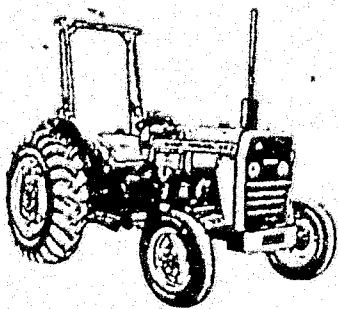
A handwritten signature in cursive script that reads "Dennis G. Downes".

Dennis G. Downes  
Owner

Enclosure

DGD/GJB

NOTE: A meter reader and I finally figured out this problem.  
I hope this is not a pattern for Allegheny Power Co.



NEW ALEXANDRIA TRACTOR SUPPLY

RD #3 Box 403

New Alexandria, PA 15670

(412) 668-2000

724

July 11, 2003



MASSEY-FERGUSON  
Where farmers' ideas take root.

Allegheny Power  
800 Cabin Hill Drive  
Greensburg, Pa. 15601

Dear Sir:

I am requesting in writing additional data from the time you installed the meter. Why are you not correcting my bill properly. Enclosed find the data you gave me to the present. This will be your fourth try to bill me properly.

The first attempt was verbal and you were to credit me \$47.00. After I explained to you what the conversion factor did, you sent me "Correction # 1". I verbally complained and you sent me "Correction # 2".

I am asking you to now do it right and correct my billing from the time the meter was installed on February 6, 2002.

You also need to adjust the Pennsylvania Sales Tax and the Gross Receipts Tax. You are the agents (with a license) collecting the taxes and are paid 1% of the tax to collect it.

Don't tell me I must apply for credit since you over-billed me.

It is your mistake that needs to be corrected.

Enclosed find a chart that I hope will help you with the billing.

Sincerely,

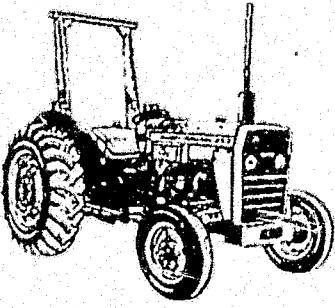
A handwritten signature in cursive script that reads "Dennis G. Downes".

Dennis G. Downes  
Owner

DGD/GJB

Enclosure

YEAR	MONTH	BILLING AMT.	CORRECTION #1	CORRECTION #2	CREDIT
2002	January				\$0.00
	February	\$450.97			\$450.97
	March	\$535.06			\$535.06
	April	\$483.82			\$483.82
	May	\$407.88		247.96	\$159.92
	June	\$471.44		239.77	\$231.67
	July	\$397.63	282.81	282.81	\$114.82
	August	\$428.40	258.21	258.21	\$170.19
	September	\$397.63	241.8	241.8	\$155.83
	October	\$457.12	278.75	278.75	\$178.37
	November	\$469.41	282.82	282.82	\$186.59
	December	\$442.75	268.46	268.46	\$174.29
	Sub Total:	\$4,942.11	\$1,612.85	\$2,100.58	\$2,841.53
2003	January	\$485.80	288.99	288.99	\$196.81
	February	\$493.99	295.14	295.14	\$198.85
	March	\$457.08	274.63	274.63	\$182.45
	April	\$284.89	284.89	284.89	\$0.00
	May	\$229.48	229.48	229.48	\$0.00
	June				\$0.00
	July				\$0.00
	August				\$0.00
	September				\$0.00
	October				\$0.00
	November				\$0.00
	December				\$0.00
	Sub Total:	\$1,951.24	\$1,373.13	\$1,373.13	\$578.11
	Grand Total:	\$6,893.35	\$2,985.98	\$3,473.71	\$3,419.64



NEW ALEXANDRIA TRACTOR SUPPLY

RD #3 Box 403  
New Alexandria, PA 15670  
~~(412)~~ 688-2000  
734

July 11, 2003



MASSEY-FERGUSON  
Where farmers' ideas take root

Public Utilities Commission  
P. O. Box 3265  
Harrisburg, Pa. 17105

Dear Sirs:

I am having an ordeal with Allegheny Power Company.

Enclosed find the data on the over-billing by 100%. They used an 80 conversion factor instead of a 40 factor since they installed a new meter from February 6, 2002 to April 2003.

If you read my enclosed letter to Allegheny Power it will explain my problem which they seem unwilling to correct.

Please send me the proper forms for a hearing, if you cannot straighten out my billing.

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A handwritten signature in cursive script that reads "Dennis G. Downes".

Dennis G. Downes  
Owner

Enclosure

DGD/GJB

RECEIVED

JUL 11 2003

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

NOTE: A meter reader and I finally figured out this problem.  
I hope this is not a pattern for Allegheny Power Co.

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

DATE SERVED: JULY 30, 2003

C-20030766

WEST PENN POWER COMPANY  
ROBERT R WINTER  
DEPUTY GENERAL COUNSEL  
800 CABIN HILL DR  
GREENSBURG PA 15601

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by DENNIS G. DOWNES. 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.

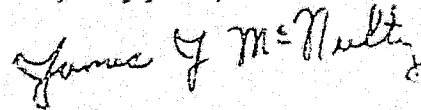
JULY 30, 2003

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

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,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty  
Secretary

KSB

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: JULY 30, 2003

DENNIS G. DOWNES  
Complainant

VS.

WEST PENN POWER COMPANY  
Respondent

Complaint Docket  
No: C-20030766

305 118

JUL 31

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: WEST PENN POWER COMPANY

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).

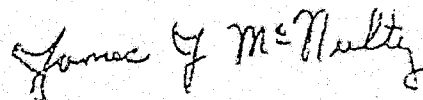
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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

LEGAL SERVICES



Allegheny Energy

800 Cabin Hill Drive  
Greensburg, PA 15601-1689  
Phone: (724) 837-3000  
FAX (724) 838-6177

Writer's Direct Dial No 724-838-6188

E-mail: ddun.ap@alleghenyenergy.com

**ORIGINAL**

August 18, 2003

**VIA FEDERAL EXPRESS**

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**RE: Dennis G. Downes v. West Penn Power Company**  
**Complaint Docket No. C-20030766**

Dear Mr. McNulty:

Enclosed are the original and three (3) copies of the Answer of West Penn Power Company ("Allegheny Power") to the above-referenced Formal Complaint, with Certificate of Service attached.

Very truly yours,

Daniel M. Dunlap  
Attorney

DOCUMENT  
FOLDER

Enclosures

cc: Dennis G. Downes  
R.D. #3 Box 403  
New Alexandria, PA 15670

**RECEIVED**

AUG 18 2003

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**ORIGINAL**

DENNIS G. DOWNES,  
Complainant,

v.

WEST PENN POWER COMPANY,  
Respondent.

Complaint Docket No. C-20030766

**DOCKETED**

AUG 26 2003

DOCUMENT  
FOLDER

ANSWER

Comes now the Respondent, West Penn Power Company, by its attorneys, and answers the allegations contained in the Formal Complaint filed in the captioned matter as follows:

1. West Penn Power Company is a Pennsylvania public utility which transacts and does business as "Allegheny Power," has a corporate center at 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601, and will be referred to hereinafter as "Allegheny Power."

2. Attorneys for Allegheny Power are Daniel M. Dunlap, James T. Boggs, John L. Munsch and David L. Williams with address as set forth above.

3. The averments in Paragraph No. 3 of the Complaint are admitted in part and denied in part. The averment in the first sentence related to the meter multiplier is admitted. The averment in the second sentence related to a new meter being installed on February 6, 2002 is admitted. The averment in the last sentence that it is Allegheny Power's responsibility to bill using the correct meter multiplier is admitted.

**RECEIVED**

AUG 18 2003

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

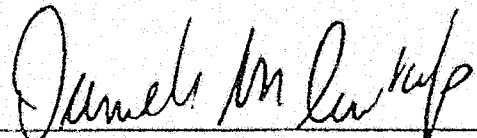
By way of further answer, the averments in Paragraph No. 4 that Allegheny Power refuses "to calculate my bill properly" and "cheat the customer" are specifically and emphatically denied. To the contrary, Allegheny Power has taken steps to recalculate and correct the bills.

Allegheny Power is, after reasonable investigation, without knowledge or information sufficient to form a belief as to the truth of the remaining averments in the Complaint.

4. WHEREFORE, Allegheny Power requests that the relief sought by the Complainant in Paragraph No. 4 of the Complaint be denied and the captioned matter be dismissed.

Date: August 18, 2003

Respectfully submitted,



Daniel M. Dunlap, Attorney for  
Allegheny Power

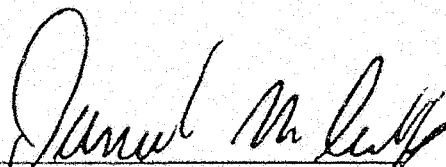


CERTIFICATE OF SERVICE

I hereby certify that I have this day served by first-class mail, postage prepaid, the foregoing Answer addressed as follows:

Dennis G. Downes  
R.D. #3 Box 403  
New Alexandria, PA 15670

Date: August 18, 2003

  
Daniel M. Dunlap, Attorney For  
Allegheny Power

RECEIVED  
AUG 18 2003  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU