

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: 07/16/03
 8. DOCKET NO: C-20030752 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: FOWLER, HEIDI A.

RESPONDENT/APPLICANT: PHILLIPS, T. W., GAS & OIL CO.

COMP/APP COUNTY: ALLEGHENY

UTILITY CODE: 122350

ALLEGATION OR SUBJECT

COMPLAINANT STATES SHE CAN NOT PAY BUDGET AMOUNT PLUS \$15. SHE WANTS TO PAY MONTHLY USAGE PLUS \$15.

DOCUMENT
FOLDER

JUL 21

ORIGINAL

C-20030752

122350

Formal Complaint Form
Pennsylvania Public Utility Commission

SECRETARIAT'S BUREAU

NOV 15 2003 10:21

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 Heidi A. Fowler

Street/P.O.Box 69 Natrona St. Apt # _____

City Natrona State PA Zip 15065

County Allegheny Area Code/Home Phone (724) 224-8388
Area Code/Work Phone _____

2. Name of company your complaint concerns: Toledo Phillips Gas & Oil Co.

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

I had my bill investigated, when the decision came back it ruled that I have to pay a budget amount plus \$15.00 every month. I am against the budget amount. I want to pay my monthly usage plus the fifteen.

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

I want the PUC to get my payment back to monthly usage, no budget.

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.

Heidi A. Fowler
Signature

7/09/03
Date

Continued on next page

14

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.

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

DATE SERVED: JULY 28, 2003

C-20030752

T W PHILLIPS GAS & OIL
ROBERT M HOVANEC VICE PRES
205 N MAIN ST
BUTLER PA 16001

DOCUMENT

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by HEIDI A. FOWLER. 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.

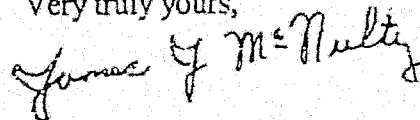
JULY 28, 2003

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 28, 2003

HEIDI A. FOWLER
Complainant

VS.

T W PHILLIPS GAS & OIL
Respondent

Complaint Docket
No: C-20030752

DOCUMENT
FOWLER

JUL 28

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: T W PHILLIPS GAS & OIL

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,

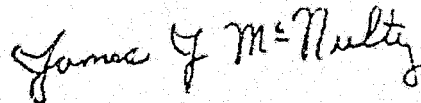
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as 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.

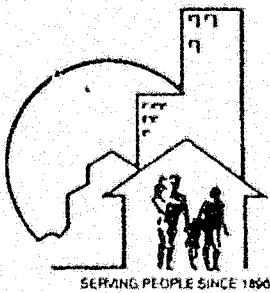
5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are 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



T.W. PHILLIPS
GAS AND OIL CO.

ORIGINAL

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

August 13, 2003

DOCUMENT
FOLDER

SECRETARY'S BUREAU

2003 AUG 13 11:11:09

RECEIVED

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

Re: Heidi A. Fowler v. T. W. Phillips Gas and Oil Co.
PUC Docket No. C-20030752

Dear Mr. McNulty:

Enclosed for filing are the original and three copies of T. W. Phillips Gas and Oil Co.'s Answer and New Matter to the Formal Complaint with which it was recently served in the above-referenced proceeding. 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.

Jay W. Dawson
Vice President - Legal
and Secretary

JWD:gpl

Enclosures

cc: Heidi A. Fowler
Jennifer L. Jones
Tracy L. Lazzo

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL
RECEIVED
AUG 15 11:11:09
SERVICE MARK'S BUREAU

HEIDI A. FOWLER,)
)
Complainant,)
)
vs.)
)
T. W. PHILLIPS GAS AND OIL CO.,)
)
Respondent.)

Complaint Docket
No. C-20030752

DOCUMENT
FOLDER

**ANSWER AND NEW MATTER OF
T. W. PHILLIPS GAS AND OIL CO.
TO FORMAL COMPLAINT**

DOCKETED
AUG 18 2003

NOW COMES T. W. Phillips Gas and Oil Co. ("T. W. Phillips"), by its attorney, Jay W. Dawson, Esquire, and submits its Answer and New Matter to the Formal Complaint of Heidi A. Fowler in the above-captioned matter as follows:

1. Complainant, Heidi A. Fowler, was a residential gas service customer of T. W. Phillips at 69 Natrona Street, Natrona, Pennsylvania 15065. until August 1, 2003, when her gas service at that address was terminated at her request.
2. The Formal Complaint consists of four unnumbered sentences to which T. W. Phillips will respond in the order they have been presented.
3. The averments of fact contained in the first unnumbered sentence of the Formal Complaint are admitted.
4. The averments of fact contained in the second unnumbered sentence of the Formal Complaint are admitted. By way of further answer, a copy of the Informal Complaint Decision of the Bureau of Consumer Services at Case No. S.T. 1374780 issued on June 11, 2003 is attached hereto as Exhibit "A" and made a part hereof.
5. The averments contained in the third and fourth unnumbered sentences of the Formal Complaint constitute conclusions to which no responses are required. To the extent that responses are required, they are specifically denied.

NEW MATTER

6. T. W. Phillips' gas service to the Complainant at 69 Natrona Street in Natrona, Pennsylvania was terminated on August 1, 2003 at Complainant's request

7. As shown on the Customer Usage Report attached hereto as Exhibit "B" and made a part hereof, the balance due on Complainant's gas service account for gas service through August 1, 2003 is \$457.48. The amount of \$20.69, for gas service during the month ended July 18, 2003, is due on August 14, 2003, while the final bill amount of \$40.03 for gas service through August 1, 2003, is due on or before September 5, 2003. The remaining balance of \$396.76 is past due.

8. As shown on Exhibit "B", Complainant has made no payment to T. W. Phillips for her gas service since February 2003.

9. Complainant indicates in her Formal Complaint that she wishes to pay the actual current bill each month, plus \$15.00 per month until her past-due balance is paid. Having terminated her gas service effective August 1, 2003, Complainant will have no further current bills.

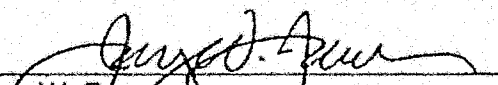
10. Complainant's gas service account now has a final balance due in the amount of \$457.48, which T. W. Phillips will expect her to pay. \$396.76 of that amount is past due and therefore immediately due and payable.

11. Complainant has made no application to T. W. Phillips to date for gas service at any other residence location on T. W. Phillips' system.

12. Under the circumstances, T. W. Phillips has made an effort to contact Complainant to settle her Formal Complaint and reach a reasonable payment arrangement on the balance due on her now terminated gas service account. As of August 11, 2003, however, Complainant's home telephone number (724-224-8388) had been disconnected and was not in operation and an attempt to reach Complainant at another telephone number was also unsuccessful. Neither has Complainant provided T. W. Phillips with any forwarding address.

WHEREFORE, T. W. Phillips respectfully requests that Complainant be directed to promptly pay the outstanding balance due on her account for gas service to 69 Natrona Street, in Natrona, Pennsylvania through August 1, 2003, and that her Formal Complaint be dismissed with prejudice.

Date: August 13, 2003



Jay W. Dawson
T. W. PHILLIPS GAS AND OIL CO.
205 North Main Street
Butler, Pennsylvania 16001
(724) 287-2751
Attorney for T. W. Phillips Gas and Oil Co.

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true copy of the foregoing Answer and New Matter of T. W Phillips Gas and Oil Co. to Formal Complaint upon Complainant, Heidi A. Fowler, by first class mail, at the following address in accordance with the requirements of 52 Pa. Code, Section 1.54:

Heidi A. Fowler
69 Natrona Street
Natrona, Pennsylvania 15065

Date: August 13, 2003

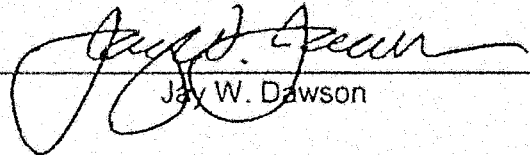

Jay W. Dawson

EXHIBIT "A"

**INFORMAL COMPLAINT DECISION
BUREAU OF CONSUMER SERVICES, RESIDENTIAL TERMINATION UNIT
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Date: 6/11/2003

HEIDI A FOWLER
69 NATRON STREET
APARTMENT 69
NATRON PA 15065

S.T. No: 1374780

V.

Acct. No: 5780694009

T W PHILLIPS GAS COMPANY

On May 1, 2003, you contacted the Public Utility Commission asking for help in preventing the termination of your utility service. You also stated you felt your bill was too high. The Residential Termination Unit looked into your records with the company and decided that:

- On May 30, 2003, the company obtained a reading and discovered the previous bill was over-estimated. The company properly corrected the bill by rendering a \$48.55 credit adjustment on the customer's account.
- Your total account balance is \$376.05. This balance does not include any payments or bills sent out on or after 6/11/2003.
- Beginning JULY 2003 you must pay the company a special budget amount of \$94.00 per month. This amount may change depending on any change in the amount of service you use.
- This special budget amount includes a regular budget amount of \$79.00 per month, which is based on your monthly usage, plus \$15.00 that will be paid toward the account balance.
- You must make all payments by the due date of each month's bill and continue making the payments until you pay the account in full.
- The company will not charge late payment fees to your account as long as you pay according to this decision. However, the company may apply late payment fees if you do not pay on time or if you do not keep this agreement.

EXHIBIT "A"

- The Company has special programs that may help you to pay your bill. If you do qualify for these programs, the Company may lower your monthly bill. If the Company enrolls you in a special program, they will tell you the new amount you need to pay each month. You should pay that amount instead of the amount in this decision.

You are advised to contact the Department of Public Welfare and other available social agencies for financial energy assistance.

JOHN CLEA JR.
Investigator

EXHIBIT "B"

T. W. PHILLIPS GAS AND OIL CO.

CUSTOMER USAGE REPORT
HEIDI A. FOWLER (Account No. 5780694009)

Service To	Meter Reading	Gas Usage (Mcf)	Bill Amount	Due Date	Late Payment Charge	Payment	Payment Date	Balance
08/01/03	155A	3	\$40.03	09/05/03				\$457.48
07/18/03	152E	1	20.69	08/14/03				417.45
06/17/03	151G	1	20.71	07/17/03				396.76
						\$48.55	06/05/03	
05/19/03	155E	7	78.97	06/18/03				376.05
04/17/03	148E	6	67.34	05/15/03				345.63
03/19/03	142A	30	280.09	04/17/03	\$3.44			278.29
02/19/03	112J	0	11.00	03/20/03				(5.24)
						16.24	02/26/03	
01/20/03	119J	16	140.94	02/18/03		194.04	02/19/03	(16.24)
						32.48	01/06/03	
12/18/02	107G	9	84.09	01/16/03	0.65	67.24	12/30/02	53.10
						15.97	12/04/02	
11/18/02	100E	9	82.88	12/17/02	0.84			68.08
10/17/02	91C	2	26.58	11/14/02	0.33	26.58	11/21/02	0.33
09/19/02	89A	3	34.35	10/17/02		34.35	10/22/02	0.00
08/19/02	86E	1	18.60	09/17/02		37.60	09/19/02	0.00
07/18/02	85A	1	18.31	08/15/02	0.23	36.77	07/29/02	19.00
06/19/02	84G	2	25.63	07/18/02	0.46			37.23
						43.89	06/05/02	
05/17/02	88E	6	54.89	06/13/02	0.14			11.14
04/17/02	82E	8	69.52	05/16/02		69.52	05/13/02	0.00
03/19/02	74G	4	40.26	04/16/02		40.26	04/15/02	0.00
						14.76	03/07/02	
02/19/02	72E	12	99.55	03/19/02		84.79	03/22/02	0.00
01/18/02	60C	3	33.55	02/14/02		158.81	01/24/02	0.00
12/19/01	57C	15	123.71	01/17/02	1.55			125.26
11/19/01	42C	2	26.33	12/18/01		26.33	12/10/01	0.00
10/17/01	40E	6	58.56	11/15/01		58.56	11/15/01	0.00
09/21/01	34A	1	18.93	10/18/01		18.93	10/17/01	0.00
08/17/01	22E	2	22.91	09/13/01		22.91	09/07/01	0.00



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

October 23, 2003

In Re: C-20030752

(See attached list)

Heidi A. Fowler v. T. W. Phillips Gas & Oil Co.

Requests payment arrangements.

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial telephone hearing
Date: Wednesday, January 7, 2004
Time: 10:00 a.m.
Presiding: Administrative Law Judge Fred R. Nene
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550
Fax: (412) 565-5692

DOCUMENT
FOLDER

The judge will be presiding as authorized by
52 Pa. Code §56.174.

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.

DOCKETED
OCT 28 2003

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

Heidi A. Fowler
Jay W. Dawson

(724) 224-8388
(724) 287-2751 E224

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 3 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:

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

pc: Judge Nene
Judy W. Springer
Beth Plantz
Docket Section
Calendar File