

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Faye Bagby

v.

Philadelphia Gas Works

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:
:
:

Z-01714457

PREHEARING ORDER

On August 18, 2005, I was assigned as the presiding officer in this case. The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. An **Initial Hearing** in this case is scheduled for **Wednesday, October 19, 2005 at 9:30 a.m. in Hearing Room 2 on the 13th floor of the Philadelphia State Office Building.** Your case is one of several cases that have been scheduled at this time in Hearing Room 2. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 9:15 a.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all morning, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

On May 6, 2005, the Complainant filed a formal complaint against Philadelphia Gas Works ("PGW" or "Respondent") alleging the following: that she is not able to pay the amount requested by the Respondent; that she is the only one working; and that she cannot pay \$224.00 a month.

On August 11, 2005, the Respondent filed an Answer. The Respondent denied that the Complainant is unable to pay her bill. The Respondent stated that the Complainant's

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outstanding balance was \$1,790.80. The Respondent referred to the Bureau of Consumer Services decision, dated March 15, 2005, requiring the Complainant to pay a budget payment of \$150.00 plus \$74.00 a month on the arrearage beginning in April 2005. The Respondent indicated that it is unaware of any change in circumstances since the Bureau of Consumer Services rendered its decision. The Respondent stated that the Complainant's gas service was terminated for nonpayment on June 28, 2005.

On August 16, 2005, Chief Administrative Law Judge Veronica A. Smith issued an Interim Payment Order requiring the Complainant to pay her monthly bill until a final Order is issued by the Commission or the case is otherwise resolved.

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

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

Administrative Law Judge Cynthia Williams Fordham
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

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

2. **Commission policy promotes settlements.** 52 Pa.Code §5.231(a). The utility shall contact the Complainant at least one week before the scheduled hearing to discuss 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. The Pennsylvania Legislature has recently enacted the Responsible Utility Customer Protection Act. 66 Pa. C.S. §1401 *et seq.* This new law provides strict guidelines as to how the Commission must handle customer complaints. The application of this law may result in the issuance of a less favorable payment arrangement than a customer's current payment arrangement.

4. If the Complainant has not made the payments that the Bureau of Consumer Services ("BCS") directed her to make, she must explain why the payments were not made.

5. The customer must make monthly payments towards his/her utility bill while their complaint is pending. **FAILURE TO MAKE PAYMENTS WILL RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE. FAILURE TO MAKE PAYMENTS MAY RESULT IN THE UTILITY TERMINATING YOUR SERVICE.**

6. If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), you must bring four (4) copies (a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record). Please keep a copy for yourself. 52 Pa. Code §5.409.

7. At the hearing, the customer must be prepared to testify about the total gross monthly income of the household. A household includes all adults living at the service address and benefiting from the utility service. The "total gross monthly household income" includes but is not limited to the following:

- (a) income 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.

8. The utility must bring the following documents to 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 Bureau of Consumer Services (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.

9. 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).

10. 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 me 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.

11. **YOUR CASE WILL BE DISMISSED IF YOU DO NOT PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

12. This is a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Date: September 29, 2005

Cynthia Williams Fordham
Cynthia Williams Fordham
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
August 18, 2005

IN REPLY PLEASE
REFER TO OUR FILE

In Re: Z-01714457

(SEE ATTACHED LIST)

Faye Bagby v. Philadelphia Gas Works

Requests Payment Arrangement

Hearing Notice

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This is to inform you that your case is scheduled for hearing at 9:30 a.m. in Hearing Room 2 in the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time in Hearing Room 2. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 9:15 a.m. and wait in the Hearing Room until the presiding Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all morning, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

Type: Initial Hearing
Date: Wednesday, October 19, 2005
Time: 9:30 a.m.
Location: Hearing Room 2
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania

Presiding: Administrative Law Judge Cynthia W. Fordham
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

Attention: You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

If you intend to file exhibits, bring 4 copies with you to the hearing.

Individuals may represent themselves or be represented by an attorney. Individuals representing themselves do not need to be represented by an attorney. If you have an attorney representing you, your attorney should file a Notice of Appearance before the scheduled hearing date.

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 Fordham
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

Re: Faye Bagby v PGW, z-0714457
Hearing 10/19/05 9:30a.m.

10/7/05

To The Administrative Law
Judge Cynthia Williams Fordham

I am writing to withdrawing
my Complaint with the Gas Phila Work.
I made agreement and payment plan to
to pay my bill. Thank you for granting
me a hearing but it will not be needed.

Sincerely
Faye Bagby

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OCT 11 2005

Public Utility Commission
Philadelphia Office
Administrative Law Judge

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OCT 20 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: October 12, 2005
SUBJECT: Z-01714457
Faye Bagby v. Philadelphia Gas Works
TO: Wanda Zeiders
Docket Management
FROM: Susan Kirwan, Support Staff
Office of Administrative Law Judge

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On October 11, 2005, a Petition for Leave to Withdraw was filed in the above-captioned proceeding. If no objection is filed to this petition 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 Cynthia W. Fordham
Beth Plantz
Case File

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Pyle, Cherie

From: Fordham, Cynthia
Sent: Wednesday, October 12, 2005 9:32 AM
To: Pyle, Cherie; Laureto A. Farinas Esquire (laureto.farinas@pgworks.com)
Cc: Regazzi, Joanna
Subject: Bagby v. PGW, Z-01714457

I received a withdrawal from the Complainant. Please cancel the hearing scheduled for October 19, 2005. Joanna will cancel the court reporter. I faxed you a copy of the withdrawal letter.

Judge Fordham

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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
October 12, 2005

IN REPLY PLEASE
REFER TO OUR FILE

In Re: Z-01714457

(SEE LETTER DATED 8/18/05)

Faye Bagby v. Philadelphia Gas Works

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial Hearing
Date: Wednesday, October 19, 2005
Time: 9:30 a.m.
Presiding: Administrative Law Judge Cynthia W. Fordham

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Please mark your records accordingly.

pc: Judge Cynthia W. Fordham
Susan Kirwan+
Beth Plantz
Docket Section
Calendar File

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OCT 18 2005

END

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	Z-01714457		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Faye Bagby v. Philadelphia Gas Works	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	October 19, 2005			
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Cynthia W. Fordham	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS	Complainant withdrew complaint. Hearing cancelled. ✓ Done	

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

Name and Telephone Number	Address			Who are you representing?	
<p style="text-align: center; font-size: 2em; font-weight: bold;">DOCUMENT FOLDER</p>	City	State	Zip		
	E-mail Address:				Fax Number:
	City	State	Zip		
Telephone:	E-mail Address:			Fax Number:	
	City	State	Zip	RJP	
	E-mail Address:				Fax Number:
	City	State	Zip		
Telephone:	E-mail Address:			Fax Number:	

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

10/21/05

Reporter's Signature

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