

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Doris Rudacille

v.

Columbia Gas of PA., Inc.

FEB 24 2005

C-20043504

PA. P.U.C.
SECRETARY'S BUREAU

05 FEB 11 PM 1:44

PREHEARING ORDER

An Initial Telephonic Hearing in this case is scheduled for Tuesday, March 15, 2005 at 2:00 p.m. Your case is one of several cases scheduled for this day. **You must be available when contacted by the presiding officer or your case will be dismissed. If you 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 five (5) business days before the hearing.**

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

1. A request for a change 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 changes of hearing dates must be sent to me and all parties of record. The correct address is: ALJ Susan D. Colwell, Pennsylvania Public Utility Commission, P O Box 3265, Harrisburg, PA 17105-3265. **Changes are granted only in rare situations where good cause exists.**
2. **Commission policy promotes settlements.** 52 Pa. Code §5.231(a). The utility will contact you at least one week before the scheduled hearing to talk over 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*, which may be applied to your case. This new law provides strict guidelines as to how the Commission must handle customer complaints. The application of this law is likely to result in the issuance of a less favorable payment arrangement than a customer's current payment arrangement. The customer is encouraged to evaluate the merits of the complaint and decide whether to proceed to hearing, actively pursue settlement with the utility or withdraw the complaint.

4. The customer must make regular monthly payments towards their utility bill while their complaint is pending. **FAILURE TO MAKE REGULAR PAYMENTS WILL RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE.**

5. The customer has the burden of proving that the utility violated Pennsylvania public utility law.

6. If you intend to present any documents or exhibits for my consideration, you must send one copy to the other party and three (3) copies to me at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.

7. At the hearing, the customer must be prepared to testify about the total gross income of all adult residents of the household. This includes 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) child support;

- (h) public assistance; and
- (i) any other source(s) of income.

8. To assist the customer in providing necessary income and expense information, three (3) copies of a budget information form are enclosed. The customer must fill out this form; and return one (1) completed copy to me; send one (1) completed copy to the attorney for the utility at least five (5) business days before the hearing and you should keep one (1) completed copy for yourself.

9. 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 copy of the most recent BCS decision, if any
- (c) a service usage comparison report for the same period as the account statement; 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.

10. 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).

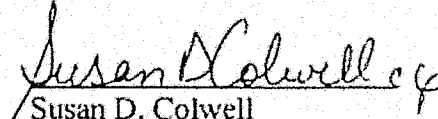
11. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10)

days notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

12. THIS CASE WILL BE DISMISSED IF YOU DO NOT PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.

13. Although the 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.

Date: February 10, 2005


Susan D. Colwell
Administrative Law Judge

RECEIVED

MAR 09 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

SHELLEY V. SODOMSKY, ESQUIRE
239 ANITA AVENUE
PITTSBURGH, PA 15217
(412) 422-8554
FAX (412) 422-7460

ORIGINAL

March 9, 2005

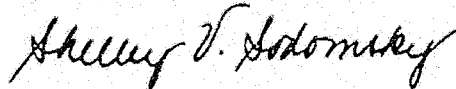
James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: **Margaret D. Rudacille v. Columbia Gas of Pennsylvania, Inc.**
Complaint Docket No. C-20043504

Dear Mr. McNulty:

Enclosed are an original and four copies of Columbia Gas of Pennsylvania, Inc.'s Motion to Dismiss Formal Complaint. Please file the original and three copies and return a date-stamped copy to me in the enclosed envelope. A copy of the Motion has been served on the Complainant. Thank you

Very truly yours,



Shelley V. Sodomsky

Enclosure

cc: Margaret D. Rudacille
917 W. King Street
York, PA 17404

DOCUMENT
FOLDER

100

ORIGINAL

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MAR 09 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

MARGARET D. RUDACILLE,)	
)	
Complainant,)	
)	
v.)	Complaint Docket
)	No. C-20043504
COLUMBIA GAS OF PENNSYLVANIA, INC.,)	
)	
Respondent.)	

MOTION TO DISMISS FORMAL COMPLAINT

NOW comes Respondent, Columbia Gas of Pennsylvania, Inc. ("Columbia Gas"), and files this Motion to Dismiss Formal Complaint as follows:

1. This motion is filed pursuant to 52 Pa. Code §5.101(a).
2. Complainant has had at least six (6) prior payment agreements with Columbia Gas, all of which Complainant has defaulted on.
3. Pursuant to Act 201, section 1405(D)(66 Pa.C.S. §1405(D)), effective December 14, 2004, the Public Utility Commission (hereinafter "the Commission") shall not establish or order a public utility to establish a second or subsequent payment agreement if a customer has defaulted on a previous payment agreement.
4. The most recent payment agreement on which Complainant defaulted was made on July 18, 2003.
5. Because Complainant has defaulted on a previous payment agreement, the Commission may not order another payment agreement.
6. Because Complainant has defaulted on a previous payment agreement, the

DOCKETED
APR 11 2005

DOCUMENT
FOLDER

Commission lacks subject matter jurisdiction over this matter.

7. Because Complainant has defaulted on a previous payment agreement, the Complainant fails to state a claim upon which relief can be granted.

WHEREFORE, Columbia Gas respectfully requests that this Honorable Commission dismiss the Formal Complaint filed herein for lack of subject matter jurisdiction, and for failing to state a claim upon which relief can be granted.

Respectfully submitted,

COLUMBIA GAS OF PENNSYLVANIA, INC.

By: Shelley V. Sodomsky
Shelley V. Sodomsky, Esquire
239 Anita Avenue
Pittsburgh, PA 15217
(412) 422-8554

Mark R. Kempic, Esquire
501 Technology Drive
Canonsburg, PA 15317
(724) 416-6328
Attorneys for Columbia Gas of Pennsylvania, Inc.

ORIGINAL

RECEIVED

MAR 09 2005

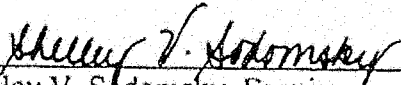
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Motion to Dismiss Formal Complaint upon the participants listed below, in accordance with the requirements of §1.54 (relating to service by a participant):

Margaret D. Rudacille
917 W. King Street
York, PA 17404

Dated: March 9, 2005



Shelley V. Sodomsky, Esquire
239 Anita Avenue
Pittsburgh, PA 15217
(412) 422-8554

Attorney for Columbia Gas of Pennsylvania, Inc.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: March 15, 2005

SUBJECT: Doris Rudacille v. Columbia Gas of PA, Inc.
C-20043504

TO: Wanda Zeiders, Supervisor of Docket Management
Docket Section, Secretary's Bureau

FROM: Susan Colwell *scw*
Administrative Law Judge

**DOCUMENT
FOLDER**

Attached please find two copies of exhibits marked Columbia Gas Exhibits 1,2, 3 and 4 which were accepted into evidence in the above-captioned case.

Please docket these and place them in the yellow exhibit folder.

Please do not hesitate to contact me with any questions you may have, and thank you for your attention to this matter.

Attachments

OPER ACTION ==> █ GENERAL ACCOUNT PAGE 1 37 2421 400026850 18/23
 CUST NAME DORIS W RUOACILLE PCID 12877349 CUST 001 7
 SERV ADDR 917 W KING ST CHECKERFF-71PCI-FCK
 CITY YORK ST PA ZIP 174043603 NON PARTICIPANT

CURRENT		BUDGET		HOME PHONE 717-845-3953									
BILL AMT	151.37 MRA	AMOUNT	0	NET READ	03 24 2005								
ARRS AMT	1677.54 6	ARREARS	0	SHUT OFF	04 15 2005								
TOTL BAL	1828.91	TOTAL	0	BILL DUE	03 18 2005								
BUDGET AMOUNT		STATUS		PENDING ORDERS APPT									
AUG AMOUNT 97		PROJECTED		NONE									
FEB AMOUNT 373													
REVENUE CLASS RESIDENTIAL HEAT				ADDITIONAL ORDERS N									
REVENUE EXTEN NOT USED				STN									
CREDIT SYMBOL 1989 LMTD-CR-RK NO DEPOSIT				REGIST MULTIPITER									
COI HST 2AAAA8123111 PAYMENT PLAN YES MYIP				ACCT STAT ACT NO OF DWELLINGS 1									
INVESTIGATION REASON NONE				UN 18 BK 23									
MUN YR	PREM	SI	READ	CU	DAYS	CONSUMPT	MUN YR	PREM	SI	READ	CU	DAYS	CONSUMPT
FEB 05	ACT		CALC		29	122	FEB 04	ACT		CALC		29	134
JAN 05	ACT		READ		34	173	JAN 04	ACT		READ		34	215
DEC 04	ACT		CALC		33	110	DEC 03	ACT		CALC		33	114

RECEIVED

MAR 17 2005

PA PUBLIC UTILITY COMMISSION
 SECRETARY'S BUREAU

DOCKETED
 JUL 27 2005

DOCUMENT
 FOLDER

OPER ACTION _____ PAYMENT HISTORY 37 2421 400026850 18/23
 CUST NAME CURIS W RUDACILLE PCID 12877349 CASH 001 7
 SERV ADDR 517 W KING ST CHECKFREE-ZIPCHECK
 CITY YORK ST PA ZIP 174043602 NON PARTICIPANT

REV CLASS RESIDENTIAL HEAT

CREDIT HIST 2AAAAB123111

TRANS TYPE	TRANS DATE	TRANSACTION AMOUNT	TRANS TYPE	TRANS DATE	TRANSACTION AMOUNT
01 PYUS	02-15-2005	205.00-	13 PYUS	08-16-2004	208.00-
02 PYAE	02-15-2005	205.00-	14 PYAE	08-16-2004	208.00-
03 PYUS	01-17-2005	123.25-	15 PYUS	07-20-2004	126.00-
04 PYAE	01-17-2005	123.25-	16 PYAE	07-20-2004	126.00-
05 PYUS	12-06-2004	65.00-	17 PYUS	06-28-2004	167.00-
06 PYAE	12-06-2004	65.00-	18 PYAE	06-28-2004	167.00-
07 PYUS	11-05-2004	65.00-	19 PYUS	05-07-2004	167.00-
08 PYAE	11-05-2004	65.00-	20 PYAE	05-07-2004	167.00-
09 PYUS	10-08-2004	55.00-	21 PYUS	04-06-2004	300.00-
10 PYAE	10-08-2004	55.00-	22 PYPP	04-06-2004	300.00-
11 PYUS	09-13-2004	68.00-	23 PYUS	01-19-2004	50.00-
12 PYAE	09-13-2004	68.00-	24 PYAE	01-19-2004	50.00-

DOCKETED

JUL 27 2005

**DOCUMENT
FOLDER**

Exhibit 2 (Columbia Gas)

OPER ACTION => _____ PAYMENT PLAN 37 2421 400026850 18/23
 ENST NAME DORIS W RUDACILLE PCID 12877349 DIST 001 7
 SERV ADDR 917 W KING ST CHECKFREE-ZIPCHECK
 CITY YORK ST PA ZIP 174043603 NON PARTICIPANT

PYMT PLAN	GENERIC TYPE PLAN	TOTAL PLAN AMT	1958.34
GNRC PLAN K PUC N	DATE 07-18-2003	SA	REMAIN AMT 1853.34
STRT DATE 08-18-2003	NO. PYMT REQD 131	MONTHLY PLAN AMT	15.00
ENDG DATE 02-24-2004	NO. PYMT BILL 7		
FIN SUMM	NO. PYMT REQS 124	PERCENT	
PREV PLAN		DOWN PAYMENT	109.00
PREV GNRC	PREV PLAN DATE INIT	ADJ BASE BUDGET	83
	ACTUAL ACCOUNT BALANCE	CURRENT AMOUNT OWED	

PREVIOUS ACCOUNT BALANCE		PREVIOUS ACCOUNT BALANCE	265.00
PAYMENTS RECEIVED		PAYMENTS RECEIVED	00
BALANCE			
CURRENT BILLING (ACTUAL)		BALANCE	265.00
AMOUNT ACTUALLY OWED		CURRENT AMT ASKED TO PAY	98.00
		AMOUNT NOW OWED	363.00

DOCKETED
 JUL 27 2005

**DOCUMENT
 FOLDER**

OPER ACTION --> _____ PAYMENT PLAN 37 2421 400026858 18/23
CUST NAME DORIS W RUDACILLE PCID 12877349 CUST 001 7
SERV ADDR 917 W KING ST CHECKFREE ZIPCHECK
CITY YORK ST PA ZIP 174043603 NON PARTICIPANT
PAYMENT PLAN ACTIVITY CANCELLED ACCEPTED REJECTED COMPLETED
GENERIC TYPE PLAN 26 27 0 0

DOCKETED
JUL 27 2005

**DOCUMENT
FOLDER**

Doris Rudacille v. Columbia Gas of Pennsylvania, Inc.
Case No. C-20043504

Summary of Prior Payment Arrangements
Account No. 12877349-001
917 W King Street, York, PA 17404

Date Entered	Balance	Starting Date	Base Amount	"Plus" Amount
7-18-03	\$1,958.34	8-18-03	\$94.00	\$15.00
12-5-02	\$1,793.74	1-20-03	\$90.00	\$15.00
7-19-99	\$1,484.04	8-17-99	\$54.00	\$15.00
8-28-98	\$1,574.34	10-16-98	\$50.00	\$ 5.00
6-16-98	\$1,727.64	7-20-98	\$64.00	\$ 5.00
9-9-96	\$1,686.36	10-17-96	\$57.00	\$ 5.00

DOCKETED
JUL 27 2005

**DOCUMENT
FOLDER**

Chapter 56 Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20043504		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Doris Rudacille v Columbia Gas of PA, Inc.	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Inc.		Testimony Taped:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Harrisburg	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	March 15, 2005			
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special Agent:	ALJ Susan D. Colwell	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:		
		CO. EXHIBITS 1-4 ADMITTED, RECORD CLOSED		

RECEIVED
 10/15/05
 10/15/05

DOCUMENT
FOLDER

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

Name and Telephone Number	Address	Who are you representing?
SHELLEY J. SODOMSKY SIEGEL	239 ANITA AVENUE	
	City PITTSBURGH	State PA
	Zip 15217	COLUMBIA GAS OF PA, INC.
Telephone (412) 422-8554	E-mail Address:	Fax Number:
	City	State
	Zip	
Telephone:	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.

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