

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

-----X  
Yvonne T. Oglesby v. Philadelphia Gas :  
Works. : Docket No.  
 Requests payment arrangements. : Z-01630685  
 :  
 Initial hearing. :  
 -----X

Pages 1 through 29

Hearing Room 1301  
State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania

**DOCKETED**  
MAY 04 2005

Tuesday, March 8, 2005

Met, pursuant to notice, at 1:30 a.m.

**DOCUMENT  
FOLDER**

BEFORE:

CHARLES E. RAINEY, Administrative Law Judge

*H.M.*

APPEARANCES:

YVONNE T. OGLESBY  
6861 North 19<sup>th</sup> Street  
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(Pro Se)

DENISE ALLAMUCHY, Esquire  
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P R O C E E D I N G S

1  
2 ADMINISTRATIVE LAW JUDGE CHARLES E. RAINEY: Good  
3 afternoon. My name is Charles Rainey and I am the Administrative Law  
4 Judge who has been assigned to this case and this is the case of Yvonne T.  
5 Oglesby versus Philadelphia Gas Works at Docket No. Z-01630685.

6 I note the appearances of Denise Allamuchy, Esquire, on behalf of  
7 Philadelphia Gas Works and the appearance of Yvonne T. Oglesby who is  
8 appearing pro se or in her own behalf.

9 Ms. Oglesby, as the Complainant in this case, you have the burden  
10 of proving that you are entitled to the relief that you have requested. The  
11 procedure that we will follow this afternoon is that you will first be given an  
12 opportunity to present testimony in regard to your complaint and as I  
13 stated to you off the record, you will also be given an opportunity to  
14 introduce the exhibits that were marked off the record.

15 MS. OGLESBY: Okay.

16 JUDGE RAINEY: Your testimony will be subject to any questions  
17 that I might have as well as any questions that Counsel or PGW might  
18 have. PGW will in turn be given an opportunity to put on a witness in it's  
19 defense. The testimony provided by PGW's witness likewise will be  
20 subjected to cross-examination.

21 Ms. Oglesby, do you have any questions with regard to either your  
22 burden of proof or the procedure that we will follow here this afternoon?

23 MS. OGLESBY: No, sir.

24 JUDGE RAINEY: And I would ask you to keep your voice up so that  
25 we can hear you.

1 MS. OGLESBY: Okay.

2 JUDGE RAINEY: Okay. Let me swear you in. Ms. Oglesby,  
3 please raise your right hand.

4 Whereupon,

5 YVONNE T. OGLESBY

6 having been duly sworn, testified as follows:

7 DIRECT TESTIMONY

8 JUDGE RAINEY: Please be seated and provide your full name and  
9 spell your last name.

10 THE WITNESS: Yvonne T. Oglesby. Y-V-O-N-N-E, O-G-L-E-S-B-Y.

11 JUDGE RAINEY: And please provide your address.

12 THE WITNESS: 6861 North 19<sup>th</sup> Street, Philadelphia, Pennsylvania,  
13 19126.

14 JUDGE RAINEY: And Ms. Oglesby, why don't you provide the  
15 nature of your complaint?

16 THE WITNESS: The nature of my complaint, Your Honor, is that I  
17 became unemployed. Previously, I always paid my bills.

18 JUDGE RAINEY: Okay. Why don't you provide specifics? You  
19 became unemployed when?

20 THE WITNESS: I became unemployed on March 28, 2003. Shortly  
21 after that time, I did receive Unemployment Compensation along with my  
22 other income, less my normal salary. I did pay my bills on time or close to  
23 it and the amount asked for. Subsequently or later, my Unemployment ran  
24 out and I was unable to pay the full amount as the bill was getting higher  
25 and more than I had available to pay. I paid my bills. I did make

1 payments and I did try to find help in paying all my bills including this one  
2 and I couldn't, so all I could pay was the amount that I had.

3 JUDGE RAINEY: And what is your understanding of what your  
4 outstanding balance is presently?

5 THE WITNESS: My understanding that the balance from the bill is  
6 that it is now at \$900.

7 JUDGE RAINEY: And your testimony is that you became  
8 unemployed on March 28, 2003; is that correct?

9 THE WITNESS: Yes, that is correct, sir.

10 JUDGE RAINEY: And prior to that time, you had been employed?

11 THE WITNESS: Yes, sir. I had been employed with the Federal  
12 Government for over 22 years.

13 JUDGE RAINEY: And prior to your becoming unemployed, how  
14 would you describe your payment history with PGW?

15 THE WITNESS: My payment history was - I always paid the full  
16 amount and on time.

17 JUDGE RAINEY: How many people reside in your household?

18 THE WITNESS: Two.

19 JUDGE RAINEY: And would you name those people?

20 THE WITNESS: Myself and my son, Thomas R. Oglesby.

21 JUDGE RAINEY: And how old is your son?

22 THE WITNESS: My son is 17 year's old.

23 JUDGE RAINEY: Now, prior to going on the record in this case, you  
24 handed up a document that was marked as Complainant's Exhibit No. 1. It  
25 is a two-page document and that's entitled monthly budget information. Is

1 the information that you provided on this document presently accurate?

2 THE WITNESS: Yes.

3 JUDGE RAINEY: Now, this document shows that you presently  
4 have a monthly household income of \$2,339.76; is that correct?

5 THE WITNESS: Sir, I think it is 59. It is my handwriting.

6 JUDGE RAINEY: Okay. So that should be \$2,359.76; is that  
7 correct?

8 THE WITNESS: Yes, that is correct.

9 JUDGE RAINEY: Is that a gross or a net amount?

10 THE WITNESS: Net. After taxes.

11 JUDGE RAINEY: Do you know what that amount would be gross?

12 THE WITNESS: No, sir, but I do have copies of my income here  
13 and I didn't add that up.

14 JUDGE RAINEY: And then the second page shows your monthly  
15 household expenses; is that correct?

16 THE WITNESS: Yes, that is correct.

17 JUDGE RAINEY: And that shows that you have monthly household  
18 expenses that adds up to \$2,788.50; is that correct?

19 THE WITNESS: That is correct and to the best of my ability.  
20 Sometimes there is emergency or something but basically, that's it.

21 JUDGE RAINEY: Now, I note that your monthly household income  
22 includes - is that Public Assistance in the amount of \$987?

23 THE WITNESS: No, it is not. That is Social Security for my son.

24 JUDGE RAINEY: That is SSI?

25 THE WITNESS: Social Security.

1 JUDGE RAINEY: For your son?

2 THE WITNESS: For my son.

3 JUDGE RAINEY: And is that Child Support in the amount of  
4 \$1,372.76?

5 THE WITNESS: No, it is not. That is my husband's pension. My  
6 deceased husband's pension.

7 JUDGE RAINEY: Now, you said that your son is 17 year's old?

8 THE WITNESS: Yes, sir.

9 JUDGE RAINEY: Does he work?

10 THE WITNESS: No, he does not.

11 JUDGE RAINEY: Is he in school?

12 THE WITNESS: Yes, he is.

13 JUDGE RAINEY: Now, on the expense side - the second page, is  
14 that a rent or mortgage in the amount of \$715.59?

15 THE WITNESS: The mortgage.

16 JUDGE RAINEY: MS. Oglesby, did you file an informal complaint  
17 with the Bureau of Consumer Services for the Commission?

18 THE WITNESS: I believe I did, sir.

19 JUDGE RAINEY: And do you know when the BCS rendered a  
20 decision with regard to your informal complaint?

21 THE WITNESS: No, sir. I don't recall.

22 JUDGE RAINEY: Do you recall what the terms of the BCS decision  
23 was?

24 THE WITNESS: I believe it was just to pay what I could pay until I  
25 had my hearing or another decision on my circumstances - my bill.

1 JUDGE RAINEY: Are you enrolled in PGW's Customer Responsibility  
2 Program?

3 THE WITNESS: No, sir. I don't believe I am.

4 JUDGE RAINEY: Did you seek any financial energy assistance from  
5 PGW?

6 THE WITNESS: Yes. I did seek the LIHEAP Program twice.

7 JUDGE RAINEY: And did you receive any assistance from LIHEAP?

8 THE WITNESS: No, sir. I did not.

9 JUDGE RAINEY: Do you know why you did not?

10 THE WITNESS: My income was over the amount allowed.

11 JUDGE RAINEY: Did you ever apply with PGW for energy  
12 assistance?

13 THE WITNESS: I don't recall that I did.

14 JUDGE RAINEY: And what is it that you believe you can pay  
15 towards your gas bill, Ms. Oglesby?

16 THE WITNESS: Sir, I have been paying \$100 a month.

17 JUDGE RAINEY: You have been paying \$100 a month?

18 THE WITNESS: Yes, sir.

19 JUDGE RAINEY: Since when? What date?

20 THE WITNESS: I believe since shortly after my Unemployment ran  
21 out in September or August of 2003.

22 JUDGE RAINEY: So since August or September of 2003, you have  
23 been paying \$100 a month?

24 THE WITNESS: Yes, sir. I have been paying \$100 a month.

25 JUDGE RAINEY: Now, it is my understanding from the answer that

1 was provided by PGW in this case, that the BCS rendered a decision on  
2 your informal complaint on June 8, 2004, and that it required you – the  
3 BCS required you to pay a monthly budget bill of \$132, plus \$40 towards  
4 your arrears. Do you recall that at all?

5 THE WITNESS: I don't recall that. I have spoken to several people  
6 over the phone and I don't recall that. I recall explaining that I didn't have  
7 more than the \$100 at the time.

8 JUDGE RAINEY: Now, since that BCS decision in June of 2004, has  
9 there been any changes in your financial situation?

10 THE WITNESS: The changes is that on occasions, I do have an  
11 emergency situation at my house or for my son or that one of the bills  
12 increases and I incur a new bill that I become responsible for.

13 JUDGE RAINEY: So occasional emergency, but has there been any  
14 reoccurring or ongoing change in your financial circumstances?

15 THE WITNESS: Not reoccurring, other than medical.

16 JUDGE RAINEY: So it has not been reoccurring other than medical?

17 THE WITNESS: Yes.

18 JUDGE RAINEY: What has been the situation medically?

19 THE WITNESS: Medically, I became ill and I needed medications; I  
20 needed testing – labs, and I became hospitalized.

21 JUDGE RAINEY: You were hospitalized when?

22 THE WITNESS: Recently.

23 JUDGE RAINEY: When?

24 THE WITNESS: February 7<sup>th</sup> through February 16<sup>th</sup>.

25 JUDGE RAINEY: How long have you been a PGW customer?

1 THE WITNESS: Since 1980.

2 JUDGE RAINEY: Since 1980?

3 THE WITNESS: Yes.

4 JUDGE RAINEY: Ms. Oglesby, prior to going on the record, you also  
5 handed up another set of documents that were marked Complainant's  
6 Exhibits 2 through 20. Do you want to quickly explain what those  
7 document represents?

8 THE WITNESS: Exhibits 2 through 20 are copies of my income and  
9 my expenses per month at this point. Basically, it is everything that I have  
10 to pay each month, including four other things that I do not have copies  
11 for, and that is food, bus fare, personal monthly items and tokens for my  
12 son and myself.

13 JUDGE RAINEY: But you have included those in what has been  
14 marked as Complainant's Exhibit No. 1?

15 THE WITNESS: Yes, they are included in the total but I do not  
16 have copies or receipts for those items.

17 JUDGE RAINEY: Ms. Allamuchy, do you have any questions?

18 MS. ALLAMUCHY: Yes, I do, Your Honor.

19 JUDGE RAINEY: Go ahead.

20 CROSS EXAMINATION

21 BY MS. ALLAMUCHY:

22 Q. Ms. Oglesby, turning to Exhibit 1, page 2, in the Automobile  
23 Loan Payment, it appears that your automobile loan payment would be  
24 paid off in approximately two months; is that correct?

25 A. Yes.

1 Q. You don't have health insurance; is that correct?

2 A. That is correct.

3 Q. And from what I have seen, since your Unemployment ran out  
4 in approximately September of 2003, you have not had a change in your  
5 income; is that correct?

6 A. That is correct.

7 Q. Turning to your Exhibit C.15, which is a Drexel University  
8 College of Medicine bill, this bill is for services for you; is that correct?

9 A. Yes.

10 Q. Turning to Complainant's Exhibit No. 19, this is a bill for  
11 Fashion Bug for clothing that you purchase monthly; is that correct?

12 A. This is a bill that was existing long before I became  
13 unemployed or uninsured. There is no recent or new charges on that bill  
14 and the bill is in that amount because they have a monthly service charge  
15 and other fees that they add on, so it is very difficult to pay the bill off, the  
16 same as the bills before it.

17 MS. ALLUMUCHY: Thank you and I have nothing further, Your  
18 Honor.

19 JUDGE RAINEY: Okay. Is there anything else that you want to add  
20 to your testimony at this time before we allow you to stand down and we  
21 take testimony from PGW's witness?

22 THE WITNESS: Yes. I would just like to say that I have always  
23 been a good customer and I have always paid all of my bills and if my  
24 circumstances should become different or if they were different, I would  
25 definitely pay. It is only that my circumstances don't allow me to pay

1 anymore than what I have at this time.

2 JUDGE RAINEY: Do you see any change in your circumstances in  
3 the near future?

4 THE WITNESS: Well, I am seeking employment, which I have been  
5 for quite some time and that is the change that I am looking for at this  
6 point.

7 JUDGE RAINEY: Any prospects at this time?

8 THE WITNESS: At this time, I was offered an internship but it was  
9 unpaid.

10 JUDGE RAINEY: Okay. Ms. Allamuchy, do you have any re-cross  
11 based on what I have asked?

12 MS. ALLAMUCHY: No, Your Honor.

13 JUDGE RAINEY: What we will do then, we will allow you to stand  
14 down but before we do that, Ms. Allamuchy, do you have any objection to  
15 the admission of Complainant's Exhibits Nos. 1 through 20?

16 MS. ALLAMUCHY: No objection, Your Honor.

17 JUDGE RAINEY: Those will be admitted into evidence.

18 (Whereupon, the documents were  
19 marked as Complainant's Exhibits  
20 Nos. 1 through 20 for identification,  
21 and were received in evidence.)

22 JUDGE RAINEY: Okay. We will allow you to stand down at least for  
23 the moment, Ms. Oglesby.

24 THE WITNESS: Thank you, Your Honor.

25 (Witness excused.)

1 JUDGE RAINEY: Ms. Allamuchy, will you call your witness please?

2 MS. ALLAMUCHY: Yes. PGW would like to call Ms. Linda Pereira.

3 JUDGE RAINEY: Ms. Pereira, please take the witness stand and  
4 raise your right hand please.

5 Whereupon,

6 LINDA PEREIRA

7 having been duly sworn, testified as follows:

8 JUDGE RAINEY: Ms. Pereira, please be seated and provide your full  
9 name and spell your last name.

10 THE WITNESS: Linda Pereira. P-E-R-E-I-R-A.

11 JUDGE RAINEY: And Ms. Pereira, by whom are you employed?

12 THE WITNESS: Philadelphia Gas Works.

13 JUDGE RAINEY: And what is your business title?

14 THE WITNESS: I am a Senior Customer Review Officer.

15 JUDGE RAINEY: And what is your business address?

16 THE WITNESS: My business address is 800 West Montgomery  
17 Avenue, Philadelphia, Pennsylvania, 19122.

18 JUDGE RAINEY: Thank you. Please proceed, Ms. Allamuchy.

19 MS. ALLAMUCHY: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MS. ALLAMUCHY:

22 Q. Ms. Pereira, how long have you been employed by PGW as a  
23 Customer Review Officer?

24 A. As a Customer Review Officer, I have been titled that for four  
25 years. I have been with PGW for 25 years.

1 Q. And what did you do to investigate this case?

2 A. I reviewed the account based on the information provided in  
3 the informal complaint and along with the formal complaint when  
4 Ms. Oglesby filed that complaint.

5 Q. Are you able to testify with knowledge of the history of  
6 Ms. Oglesby's account?

7 A. Yes, I am.

8 Q. PGW would like to refer you to the exhibit marked PGW Exhibit  
9 No. 1 in the bottom right-hand corner. Ms. Pereira, what is this document?

10 A. This is a copy of what we call the Utility Service Agreement,  
11 which is part of Ms. Oglesby's account. It currently shows that her balance  
12 right now is \$857.67. It also indicates that she is a residential customer  
13 and she uses it for heat and domestic appliances.

14 Q. Is this a document that is prepared in PGW's ordinary course of  
15 business?

16 A. It is not a document that we look at, but we look at this every  
17 time that a customer contacts us to see what type of account it is; whether  
18 it is general service; residential and what the balance is.

19 Q. I would like to refer you to PGW Exhibit 2. What is this  
20 document?

21 A. This is a history of the account going back to 1997, and it  
22 shows the list of bills and payments; meter readings and a running  
23 balance.

24 Q. What is the Read Code indicated for July 18, 1997 and what  
25 does the Y represents?

1 A. The Y represents that it is an estimated reading.

2 Q. And when did this account first begin receiving R readings?

3 A. Actually, the first time when we actually received it on a  
4 monthly basis was when we did a meter exchange and installed the  
5 Automatic Meter reading Device in 2002.

6 Q. And what does that R mean?

7 A. The R means that it is an actual reading.

8 Q. Approximately June 10, 2003, on this document there are  
9 indications of CANB. What does that mean?

10 A. Okay. What that means is that when we installed the  
11 Automatic Meter Reading Device and changed the meter -

12 JUDGE RAINEY: I am sorry, Ms. Pereira. When was the installation  
13 made?

14 THE WITNESS: In September of '02.

15 JUDGE RAINEY: Okay, go right ahead. Thank you.

16 THE WITNESS: That indicates that the billings prior to that were  
17 over-estimated and we had to cancel out the bills, therefore creating a  
18 credit once the account was adjusted.

19 BY MS. ALLAMUCHY:

20 Q. And on June 13, 2003, what is the amount listed in the current  
21 balance?

22 A. That's a credit of \$576.91.

23 Q. On April 7, 2004, could you explain what this transaction is?

24 A. Sure. This is when Ms. Oglesby actually filed her informal  
25 complaint and that was the money that we had put in dispute.

1 JUDGE RAINEY: Okay, and why don't we be specific about that. Is  
2 that the \$484.75?

3 THE WITNESS: Yes, it is.

4 JUDGE RAINEY: Okay.

5 BY MS. ALLAMUCHY:

6 Q. Turning on the next page, on November 19, 2004, there is  
7 another transfer of \$176.89. What is this for?

8 A. That was because there was a dispute and she had a credit on  
9 the account because the money was still in dispute, and we are transferring  
10 the credit to offset the disputed amount.

11 JUDGE RAINEY: What date are we referring to here?

12 THE WITNESS: November 19, 2004.

13 JUDGE RAINEY: And what was that amount again?

14 THE WITNESS: \$176.89.

15 JUDGE RAINEY: Okay.

16 BY MS. ALLAMUCHY:

17 Q. And on March 4, 2004, there was another transfer of \$307.06?

18 A. Yes. This was the balance of the original disputed bill which  
19 was then put over onto the account balance.

20 JUDGE RAINEY: I am sorry. That was when?

21 THE WITNESS: March 4, 2005.

22 BY MS. ALLAMUCHY:

23 Q. And referring back to PGW Exhibit No. 1, the current amount  
24 due is listed as \$857.67?

25 A. That is correct.

1 Q. And on PGW Exhibit No. 2, on the last page, the last current  
2 balance is \$649.81?

3 A. Well, at the time, it was \$649.81, but she need to take the late  
4 payment charges that were added of \$100, and the transferred amount of  
5 \$307 to come up with the \$857.67.

6 Q. I would like you to refer to PGW Exhibit No. 3. What is this  
7 exhibit?

8 A. This is just a list of the bills going back to June of 1997, and it  
9 also shows and indicates from September 12<sup>th</sup> – actually, it was May 15<sup>th</sup> of  
10 2003. All bills rendered after that has been based on actual meter  
11 readings.

12 Q. How do we know it is Actual?

13 A. In the Read Code it says Regular, which is a company reading.

14 Q. How often is this account billed?

15 A. This is billed every 30 days.

16 Q. And the last bill amount was how much?

17 A. It was based on an Actual Reading from January 14<sup>th</sup> to  
18 February 14, 2005 and it is \$364.06.

19 Q. Referring to PGW Exhibit No. 4, what is this exhibit?

20 A. This is a list of payments since June of 1997 that were received  
21 on Ms. Oglesby's account.

22 Q. And referring to the top line which has a pay date of February  
23 23, 2005, what was the last payment made on this account?

24 A. That was \$100 that was received on February 23<sup>rd</sup>.

25 Q. And what does the Pay Source Code REM indicates?

1 A. That is just a remittance.

2 Q. Is that how the payment is made?

3 A. You wouldn't be able to know how the payment is made until  
4 you actually open it up, but it is a payment that is related to us.

5 Q. And referring to PGW Exhibit No. 5, what is this exhibit?

6 A. That is the closing decision that PGW received from the Bureau  
7 of Consumer Services in regards to Ms. Oglesby's informal complaint.

8 Q. What is the date of that decision?

9 A. The date that it was closed was June 8, 2004 and PGW received  
10 it on June 9, 2004.

11 Q. And what was the regular budgeted amount pursuant to this  
12 decision?

13 A. The regular budget for this account is \$133.00.

14 Q. And the arrearage payment is how much?

15 A. \$40.00.

16 Q. Referring to the Exhibit marked PGW Exhibit 6, what is this  
17 document?

18 A. This is an allowance which indicates the usage that is billed  
19 each month; the number of days in the billing period; the usage that  
20 occurred during that period of time and if it is in line with the history of the  
21 account.

22 Q. Is this document showing a consistency from year to year in  
23 the usage?

24 A. Yes, it does.

25 Q. Are you familiar with PGW's budget billing system?

1 A. Yes, I am.

2 Q. And how is the budgeted amount set?

3 A. We take the last 12 months of usage and what we do is, we  
4 take that and we write down the cost per cubic feet, which is \$1.27. We  
5 times that by the total usage that the customer used and divide that by 12,  
6 and then we add the customer's charge of \$12 to come up with the base  
7 budget.

8 Q. And how is the customer's arrearage pre-paid?

9 A. That is based on income levels, whether it is level 1, 2, 3, or 4,  
10 based on income provided by the customer.

11 Q. And will a customer's budget ever fluctuate?

12 A. Yes, it does. It fluctuates every four months based on the total  
13 account balance. It can change periodically if the customer has a rate  
14 increase or a rate decrease.

15 MS. ALLAMUCHY: Your Honor, PGW request that it's exhibits be  
16 moved into evidence.

17 JUDGE RAINEY: Ms. Oglesby, do you have any objection to the  
18 admission into evidence of PGW Exhibits 1 through 6?

19 MS. OGLESBY: No, sir.

20 JUDGE RAINEY: They are so admitted into evidence.

21 (Whereupon, the documents were  
22 marked as PGW Exhibit Nos. 1  
23 through 6 for identification, and  
24 were received in evidence.)

25 JUDGE RAINEY: Ms. Pereira, has Ms. Oglesby ever applied for

1 financial energy assistance with PGW?

2 THE WITNESS: I don't see any application for Customer  
3 Responsibility Program.

4 JUDGE RAINEY: You heard her testimony this morning; is that  
5 correct?

6 THE WITNESS: Yes.

7 JUDGE RAINEY: Based on her testimony, would she qualify for any  
8 energy assistance from PGW?

9 THE WITNESS: No. She has to be 150 percent of the poverty level  
10 to qualify for the Customer Assistance Responsibility Program.

11 JUDGE RAINEY: And how would you describe Ms. Oglesby's  
12 payment history?

13 THE WITNESS: She has been consistent. She has been paying us  
14 \$100 a month. There are just a couple months that would show \$90, and  
15 that would be on PGW Exhibit No. 4. Actually, from June 8<sup>th</sup> up to the  
16 present, she has been consistently paying \$100, except for two months  
17 when she paid \$90.

18 JUDGE RAINEY: From June 8, 2004?

19 THE WITNESS: Yes. From June 8, 2004 up to the present.

20 JUDGE RAINEY: Now, you said there was a BCS decision that was  
21 rendered on June 8, 2004; is that correct?

22 THE WITNESS: That is correct.

23 JUDGE RAINEY: And you stated that the terms of the PGW  
24 payment schedule was that she paid \$133 a month, which is her regular  
25 budget amount, plus \$40 towards her arrears; is that correct?

1 THE WITNESS: That is what we were given as the decision, based  
2 on the income information that she provided during the time that she filed  
3 the informal complaint.

4 JUDGE RAINEY: Have you calculated her consumption balance  
5 since that time?

6 THE WITNESS: For the base budget?

7 JUDGE RAINEY: Well, that would be the amount that would have  
8 been billed her for consumption, minus any payments that she made since  
9 the BCS decision was rendered.

10 THE WITNESS: Okay. So you are referring to the catch-up  
11 amount?

12 JUDGE RAINEY: Yes.

13 THE WITNESS: The catch-up amount would be \$531.

14 JUDGE RAINEY: And I am going to ask you then to go through that  
15 calculation.

16 THE WITNESS: Sure. It would be \$173 a month for seven months  
17 and minus her payments -

18 JUDGE RAINEY: Okay, hold on for a second. Go ahead.

19 THE WITNESS: The Consumer Decision is \$173 a month and it  
20 would have been billed for seven months.

21 JUDGE RAINEY: And that billing would have started in July of  
22 2004?

23 THE WITNESS: Yes. July of 2004.

24 JUDGE RAINEY: So that would have been times seven months,  
25 which would have been?

1 THE WITNESS: \$1,211.00.

2 JUDGE RAINEY: Okay.

3 THE WITNESS: Ms. Oglesby has paid \$680 of that decision, which  
4 would leave a balance of \$531 as the catch-up.

5 JUDGE RAINEY: And there was no lump sum payment required in  
6 the decision?

7 THE WITNESS: No, it was not.

8 JUDGE RAINEY: What is PGW's position going forth?

9 THE WITNESS: Based on what we are looking at here, even though  
10 all the levels have changed, Ms. Oglesby would still fall into the Level 2  
11 category and -

12 JUDGE RAINEY: What are you referring to when you say "all the  
13 levels have changed?"

14 THE WITNESS: Effective December 14<sup>th</sup>, when Act 14 went into  
15 effect --

16 JUDGE RAINEY: Chapter 14?

17 THE WITNESS: Chapter 14. We were given the income guidelines,  
18 which would qualify Ms. Oglesby under what we call Level 2-B and based  
19 on that, it would be the minimum of \$40 towards the back-bill, plus her  
20 budget.

21 JUDGE RAINEY: And what is her current budget amount?

22 THE WITNESS: Her current budget amount is \$133.

23 JUDGE RAINEY: So it has remained \$133 since the BCS decision?

24 THE WITNESS: Yes, it has.

25 JUDGE RAINEY: And again, what is the amount that is being

1 rendered towards the arrears?

2 THE WITNESS: It is \$40 towards the arrears.

3 JUDGE RAINEY: And again, you are following Chapter 14 in regard  
4 to that recommendation that it remains at \$40, and that is the same  
5 amount that was recommended by BCS?

6 THE WITNESS: That is correct.

7 JUDGE RAINEY: And then following Chapter 14, if she then paid in  
8 accordance with \$40 a month, what would that mean in terms of the  
9 amount of time that it would take to pay off the outstanding balance?

10 THE WITNESS: Based on her balance right now of \$857, it would be  
11 approximately 21 months.

12 JUDGE RAINEY: So less than two years?

13 WITNESS: Yes.

14 JUDGE RAINEY: I am just looking at Section 1405 of the Public  
15 Utility Code and so you stated that she was a Level 2-B?

16 THE WITNESS: Yes.

17 JUDGE RAINEY: Which would then allow her two years?

18 THE WITNESS: Yes, I believe so.

19 JUDGE RAINEY: So her income level exceeded 150 percent and not  
20 more than 250 percent of the Federal Poverty level?

21 THE WITNESS: That's correct. She falls right into that category.

22 JUDGE RAINEY: Ms. Oglesby, do you have any questions for  
23 Ms. Pereira?

24 MS. OGLESBY: I have a question.

25 JUDGE RAINEY: Go ahead.

## 1 CROSS EXAMINATION

2 BY MS. OGLESBY:

3 Q. How often do you have rate increases on your utility? How  
4 often are they scheduled?5 A. Well, what happens is that our gas cost rate does get adjusted  
6 periodically base on the price of gas and what it cost PGW. We haven't had  
7 a rate increase for all year now.8 Q. So would you know specifically how many times the rates have  
9 changed since my account?10 A. It's only the GCR rate that has changed. It has actually gone  
11 down as of March 1<sup>st</sup>.

12 Q. But the gas cost has fluctuate?

13 A. The gas cost fluctuates right now depending on what it costs  
14 the Company to purchase the gas.15 Q. Is the cost higher in the wintertime than other seasons of the  
16 year?

17 A. No.

18 Q. But it's high right now.

19 A. It's reviewed and it is periodically changed based on the  
20 amount that we purchase it for. We try to purchase it in the summertime  
21 to offset the price and we store the gas for the winter months.22 Q. And do you know if the full payment was not adequate, would it  
23 be returned to the customer or not?

24 A. Are you referring to -

25 Q. My account. I did send payments, as you stated in your

1 testimony, although it wasn't the required amount and they just credit it to  
2 my account and did not return it?

3 A. Right. Every payment you make is being credited to the  
4 account.

5 MS. OGLESBY: Thank you.

6 JUDGE RAINEY: Do you have any redirect, Ms. Allamuchy?

7 MS. ALLAMUCHY: No, Your Honor.

8 JUDGE RAINEY: Thank you, Ms. Pereira. You may step down.

9 THE WITNESS: Thank you, Your Honor.

10 (Witness excused.)

11 JUDGE RAINEY: The exhibits of the parties have been admitted  
12 into evidence. Is there anything further in the way of closing statements  
13 or arguments, Ms. Allamuchy?

14 MS. ALLAMUCHY: In closing, Your Honor, we would just like to say  
15 that the evidence has shown that there has been actual meter readings on  
16 the account since 2002, and that Ms. Oglesby has not been paying in full  
17 her payments since the date of the BCS decision on June 8, 2004. PGW  
18 would request that she be required to pay in compliance with the  
19 responsibility of the Customer Protection Act, catch-up payments and  
20 payments of arrearage and her budget amount based on her usage.

21 JUDGE RAINEY: Thank you, and Ms. Oglesby, do you have a  
22 closing statement?

23 MS. OGLESBY: Yes, sir. Your Honor, in closing I would like to say  
24 that the meter changes or exchanges for meters or new meters is a PGW  
25 issue. It is not the customer's fault if the meters were not changed or they

1 made estimated readings. I did make myself available when they came  
2 out and I even overpaid because I received a credit on my account because  
3 the estimated bill was much higher than the amount I paid.

4 I did make attempts to pay and I don't have and still don't have the  
5 amount that they are asking for. I have paid something and it is not that I  
6 have it and I didn't pay. I had paid to the best of my ability and that is all  
7 I have and I can't pay anymore than what I have at this time.

8 JUDGE RAINEY: Okay. I would like to thank both parties and the  
9 witness for appearing here today and I will be rendering a written decision  
10 with regard to this case and if there is nothing further then, this hearing is  
11 adjourned.

12 MS. ALLAMUCHY: Thank you very much, Your Honor.

13 (Whereupon, at 2:10 p.m., the proceedings were concluded.)  
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CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

BY: Georgette McEwan

Georgette McEwan

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