

PLEASE DOCKET

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Nanette Meeks

v.

Philadelphia Gas Works

Z-01113972

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BUREAU

SEP 11 2002

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FOLDER

PREHEARING ORDER 2

History of the Proceeding

On July 12, 2002, Nanette Meeks ("Meeks" or "Complainant") filed a complaint with the Pennsylvania Public Utility Commission ("Commission") alleging the following: that she only uses gas for hot water and cooking; that it is outrageous for her gas bill to be \$90-\$100 a month; that in 1999 she only paid \$30-\$35 a month for hot water and cooking; that she wants to know why her bill has increased so much; and that she is filing for bankruptcy because of her bill.

The Respondent, through its counsel, filed an Answer on August 5, 2002. In its Answer, the Respondent denied the allegations in the complaint. The Respondent averred that the Complainant's bill includes \$80.47 from usage at a previous address from July 1998 to August 2001. The Respondent stated that the bills at the Complainant's current address are based on actual meter readings. The Respondent averred that the Complainant was dismissed from the Customer Responsibility Program because she has not made a payment since February 16, 1999. The Respondent referred to the Bureau of Consumer Services decision dated April 3, 2002, which required the Complainant to pay her budget bill (\$100) plus \$50 on the outstanding balance.

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A hearing in this matter was scheduled to be held in the Philadelphia State Office Building on Tuesday, January 7, 2003 at 10:00 a.m. On the morning of January 7, 2003, the Complainant called and requested a continuance due to an emergency. The continuance was granted. On January 8, 2003, the hearing was rescheduled to April 25, 2003. Due to a scheduling conflict, the hearing was rescheduled to June 3, 2003.

On June 3, 2003, Laureto Farinas, Esquire, the Respondent's counsel, and Ann Marie Nagle, the Respondent's witness, appeared. When Ms. Meeks did not appear by 10:00 a.m., the presiding officer called her. She said that she was waiting for the Respondent to contact her and come to investigate the matter before the hearing. Consequently, the issues and the agreement to have a meter test were put on the record. The parties agreed that the Complainant's meter would be removed the next week so that it could be tested. In addition, the Complainant would contact the Respondent to set up a payment arrangement to pay the outstanding balance which was \$191.85.

On June 4, 2003, the presiding officer sent the parties a letter stating the parties' agreement about the meter test and informing them that the complaint could be withdrawn or a certificate of satisfaction could be filed if the parties were able to resolve the matter after the meter was tested. If the matter was not resolved after the meter was tested, a hearing would be scheduled. The parties were instructed to withdraw the complaint, submit a certificate of satisfaction or submit a status report by July 7, 2003.

To date, the parties have not complied with the instructions in the June 4, 2003 correspondence.

Discussion

In this matter the Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. §332(a). The Complainant requested the initial continuance and failed to appear at the June 3, 2003 hearing because she was waiting for the investigation. In light of the history of this proceeding, it would

be not be reasonable to schedule another hearing without knowing whether the meter was tested or whether the Complainant wants to pursue this matter.

If the meter test has been performed and the Complainant wants to have a hearing in this matter, she should contact the presiding officer and the Respondent's attorney in writing and request a hearing. If the presiding officer does not receive a written request for a hearing by August 15, 2003, the record in this case will be closed and the presiding officer will write a decision dismissing the complaint. Please send correspondence to the presiding officer at:

Pennsylvania Public Utility Commission
Philadelphia State Office Building
1400 W. Spring Garden Street
Philadelphia, PA 19130


ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complainant shall request a hearing in writing by August 15, 2003.
2. That the if the complaint has not been withdrawn, a certificate of satisfaction has not been filed or the Complainant has not requested a hearing in writing, the record in this case will close on August 19, 2003.

Date: July 24, 2003


Cynthia Williams Fordham
Administrative Law Judge