

 ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DOCUMENT

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RENEE E. MOORE

- vs -

PHILADELPHIA GAS WORKS

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DOCKET # Z-01631166

Telephonic Initial Hearing

Pages 1 through 22

Hearing Room 2
State Office Building
1400 W. Spring Garden Street
Philadelphia, PA 19130

DOCKETED

JAN 25 2005

Thursday, January 6, 2005
Commencing at 1:00 p.m.

BEFORE:

Ky Van Nguyen, Administrative Law Judge

APPEARANCES:

Laureto A. Farinas, Esquire
Philadelphia Gas Works
800 West Montgomery Avenue
Philadelphia, Pennsylvania 19122

Renee E. Moore
5146 Ogden Street
Philadelphia, Pennsylvania 19139

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PROCEEDINGS

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1 JUDGE NGUYEN: Good afternoon everyone.
2 We open the record for a hearing on the
3 complaint of Renee Moore against Philadelphia
4 Gas Works at Docket Number Z-01631166. My
5 name is Ky Van Nguyen. I am Administrative
6 Law Judge presiding at this hearing. I would
7 ask the parties to identify themselves for
8 the record. Ms. Moore --
9

10 MS. MOORE: Yes.

11 JUDGE NGUYEN: -- can you identify
12 yourself for the record, please?
13

14 MS. MOORE: Renee Moore.

15 JUDGE NGUYEN: Where do you reside?

16 MS. MOORE: 5146 Ogden Street,
17 Philadelphia 19139.

18 JUDGE NGUYEN: Mr. Farinas.

19 MR. FARINAS: Good afternoon, Your
20 Honor. Laureto Farinas, counsel for PGW, and
21 I have one witness with me today, Jennifer
22 Raksnis.

23 JUDGE NGUYEN: How do you spell Raksnis?

24 MR. FARINAS: Raksnis is R-A-K-S-N-I-S.

1 JUDGE NGUYEN: Raksnis. Okay. Ms.
2 Moore --

3 MS. MOORE: Yes.

4 JUDGE NGUYEN: Before you testify, I
5 have to swear you in as a witness first.
6 Please stand and raise your right hand.

7 * * *

8 RENEE MOORE,
9 after having been first duly sworn, was
10 examined and testified as follows:

11 * * *

12 JUDGE NGUYEN: Tell me what you are
13 complaining about.

14 MS. MOORE: I'm complaining about the
15 fact that I was not a resident at that house.

16 JUDGE NGUYEN: What is "that house"?

17 MS. MOORE: At 5146 Ogden Street, from
18 December of '99 till July of actually 2002.

19 JUDGE NGUYEN: July --

20 MS. MOORE: Now, I didn't complain and I
21 paid -- I've been paying the bill, but what
22 my problem was was that I was late with a
23 payment and I had taken money out of my 401K
24 to make the initial down payment that they

1 had wanted of \$2,200 and I was paying I think
2 \$257 a month.

3 And then what happened, I was late with
4 a payment and they wanted another \$1,200,
5 which I told them I thought it was unfair
6 because they don't have any online payment in
7 the first place. When I called PUC, because
8 they told me that was the only way, I was
9 told - and I told them the whole
10 circumstances, they said only pay the current
11 bill until I received a letter from them,
12 And they gave me a case number. In the
13 meantime, PGW has been charging me \$87
14 a month.

15 When I first got this bill it was for --
16 the past due was \$5,401.94 and it said
17 4/8/04. That's when they had given me this
18 notice. Now the bill is up to almost \$7,000
19 again. I just think it's unfair to, you
20 know, to gouge somebody like that when they
21 can look at my record and see that I was
22 paying, and why they allowed the gas to reach
23 that level when they never allowed it even
24 for me. So I feel as though, you know, the

1 people that pay, they are trying to gouge the
2 money out of in order to, I guess offset
3 their inequities or their mismanagement. I
4 just think it's unfair.

5 JUDGE NGUYEN: Okay. So tell me your
6 current address.

7 MS. MOORE: 5146 Ogden Street. But as
8 you can see by the papers I left there, I was
9 residing --

10 JUDGE NGUYEN: Ms. Moore, please answer
11 my question.

12 MS. MOORE: Yes, 5146 Ogden Street.

13 JUDGE NGUYEN: When did you reside
14 there?

15 MS. MOORE: I moved back here in July of
16 2002.

17 JUDGE NGUYEN: To present? Till now?

18 MS. MOORE: Yes.

19 JUDGE NGUYEN: Before that.

20 MS. MOORE: I was living at 328 North
21 52nd Street, the third floor apartment.

22 JUDGE NGUYEN: From.

23 MS. MOORE: From December of '99 until
24 July of 2002.

1 JUDGE NGUYEN: From December 1999.

2 MS. MOORE: Yes.

3 JUDGE NGUYEN: Till July.

4 MS. MOORE: Of 2002.

5 JUDGE NGUYEN: Okay. So the disputed
6 charges occur at what address?

7 MS. MOORE: Say that again, sir.

8 JUDGE NGUYEN: The disputed charges
9 occur at what address?

10 MS. MOORE: 5146 Ogden street.

11 JUDGE NGUYEN: But in your complaint you
12 said that you live at 328 North 52nd Street?

13 MS. MOORE: I'm sorry, say that again,
14 please.

15 JUDGE NGUYEN: In your complaint, you
16 said you live at 328 North 52nd Street.

17 MS. MOORE: Yes, I had lived there from
18 December of '99 until July of 2002.

19 JUDGE NGUYEN: Okay. And the bill
20 occurred -- the disputed bills occurred at
21 what address?

22 MS. MOORE: 5146 Ogden Street.

23 JUDGE NGUYEN: Oh. You said your
24 daughter was a tenant at what address?

1 MS. MOORE: 5146 Ogden Street. Hello.

2 JUDGE NGUYEN: Hello.

3 MS. MOORE: I can't hear what the lawyer
4 is saying.

5 JUDGE NGUYEN: No, I am saying to you.
6 I'm talking. The lawyer hasn't talked yet.

7 MS. MOORE: I wasn't sure, because it
8 keeps sounding like I was put on hold or
9 something, so I wasn't sure what was going
10 on.

11 JUDGE NGUYEN: I'm thinking about a
12 question to ask you.

13 MS. MOORE: Oh.

14 JUDGE NGUYEN: In your complaint you are
15 talking about people who did not pay
16 their bills and allow others to run up
17 enormous bills.

18 MS. MOORE: Exactly.

19 JUDGE NGUYEN: Who are they?

20 MS. MOORE: Huh?

21 JUDGE NGUYEN: Who are they? Who are
22 those people?

23 MS. MOORE: PGW allowed them.

24 JUDGE NGUYEN: Who are "them"?

1 MS. MOORE: Allowed the tenants at 5146
2 -- even if they thought it was me, they never
3 allowed me to run up a bill like that, so I
4 was very surprised when I happened to come
5 around here and found this enormous bill. I
6 just found it by accident, because I thought
7 it had been taken out of my name.

8 So when that happened, that's when I
9 called PGW and I talked them and I made
10 arrangements to go ahead and pay the bill.

11 JUDGE NGUYEN: When you move to 5146?

12 MS. MOORE: Right. I made the agreement
13 I think in like -- I made the agreement in
14 June, I think, but I told them I was waiting
15 for my 401K money to be released to make the
16 down payment. So then I had to move back to
17 Ogden Street, because I couldn't afford to
18 keep paying both bills. Both sets of house
19 bills.

20 JUDGE NGUYEN: What bills are you
21 talking about?

22 MS. MOORE: House bills. I was living
23 somewhere else. I couldn't afford to come
24 and pay the bills at 5146 and 328 North 52nd

1 Street, so then I moved back to 5146 Ogden
2 Street.

3 JUDGE NGUYEN: So those addresses are
4 your home?

5 MS. MOORE: Yes.

6 JUDGE NGUYEN: Do you have any mortgage
7 on those homes?

8 MS. MOORE: I have a mortgage, yes.

9 JUDGE NGUYEN: On what home?

10 MS. MOORE: 5146 Ogden.

11 JUDGE NGUYEN: How about 328?

12 MS. MOORE: No, that was my mother's
13 house. I was staying in an apartment while
14 my mother was sick, and she passed in
15 December of 2002.

16 JUDGE NGUYEN: And 328 North 52nd Street
17 became your property?

18 MS. MOORE: That was my mother's
19 property.

20 JUDGE NGUYEN: So you own the property
21 at 5146?

22 MS. MOORE: Yes, I'm buying it.

23 JUDGE NGUYEN: In July 2002.

24 MS. MOORE: No, I -- no, I bought this

1 property in '85.

2 JUDGE NGUYEN: 1985?

3 MS. MOORE: Yes.

4 JUDGE NGUYEN: So you are the homeowner
5 of that property?

6 MS. MOORE: Yes. Of 5146 Ogden.

7 JUDGE NGUYEN: Since 1985.

8 MS. MOORE: No, 1985.

9 JUDGE NGUYEN: 1985.

10 MS. MOORE: Yes.

11 JUDGE NGUYEN: Okay. And you rented
12 that house to whom?

13 MS. MOORE: No, I didn't rent it to her.

14 JUDGE NGUYEN: To whom?

15 MS. MOORE: My daughter?

16 JUDGE NGUYEN: And your daughter lived
17 there?

18 MS. MOORE: She lived here after I moved
19 out, yes.

20 JUDGE NGUYEN: From when to when?

21 MS. MOORE: From December of '99. She
22 left, I think, in February of 2002.

23 JUDGE NGUYEN: And then you live there
24 since July 2002.

1 MS. MOORE: I moved in in July.

2 JUDGE NGUYEN: Your daughter from 1985
3 till December 2002?

4 MS. MOORE: No.

5 JUDGE NGUYEN: When?

6 MS. MOORE: My daughter moved in with me
7 when she was a child but she had moved out.

8 JUDGE NGUYEN: Okay.

9 MS. MOORE: She was living somewhere
10 else. She's grown. When I moved into the
11 apartment with my mother. To live with
12 My mother, my daughter moved into 5146 Ogden.

13 JUDGE NGUYEN: So from 1985 to July
14 2002, that property was vacant?

15 MS. MOORE: No, it wasn't vacant.

16 JUDGE NGUYEN: Then who occupied it
17 during that time?

18 MS. MOORE: From September of 1985 until
19 December of '99 I lived here.

20 JUDGE NGUYEN: And then?

21 MS. MOORE: And then I moved into the
22 apartment at 328 North 52nd Street.

23 JUDGE NGUYEN: That apartment belongs to
24 your mother?

1 MS. MOORE: Yes. The whole house
2 belongs to my mother. I had the apartment,
3 she had the house. So I lived there and then
4 my mother died in December of 2002.

5 JUDGE NGUYEN: And then you moved back?

6 MS. MOORE: And then I moved back to
7 5146 Ogden Street in July.

8 JUDGE NGUYEN: So when you moved to your
9 mother's home, who occupied your property?

10 MS. MOORE: My daughter.

11 JUDGE NGUYEN: Okay.

12 MS. MOORE: Tameka Cheeta.

13 JUDGE NGUYEN: Mr. Farinas.

14 MR. FARINAS: Yes, Your Honor.

15 JUDGE NGUYEN: You may cross examine the
16 witness.

17 MR. FARINAS: Thank you, Your Honor.

18 * * *

19 CROSS EXAMINATION

20 * * *

21 BY MR. FARINAS:

22 Q Ms. Moore, I realize it's been a lot of going
23 back and forth, but just a couple of things I want to
24 clear up. First, you said that you bought the property

1 in '85, and you were a gas customer since then?

2 A Yes.

3 Q And then you moved out in 1999, at which
4 point your daughter was supposed to take over, right?

5 A Yes.

6 Q Okay. When your daughter was supposed to
7 take over, did she apply for service?

8 A She said she did.

9 Q Did you ask for a termination of service?

10 A No, I did not.

11 Q Okay. I want to be clear on that. You did
12 not ask for a termination of service for the property,
13 but she didn't go ahead and apply for it, so therefore
14 the gas remained in your name?

15 A I guess so.

16 Q It's your position that you don't want to be
17 held responsible for the period between December 1999
18 and July 2002?

19 A No. Sir.

20 Q Yes.

21 A My position is, I understand stupidity, okay.
22 I am willing to pay that if I need to. That's why I
23 had made the \$2,200 deposit and started paying the
24 \$257.

1 Q Okay. Well, what is it that you are
2 disputing then if not the period between the time that
3 you say you didn't live there?

4 A Okay. If you remember, I missed a payment
5 and they wanted another \$1,200 from me. I told them at
6 that time I had just taken money out of my 401K to undo
7 some of the damage that she had did with the water
8 company and the gas company. Now, -- and the mortgage
9 she hadn't paid. So, I didn't think it was fair for
10 them to do that, but they were adamant that they were
11 going to cut my gas off if I didn't make this \$1,200
12 deposit, at which point -- that's when they sent me the
13 notice. I saw the thing if I had a complaint call PUC.
14 I called PUC --

15 Q Ms. Moore, I understand what happened after
16 that. I'm trying to get to the fact, what is it --
17 first you say you are not responsible for that period,
18 but then you say you are willing to be responsible for
19 it.

20 A I was willing to. I was paying it. I
21 wouldn't have paid over \$3,000. My thing is, when they
22 asked for the other \$1,200. When I talked to the lady
23 at PUC and explained the situation, she said, why are
24 you paying the bill? And I explained to her --

1 Q Who said that to you?

2 A The lady that -- when I called the 1-800
3 number at PUC.

4 Q Okay. And did they advise you that you
5 should pay your current bill?

6 A Yes. She said only pay the current bill
7 until I received a letter.

8 Q Did you pay the current bill?

9 A Yes, I was paying the current.

10 Q Okay. Every month?

11 A Sometimes it was two months, because as I
12 said, I pay a lot of my bills on line and I'm not --
13 like sometimes I'm traveling to different clients, so I
14 don't think about it.

15 Q But you realize if you don't pay your bill
16 every month it's considered late, even though you may
17 catch up later?

18 A Okay. Now, see, the thing is, with the water
19 department I didn't have this problem, so I guess I did
20 get confused.

21 Q Okay.

22 A So then they started hitting me with an \$87 a
23 month charge, which I thought was very unreasonable,
24 because why did you allow her -- or even if you thought

1 it was me, why would you allow a bill to get that high
2 when if you look at my record you had cut me off for
3 \$109, and I had to call the City because I was paying
4 \$109 a month and they said I wasn't paying an extra \$5
5 when I had set it up with my bank by phone. And they
6 cut me off.

7 Q And I'm proposing that -- I've not clearly
8 understood what your complaint was. I thought you
9 didn't want to be responsible for the period that your
10 daughter was living there, but you had not requested at
11 shut off. I propose to you that if we subtract the
12 late payment charges from the balance and, which total,
13 from the time that you filed your informal complaint,
14 and we'll double check this, but right now your total
15 is \$778.61. I can subtract that from the balance and
16 if you want to enter into a payment arrangement we can
17 settle this.

18 A I have no problem with that. Like I said, I
19 understand that was my stupidity. You trust your child
20 and you get messed up, you know. That's why I was
21 paying it. But, yeah, I thought that when they sat
22 there and asked that, then I said, okay, let me go to
23 PUC. I have no problem paying that balance.

24 MR. FARINAS: Your Honor, at this time I

1 would like to -- can we go off the record? I
2 can -

3 JUDGE NGUYEN: Okay.

4 MR. FARINAS: I can take three minutes
5 to compute the actual balance and I don't
6 mind if you stay on the line to listen to
7 this.

8 JUDGE NGUYEN: Okay.

9 * * *

10 (Whereupon, a discussion off the record
11 was held.)

12 * * *

13 JUDGE NGUYEN: Tell me the terms of your
14 agreement.

15 MR. FARINAS: Your Honor, now that we're
16 back on the record, Ms. Moore has graciously
17 agreed to settle this matter with PGW, and
18 the terms of the settlement are as follows.
19 Ms. Moore's balance as of this date is
20 \$6,727.47. PGW will waive late payment
21 charges in the amount of \$778.67 which will
22 leave a balance of \$5,948.80. Mrs. Moore has
23 entered into a payment arrangement consisting
24 of a payment on the budget amount of \$194

1 plus \$200 towards -- per month towards the
2 outstanding balance.

3 JUDGE NGUYEN: Is that agreeable to you,
4 Ms. Moore?

5 MS. MOORE: Yes, it is.

6 JUDGE NGUYEN: Okay. Mr. Farinas --

7 MR. FARINAS: Yes, Your Honor, I will
8 file a certificate of satisfaction as well as
9 produce the terms of the settlement into
10 writing and send them to Ms. Moore.

11 JUDGE NGUYEN: Thank you very much.

12 MS. MOORE: Thank you very much. Now,
13 can I make a payment on the phone today or
14 no?

15 MR. FARINAS: Not with me.

16 MS. MOORE: No, I meant if I call.

17 MR. FARINAS: Yes, you can.

18 MS. MOORE: Or should I wait until you
19 file something?

20 MR. FARINAS: If you ask them the
21 balance today, when you did it, you are not
22 going to see anything we talked about. It
23 takes like three days for all of that to get
24 into the system.

1 MS. MOORE: Okay.

2 JUDGE NGUYEN: Okay. Thank you.

3 MS. MOORE: Thank you very much. Both
4 of you. I appreciate your time.

5 * * *

6 (Witness excused.)

7 * * *

8 (Whereupon, the hearing was
9 adjourned at 1:25 p.m.)

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WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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RENEE MOORE		12		
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C E R T I F I C A T I O N

I, Lisa M. Cooper, hereby certify the foregoing is a true and correct transcript of the proceedings held in this matter, as transcribed from the stenographic notes taken by me.

Lisa M Cooper

LISA M. COOPER
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