

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Robin Meehan

v.

Philadelphia Gas Works

:
:
:
:
:

Docket No

Z-00982173

DOCKETED

JUL 16 2002

SECRETARY'S BUREAU

2002 JUL 16 AM 11:02

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FOLDER

PREHEARING ORDER

Procedural History

On November 19, 2001, Robin Meehan (Meehan, Complainant or Customer) filed this complaint against the Philadelphia Gas Works (PGW, Company or Utility). Meehan alleges that she notified the gas company that she had moved from her old apartment and had set up two appointments to have the gas turned off with no show from the gas company. She avers that she should not be liable for the gas that was used after she moved out and made many attempts to be there for the gas company to turn it off with no show on their part. PGW is still billing her for this time.

She wants the PUC to find that she is not responsible for these bills, and to have her name dropped from this account.

On December 26, 2001, PGW filed its Answer. PGW denies the characterizations of the averments in Paragraph 3 of the complaint concerning the responsibility for billing at the service address. PGW avers that it first obtained notification that service was to be terminated at this address on October 31, 2000; that shut-off was scheduled for November 11, 2000; and that service was shut off at the curb when PGW employees could not gain access. PGW avers that it has calculated gas service back to November 11, 2000 based on a gas usage analysis attached to its Answer

as Exhibit B. PGW avers that the last actual meter reading at that service address was October 13, 1997. However, PGW basically admits that it did not terminate service as requested by Meehan. Finally, PGW avers that a decision of the Bureau of Consumer Services (BCS) waived late payment charges and a payment arrangement on the outstanding balance consisting of a monthly budget of \$378.00 plus \$31.00 a month.

Commission records do not show that the Office of Administrative Law Judge (OALJ) gave Mediation Review to this case.

On February 20, 2002, the OALJ issued a hearing notice scheduling an Initial In-Person Hearing to be held on this complaint on Wednesday, May 29, 2002 10:00 a.m. The case was assigned to Administrative Law Judge Herbert Smolen. OALJ then issued a second hearing notice, dated April 10, 2002, rescheduling the case to be heard in-person on Tuesday, July 16, 2002 at 10:00 a.m., and re-assigning the complaint to Administrative Law Judge Allison K. Turner (ALJ) for hearing and decision.

ORDER

1. Commission policy is to encourage settlements. 52 Pa. Code §5.231(a). In this case, the amount in dispute is \$1880.30 and a hearing would be relatively costly in time and resources for both parties. Therefore, Meehan and PGW are directed to **discuss informally between themselves the possible settlement of this complaint during the time up to and including July 15, 2002, and to notify the ALJ and or the Scheduling Office no later than that day, if agreement is reached, and the hearing is not necessary.**

2. If you are unable to completely settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

3. If for any reason any party cannot appear at this initial hearing as scheduled, that party should request a continuance. Continuances are only granted if good cause is presented. Any request for a change of the scheduled date for the initial hearing **must** be sent to the Office of Administrative Law Judge Scheduling Staff, to the office of the presiding officer (ALJ), and to the opposing party or parties. The mailing address for the Scheduling Staff is: PA PUC, P.O. Box 3265, Harrisburg, PA 17105-3265, and the phone number is (717) 787-1399. The scheduling officer for your Meehan is Judy Weaver. The mailing address for the Philadelphia Administrative Law Judges is: PA PUC, Room 1302 Philadelphia State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. The phone number for this office is (215) 560-2105. The presiding officer on your Meehan is Judge Allison K. Turner. After the initial hearing has been held, requests for changes of subsequent hearing dates should be directed to the Judge.

4. **You may lose this case if you do not take part in the initial hearing, and present evidence on the issues raised by the Complaint and Answer.**

5. **ALTHOUGH THIS IS AN ADMINISTRATIVE HEARING, IT IS A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE. TESTIMONY WILL BE TAKEN UNDER OATH, AND BE SUBJECT TO CROSS-EXAMINATION, ETC.**

6. Meehan, as the complainant, has the burden of proof to show that her allegations are true, and that she is entitled to the relief she requests. Meehan will present her evidence first because as the complainant she has the burden of proof. She will also have the opportunity to give any closing testimony. If Meehan makes out a *prima facie* case, PGW will have the burden of moving forward with rebuttal evidence.

7. As an individual, Meehan may represent herself, or she may choose to be represented by an attorney. If she wants to be represented by an attorney, she should select one as soon as possible, and he or she should enter an appearance at this docket so as to be served with all documents. If Meehan does not retain an attorney, we will proceed with Meehan representing herself. As a municipal corporate entity, PGW must be represented by counsel.

8. PGW must prepare the following for submission to the record: (a) an account statement for Meehan from the initiation of service on her account for service at 5843 Newtown Avenue in Philadelphia, PA, until service was terminated; (b) copies of any reports made about contacts made with the customer, and of any notices and/or records of contacts with Meehan about her complaints of billing for service she did not consume; and, (c) a copy of the BCS decision described in its Answer. PGW must submit four (4) copies of these documents at the hearing, marked as exhibits: one for the ALJ; two for the court reporter; and, one for Meehan.

9. Meehan is hereby directed to submit for the record copies of any notices or correspondence that she received from PGW about her bill for service from June 1, 2000 up until the present, and copies of bills she has received from PGW during this time. She shall bring four (4) copies of these, prepared as exhibits, to the hearing: one for PGW; one for the ALJ; and, two for the court reporter.

10. Any other documents the parties wish to submit should be marked as exhibits and four (4) copies should be submitted as in ¶¶8 & 9

11. The parties should exchange lists of their proposed witnesses at least three days before the hearing



Allison K. Turner
Administrative Law Judge

Date: July 11, 2002

Philadelphia Gas Works



800 W. Montgomery Avenue, Philadelphia, PA 19122
Telephone: (215) 236-0500

ORIGINAL

Laureto A. Farinas, Esq.
Senior Attorney
Legal Department

Direct Dial: 215-684-6982

FAX: 215-684-6982

E-mail: laureto.farinas@pgworks.com

RECEIVED

July 12, 2002

JUL 12 2002

James McNulty, Secretary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
Harrisburg, PA 17105-3265

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Robin Meehan v. PGW, Docket No. Docket No. ~~2-00976553~~

2-00982173

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaint has been satisfied and Complainant acknowledges that the Complaint has been satisfied. PGW and the Complainant have discussed the Complainant's concerns with her account and reached a settlement. With this discussion the Complainant has indicated that she is satisfied with the resolution of this complaint.

By copy of this letter, I am notifying the Complainant of her right to object to any part of this settlement, in writing to the Public Utility Commission within ten (10) days of the date of this letter.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,

cc: Robin Meehan
Administrative Law Judge Turner (Via Fax)
Judy Weaver (Via Fax)
Linda Pereira

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DOCKETED
JUL 17 2002

05

COMMONWEALTH OF
PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: July 22, 2002

SUBJECT: Certification of Satisfaction Filed
~~Z-00970553~~ Robin Meehan v. Philadelphia Gas Works

TO: Wanda Zeiders, Z-00982173
Docket Management

FROM: Judy Weaver, Scheduling Officer
Office of Administrative Law Judge

On July 16, 2002, a Certificate of Satisfaction was filed in the above-captioned proceeding by Laureto A. Farinas, Esquire. If no objection is filed to this certificate 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 Allison K. Turner
Elzy Ditzler
Beth Plantz
Case File

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FOLDER

DOCKETED
JUL 23 2002



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

July 22, 2002

In Re: ~~Z-00976553~~
Z-00982173

(See letter dated 04/10/02)

Robin Meehan v. Philadelphia Gas Works

Billing dispute.

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial hearing
Date: Tuesday, July 16, 2002
Time: 10:00 a.m.
Location: Philadelphia, Pennsylvania
Presiding: Administrative Law Judge Allison K. Turner

Please mark your records accordingly.

pc: Judge Turner
Bruce Bigelow, Mediator
Judy Weaver, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

SRB

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DOCKETED
AUG 26 2002

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	Z 00982173		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Robin Meehan 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 checked="" type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	July 16, 2002	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Allison K. Turner	DATE:	7/22/02	
		Briefs to be Filed	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
Reporting Firm:	Precision Reporting, Inc.	Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
RECEIVED OFFICE OF S.A.L.J. 02 JUL 23 AM 11:17 PA PUC		REMARKS:	PGW filed certifi- cate of satisfaction on 7-12-02	

DOCUMENT

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

(Name and Telephone Number	Address	Who are you representing?
Telephone: [Redacted]	City: _____ State: _____ Zip: _____	
Telephone: _____	E-mail Address: _____	Fax Number: _____
Telephone: _____	City: _____ State: _____ Zip: _____	
Telephone: _____	E-mail Address: _____	Fax Number: _____
Telephone: _____	City: _____ State: _____ Zip: _____	
Telephone: _____	E-mail Address: _____	Fax Number: _____

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

Reporter's Signature

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