

ORIGINAL

C-20042983
125042

Formal Complaint Form
Pennsylvania Public Utility Commission

Please Print: (you may also type your answers directly onto the form as it appears on your screen)

1. Your name, mailing address and telephone number.

Name ROSE M. McMILLAN

Street/P.O.Box 5439 MORRIS ST Apt # _____

City PHILA State PA Zip 19144

County PHILA Area Code/Home Phone 215 843-9163
Area Code/Work Phone 215 684-8307

2. Name of company your complaint concerns: PHILA GAS WORKS

3. What is your complaint? (Use additional paper if need more space).

*See attached Exhibits and
accompanying letter*

4. What do you want the Public Utility Commission to do about your complaint?
(Use additional paper if need more space).

*See attached Exhibits and
accompanying letter*

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State law if I purposely give false information.

Rose M. McMILLAN
Signature

5/5/04
Date

Continued on next page

SECRETARY'S BUREAU

2004 MAY -7 AM 9:23

RECEIVED

(3) What is your complaint and (4) What do you want the PUC to do about your complaint?

I have been having an issue regarding my gas billings since the installment of an Automatic Meter Reading Device (AMR) on or around July 15, 2002. This issue has been ongoing, and I seek a formal hearing to resolve this matter and bring this issue to a conclusion so that I can move on and receive regular, normal billings in the future. I will attempt to outline these issues chronologically, factually and as briefly as possible up to the current time:

- AMR installed around July 15, 2002 and on my next billing statement, I received a bill in the amount of \$5,034.12 which represented estimated billings over an approximate ten year period. At that time, the previous balance due on the bill was \$122.91 which was paid by check #1816 on August 2, 2002 bringing my gas bill to a zero balance.
- I called the gas company informing them I believed their billing to be in error and requested that the matter be addressed. In the meantime, I continued to pay the current balance due on each subsequent month's billing statement. It became evident that it would be necessary to file a complaint with the PUC, which resulted in PUC Case #1209249 (Please see the following attachments: **Exhibit I – Decision on Informal Complaint dated 04/17/03 by Investigator Matthew Hrivnak, Exhibit II – Notification of Intent to Appeal returned to PUC on 04/25/03 and Exhibit III Formal Complaint and attached letter by Rose McMillan dated 05/29/03.**
- I also began making bill payments in accordance with the findings of the PUC Investigator upon receipt of the decision and beginning with the bill due on 04/30/03 and continued to do so until I received a phone call from Mr. Jack Irizarry of Philadelphia Gas Works. Mr. Irizarry stated that PGW was interested in a settlement agreement whereby they would reduce my disputed billing by the following amounts: \$1006.82 (in accordance with the PUC's findings), another \$200 to promote good customer relations and \$794.14 to reflect the rate changes in effect during the period in question (December, 1992 through July, 2002 when the AMR was installed). Mr. Irizarry stated this would reduce the disputed billing to the amount of \$2,779.24 and that PGW would accept monthly payments in the amount of \$200.00 distributing \$176 towards current bills and \$24 towards the old bill for a period of 117 months. Mr. Irizarry also stated that during the 117 month period, no interest or finance charges would be levied against the balance of \$2,779.24. (See **Exhibit IV – Letter from PGW noting new payment arrangements**). I began immediately paying PGW the arranged \$200 per month (which was different from the findings of the PUC). PGW also indicated they would inform the PUC that the matter had been resolved. I received a letter from the PUC on 04/17/03 that the PUC had marked this matter closed (See **Exhibit V**).

- From the time that I accepted the arrangement with PGW to date, the \$794.14 has not been deducted from my balance and also, contrary to the arrangement with PGW, finance charges have been added to the balance due. I telephoned Mr. Laureto Farinas, Senior Attorney for PGW, on several occasions since (1) the letter noting the payment arrangements was signed by him and (2) I did not have a telephone number for Mr. Jack Irizarry. He assured me on two occasions that he would contact Mr. Irizarry and clear up this matter. However, this has not happened, and I am therefore requesting that the PUC intervene once again in the form of a formal hearing to bring this matter to a conclusion.

As I indicated before, I have been a PGW customer since around 1981, have never had my gas or any other utility turned off due to non-payment and that is a record I would like to maintain. As long as I have been a PGW customer, PGW has received a bill payment from me each and every month. With the economy being what it is, my salary, like most others, has not kept up with rising utility and other living costs. It is stressful and unnerving to have to receive notices regarding gas service shut-off when I am doing all that can be done, mainly, Paying My Bill Every Month, which is what I'm supposed to be doing. Am I expected to be the only party held responsible and accountable.

At this juncture, I seek total relief in this matter. At no time have I ever denied PGW access into my home to read my gas meter, and I feel at this point, I am being forced to pay a bill (with the threat of shut-off if I don't) that no one can provide a credible account of or specific itemization for actual usage. Just as PGW desires to pass on the bills for nonpaying PGW customers through a \$75 surcharge to paying customers, could PGW also be attempting to pass on to paying customers losses it has suffered through the misconduct of PGW officials who have embezzled company funds as well as their misjudgments in supply purchasing.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

APRIL 17, 2003

BCS No: 1209249

ROSE MCMILLAN
5439 MORRIS STREET
PHILADELPHIA PA 19144

The Bureau of Consumer Services (BCS) has completed its investigation into your informal complaint. Attached is the decision resulting from that investigation. A copy of this decision has also been sent to your utility company. This decision is binding on all parties, and unless it is appealed will become final 20 days after the date of this letter.

If you do not agree with any part of this decision you may appeal it by filing a formal complaint. You can do this by completing the attached Request for Formal Complaint Forms. Return this form to the Public Utility Commission, and the formal complaint forms will be mailed to you. If you wish to appeal, you must return this form to the Public Utility Commission by the date shown on the form. Your complaint will be assigned to an Administrative Law Judge, and a hearing date will be assigned.

You do not need a lawyer to file an appeal.

You must make all of the payments required by this decision. If you do not make these payments the utility company is permitted to terminate your utility service.

If you have any questions about the terms and conditions of this decision or about the Public Utility Commission's appeal procedures you may call me toll free at 1-800-782-1110, or you may call me directly at 717-705-6903.

Sincerely,

Matthew Hrivnak
Investigator, Informal Complaint Unit

Enclosure

PHILADELPHIA GAS WORKS

Exhibit I

Page 1 of 3

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROSE MCMILLAN
5439 MORRIS STREET
PHILADELPHIA 19144

v.

PHILADELPHIA GAS WORKS
800 W MONTGOMERY AVENUE
PHILADELPHIA PA 19122

Case Number: 1209249

Account Number: 7111507275

Decision On Informal Complaint By The Bureau Of Consumer Services:

Statement Of Complaint:

A summary of the customer's complaint is as follows:

Customer has received estimated bills for an extended period of time. Philadelphia Gas Works (PGW) identified this error and re-billed the customer for previously unbilled service. The customer disputes this rebilling because of PGW's failure to read the customer's meter.

Investigation By Staff Of The Bureau Of Consumer Services Revealed:

That PGW re-billed the customer in the amount of \$5,034.12 due to long-term estimates .

That the customer's total outstanding balance existing on this account is \$5,269.85.

Based On These Findings, The Bureau of Consumer Services Concludes:

PGW failed to get an actual meter reading on this account for an extended period of time. As a result of PGW's failure to read the customer's meter, thereby basing usage on estimates, the customer was unable to judiciously manage gas consumption and exercise conservation measures, as necessary. The customer, therefore, is entitled to a reduction in the re-billed amount which is intended to compensate for this problem that, again, was caused by PGW's failure to issue bills monthly.

Therefore It Is Decided:

- (1) That the informal complaint of ROSE MCMILLAN is sustained.
- (2) That PGW reduce the re-billed amount by 20%, or \$1,006.82.
- (3) That the customer must pay the remaining balance at a rate of \$100 per month toward the arrearage plus current bills (or budget billing) as they become due, beginning with the first bill received after this decision has been rendered and continuing until all outstanding charges are paid in full.

- (4) That PGW is prohibited from assessing late payment charges on the re-billed amount.
- (5) That PGW must remove all late payment charges that accumulated on this account during the disputed period.
- (6) If you fail to make payments in accordance with this decision, PGW is permitted to terminate your service.

APRIL 17, 2003

Matthew Hrivnak
Investigator, Informal Complaint Unit
Bureau of Consumer Services
PA Public Utility Commission

Mailed
4/25/03

NOTIFICATION OF INTENT TO APPEAL
(Request For Formal Complaint Forms)

Notice to Customer:

If you sign and return this form you are notifying the Public Utility Commission that you intend to appeal this informal complaint decision. Do not return this form unless you want to appeal this decision.

If you want to appeal this decision, you must return this Notification of Intent to Appeal form within twenty days of this date: APRIL 17, 2003. The Commission will send you formal complaint forms.

You must comply with the terms of this decision until the Public Utility Commission completes the formal complaint process. You must make all of the required payments, or the utility company may pursue the termination of your service.

Thank You.
Pennsylvania Public Utility Commission

Yes, I want to appeal the decision of the Bureau of Consumer Services. Please send formal complaint forms to me at the following address:

Customer name and address:
(Please correct any mistakes.)

ROSE MCMILLAN
5439 MORRIS STREET
PHILADELPHIA PA 19144

(215) 684-8307
(Area Code) Telephone Number

Rose M. McMillan
Signature

Mail this completed form to:

SECRETARY
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265
HARRISBURG, PA 17105-3265

FOR OFFICE USE ONLY	
BCS Number: 1209249	Date of mailing: APRIL 17, 2003
Company: Philadelphia Gas Works	

REVISED 11/97

MAILED
5/29/03

FORMAL COMPLAINT FORM
Pennsylvania Public Utility Commission

6/11/03

Please Print:

BCS 12092-149

1. Your Name, Mailing Address and Telephone Number.

Name ROSE M McMILLAN

Street/P.O. Box 5439 MORRIS STREET Apt.# _____

City PHILA State PA Zip 19144

County PHILA Home Telephone-Area Code (215) 843-9163

Work Telephone-Area Code (215) 684-8307

2. Name of Company your complaint concerns: PHILA GAS WORKS

3. What is your complaint?

When meter # 1200059 (per gas statement TAN# 11824376575) was removed PG&W alleged that I owed \$5034.12 by applying the gas rate (.2793) & commodity charge (.74784) to 4967 ccf of gas usage. PG&W contends this was gas usage (4967 ccf) that they had not billed me for in the past because they did not do actual monthly readings of gas consumption at 5439 MORRIS STREET.

A REVIEW BY INVESTIGATOR MATTHEW HRIVNAK OF MY INFORMAL COMPLAINT SUSTAINED THE ISSUES MADE NOTE OF IN THAT COMPLAINT. THIS FORMAL COMPLAINT FURTHER MAKES NOTE THAT

(If you need more space, use additional paper and attach to this form).

(-over-)

(SEE ATTACHED)
PAGES (2)

4. What do you want the Public Utility Commission to do about your complaint?

I REQUEST THAT THE PUC INSTRUCT PGW TO
GRANT TOTAL RELIEF IN THIS SITUATION
BASED ON THE FACTS STATED IN THE ATTACHED
COMPLAINT

(If you need more space, use additional paper and attach to this form.)

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

Rose M. De Miller
Original Signature of complaining person

5/29/03
Date

6. If you are represented by a lawyer you must provide your lawyer's name, address and telephone number.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Telephone Number-Area Code () _____

3. COMPLAINT AGAINST PGW
Account No. 7111507275
Case No. 1209249

My decision to pursue a formal complaint is not intended to disregard or diminish the findings of Investigator Matthew Hrivnak in the informal complaint process. His findings upheld the fact that PGW was negligent in not reading the meter and made provision for a 20% deduction in the amount billed. Although this would provide some relief, the additional payment (\$100) to clear up the balance of PGW's billing, coupled with current usage charges is still an unmanageable option.

My complaint regards (1) the amount of gas consumption billed by PGW and (2) the amount billed for the gas consumption based upon the following:

The property was purchased early December, 1992. I did not actually live in the property until July, 1995. Therefore, from 1992 thru July 1995, there could only be very little gas consumption. The thermostat remained on a very low setting, just enough to prevent the pipes from freezing. Once I moved into the property in July 1995, which was in the summer, thru July 2000, gas consumption was still minimal because I was at work from 9-5, and no one was at home during the day except weekends (Saturdays & Sundays). This however did not preclude my availability for meter readings. I was in and out of the property to ensure that it was secured.

In July 2000, my mother moved into my home and was hospitalized from the end of July thru the beginning of September. Regular gas consumption never really started at this residence until around this time (October 2000). I therefore acknowledge that normal gas consumption began around October 2000 to the current time. My mother was there on a daily basis once she moved in (except during period hospitalized), and still no one read the meter from the time she moved in up until the new meter was installed in July, 2002.

The meter that was removed in July, 2002 may or may not have been faulty or defective; however, it does not appear that it is possible to ascertain this at this point (by an independent third party). I also acknowledge that I am unaware of the process by which PGW can determine how many revolutions the old gas meter had made in order to accurately determine the amount of hundred cubic feet of gas consumed, or if this was possible at all over a ten year period.

The second part of my complaint relates to the gas cost rate and commodity rate that was applied to the questioned usage:

PGW's rates have fluctuated many times from 1992 to 2002. When PGW sent a bill after removing the old meter (#1200059) and installing a new one, they billed the usage at the 2002 rate.. I called PGW to indicate that I believed the billing was in error, and that the bill noted a lump sum amount due (\$5,034.12). There was no detailed itemization per

Exhibit III

Dee M. McAllen
Page 3 of 4

billing period/cycle; usage was not itemized within the specific cycle in which usage occurred, and the appropriate gas cost rate and commodity rate was not applied. How will PGW arrive at an accurate billing rate if gas consumption cannot be isolated to the cycle or period in which gas was consumed. This would appear to be necessary in order to apply an appropriate rate.

I do not have \$5,034.12 in the form of a lump sum or the ability to pay \$5034.12 to PGW over time in \$100 increments in addition to current charges. It has become increasingly impossible to manage even the current bills due to rate increases coupled with the severe weather this past winter.

Further, I seek total relief from this situation. As noted earlier, it is not as if monthly gas bills were not being paid, in full, during the entire period in question. I have never had any utility service shut off and do not intend to begin now. Before I reach a point where a shut off is impending, I would prefer to leave the ranks of gas consumers. However, this is not my desire, but I must admit kerosene heaters are starting to look good again.

I have been a gas consumer since the late 70's/early 80's with no outstanding balances. I have been a very conscientious and efficient gas consumer, not to mention also that I am also not a cold natured person that needs lots of heat in the first place. I have not been a problem customer, needing constant reminders for past due bills and gas bills have also always been paid in a timely fashion.

I recognize that the gas bill is an important bill, but it is not my only important bill. Shelter is the first basic need. In addition, I am responsible for a \$885 mortgage payment, \$600 tuition payment, gas, electric, phone & church obligations, just to name a few. I realize that this is not PGW's problem, but nevertheless, I believe it should carry some weight and consideration as it has a tremendous bearing on the situation at hand.

Exhibit III

Rene M. McMillan

Page 4 of 4



Laureto A. Farinas
Senior Attorney
Direct Dial: 215-684-6982
E-mail: laureto.farinas@pgworks.com

July 10, 2003

Rose M. McMillan
5439 Morris Street
Philadelphia, PA 19144

Re: Rose M. McMillan v. PGW, Docket No. F - 01209249

Dear Ms. McMillan:

Pursuant to our settlement conference held on July 9, 2003, with Jack Irizarry, Customer Review Officer – PGW, this will confirm the settlement terms of the above captioned matter.

In the interest of good customer relations and in complete settlement of this matter, the parties acknowledge and agree to the following:

1. In your conference with Jack Irizarry, Customer Review Officer – PGW, he explained that your total current charges did not reflect the 20% reduction of \$1006.82 ordered by the Bureau of Consumer Services and that this amount (20% of \$1006.82) would be credited to your account.
2. PGW will adjust your account to reflect the rate changes that were in effect for the period in question in the amount of \$794.14.
3. PGW will credit you account an additional \$200 to promote good customer relations.
4. With the adjustments above and a total new balance of \$2779.24.
5. You have entered into a payment arrangement of \$200 a month (\$24 on the arrears x 117 months + \$176 budget) until the balance is paid in full.

You have indicated that you are satisfied with the outcome of this matter. I will notify the Commission that this matter is resolved. If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you.

Sincerely,

cc: Jack Irizarry



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

August 12, 2003

F-01209249

ROSE M. MCMILLAN
5439 MORRIS STREET
PHILADELPHIA PA 19144

ROSE M. MCMILLAN
v.
PHILADELPHIA GAS WORKS

TO WHOM IT MAY CONCERN:

Please be advised that the Commission has marked closed the above-entitled proceeding.

Very truly yours,

James J. McNulty
Secretary

nvl
cc: All parties of Record
Office of ALJ

Exhibit V

Page 1 of 1

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P O BOX 3265, HARRISBURG PA 17105-3265

DOCUMENT
FOLDER

DATE SERVED: 05/27/04

C-20042983

DOCKETED

MAY 26 2004

LAURETO FARINAS ESQUIRE
PHILADELPHIA GAS WORKS
800 W MONTGOMERY AVE
PHILADELPHIA PA 19122-2898

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Rose M. McMillan. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

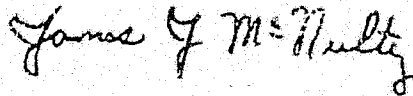
05/27/04

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,



James J. McNulty
Secretary

es

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: 05/27/04

Rose M. McMillan
Complainant

VS.

PHILADELPHIA GAS WORKS
Respondent

Complaint Docket
No: C-20042983

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PHILADELPHIA GAS WORKS

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

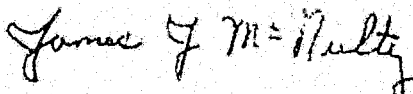
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq., and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint:

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested