

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Vivian E. Black

v.

Philadelphia Gas Works

:  
:  
: Docket Number  
:  
: Z-01637786  
:

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NOV 16 2004

DOCUMENT

PREHEARING ORDER

On August 23, 2004, Vivian E. Black (Black, Complainant or Customer) filed this formal complaint against Philadelphia Gas Works (PGW or Company).

On September 22, 2004, the Company filed a timely Answer denying the material allegations of the complaint.

On October 22, 2004, a hearing notice was issued scheduling an initial telephone hearing to be held on this case on Friday, January 21, 2005 at 10.00 a.m. The case has been assigned to ALJ Turner for hearing and initial decision.

The purpose of this order is to bring to the attention of all parties certain procedural rules, observance of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa. Code §1.2(a). The parties are directed to comply with the following requirements:

1. Proceedings before the Commission are governed by, inter alia, 52 Pa. Code §1.15, which provides:

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§1.15. Extensions of time.

....

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown, will requests for continuance be considered. The requests should be submitted at least 5 days prior to the hearing date. (Emphasis added.)

In accordance with the foregoing, absent a timely request for continuance for good cause (i.e., no later than 5 days before the scheduled hearing on January 21, 2005), all parties to this proceeding shall be prepared to participate in the scheduled hearing.

2. If for any reason any party cannot appear at this initial hearing as scheduled, that party should request a continuance. **If you do not appear at the hearing, and you have not obtained a continuance, the hearing may be held without you and you may lose this case.** 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, 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 case is Cherie Pyle. 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 case is Administrative Law Judge Allison K. Turner.

3. **COMPLAINANT:** Please be aware that you have the burden of proof in this proceeding, and must show by a preponderance of the evidence that respondent has violated the Public Utility Code or a regulation or order of the Commission, and that you are entitled to

the relief requested in the Complaint. If this burden is not satisfied, the Complaint must be denied as a matter of law. Pursuant to 52 Pa. Code §§1.21 and 1.22, if you are an individual, you may be represented by an attorney or you may represent yourself. **If this is an adversarial proceeding and you are a partnership, corporation, trust, association or governmental agency or subdivision, you must be represented by an attorney.**

4. TO ASSIST THE CUSTOMER TO PROVIDE THE INCOME AND EXPENSE INFORMATION REQUESTED BY THIS ORDER, THREE (3) COPIES OF A BUDGET INFORMATION SHEET ARE ENCLOSED WITH THIS ORDER. THE CUSTOMER SHOULD FILL OUT THIS BUDGET SHEET, AND KEEP ONE COPY OF THE BUDGET SHEET AND THE ORDER FOR YOUR USE DURING THE HEARING. PLEASE RETURN ONE COPY TO ME AND SEND ONE COPY TO COUNSEL FOR THE UTILITY AT LEAST ONE WEEK BEFORE THE HEARING.

5. At the hearing, the Customer must be prepared to testify about, or otherwise document, the total gross and the total net monthly income of the household. A household includes all individuals regularly residing there and receiving the benefit of the utility service. The "total net monthly income of the household" includes, but is not limited to, the following payments received by every person residing in the customer's home (a) the "after taxes take-home pay" from salaries, wages, tips or other compensation; (b) pension, retirement or social security benefits; (c) Supplemental Security Income ("SSI"); (d) unemployment compensation benefits; (e) workers' compensation benefits; (f) alimony; (g) support; (h) public assistance, and (i) any other sources(s) of income.

6. If the Customer or any member of the Customer's household is receiving food stamps and/or medical assistance, the Customer must be prepared to testify or document the amount of food stamps or the nature of the medical assistance received.

7. At the hearing, the Customer must be prepared to testify about or document the total monthly expenses of the household, which shall include, but are not limited to, the following items: (a) rent or mortgage payments; (b) utility bills (including electric, gas,

telephone, water, sewer cable television, etc.); (c) food, in addition to any food stamp benefits; (d) clothing; (e) automobile (loan payments, gasoline, maintenance, etc.); (f) transportation (bus, taxicab, jitneys, etc.); (g) insurance premiums (homeowners' or renters' insurance, automobile insurance, life insurance, medical insurance, etc.); (h) medical bills (doctors, dentists, hospitals, prescriptions, etc.); (i) credit card and charge account payments; (j) loan payments; and (k) miscellaneous expenses. When testifying to these expenses, the customer should be prepared to give balances due or missed payments for each item.

8. You must arrange to have those who intend to testify as witnesses on your behalf present with you at the time set for the hearing.

9. If you wish to offer into evidence at the hearing material in the form of documents (letters, bills, cancelled checks and the like), you must send the required number of copies (an original and two copies for the Commission, one copy for every other party in the case, and a copy for yourself) by first class mail. 52 Pa. Code §5.409. These must be received one week before the hearing.

10. PLEASE BE AWARE THAT ALTHOUGH THIS HEARING IS BEING CONDUCTED TELEPHONICALLY FOR THE CONVENIENCE OF THE PARTIES, IT IS A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.

11. Please be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents you file in this proceeding.

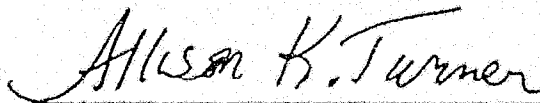
12. If the parties intend to conduct discovery, please note that 52 Pa. Code §5.331(b) provides, inter alia, that "[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible," and 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements which require the

presiding officer's participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.

13. Commission policy is to encourage settlements. 52 Pa. Code §5.231(a). Therefore, the parties are urged to discuss informally between themselves the possible settlement of this case at least one week before the hearing, and to notify the ALJ and or the Scheduling Office by January 14, 2005, if an agreement is reached, and the hearing is not necessary. If you are unable to completely settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

ORDER

The parties shall comply with procedural rules and regulations discussed herein.



ALLISON K. TURNER  
Administrative Law Judge

Date: November 1, 2004

**MONTHLY BUDGET INFORMATION**

Customer's Name: Vivian E. Black Date: November 1, 2004

Name of Utility: Philadelphia Gas Works

P.U.C. Docket No.: Z-01637786

Hearing Date: January 21, 2005

Administrative Law Judge: Allison K. Turner

<u>Monthly Household Income</u>	<u>Amount</u>
<i>(Include gross income from all persons living in your home.)</i>	
Salaries, wages & tips	\$ _____
Public Assistance	_____
Social Security or SSI	_____
Alimony	_____
Child support	_____
Pension	_____
Retirement benefits	_____
Unemployment compensation	_____
Worker's compensation	_____
Food stamps	_____
Other income (List source and amount):	
_____	_____
_____	_____
_____	_____
Total:	\$ _____

<u>Monthly Household Expenses</u>	<u>Amount</u>
Rent/mortgage	\$ _____
Electric	_____
Gas	_____
Telephone	_____
Water	_____
Sewage	_____
Trash pickup	_____
Food (other than food stamps)	_____
Total:	\$ _____

ORIGINAL

Dommel, Penglase & Wiley

Attorneys and Counselors at Law

Michael R. Dommel, Esq.  
Wm. Craig Penglase, Esq.  
Brian K. Wiley, Esq.

123 North Broad Street  
Doylestown, PA 18901  
Office: (215) 348-7811  
Fax: (215) 348-8060  
dpw-law.com

January 5, 2005

HON. JAMES McNULTY, SEC.  
PA. PUC  
Room B-20, North Office Building  
Harrisburg, PA.  
17105-3265

**DOCKETED**  
FEB 18 2005

VIVIAN BLACK v. PGW  
Docket No. Z-01637786

Dear Secretary McNulty:

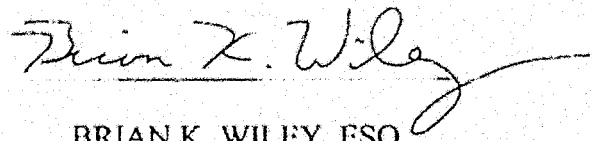
Please allow this correspondence to serve as a *Letter of Representation* on behalf of consumer, Vivian Black in the above- referenced appeal, scheduled for a telephone hearing on Friday, January 21, 2005 before the Hon. Allison K. Turner.

By copy of this letter to PGW counsel, Laureto A. Farinas, Esq. please allow this notice to also serve as a *Request for Discovery* pursuant to 52 Pa. Code Section 5.322, requesting discovery including, but not limited, to the consumer's file and any documents in the Utilities possession that are or may be relevant to the instant Appeal.

Lastly, the consumer provides a copy her *Monthly Budget Statement* documenting the consumer's inability to make the ordered payments on the account in this appeal. The monthly Budget Information documents the consumer's net income of one hundred (\$100.00) dollars left per month, after expenses, on her income as a limited income senior citizen with the previously noted physical disabilities.

Your prompt attention to this matter is greatly appreciated.

Very truly yours,



BRIAN K. WILEY, ESQ.  
Attorney at Law

CC: Hon. Allison K. Turner  
Laureto A. Farinas, Esq. PGW  
Vivian Black  
File

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2005 JAN 10 PM 12:00  
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**MONTHLY BUDGET INFORMATION**

Customer's Name: Vivian E. Black

Date: November 1, 2004

Name of Utility: Philadelphia Gas Works

P.U.C. Docket No.: Z-01637786

Hearing Date: January 21, 2005

Administrative Law Judge: Allison K. Turner

<u>Monthly Household Income</u> <i>(Include gross income from all persons living in your home.)</i>	<u>Amount</u>
Salaries, wages & tips	\$ _____
Public Assistance	_____
Social Security or SSI	_____
Alimony	_____
Child support	_____
Pension	_____
Retirement benefits	_____
Unemployment compensation	_____
Worker's compensation	_____
Food stamps	_____
Other income (List source and amount):	_____
_____	_____
_____	_____
_____	_____
Total:	\$ _____

<u>Monthly Household Expenses</u>	<u>Amount</u>
Rent/mortgage	\$ _____
Electric	_____
Gas	_____
Telephone	_____
Water	_____
Sewage	_____
Trash pickup	_____
Food (other than food stamps)	_____
Total:	\$ _____

Monthly	Income
<b>Donald Black and Vivian Black</b>	
Amount	Source
\$ 360.00	Social Security
\$1,008.00	Social Security
\$1,102.20	Annuity
\$1,522.05	Annuity
\$3,992.00 Monthly	Total

<b>Expenses:</b>	
AARP Health Care Options	\$ 20.90 Monthly
Peoples Benefit Life Insurance Co.	\$56.44 Monthly
Peoples Benefit Life Insurance Co.	\$43.01 Quarterly
Allstate (Home Insurance)	\$217.86 Monthly, Automatic Deducted
Wachovia Home Ex. Loan	\$865.01 Monthly, " " "
Americo Life Ins. Co.	\$235.01 Monthly " "
AARP Life Ins. Co.	\$ 54.10 " " "
AARP Life Ins. Co.	\$ 34.65 " " "
State Farms (Car Ins)	\$158.48 "
Verizon	\$119.00 " (sometimes more or less)

Verizon wireless	\$ 36.05 "
AT&T	\$ 31.77 "
PGW	\$472.00 "
Bank One (Master Card)	\$300.00 "
Strawbridge's	\$ 40.00 "
Lord & Taylor's	\$ 55.00 "
Kohl's	\$ 53.00 "
Sears	\$ 78.00 "
The Home Depot	\$110.00 "
ADT Home Security Serv.	\$34.28 "
Ikea	\$22.00 "
G.C.P.Church	\$70.00 Weekly (Tithes)
Perscriptions Co-pay in August	\$349.00
Refilled prescriptions in September (I could not afford to purchase all of the medications that I needed after that.)	\$239.00
Chestnut Hill Rehab Hospital ( Telephone use while hospitalized from Aug. 11 to Aug. 27, 2004)	\$42.24
	\$195.00
Chestnut Hill Rehab. Hospital for physical therapy (13 Sessions) Co-pay	
2004 Real Estate Bill	\$1861.00
Note: IF you check the records you will see that several times it was necessary to use our credit card to pay the Gas bill.	
Plummer replaced another leaking pipe in basement that leads to gas heater on 12/13/04	\$350.00 Paid with Credit Card

Donna Blacklee

(2004) MONTHLY INCOME - NET			
Spectrum	\$2,131.00	\$25,570.00	
Crate & Barrel	\$427.00	\$5,121.00	
Child Support	\$1,078.00		
<b>TOTAL</b>	<b>\$3,636.00</b>		
(2004) MONTHLY EXPENSES			
	EXPENSE	MONTHLY	YEARLY
	Electric	\$110.00	
	Water	\$60.00	
	Telephone	\$60.00	
	Cell Phone	\$98.00	
	Credit Card Consolidation	\$485.00	
	Car Note	\$410.00	
	Car Insurance	\$277.00	
	Fuel	\$108.00	
	Car Repairs	\$50.00	\$650 - \$800
	Springside Tutition	\$350.00	
	Medical Insurance	\$178.00	
	Dental Insurance	\$13.00	
	Vision Insurance	\$18.00	
	Life Insurance	\$29.00	
	Accident Insurance	\$12.00	
	Medical Copays	\$25.00	
	Dental Copays	\$25.00	
	Glasses		\$600.00
	Clothing/Cleaning	\$75.00	
	Food/Misc. Necessities/Medicine	\$250.00	
	Hair	\$60.00	
	AOL	\$24.00	
	Direct TV	\$75.00	
	Legal Fees	\$200.00	
	Tithes	\$216.70	
	401K	\$317.00	
<b>TOTAL</b>		<b>\$3,525.70</b>	



Philadelphia Gas Works

**PGW**  
**ORIGINAL**

800 West Montgomery Avenue, Philadelphia, PA 19122

Laureto A. Farinas, Senior Attorney  
Legal Department  
Direct Dial: 215-684-6982  
FAX: 215-684-6798  
E-mail: laureto.farinas@pgworks.com

January 13, 2005

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

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JAN 18 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

RE: Vivian Black v. PGW, Docket No. Z - 01637786

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. PGW and the Complainant have discussed the issues raised in the complaint and reached a settlement. With this discussion and settlement, the Complainant has indicated on the record at a hearing of this matter that she is satisfied with the resolution of this complaint.

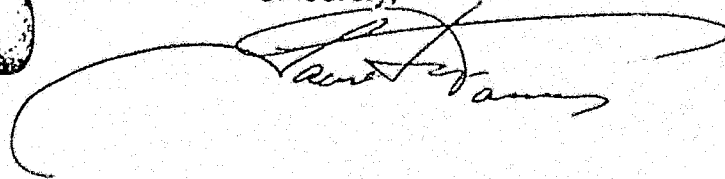
Therefore, the telephonic hearing scheduled for January 21, 2005 is no longer necessary in this matter.

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.

**DOCKETED**  
FEB 18 2005

Sincerely,



cc: Donald & Vivian Black  
Brian K. Wiley, Esq.  
Administrative Law Judge Allison K. Tuner (via FAX)  
Cherie Pyle, Hearing Scheduler (via FAX)  
Susan Kelly

DOCUMENT  
FOLDER

6

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

DATE: January 18, 2005  
SUBJECT: Z-01637786  
Vivian Black v. Philadelphia Gas Works  
TO: Wanda Zeiders  
Docket Management  
FROM: Cherie Pyle, ALJ Support Staff  
Office of Administrative Law Judge

On January 14, 2005, a Certificate of Satisfaction was filed in the above-captioned proceeding. 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  
Beth Plantz  
Case File

DOCUMENT  
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**DOCKETED**  
FEB 03 2005

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Public Utility Commission

**Date:** January 18, 2005

**Subject:** Update or Correction to the File  
Docket No. Z-01637786

**To:** Docketing Supervisor  
Docket Management Division – Secretary's Bureau

**From:** Cherie Pyle, Scheduling Officer  
Office of Administrative Law Judge

This is to inform you that the Initial Telephonic Hearing in the above-referenced proceeding, previously scheduled for Friday, January 21, 2005 at 10:00 a.m. in Philadelphia was canceled.

pc: ALJ Allison K. Turner  
Christine Williams, Supervisor  
Scheduling File

DOCUMENT  
FOLDER

**DOCKETED**  
FEB 03 2005

# Chapter 56 Hearing Report

Please  **Check Those Blocks Which Apply**

Docket No.:	Z-01637786		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
Case Name:	Vivian E. Black v. Philadelphia Gas Works	Hearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
		Testimony Taped:	<input type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	January 21, 2005			
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special Agent:	ALJ Allison K. Turner	DATE:	1/21/05	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS		

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

Name and Telephone Number	Address	Who are you representing?			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> </table>	City	State	Zip	
City	State	Zip			
Telephone:	E-mail Address:	Fax Number:			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> </table>	City	State	Zip	
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City	State	Zip			
Telephone:	E-mail Address:	Fax Number:			

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

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