

March 12, 2006

Mr. James J. McNulty, Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utilities Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

SECRETARY'S BUREAU

2006 MAR 15 AM 9:24

2006 MAR 15

Dear Sir:

Re: C-20055294 – Floriann Matuszak v. PGW

I am in receipt of your letter dated March 1, 2006 indicating “no timely exceptions” were filed in regard to the above-captioned case. I did not file any exceptions because I truly believed it would be an exercise in futility. I do not know what else I can do to argue my case to be included in the PGW Senior Discount Program. I can neither distort nor embellish anything because what I am saying and have said are truthful facts and not dishonest manipulations or distortions.

After receiving your letter, a feeling of anger prevailed and I felt compelled to address my argument one last time in the hope of being heard.

At the December 13, 2005 hearing the PGW attorney (Laureto Farinas) had the audacity to offer me a \$150 settlement for dropping the case, directing me not to make mention to the judge the particulars of this offer to settle, and assuring me that a refusal to accept would guarantee a win for PGW. I told him principle and not money was the reason for my claim. I cannot adequately describe my feeling of disgust as a result of this degrading and insulting offer. I was not and still am not requesting a “settlement”, only admission into a program I was eligible for on July 7, 2002, the date of my 65th birthday.

As stated in Exhibit I (copy attached), I was eligible for participation in this plan as of July 7, 2002, the date of my 65th birthday. I did not apply for entrance to the Senior Discount Program because I believed it was open only to those individuals on a low income level. When I found out I could participate in the plan, I did, in fact, make application in June 2004 (copy attached). **I contacted your office and filed a formal complaint as per direction of the Pennsylvania State Attorney General’s Office on Consumer Affairs for help in this matter.**

I have difficulty with PGW in their refusal to allow me, a long-time user of their service who pays bills **in full on a timely basis**, to participate in a program and receive a discount of approximately \$100-\$150 per year.

DOCUMENT
FOLDER

RECEIVED

MAR 29 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

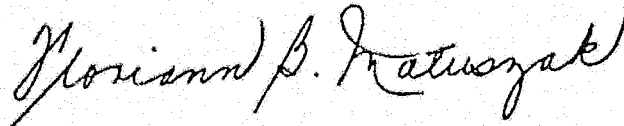
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Mr. James J. McNulty
March 12, 2006
Page 2

At the same time, there are customers who avail themselves of the service provided by PGW, are delinquent in their responsibility to pay for the service and are many hundreds or even thousands of dollars in arrears. These same people are given special considerations and offered forgiveness for a large portion of their unpaid bills by PGW. I am not talking about the very poor, low-income citizens of Philadelphia who live on a very restricted income, but about those individuals who show up in fashionable clothes, jewelry, manicures, and an exaggerated excuse of their inability to work, feigning poverty, etc. These people get a sympathetic ear from PGW, agree to pay a minimal amount for their unpaid bills and go on their way, all the while conscientious PGW customers are denied any consideration for concerns they may have.

I would appreciate the courtesy of a reply. It is very disheartening not to be heard and be told that I did not satisfy the burden of proof (?).

Very truly yours,



Floriann B. Matuszak

Attachments (2)

cc: PA Office of Attorney General

EXHIBIT I

December 13, 2005

PGW ACCOUNT NO. 411 375 2445

- On July 7, 2002, the date of my 65th birthday, I became eligible for the PGW Senior Discount Program – 14 months before it closed.

The reason I did not apply for the program at that time was because I thought it, along with all the other senior discount programs being offered, was geared toward low income individuals. I exceeded the low income cap, therefore, I did not apply for any programs.

- In June 2004, I became aware that there never was an income cap for participation in the PGW Senior Discount Program and applications were being taken in the event the program was reinstated. I made application (copy attached) and produced the necessary information required at that time – proof of income – since I was told that there would be a cap on income if reinstatement of the program took place.
- My reason for requesting admission into the PGW Senior Discount Program at this time is the fact that I was eligible for the program on July 7, 2002.

Floriann B. Matuszak
2839 Gilham Street
Philadelphia, PA 19149
215-624-6663

SECRETARY'S BUREAU
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DEC 13 2005 9:25

PGW
SENIOR DISCOUNT - PENDING APPLICATION

NOTE: PGW's Senior Citizen Discount Program ("Program") is currently under review by the Pennsylvania Public Utility Commission ("PUC"). Under the presently approved tariff, the Program is not open to new customers. The City has asked and the PUC has agreed to consider proposed tariff changes which will allow seniors who meet certain income requirements to enjoy a discount. We are taking your application, and we will review your eligibility when and if the PUC allows for the proposed tariff change.

Thank you for your cooperation.

Customer Name: Matuszak, Florian
Street Address/Zip: 2839 Gilham
Account Number: 41-1375-2445
Social Security Number: _____
Phone: Home (_____) _____
Work (215) 621-6863

Gross Household Income: 2328-
Number of Household Members: 1
Customer's Birth Date: 7.7.37

1. I understand that this is an application for a means-tested (income based) Senior Citizen Discount Program and that the Program is waiting for approval by the Pennsylvania Public Utility Commission (PUC).
2. I understand that this is a pending application and that the application will be validated if and when the PUC approves the means-tested Program.
3. I understand that the senior discount will be effective after it is approved and as of the date the new Program is instituted. The discount is not retroactive as of the date of the pending application.
4. I agree that I must prove my household income eligibility for the senior discount as required. I also agree to let PGW install an Automatic Meter Reading (AMR) device on my gas meter, and to accept services from PGW's conservation programs if offered to me.
5. I authorize the Philadelphia Gas Works to verify all information provided on this form including verification with City and State records. PGW may use a credit report to verify income information.

PGW Representative	<u>J Torres</u>
Employee #	<u>852</u>
Customer Signature	<u>Florian Matuszak</u>
Date:	<u>6/15/09</u>

March 21, 2006

Mr. James J. McNulty, Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utilities Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

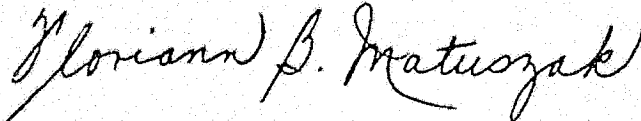
Dear Mr. McNulty:

Re: C-20055294 Floriann Matuszak v. PGW

I am in receipt of your letter dated March 16, 2006 (copy attached) requesting a signed and/or notarized Verification. As of today's date, via Certified Mail, this Verification is being sent to your office so as to comply with the timeframe indicated in your above-mentioned letter.

Thank you for your consideration of my concern(s).

Very truly yours,



Floriann B. Matuszak
2839 Gilham Street
Philadelphia, PA 19149

215-624-6663
e-mail: floriann04@aol.com

Attachments (2)

DOCUMENT
FOLDER

RECEIVED
MAR 23 2006
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU
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§1.36 Verification.

Verification

I, FLORIANN B. MATUSZAK, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief), and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

3-21-06
Date

Florionn B. Matuszak
Signature

Nancy Harthey
COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
NANCY HARTEY Notary Public
City of Philadelphia, Phila County
My Commission Expires May 30, 2009



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

IN REPLY PLEASE
REFER TO OUR FILE

March 16, 2006

C-20055294

FLORIANN MATUSZAK
2839 GILHAM STREET
PHILADELPHIA PA 191949

Dear Ms. Matuszak:

Receipt is acknowledged of your Petition for Reconsideration, dated March 12, 2006 and received in this Office on March 15, 2006. The Commission's Rules of Administrative Practice and Procedure, set forth in Title 52 PA Code §1.36(a), require that such a Petition for Reconsideration shall be personally verified or notarized by a party or by an authorized officer of the party if it is a corporation or an association.

No verification or affidavit was attached to your Petition for Reconsideration and accordingly it can not be accepted for filing.

Enclosed please find forms and information with respect to verification, which must be completed and filed with this Office.

We will hold your filing for 15 days from the date of this letter. If the verification and/or notarization is not received by that date it will be returned to you as unfiled, pursuant to 52 PA Code §1.4(d).

Sincerely,

James J. McNulty
Secretary

Enclosures

ksb

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FOLDER

§1.36 Verification.

(a) Applications, petitions, formal complaints, motions and answers thereto containing an averment of fact not appearing of record in the action or containing a denial of fact shall be personally verified by a party thereto or by an authorized officer of the party if a corporation or association. Verification means a signed written statement of fact supported by oath or affirmation or made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities). If verification is required, notarization is not necessary.

COMMONWEALTH OF PENNSYLVANIA

DATE: March 29, 2006

SUBJECT: C-20055294

TO: Office of Special Assistants

FROM: James J. McNulty, Secretary *KB*

Floriann Matuszak
v.
Philadelphia Gas Works

Attached is a copy of a Ltr/Petition for Reconsideration, filed by Floriann Matuszak in connection with the above docketed proceeding.

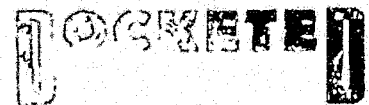
This matter is assigned to your Office for appropriate action.

Attachment

cc: ALJ
OTS

ksb

DOCUMENT
FOLDER



MAR 29 2006



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

IN REPLY PLEASE
REFER TO OUR FILE

March 29, 2006

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

Re: Floriann Matuszak v. Philadelphia Gas Works
C-20055294

Dear Mr. Farinas:

On March 15, 2006, Floriann Matuszak filed a Petition for Reconsideration in the above captioned matter. Our review of the Petition for Reconsideration revealed that no certificate of service or other indications of service accompanied that filing. Accordingly, we have enclosed a copy of the Petition for Reconsideration for your use. Although the Petition was timely filed, in order to avoid prejudice to either party, we shall deem the filing date to be the date of this letter.

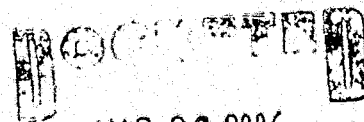
Pursuant to 52 Pa. Code §5 572(e) you shall have ten (10) days from the date of service of the enclosed Petition for Reconsideration to reply. The Petition for Reconsideration was filed March 15, 2006. This shall constitute service of the Petition for Reconsideration for purposes of 52 Pa. Code §5.572.

Sincerely,

James J. McNulty
Secretary

Enclosure

cc. Floriann Matuszak
2839 Gilham Street
Philadelphia PA 19149
Office of Special Assistants
Document Folder ✓



MAR 29 2006

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FOLDER

Philadelphia Gas Works



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

ORIGINAL

April 10, 2006

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APR 10 2006

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

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

Re: Floriann B. Matuszak v. PGW, Docket No. C-20055294

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.535, and your letter dated March 29, 2006 in the above captioned matter, the Philadelphia Gas Works ("PGW") hereby files the original and nine (9) copies of the Answer to the Complainant's petition for reconsideration.

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

Sincerely,

**DOCUMENT
FOLDER**

A handwritten signature in black ink, appearing to read "Laureto Farinas", is written over a large, sweeping horizontal flourish.

Laureto Farinas, Senior Attorney

LFlm

Enclosures

cc: Service List
Anne Marie Cromley

RECORDED

APR 13 2006

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Floriann B. Matuszak

v.

Philadelphia Gas Works

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:
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Docket No. C - 20055294

DOCUMENT
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PHILADELPHIA GAS WORKS' ANSWER TO
COMPLAINANT'S PETITION FOR RECONSIDERATION

Pursuant to 52 Pa. Code §5.572(e) and the Secretary's letter dated March 29, 2006, in the above captioned matter, the Philadelphia Gas Works, ("PGW") hereby files its answer to the Complainant's petition for reconsideration in the above captioned matter. PGW replies in the following way:

This matter involves the Complainant's request to receive the PGW Senior Citizen's Discount. An Initial Hearing was held on December 13, 2005. The following facts are uncontroverted: As of September 1, 2003, the PGW Gas Tariff closed the PGW Senior Citizen Discount Program and did not accept any more applications for the discount.¹ The Complainant, who turned 65 on July 7, 2002, did not make any application for the program until June 15, 2004, when she submitted a pending application for the income based senior citizen's discount. That proposal was pending before the Commission.²

An Initial Decision was issued on January 4, 2006 ("Initial Decision"). The Initial Decision dismissed the Complaint as the Complainant had not sustained her burden of proof and had not shown that she merits the receipt of the PGW Senior Citizen Discount Program as she requests.

The Commission issued and entered a Final Order in this matter on March 1, 2006, stating that since to no timely exceptions were filed and no requests for review were received from the Commissioners, the matter was final without further Commission

¹ The Complaint wants to receive the PGW Senior Citizen Discount, PGW Gas Tariff - Pa P.U.C. No. 2, page 72. This program was closed to new applicants on September 1, 2003.

² PGW proposed a senior citizen discount based upon income eligibility that was pending at the time the Complainant make that application. The Commission denied the PGW proposal for the income based discount.

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APR 12 2006

action. The Complainant filed a document deemed to be a petition for reconsideration on March 15, 2006. The reply follows.

II. REPLY

The Complainant has not presented any argument that he met his burden of proof under Se-Ling Hosiery v. Margulies.³ The Complainant failed to show that she merited the discount. Even though she became 65 years old, 14 months before the closing of the Senior Citizen Discount Program, the Complainant failed to make application for the discount until June 2004. Her failure to apply was occasioned by her own assumption that the program was already income based and her further assumption that she did not qualify. Since evidence of records clearly shows that the Complainant did not apply for the program in a timely manner, before the program closed, the Commission should not reconsider the final decision in this matter.

Despite the sinister characterization of the settlement discussions between PGW and the Complainant, PGW's offer of settlement of this matter was extended in the name of good customer relations.⁴ These characterizations, notwithstanding, the Complainant's request for reconsideration should be denied.

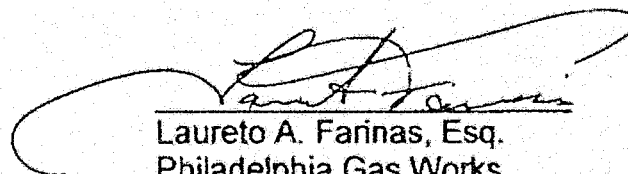
Respectfully submitted,

April 10, 2006

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APR 10 2006

PA PUBLIC UTILITY COMMISSION
LEGISLATIVE BUREAU



Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

³ Se-Ling Hosiery v. Margulies, 70 A.2d 854 (1950)

⁴ PGW realizes that the Complainant's mention of the details of a settlement offer may be the subject of a motion to strike. PGW, further realizing that the Complainant proceeds pro se, sees no meaningful purpose to submitting an additional pleading to be answered for the Complainant's further discourse of issues.

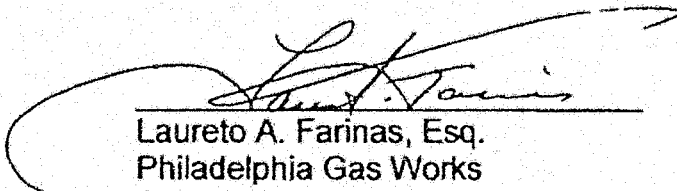
CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

Ms. Floriann B. Matuszak
2839 Gilham Street
Philadelphia, PA 19149

April 10, 2006


Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

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APR 10 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

June 23, 2006

Mr. James J. McNulty, Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

Dear Mr. McNulty:

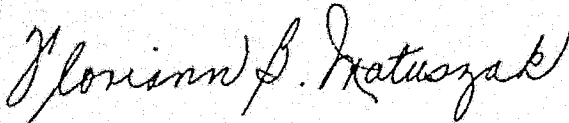
C-20055294

RE: **Floriann Matuszak vs. Philadelphia Gas Works** -- ~~G-200555294~~

This letter is a follow-up to my Request for Consideration submitted to your office on March 12, 2006 regarding the above-captioned matter. To date, I have not heard anything regarding this matter and would appreciate knowing if a decision has been made or if the matter is still pending.

Thank you for your attention to my concern.

Very truly yours,



Floriann B. Matuszak
2839 Gilham Street
Philadelphia, PA 19149

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Tel. No. 215-624-6663
e-mail: floriann04@aol.com

REC'D
2006 JUN 27 Fri 8:59
SECRETARY'S BUREAU

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