

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ruben Carter

v.

Philadelphia Gas Works

F-01350478

PREHEARING ORDER

On August 16, 2004, I was assigned as the presiding officer in this case. The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. This case is scheduled to be heard in an available hearing room in the Philadelphia State Office Building on Tuesday, November 23, 2004, at 10:00 a.m.

The Complainant alleged the following: that he and his wife moved into their apartment on November 13, 1999; that the Respondent only read their meter once or twice; that the Respondent has been estimating their bills; that the Respondent has overcharged them because the bill for two people in an apartment should not be \$300 to \$600; and that they called and went to the office but were not able to resolve the matter.

In its Answer, the Respondent admitted that it was not able to read the Complainant's meter between March 2000 and May 2002. The Respondent stated that it attempted to install an automated meter reading device ("AMR") on the following dates: June 21, 2000, August 15, 2002 and September 21, 2002. Each time the Respondent was unable to gain access to the meter. The Respondent averred that although the Complainant scheduled a meter exchange for April 7, 2003, the Respondent was unable to gain access to the meter. The Respondent finally gained access to the meter on July 5, 2003 and installed an AMR. The Respondent stated that the exchanged meter was tested and found to be functioning within the required parameters. The Respondent stated that the balance of \$4,126.35 was for service to January 15, 2004. The Respondent referred to the Bureau of Consumer Services decision, dated

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November 3, 2003, which provided the Complainant relief in the form of waiving the late payment charges in the amount of \$395.48 and giving the Complainant a \$50 credit. The Complainant was instructed to pay his monthly budget bill (\$155.00) plus \$40 a month on the arrearage.

The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. §332(a). The Complainant is required to make monthly payments on the undisputed portion of the bill pending a final Commission Order in this proceeding.

If the Complainant is requesting a payment arrangement, during the hearing he must be prepared to testify about, or document, the total net monthly household income. In addition, the Complainant must be prepared to testify about, or document, the total monthly expenses of the household, including, but not limited to, the following: rent or mortgage payments; utility bills; food; medical expenses; transportation; and loans.

The Respondent must submit the applicable account statements for the account, which include monthly meter readings, usage, billed amounts, payments and balances, and the most recent BCS decision.

If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), please bring a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record. Please keep a copy for yourself. 52 Pa. Code §5.409.

Pursuant to 52 Pa. Code §1.15(b), requests for postponements or continuance of hearings must be submitted in writing no later than five (5) days prior to the hearing. Requests for postponement or continuance of hearings are to be sent to the presiding officer with copies to the Scheduling Office and the other party of record. The address for the Scheduling Office is P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265.

All witnesses should be prepared to testify during the November 23, 2004 hearing.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complainant shall make monthly payments on the undisputed bill pending a final Commission Order in this matter.
2. That the parties shall comply with the procedural rules and regulations discussed herein.

Date: November 1, 2004

Cynthia Williams Fordham

Cynthia Williams Fordham
Administrative Law Judge

ORIGINAL

Philadelphia Gas Works



800 West Montgomery Avenue, Philadelphia, PA 19122
Laureto A. Farnas, Senior Attorney
Legal Department
Direct Dial: 215-684-6982
FAX: 215-684-6798
E-mail: laureto.farnas@pgworks.com

November 18, 2004

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

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NOV 18 2004

RE: Ruben Carter v. PGW, Docket No. F-012350478

01350478

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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 that he is satisfied with the resolution of this complaint.

Therefore the hearing in this matter scheduled for November 23, 2004, will not be necessary.

By copy of this letter, I am notifying the parties his 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,

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cc: Ruben Carter
Administrative Law Judge Cynthia W. Fordham (via FAX)
Beth Plantz (via FAX)
Zayda Santiago

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No:	F-01350478		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Ruben Carter 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 type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date	November 23, 2004			
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Cynthia W. Fordham	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Precision Reporting, Inc.	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
DOCUMENT		REMARKS:	Certificate of satisfaction filed. Hearing cancelled.	

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	
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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.

Reporter's Signature

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

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: December 3, 2004
SUBJECT: Certification of Satisfaction Filed
F-01350478 Ruben Carter v. Philadelphia Gas Works
TO: Wanda Zeiders,
Docket Management
FROM: Elizabeth L. Plantz, Scheduling Officer
Office of Administrative Law Judge

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On November 18, 2004, 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.

Also, the hearing scheduled for Tuesday, November 23, 2004 was cancelled.

Attachment

pc: ALJ Cynthia W. Fordham
Beth Plantz
Case File

COPY ✓ 10/27

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

November 18, 2004

James McNulty, Secretary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
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SECRETARY'S BUREAU

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Sincerely,

cc: Ruben Carter
Administrative Law Judge Cynthia W. Fordham (via FAX)
Beth Plantz (via FAX)
Zayda Santiago

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

IN REPLY PLEASE
REFER TO OUR FILE

February 10, 2005

F-01350478

RUBEN CARTER
5602 LANDSDOWNE AVENUE APT #2
PHILADELPHIA PA 19131

RUBEN CARTER
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

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FEB 9 2005