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COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

-----X
 RICHARD JACKSON :
 :
 v. : Docket No. F-01225642
 :
 PHILADELPHIA GAS WORKS. :
 :
 Billing dispute. :
 Initial hearing. :
 -----X

Pages 1 through 14

Hearing Room 2
State Office Building
1400 Spring Garden Street
Philadelphia, Pennsylvania

DOCKETED

MAR 04 2004

Thursday, January 8, 2004

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

ALLISON TURNER, Administrative Law Judge

APPEARANCES:

RICHARD JACKSON,
4747 C Street
Philadelphia, Pennsylvania 19120
(Pro se)

LAURETO FARINAS, Esquire
800 West Montgomery Avenue
Philadelphia, Pennsylvania 19122
(For Philadelphia Gas Works)

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WITNESSES

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FORM 2

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P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE ALLISON TURNER: Now
3 is the time and place for hearing in the matter of Richard
4 Jackson versus Philadelphia Gas Works. Docket number
5 F-01284119. My name is Allison Turner, and I am the
6 Administrative Law Judge assigned to hear and decide this
7 case. It was transferred to me from Administrative Law
8 Judge Marlene Chestnut.

9 I have in the hearing room Mr. Laureto
10 Farinas, Esquire, representing PGW and his witness Jack
11 Irizarry, but the complainant is not here at the moment.

12 Mr. Farinas, have you been in touch with the
13 complainant at all?

14 MR. FARINAS: We have not been able to
15 establish contact with him. We do have two telephone
16 numbers: one in the customer system and a different one on
17 the complaint.

18 JUDGE TURNER: Have you tried both of them?

19 MR. FARINAS: Yes, and neither have answered.

20 JUDGE TURNER: Will you give me the one that's
21 in your system that I don't have?

22 MR. FARINAS: Area code 215-765-8732.

23 JUDGE TURNER: Is that supposed to be a work
24 or home number?

25 MR. FARINAS: It was given originally as the

1 primary number as he established service.

2 JUDGE TURNER: Good morning, Mr. Jackson?

3 MR. JACKSON: Yes.

4 JUDGE TURNER: Will you have a seat over here,
5 please, and will you sign in sheet.

6 (Mr. Jackson complies.)

7 (Off-the-record decision.)

8 JUDGE TURNER: Richard Jackson has arrived, so
9 the preliminary discussion I was having with Mr. Farinas
10 about trying to call him is irrelevant. Mr. Farinas has
11 asked for a period of time to discuss settlement with
12 Mr. Jackson. When I asked Mr. Jackson about that, he was
13 unsure and said he was unfamiliar about the procedures.

14 Let me ask you, Mr. Jackson, did you get Judge
15 Chestnut's Prehearing Order; it goes over the procedures
16 some of what will happen at the hearing, because if you
17 didn't, I'll go over what the hearing procedures are.

18 MR. JACKSON: Actually, I'm not staying there
19 because I had got hurt at work and I've been out of there
20 for so long it's ridiculous.

21 JUDGE TURNER: What is your current address?

22 MR. JACKSON: 4740 C Street.

23 JUDGE TURNER: It's on here. We were
24 operating on 1905 West Burks. Can you give me your current
25 phone number, 215-

1 MR. JACKSON: 455-2521.

2 JUDGE TURNER: Well, that's the same phone
3 number as you had before.

4 MR. JACKSON: No.

5 JUDGE TURNER: That's the number on the
6 complaint.

7 MR. JACKSON: Oh, that's where I called them
8 from. When I talked to somebody from the company, I ended
9 up --

10 JUDGE TURNER: But your correct number is
11 215-455-2521?

12 MR. JACKSON: Yes. At 1905 it's 765-8733.

13 JUDGE TURNER: Rather than taking your
14 testimony at this point, about your injury and so on, why
15 don't I allow you to discuss the complaint and your debt
16 with the company, and they may be able to work out a
17 settlement with you, some kind of payment plan, whatever.
18 If you and they can agree, I think that that's better
19 because you can both be satisfied. If you can't agree, then
20 we'll have the complaint and I'll go over complaint
21 procedures.

22 I now have 10:05, so I'll come back the 10:20?

23 MR. FARINAS: Yes.

24 JUDGE TURNER: If you finish before then, you
25 can come and get me.

1 Let's go off the record to allow the
2 settlement discussion.

3 (Discussion held off the record.)

4 JUDGE TURNER: Let me say, Mr. Jackson, I'm
5 sorry for your injury. I notice you are still limping.

6 MR. JACKSON: One of those things. I've been
7 through the worse of it. I had to leave it up to God.

8 JUDGE TURNER: Are you in physical therapy?

9 MR. JACKSON: Right now they stopped my
10 physical therapy because there was some nerve damage also.
11 I went to a neurologist. I have to go get some blood tests
12 done, and then I go back next month.

13 JUDGE TURNER: So someone is still looking
14 after you, thought?

15 MR. JACKSON: Yes.

16 JUDGE TURNER: Now, we have your new address
17 4747 C Street. Are you a customer of PGW at that address?

18 MR. JACKSON: No, not myself.

19 JUDGE TURNER: You don't have gas service in
20 your name there?

21 MR. JACKSON: No.

22 JUDGE TURNER: Do you have gas service in your
23 name anywhere?

24 MR. JACKSON: Just at 19.

25 JUDGE TURNER: You still have gas service in

1 your name there?

2 MR. JACKSON: Yes.

3 JUDGE TURNER: Do you own that house at 1905
4 Burk Street?

5 MR. JACKSON: We'll, I'm paying on it. I
6 guess I would own it.

7 JUDGE TURNER: Who lives there?

8 MR. JACKSON: Right now, no one.

9 JUDGE TURNER: It's empty?

10 MR. JACKSON: Yes, because I couldn't take
11 going up and down the steps.

12 JUDGE TURNER: So who lives at 4740 C Street
13 besides yourself?

14 MR. JACKSON: Me, my son, and my fiance.

15 JUDGE TURNER: You and PGW have worked out an
16 agreement about the gas bill at 1905 Burks Street; is that
17 correct?

18 MR. JACKSON: Yes.

19 JUDGE TURNER: Mr. Farinas, do you want to
20 state that for the record.

21 MR. FARINAS: Yes, I will. Mr. Jackson has
22 graciously entered into a settlement with PGW, and I'll
23 state the terms of the settlement as follows: His current
24 balance as of this day is \$8,005.98 through a combination of
25 late-payment charges and additional adjustments on the

1 account for the rates in effect at the time of its
2 estimation and an additional amount for compensation for his
3 inconvenience. We will be lowering his balance to \$4,800,
4 which he will pay that in installments of his current bill
5 plus \$100 a month for 48 months.

6 JUDGE TURNER: And you agree to that?

7 MR. JACKSON: Yes.

8 JUDGE TURNER: And you feel you can pay that
9 amount, \$100 plus the current bill?

10 MR. JACKSON: There shouldn't be a current
11 bill because I cut everything off. When I leave here, I'm
12 going to go and check and see why, because he said that
13 something is running, and I'm going to see why something is
14 electrically running.

15 JUDGE TURNER: Electrically?

16 MR. JACKSON: Well, electrically --

17 JUDGE TURNER: In terms of gas.

18 MR. JACKSON: Something is supposed to be on.

19 JUDGE TURNER: Well, probably the heat.

20 MR. JACKSON: No. On the side of the heater
21 there's a switch. And I hit that switch, too. So I got to
22 go see what's going on. I'll find out when I get there.

23 JUDGE TURNER: Does PGW need to send out a
24 field technician?

25 MR. FARINAS: Actually, I'd be interested in

1 doing that. And if we can, we can make that settlement
2 conclusive as to his balance up to the point where he moved
3 out. And if we need to take up anything further for gas
4 usage after that, we are willing to discuss it.

5 JUDGE TURNER: When did you actually move out?

6 MR. JACKSON: In February.

7 JUDGE TURNER: Of?

8 MR. JACKSON: 2003.

9 MR. FARINAS: Your Honor, we do show gas
10 usage at a lower amount, but that and with the season during
11 that period.

12 JUDGE TURNER: But he is going to go check it
13 out, and you are going to send a technician out?

14 MR. FARINAS: Yes.

15 JUDGE TURNER: Does he have to be there?

16 MR. JACKSON: That's what I was going to ask.

17 MR. FARINAS: For access, yes.

18 JUDGE TURNER: Let's make sure that we can do
19 this some so it works out for both sides' benefit.

20 MR. JACKSON: You just have to give me a day.

21 JUDGE TURNER: So you'll call.

22 MR. FARINAS: In fact, when we leave, we'll
23 exchange information and Mr. Irizarry will have a date that
24 he can call him and say we've scheduled someone to be out
25 there and if it's amenable to you we'll go forward.

1 JUDGE TURNER: Okay. After that you may, as
2 you said, you may amend the settlement?

3 MR. FARINAS: To account for his not being at
4 the premises from February of 2003.

5 JUDGE TURNER: Both of you are satisfied with
6 this agreement as it stands?

7 MR. FARINAS: If I may add one more term: We
8 did discuss the probably eligibility of Mr. Jackson for
9 LIHEAP and the Customer Responsibility Program. And I will
10 include in my letter that at any time he can apply, bringing
11 the appropriate income information for the Customer
12 Responsibility Program at the PGW district office after
13 today.

14 JUDGE TURNER: And you really should apply for
15 those particularly LIHEAP if you are eligible.

16 MR. JACKSON: I tried to apply and they said
17 it was the wrong time of year. She said I had to wait or
18 something like that.

19 JUDGE TURNER: It's the right time of year
20 now.

21 MR. FARINAS: Yes.

22 MR. JACKSON: I think it was in November or
23 December, somewhere around there. She said the season
24 wasn't right. It was at the end the September.

25 JUDGE TURNER: I did see a case yesterday

1 where the evidence showed they got a grant in November.
2 They must have applied for it sometime before then, but
3 anyway, you can probably help him locate the field office
4 nearest him.

5 MR. FARINAS: I'll do that.

6 JUDGE TURNER: So that all sounds good. And I
7 will count on both sides to carry this out. Mr. Farinas
8 will send me, who is usually very prompt about sending a
9 Certificate of Satisfactory by the end of this week.

10 MR. FARINAS: Your Honor, I will do so.

11 JUDGE TURNER: By the end of this week?

12 MR. FARINAS: By the end of this afternoon.

13 JUDGE TURNER: And you will send a written
14 version of the settlement to Mr. Jackson.

15 MR. FARINAS: Yes, I will do so.

16 JUDGE TURNER: In that case, thank you all
17 very much for your attendance. Excuse me, do you have
18 another question?

19 MR. JACKSON: Yes. Can they mail it to me at
20 4740, that way -- maybe once a week or once every two weeks,
21 I go up to 19th street and I collect all the mail and it
22 would be easier just to get it down.

23 JUDGE TURNER: I think Mr. Farinas is
24 indicating, yes.

25 MR. FARINAS: 4747 C Street?

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MR. JACKSON: 4740.

MR. FARINAS: And the ZIP is 19139?

MR. JACKSON: 19120.

JUDGE TURNER: I guess my additional question is should I change your address in the Commission's file to that, so that you will get any mail from us at that address?

MR. JACKSON: Yes.

JUDGE TURNER: Okay. I'll do that?

MR. JACKSON: Thank you.

JUDGE TURNER: 4740 --

MR. JACKSON: C Street.

JUDGE TURNER: Is there anything else?

MR. JACKSON: No.

JUDGE TURNER: Is there anything else?

MR. FARINAS: Nothing further, your Honor.

JUDGE TURNER: In that case we are adjourned.

And thank you very much for your attendance.

MR. JACKSON: Thank you, your Honor.

(Witness excused.)

(Whereupon, at 10:43 a.m., the hearing was concluded.)

C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

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