

PLEASE DOCKET

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ronald Reese

v.

Philadelphia Gas Works

DOCUMENT
FOLDER:

F-01225306

PREHEARING ORDER

DOCKETED

OCT 14 2003

On July 14, 2003, 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 on the 13th floor of the Philadelphia State Office Building on Monday, December 8, 2003 at 10:00 a.m. (The hearing was originally scheduled for Thursday, October 8, 2003 at 10:00 a.m.)

The Complainant alleged the following: that the Complainant has a number of undisputed bills dating back to 2000; that the Respondent did not give him credit for all of his payments; that the Complainant has proof that he paid more than \$300 a month to the Respondent; that the Respondent overbilled him when the meter was changed; that the Respondent did not adjust the bills correctly from April 1997 to July 23, 2002. The Complainant requested that he be credited for all of the payments that he made.

In its Answer, the Respondent denied that that it erred in billing the Complainant. The Respondent admitted that it was not able to read the Complainant's meter between March 1997 and August 2002. The Respondent installed an automatic meter reading device on August 7, 2002. Subsequently, the Complainant received a make-up bill for \$1,464.47. The Respondent mentioned that the Bureau of Consumer Services decision, dated February 24, 2003, provided

relief to the Complainant. The Respondent denied knowledge of any payments that had not been credited to the Complainant's account.

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). In addition, the Complainant should continue to make monthly payments on the undisputed portion of the bill while this proceeding is pending. The Complainant should review the payments listed in Exhibit B, an attachment to the Respondent's answer. If all of his payments are not included, he should identify the payments that were not credited and send a copy of proof of payment to the Respondent's counsel, Mr. Farinas, by November 24, 2003. If the parties are not able to reconcile the payments before the hearing, the Complainant should have copies of his proof of payments to submit as exhibits.

If the Complainant has not made the payments that the Bureau of Consumer Services ("BCS") directed him to make, he must explain why the payments were not made. Failure to make regular payments as directed may result in an order requiring a lump sum payment equal to the amount of the payments that should have been made.

The Respondent must submit the relevant account statement, which includes monthly meter readings, meter changes, usage, billed amounts and payments, balances and the most recent BCS decision.

I direct your attention to 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. In addition, the Commission's regulations regarding the discovery process are located in 52 Pa. Code §5.321-5.373.

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 December 8, 2003 hearing.


ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complainant shall pay the undisputed portion of the bill while this proceeding is pending.
2. That the parties shall comply with the procedural rules and regulations discussed herein.

Date: October 7, 2003


Cynthia Williams Fordham
Administrative Law Judge