

DOCKET NO.: C-20016321  
RESPONDENT OR APPLICANT: NATIONAL FUEL GAS DISTRIBUTION  
PARTY OR COMPLAINANT: LYNCH CLARENCE

ENTRY	TYPE	DATE	BUREAU	PERSONNEL
1	N	10/15/01	SEC	IMES
FORMAL COMPLAINT OF CLARENCE W LYNCH V. NATIONAL FUEL				
2	N	10/24/01	SEC	IMES
NOTICE OF COMPLAINT SERVED ON RESPONDENT TO ANSWER IN 20 DAYS				
3	N	11/08/01	SEC	TFRISCIA
RESPONDENT FILED ANSWER TO COMPLAINT WITH PROOF OF SERVICE				
4	N	02/11/02	ALJ	CORBETT
INITIAL TELEPHONIC HEARING SCHEDULED FOR 2/28/02 CANCELLED				
5	N	12/27/01	SEC	BENJAMIN
ALJ CORBETT WILL BE PRESIDING AS AUTHORIZED BY CHAPTER 56.174				
6	N	01/08/02	SEC	FRISCIA
ALJ CORBETT PREHRG ORDER ISSUED-COMPLY W/CERTAIN RQMTS BEFORE 2/5/02 TEL HRG				
7	N	01/16/02	SEC	FRISCIA
INITIAL TELEPHONIC HEARING SCHEDULED FOR 2/5/02 RESCHEDULED TO 2/28/02				
8	N	02/08/02	SEC	FRISCIA
RESPONDENT FILED SATISFACTION OF COMPLAINT & CERTIFIES COMPLAINANT ACK SAME				
9	N	02/21/02	SEC	FRISCIA
OALJ MEMO ACKNOWLEDGING WITHDRAWAL & CLOSING IN 10 DAYS				
10	N	03/20/02	SEC	MOTTER
SEC LETTER TO PARTIES ADVISING COMMISSION HAS MARKED PROCEEDING CLOSED				

1. REPORT DATE: 00/00/00 :  
 2. BUREAU: ALJ :  
 3. SECTION(S) : 4. PUBLIC MEETING DATE:  
 5. APPROVED BY: : 00/00/00  
 DIRECTOR: :  
 SUPERVISOR: :  
 6. PERSON IN CHARGE: : 7. DATE FILED: 10/15/01  
 8. DOCKET NO: C-20016321 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: LYNCH CLARENCE

RESPONDENT/APPLICANT: NATIONAL FUEL GAS DISTRIBUTION

COMP/APP COUNTY: ERIE

UTILITY CODE: 121850

ALLEGATION OR SUBJECT

COMPLAINANT STATES HIS WIFE IS THE SOLE INCOME OF THE FAMILY. HE STATES HE DOES NOT WORK AND THEY WANT HIM TO PAY \$159.00 A MONTH FOR GAS. HE WORK LIKE TO HAVE THE PAYMENTS LOWERED TILL HE CAN GET A JOB.

DOCUMENT  
FOLDER

**DOCKETED**

OCT 24 2001

FORMAL COMPLAINT FORM  
Pennsylvania Public Utility Commission

C-20016321  
121850

Please Print:

1. Your Name, Mailing Address and Telephone Number.

Name CLARENCE W LYNCH

Street/P.O. Box 110 Snyder Circle Apt.# 027531

City Conroy State PA Zip 16407

County Erie Home Telephone-Area Code (814) 664-2617  
Work Telephone-Area Code (814) 664-4661 wife's work

2. Name of Company your complaint concerns: NATIONAL FUEL

3. What is your complaint?

I have only one income coming into the house  
my wife. I don't have a job she only works  
two or three days a week if lucky four.  
I am not able to pay rent and all my bills. And  
they want me to pay 159.00 and month for gas  
and I'm not able to.

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SECRETARY'S  
PREMIUM  
01 OCT 1981  
9:31

(If you need more space, use additional paper and attach to this form).

(-over-)

57

4. What do you want the Public Utility Commission to do about your complaint?

To see if there's any way possible that the  
payments could be lowered until I'm able to find  
a job

(If you need more space, use additional paper and attach to this form.)

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

Clarence W. Spivey  
Original Signature of complaining person

9-27-01  
Date

6. If you are represented by a lawyer you must provide your lawyer's name, address and telephone number.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone Number-Area Code (\_\_\_\_\_) \_\_\_\_\_

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

DATE SERVED: OCTOBER 24, 2001

C-20016321

NATIONAL FUEL GAS DIST CO  
CARL M CARLOTTI VICE PRESIDENT  
P O BOX 2081  
ERIE PA 16512

DOCUMENT  
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by CLARENCE W LYNCH. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

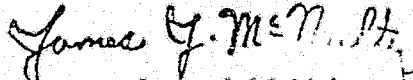
OCTOBER 24, 2001

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

  
James J. McNulty  
Secretary

DDI

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: OCTOBER 24, 2001

CLARENCE W LYNCH  
Complainant

VS.

NATIONAL FUEL GAS DISTRIBUTION  
COMPANY

Respondent

Complaint Docket  
No: C-20016321

DOCUMENT  
FOLDER

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: NATIONAL FUEL GAS DISTRIBUTION COMPANY

DOCKETED

OCT 24 2001

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17120, an answer (original and two copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

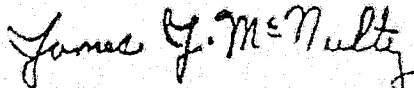
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes

a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested



**National Fuel**

NATIONAL

Christopher M. Trejchel  
Attorney

November 6, 2001

KJR

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

DOCUMENT  
FOLDER

PA PUC  
SECRETARY'S BUREAU

2001 NOV - 8 AM 9: 00

RECEIVED

RE: Clarence W. Lynch v.  
National Fuel Gas  
Distribution Corporation  
Docket No. C-20016321

Dear Secretary McNulty:

Enclosed please find an original and two copies of National Fuel Gas  
Distribution Corporation's Answer regarding the above-referenced Complaint.

Very truly yours,

Christopher M. Trejchel, Esquire

CMI/cjc

Enclosures

10

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED  
2001 NOV -8 AM 9:00  
PA PUC BUREAU  
SECRETARY'S BUREAU

CLARENCE W. LYNCH

: ANSWER

VS.

NATIONAL FUEL GAS  
DISTRIBUTION CORPORATION

: DOCKET NO. C-20016321

DOCUMENT

ANSWER

FOLDER

For its Answer to the Formal Complaint filed against it by Clarence W. Lynch, National Fuel Gas Distribution Corporation ("Respondent") respectfully states as follows:

1) Paragraph one is admitted.

2) Paragraph two is denied. Correct name of Respondent is National Fuel Gas

Distribution Corporation.

3) As to the allegations contained in paragraph three of the Complaint, Respondent

states the following:

a) Respondent lacks sufficient knowledge to form a belief as to the source of Complainant's household income. Strict proof is demanded at time of hearing.

b) Respondent lacks sufficient knowledge to form a belief as to Complainant's and/or his wife's employment status. Strict proof is demanded at time of hearing.

c) Respondent lacks sufficient knowledge to form a belief as to Complainant's monthly expenses. Strict proof is demanded at time of hearing.

d) Respondent admits that Complainant received a decision from the Pennsylvania Public Utility Commission directing Complainant to pay the budget plus \$40 toward arrears for a total of \$159. See, Exhibit A.

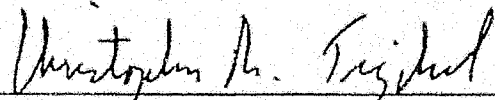
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e) Respondent lacks sufficient knowledge to form a belief as to whether Complainant is unable to maintain the payment arrangement established by the Commission. Strict proof is demanded at time of hearing.

4) The allegations contained in paragraph four of the Complaint constitute a demand for relief and do not call for a response.

WHEREFORE, National Fuel Gas Distribution Corporation requests that the Complaint be dismissed.

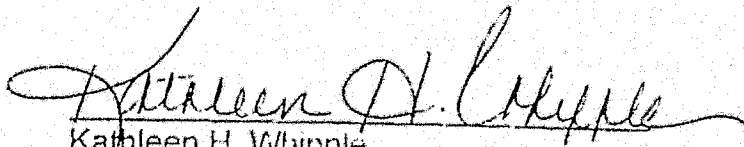
Respectfully submitted,



Christopher M. Trejchel, Esquire  
Attorney for National Fuel Gas  
Distribution Corporation  
P.O. Box 2081  
Erie, PA 16512

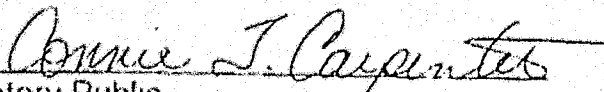
COMMONWEALTH OF PENNSYLVANIA )  
 ) SS  
COUNTY OF ERIE )

Kathleen H. Whipple, being duly sworn according to law, deposes and says that she is a Supervisor for National Fuel Gas Distribution Corporation, that she is authorized to and does make this Affidavit on its behalf; that the facts set forth in the within Answer are true and correct to the best of her knowledge, information and belief, and that she expects National Fuel Gas Distribution Corporation to be able to prove the same at a hearing thereof

  
Kathleen H. Whipple

Sworn to and subscribed before me this

6<sup>th</sup> day of November, 2001.

  
Notary Public

Notarial Seal  
Connie J. Carpenter, Notary Public  
Erie, Erie County  
My Commission Expires Feb. 12, 2002  
Member, Pennsylvania Association of Notaries

CSS03701

08/01/01

PA. PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
DECISION DATA

BCS CASE NUMBER: 0987563

CUSTOMER NAME: CLARENCE LYNCH  
ADDRESS: 110 SNYDER CIRCLE PA 16407  
CORRY

RECEIVED  
2001 NOV -8 AM 9:01  
PA PUC  
SECRETARY'S BUREAU

DATE CASE CLOSED : 08/01/01  
DECISION TYPE: #2NSB  
TOTAL OR FINAL ACCOUNT BALANCE: 759.27  
DATE OF ACCOUNT BALANCE: JULY 23,01

NO. 2'S (OFFS)  
TO HAVE SERVICE RESTORE PAY : 380.00

NO. 3'S (REMEDI)  
TO KEEP YOUR SERVICE ON PAY THIS AMOUNT : BY

TERMS: BEGINNING :

SPECIAL BUDGET OR OPTIONAL PAYMENT AMOUNT : 159.00  
REGULAR BUDGET AMOUNT : 119.00  
PLUS PAYMENT TOWARD ARREARS : 40.00

FINAL BILL MONTHLY PAYMENT : .00

CURRENT BILL MONTHLY PAYMENT : .00

END OF MONTH PAYMENT : .00

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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CLARENCE W. LYNCH : PROOF OF SERVICE  
VS. :  
NATIONAL FUEL GAS :  
DISTRIBUTION CORPORATION : DOCKET NO. C-20016321

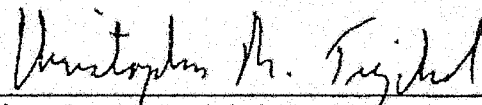
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PA PUC  
SECRETARY'S BUREAU

I hereby certify that I have this day served a true copy of the foregoing documents upon the participant, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

Clarence W. Lynch  
110 Snyder Circle  
Corry, PA 16407

NATIONAL FUEL GAS  
DISTRIBUTION CORPORATION



Christopher M. Trejchel, Esquire  
Attorney for National Fuel Gas  
Distribution Corporation  
P.O. Box 2081  
Erie, PA 16512

Dated: 11/06/2001



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge  
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

December 27, 2001

In Re: C-20016321

(See attached list)

Clarence Lynch v. National Fuel Gas Distribution Corporation  
Requests payment arrangements.

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial telephone hearing  
Date: Tuesday, February 5, 2002 REP  
Time: 10:00 a.m.  
Presiding: Administrative Law Judge John H. Corbett, Jr.  
1103 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
Telephone: (412) 565-3550  
Fax: (412) 565-5692

The judge will be presiding as authorized by Chapter §56.174 of the Pennsylvania Code.

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

DOCUMENT  
FOLDER

**DOCKETED**  
DEC 28 2001

At the above date and time, the Presiding Officer will contact the parties as follows:

Clarence W. Lynch	(814) 664-2619
Christopher M. Trejchel, Esquire	(814) 871-8035

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 3 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Corbett  
Judy Weaver, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File