

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Maria Cureton

v.

Philadelphia Gas Works

DOCKETED
MAR 2 - 2007

C-20077290

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MAR - 2 2007

**DOCUMENT
FOLDER**

PREHEARING ORDER

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

On February 23, 2007, 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. An **Initial Hearing** in this case is scheduled for **Tuesday, April 3, 2007 at 1:30 p.m. in an available hearing room on the 13th floor of the Philadelphia State Office Building.** Your case is one of several cases that have been scheduled at this time. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the hearing room no later than 1:15 p.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all afternoon, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

On January 18, 2007, the Complainant filed a formal complaint against the Philadelphia Gas Works ("PGW" or the Respondent) alleging the following: that she converted to gas heat three years ago; that she paid her bill each month; that the Respondent sent her a notice stating that the meter needed to be repaired; that after the meter was repaired, she received a bill for \$5,000.00. The Complainant wants to know how she could owe \$5,000.00 in three years and what happened to her payments.

On February 12, 2007, the Respondent, through its counsel, filed an Answer. The Respondent denied that there are incorrect charges on the Complainant's bill. The Respondent

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averred that the Complainant established gas service on May 1, 1997. The Respondent stated that her account was listed as residential non-heating account with domestic usage. The Respondent lacks sufficient knowledge concerning the date the Complainant converted to gas heating. However, the Complainant's gas account is currently listed as residential heat account with domestic usage. The Respondent removed the gas meter and installed a lock. The Respondent admitted that it sent correspondence to the Complainant since January 2003 advising her that her automatic meter reading device ("AMR") was not reading correctly. The Respondent rebilled the Complainant \$4,967.64 for gas usage. The Respondent provided information to show that it sent letters, called and went to the service address numerous times between January 2004 and October 2006 before sending termination notices to the Complainant in November 2006. The Respondent stated that the meter was finally changed on December 4, 2006.

The parties are hereby directed to comply with the following requirements:

1. A request for a continuance of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa. Code § 1.15(b). Requests for a change of hearing date must be sent to me and all parties of record. The correct address is:

Administrative Law Judge Cynthia Williams Fordham
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

Changes are granted only in rare situations where good cause exists.

2. **The Commission's policy promotes settlements.** 52 Pa. Code § 5.231(a). The utility shall contact the Complainant at least one week before the scheduled hearing to discuss a possible settlement of this case. Even if you are unable to settle this case,

you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. 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).

4. The Pennsylvania Legislature has recently enacted the Responsible Utility Customer Protection Act. 66 Pa. C.S. § 1401 *et seq.* This new law provides strict guidelines as to how the Commission must handle customer complaints. The application of this law may result in the issuance of a less favorable payment arrangement than a customer's current payment arrangement.

5. If the Complainant has not made the payments that the Bureau of Consumer Services ("BCS") directed her to make, she must explain why the payments were not made.

6. The customer must make monthly payments towards his/her utility bill while the complaint is pending. **FAILURE TO MAKE PAYMENTS MAY RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE. FAILURE TO MAKE PAYMENTS MAY RESULT IN THE UTILITY TERMINATING YOUR SERVICE.**

7. If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), you must bring four (4) copies (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.

8. During the hearing, the Complainant must be prepared to testify about the total gross monthly income of the household. A household includes all adults living at the service address and benefiting from the utility service. The "total gross monthly household income" includes but is not limited to the following:

- (a) income from salaries, wages, tips or other compensation;
- (b) pension, retirement or social security benefits;
- (c) Supplemental Security Income (SSI)
- (d) unemployment compensation benefits;
- (e) workers' compensation benefits;
- (f) alimony;
- (g) support;
- (h) public assistance, and
- (i) any other source(s) of income.

9. The utility must bring the following documents to the hearing:

- (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less;
- (b) a copy of the most recent Bureau of Consumer Services (BCS) decision; and,
- (c) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission.

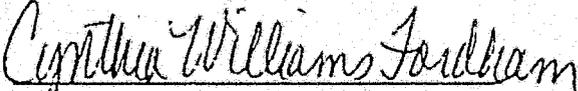
10. Pursuant to 52 Pa. Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

11. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code § 5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it. The written subpoena application must be submitted to the presiding officer, the Secretary of the Commission, opposing counsel and the person to be subpoenaed. 52 Pa. Code § 5.421 (a, b).

12. THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE IN SUPPORT OF THE COMPLAINT.

13. This is a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Date: February 28, 2007


Cynthia Williams Fordham
Administrative Law Judge

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20077290		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Maria Cureton v. Philadelphia Gas Works	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	April 3, 2007	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Cynthia W. Fordham	DATE:	4/3/07	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
REMARKS: <i>Complainant did not appear. Motion to Dismiss granted</i>				

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Laureto Farinas, Esq. 215-684-6982 Telephone:	800 W. Montgomery Avenue Philadelphia, PA 19122 laureto.farinas@pgworks.com E-mail Address:	PHILADELPHIA GAS WORKS FAX # 215-684-6798 Fax Number:
	City State Zip	
Telephone:	E-mail Address:	Fax Number:
	City State Zip	
Telephone:	E-mail Address:	Fax Number:

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Check this box if additional parties or attendees appear on back of form.

George M. Egan
Reporter's Signature

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