

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: ALJ
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: C-20066951
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 10/02/06
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: COSME, HERIBERTO

RESPONDENT/APPLICANT: PHILADELPHIA GAS WORKS

COMP/APP COUNTY:

UTILITY CODE: 125042

ALLEGATION OR SUBJECT

COMPLAINANT STATES BILL IS TOO HIGH FOR AMOUNT OF TIME AT ADDRESS. HE WOULD LIKE THE PUC TO DEDUCT SOME OF THE BILL THAT IS TOO HIGH.

**DOCUMENT  
FOLDER**

**DOCKETED**  
OCT 16 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

**ORIGINAL**

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

C-20066951

Your name, mailing address, county, telephone number, utility account number and service address:

Name Heriberto Cosme

Street/P.O. Box 309 w wyoming ave Apt # \_\_\_\_\_

City Phila State PA Zip 19140

County \_\_\_\_\_

Area Code/HOME Phone 215-456-9259

Area Code/WORK Phone \_\_\_\_\_

Utility Account Number 0247717083  
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name Heriberto Cosme

Street/P.O. Box 4703 N 4<sup>th</sup> st

City Phila State PA Zip 19140

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PCW

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE

(local, long distance)

HS

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.

Other.

(explain) The bill is too high, from only 7 months,

B. State the facts of your complaint.

include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

I think PGW, is charging me a bill that is too much.. like I told them before I wasn't living at this address during that time. if I need to make an agreement, I will do, but I'm not

5. RELIEF

Paying the 3,169.00 they are charging me. I think this is too much for 7 month of use.

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

To deducted some of this high bill, that PGW is charging. Also I didn't had any concern that the gas was on during that time, I would like some help

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES   
(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I \_\_\_\_\_, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Heriberto Rosme  
(Signature)

9-27-06  
(Date)

9. LEGAL REPRESENTATION (IF ANY)

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

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

Street \_\_\_\_\_

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

Area Code/Phone Number \_\_\_\_\_

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
--	--

Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.



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

IN REPLY PLEASE  
REFER TO OUR FILE

DATE SERVED: OCTOBER 16, 2006

C-20066951

LAURETO FARINAS ESQUIRE  
PHILADELPHIA GAS WORKS  
800 W MONTGOMERY AVE  
PHILADELPHIA PA 19122-2898

**DOCUMENT  
FOLDER**

Dear Mr. Farinas:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by HERIBERTO COSME. 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.

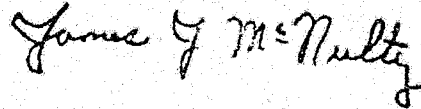
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

OCTOBER 16, 2006

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,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the typed name and title.

James J. McNulty  
Secretary

SS

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: OCTOBER 16, 2006

HERIBERTO COSME  
Complainant

v.

PHILADELPHIA GAS WORKS  
Respondent

Complaint Docket  
No: C-20066951

**DOCKETED**

OCT 16 2006

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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TO: PHILADELPHIA GAS WORKS

**DOCUMENT  
FOLDER**

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 17105-3265**, an answer (original and three 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).

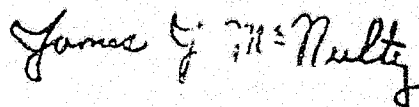
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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

**Philadelphia Gas Works**  
600 West Montgomery Avenue, Philadelphia, PA 19122



Mary M. Chan, Paralegal  
Legal Department  
Direct Dial: (215) 684-6630  
Fax: (215) 684-6798  
E-mail: [mary.chan@pgwworks.com](mailto:mary.chan@pgwworks.com)

November 3, 2006

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

**ORIGINAL**

**RE: Heriberto Cosme vs PGW, Docket No. C-20066951**

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original and three (3) copies of its Answer to the Complaint in the above captioned matter.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "M. Chan", written over the word "Sincerely,".

Mary M. Chan

**BTL**

Enclosure

cc: Heriberto Cosme  
Anne Marie Cromley

RECORDED

NOV 03 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PA 17105-3265

**DOCUMENT  
FOLDER**

41

**ORIGINAL**

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GENERAL COUNSEL'S OFFICE  
NOV 08 2006

Heriberto Cosme

v.

Philadelphia Gas Works

Docket No. C-20666951

Answer of the Philadelphia Gas Works

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby answers the Complaint filed in the above captioned matter. PGW hereby avers the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. (a) Denied. PGW denies the averment that the Complainant's gas bill is high for 7 months.

**DOCKETED**

NOV 07 2006

(b) Admitted in part; denied in part. PGW denies the averment that PGW is excessively charging the Complainant's gas bill.

PGW lacks sufficient knowledge to determine the truth of the averment that the Complainant never resided at the Service Address during the disputed billing period. PGW therefore denies this averment.

It is admitted that the Complainant disputes the amount of \$3,169.00.

PGW denies the averment that \$3,169.00 is an amount for 7 months period. PGW records indicate that this amount is for 18 months period. This billing period is from October 8, 2003 through April 15, 2005, which is attached hereto as Exhibit "A."

DOCUMENT  
FOLDER

This billing period is from October 8, 2003 through April 15, 2005, which is attached hereto as Exhibit "A."

By way of further answer, PGW records indicate that on May 29, 2002, gas service was terminated for non-payment at the Service Address under the previous tenant. PGW records indicate that there were zero usage on the meter at the Service Address until October 8, 2003.

PGW records indicate that the Complainant is the owner of the Service Address. PGW therefore contends that the Complainant is responsible for the gas bill.

The Bureau of Consumer Service ("BCS") decision dated August 22, 2006, which is attached hereto as Exhibit "B," concluded that the Complainant was responsible for the unauthorized usage which was based on the Automatic Meter Reading ("AMR") device.

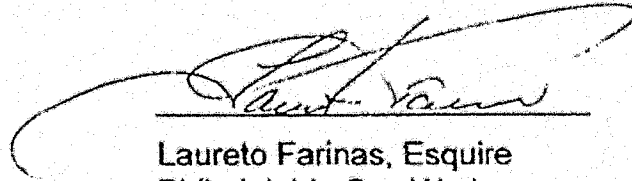
On April 14, 2005, PGW visited the Service Address and found the gas service on after the original termination on May 29, 2002. PGW terminated gas service on that day.

5. Denied. The averment in Paragraph 5 of the Complaint is a request for relief to which no response is required. PGW therefore denies the averments in this paragraph.
6. Admitted.
7. Admitted.

Wherefore, PGW respectfully requests that this Commission find against the Complainant, and affirm the decision of the BCS in this matter.

Respectfully submitted,

November 3, 2006



Laureto Farinas, Esquire  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6982

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PUBLIC UTILITY COMMISSION  
PHILADELPHIA

EXHIBIT A

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PAFFENBARGER COMPANY

HISTORY REQUEST REPORT FOR ACCOUNT # 247717083 AND SA # 204936164 AS OF 11/03/2006

Account #: 247717083 SA # 204936164 Bill Cycle: 06 Rate Class: GS Phone # \_\_\_\_\_  
 Name: COSME, HERIBETO Address: 4703 N 4TH ST/PHILA, PA  
 Pay Agreement Indicator: N Easyway Indicator: CRP Status  
 Blocker Start Date: 20061020 Blocker End Date: 20081020 Meter #: 1866381

Tran Date	Tran Type	Current Amt.	Total Amt.	Adjust. Amt.	Segment Start Date	Segment End Date	Read Code	End Read	Current Balance	Usage	Meter #
04/14/2005	BILL	\$3,169.82	\$3,169.82	\$0.00	10/08/2003	04/14/2005	R	6526	\$0.00	2118	1866381
06/09/2005	LPC	\$47.54	\$47.54	\$47.54							
07/08/2005	LPC	\$46.83	\$46.83	\$46.83							
08/09/2005	LPC	\$46.13	\$46.13	\$46.13							
09/07/2005	XFER	(\$3,310.32)	(\$3,310.32)	(\$3,310.32)							
09/31/2006	XFER	\$3,310.32	\$3,310.32	\$3,310.32							

**EXHIBIT B**

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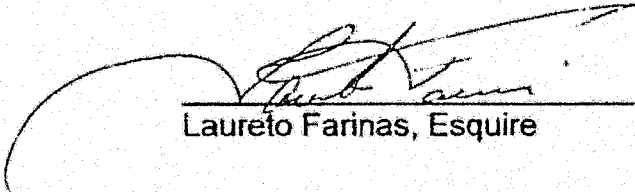
PAZ UNIVERSITY OF MISSOURI  
LIBRARY

- <Case>  
<CaseNbr>1974963</CaseNbr>  
<CompanyNbr>PHILA. GAS WORKS (NGDC)</CompanyNbr>  
<CompanyName>PGW</CompanyName>  
<CompanyCode>0766</CompanyCode>  
<CompanyType>GAS TRANSPORTER</CompanyType>  
- <Customer>  
<CustomerFirstName>HERIBERTO</CustomerFirstName>  
<CustomerLastName>COSME</CustomerLastName>  
<AccountNumber>0247717083</AccountNumber>  
- <CustomerServAddress>  
  
<ServAddress1>4703 N 4TH ST</ServAddress1>  
<ServCity>PHILADELPHIA</ServCity>  
<ServState>PA</ServState>  
<ServZip5>19140</ServZip5>  
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<Chapter>56</Chapter>  
<SectionRule>.163(1)</SectionRule>  
<TotalBalance>3310.32</TotalBalance>  
<DateClosed>2006-08-24</DateClosed>  
<Resolution>MR. COSME IS RESPONSIBLE FOR THE UNAUTHORIZED USAGE  
OF \$3,310.32. THE BILL IS CORRECT AS RENDERED AND BASED ON AMR.  
MR. COSME IS THE OWNER OF THE PROPERTY. ADVISED TO CONTACT  
COMPANY FOR A PAYMENT ARRANGEMENT. CITE 56.163(1) FOR LATE  
REPORT.</Resolution>  
<BalanceDate>2006-08-22</BalanceDate>  
<RegularBudgetAmount>125.00</RegularBudgetAmount>  
<LetterDescription>EGW PAR W/SIMPLE DISPUTE/NO PAYMENT  
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<HeadDate>2006-08-25</HeadDate>  
- <OtherInfo>  
<BCSInvestigatorFName>PAT</BCSInvestigatorFName>  
<BCSInvestigatorLName>MITZEL</BCSInvestigatorLName>  
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<PUCFax FaxAreaCode="717">7876641</PUCFax>  
</OtherInfo>  
</Case>  
</Cases>

VERIFICATION

I, Laureto Farinas, hereby declare that I am counsel for the Philadelphia Gas Works. I am authorized to make this verification on its behalf. The facts set forth in the foregoing Answer are true and correct to the best of my knowledge, information and belief. I expect to be able to prove these facts at a hearing held in this matter. This verification is made subject to the penalties of 18. Pa. C.S. §4904, concerning false statements to authorities.

Dated: November 3, 2006

  
Laureto Farinas, Esquire

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PHILADELPHIA GAS WORKS

CERTIFICATE OF SERVICE

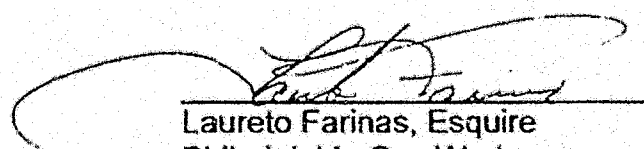
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY  
OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED  
BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE  
§1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

*Henberto Cosme*  
4703 N. 7<sup>th</sup> Street  
Philadelphia, PA 19140

Dated: November 3, 2006



Laureto Farinas, Esquire  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6982

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COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
November 15, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20066951

(SEE ATTACHED LIST)

Heriberto Cosme v. Philadelphia Gas Works

Billing dispute.

DOCUMENT  
FOLDER

Hearing Notice

This is to inform you that your case is scheduled for hearing at 9:30 a.m. in an available Hearing Room in the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time in the same hearing room. 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 9:15 a.m. and wait in the Hearing Room until the presiding 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 morning, 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.

Type: Initial Hearing  
Date: Tuesday, January 23, 2007  
Time: 9:30 a.m.  
Location: In an available Hearing Room  
Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania

**DOCKETED**  
DEC 04 2006

BTL

Presiding: Administrative Law Judge Ky Va Nguyen  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: (215) 560-2105  
Fax: (215) 560-3133

Attention: You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. 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.

If you intend to file exhibits, bring 4 copies with you to the hearing.

Individuals may represent themselves or be represented by an attorney. Individuals representing themselves do not need to be represented by an attorney. If you have an attorney representing you, your attorney should file a Notice of Appearance before the scheduled hearing date.

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 at least (2) two business days prior to your hearing:

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

pc. Judge Nguyen  
Dawn Reitenbach  
Beth Plantz  
Docket Section  
Calendar File