

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Edward L. Carson

v.

National Fuel Gas Distribution Corporation

:
:
:
:
:

C-20066936

PREHEARING ORDER

DOCUMENT
FOLDER

An Initial Telephonic Hearing in this case is scheduled for Tuesday, December 19, 2006, at 11:00 a.m. Your case is one of several cases scheduled for this day. You must be available when contacted by the presiding officer or your case will be dismissed. If you will be at a telephone number that is different than the number on the hearing notice, you must notify me of that telephone number at least five (5) business days before the hearing.

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

1. A request for a change 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 changes of hearing dates must be sent to me and all parties of record. The correct address is:

Pennsylvania Public Utility Commission
Office of Administrative Law Judge
300 Liberty Avenue
1103 Pittsburgh State Office Building
Pittsburgh, PA 15222
Telephone: 412-565-3550
Fax: 412-565-5692

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

2. Commission policy promotes settlements. 52 Pa. Code §5.231(a). The utility will contact the customer at least one week before the scheduled hearing to talk over 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 Pennsylvania Legislature recently enacted the Responsible Utility Customer Protection Act. 66 Pa. C.S. §1401 *et seq.* This new law provides strict guidelines regarding how the Commission must handle consumer complaints. The application of this law may result in payment terms that are less favorable than the customer's current payment arrangement.

4. If the Commission's Bureau of Consumer Services (BCS) has directed the customer to make payments and those payments have not been made, the customer must be prepared to explain at the hearing why those payments have not been made.

5. The customer is required to pay his/her current bills for utility service while waiting for a hearing on the complaint. **FAILURE TO MAKE PAYMENTS FOR CURRENT SERVICE BY THE DUE DATE EACH MONTH MAY RESULT IN THE TERMINATION OF THE CUSTOMER'S SERVICE PRIOR TO THE HEARING. FAILURE TO MAKE THESE PAYMENTS WILL RESULT IN AN ORDER REQUIRING A LUMP SUM PAYMENT EQUAL TO THE AMOUNT OF ALL MISSED PAYMENTS FOR SERVICE.**

6. If you intend to present any documents or exhibits for my consideration, you must send one copy to the other party and three (3) copies to me at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.

7. At the hearing, the customer 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) child support;
- (h) public assistance; and
- (i) any other source(s) of income.

8. The utility must prepare and submit the following documents at least one week before 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 BCS decision, if any;
- (c) a service usage comparison report for the same period as the account statement; and
- (d) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission.

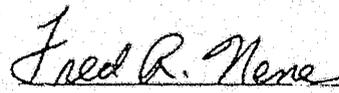
9. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental 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).

10. 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.

11. **THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

12. Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Date: November 8, 2006



Fred R. Nene
Administrative Law Judge

Chapter 56 Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20066936		YES	NO
Case Name:	Edward L. Carson	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	v.	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	National Fuel Gas Distribution Corporation	Testimony Taped:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Pittsburgh	Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	December 19, 2006 - 11:00 am ^{pm}	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special Agent:	ALJ Fred R. Nene	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DOCUMENT FOLDER		Estimated Add'l Days:		
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		DATE:	December 19, 2006	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	<i>Complaint of disc not appear. Complainant is no longer a customer of NFG. NFG motion to dismiss will be granted by I.D.</i>	

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

Name and Telephone Number	Address	Who are you representing?						
Edward L. Carson	544 East 24 th Street, 1 st Floor	Self						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> <tr> <td>Erie</td> <td>PA</td> <td>16503</td> </tr> </table>	City	State	Zip	Erie	PA	16503	
City	State	Zip						
Erie	PA	16503						
Telephone: 814-451-0163	E-mail Address:	Fax Number:						
Lee E. Hartz, Esquire	P.O. Box 2081	National Fuel Gas Distribution Corporation						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> <tr> <td>Erie</td> <td>PA</td> <td>16512</td> </tr> </table>	City	State	Zip	Erie	PA	16512	
City	State	Zip						
Erie	PA	16512						
Telephone: 814-871-8060	E-mail Address:	Fax Number:						
<i>[Signature]</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	City	State	Zip				<i>[Signature]</i>
City	State	Zip						
Telephone:	E-mail Address:	Fax Number:						

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

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