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COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Joseph and Karen Fuce,
v.
Philadelphia Gas Works
Dispute of CRP Bill

Docket No.: C-20066831

Pages: 1 - 54

13th Floor
1400 Spring Garden Street
Philadelphia, PA

**DOCUMENT
FOLDER**

Thursday, December 7, 2006
Commencing at 9:59

BEFORE:

ANGELA T. JONES, Administrative Law Judge

APPEARANCES:

LAURETO FARINAS, Esquire
800 West Montgomery Avenue
Philadelphia, PA 19122
For the Utility

DOCKETED
JAN 09 2007

Joseph and Karen Fuce
Pro Se

Handwritten signature

REPORTER: GINA BROWER

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JAN 8 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

Fuce

39

P R O C E E D I N G S

1
2
3 JUDGE JONES:

4 We are on the record. This is the time
5 and place for the matter of Joseph and Karen Fuce
6 versus Philadelphia Gas Works at docket number
7 C-20066831. I am Administrative Law Judge Angela T.
8 Jones appointed by the Commission to preside over this
9 matter. I note for the record the appearance of Mr.
10 Joseph Fuce, II?

11 MR. FUCE:

12 That's correct.

13 JUDGE JONES:

14 As well as --- representing himself. As
15 well as Mr. Farinas, Esquire representing Philadelphia
16 Gas Works. I must apologize to the parties. For some
17 reason I was under the impression this was a
18 telephonic hearing, so I had given instructions to the
19 court reporter to set up in the library, which is why
20 we were a little bit tardy. Also based on that
21 wrong projection that this was telephonic, I had in my
22 mind to propose something to the parties, which will
23 probably not be palatable to the parties, but I'm
24 going to propose it anyway. Mr. Fuce, I did tell you
25 off the record that I did receive the documents that

1 you sent to me in the mail. One is an affidavit with
2 your driver's license verifying you are who you are.

3 MR. FUCE:

4 Correct.

5 JUDGE JONES:

6 Another is what I would characterize as a
7 more specific pleading of your complaint and it's
8 dated December 4th, 2006, signed by it looks like you
9 and Karen Fuce.

10 MR. FUCE:

11 That's correct.

12 JUDGE JONES:

13 And then there are some exhibits labeled
14 A through G attached to that pleading.

15 MR. FUCE:

16 That's correct.

17 JUDGE JONES:

18 Because I have characterized that as a
19 more specific pleading I was wondering if PGW wanted
20 to have a chance to answer the more specific pleading
21 prior to going into the hearing. If that were the
22 case then what we would do is we would allow PGW to
23 answer the more specific pleading and then reschedule
24 the hearing date. However, because I see that Mr.
25 Farinas is here and his witness is here and it looks

1 like they are prepared to go forward with the hearing
2 I will leave that up to the parties. Also I want to
3 make sure that the parties have had a chance to see to
4 if they can settle this matter. It appears from
5 reading the information as far as the initial
6 complaint and the company's answer as well as what I
7 am characterizing as a more specific pleading, the
8 issue is whether the Fuces received adequate notice as
9 to the change in the CRP payments. So all that being
10 said, Mr. Farinas, I believe I have put some things
11 out there that you need to respond to.

12 ATTORNEY FARINAS:

13 Yes, Your Honor. First, as you know I'm
14 always willing to discuss settlement. We attempted
15 one last chance to do that before your entering the
16 room. Mr. Fuce was not amenable to doing that. As to
17 the more specific pleading, actually I'm glad that Mr.
18 Fuce did file a more specific pleading. If I were to
19 take more time to answer it as I would simply also
20 state having read it since I received it two days ago,
21 I would file for a motion to dismiss on the pleadings
22 since I don't believe Mr. Fuce has made any type of
23 case in which relief can be granted.

24 JUDGE JONES:

25 Okay. All right. So basically I'm

1 inferring from your answer that you do not need
2 additional time to answer the pleading and reschedule.
3 You're prepared to go forward today?

4 ATTORNEY FARINAS:

5 Yes, Your Honor.

6 JUDGE JONES:

7 All right. Okay. So am I. And I'm glad
8 to hear that because that would mean that Mr. Fuce
9 doesn't have to come back out here again. All right.
10 Also in your Answer you have stated that Mr. Fuce is
11 not amenable to a settlement. So Mr. Fuce, are you
12 ready to proceed with your complaint?

13 MR. FUCE:

14 Yes, ma'am.

15 JUDGE JONES:

16 All right. Would you step over here,
17 sir? Please raise your right hand, sir.

18 -----

19 JOSEPH FUCE, HAVING BEEN DULY AFFIRMED, TESTIFIED AS
20 FOLLOWS:

21 -----

22 JUDGE JONES:

23 Okay. So you do so affirm?

24 A. Yes, ma'am.

1 JUDGE JONES:

2 Okay. You may be seated. Now, Mr. Fuce
3 I see that you have paperwork before you. Let me say
4 this, I know that you are prepared because of the
5 documents that you've provided to me.

6 A. Yes, Your Honor.

7 JUDGE JONES:

8 I just want to make sure that you are
9 testifying based on your memory and your memory alone,
10 not that of your wife, that you will be reading
11 something that she wrote. Okay?

12 A. Okay.

13 JUDGE JONES:

14 Are we clear?

15 A. Yes. I'm --- yes.

16 JUDGE JONES:

17 Okay. All right.

18 ATTORNEY FARINAS:

19 Your Honor, before we begin I have to ---
20 you did mention that you received exhibits. All that
21 I've received late from Mr. Fuce is his --- the more
22 specific pleading. Are there more documents?

23 JUDGE JONES:

24 There are more documents. Mr. Farinas?

1 Mr. Fuce?

2 A. I forwarded the same documents you have.

3 JUDGE JONES:

4 Okay. There are six. I believe six
5 exhibits ---

6 A. Six. I have a copy for him.

7 JUDGE JONES:

8 --- labeled A through G. Mr. Fuce, I can
9 handle this.

10 A. I'm sorry.

11 JUDGE JONES:

12 There are six exhibits copies A through
13 G. In the packet that I received, Mr. Farinas, there
14 was a cover letter addressed to me, at the top
15 Pennsylvania Public Utility Commission and then
16 bracket two, close bracket. Do you have that?

17 ATTORNEY FARINAS:

18 What I have received ---

19 JUDGE JONES:

20 Following that is a driver's license.

21 ATTORNEY FARINAS:

22 Yes, this is the document.

23 JUDGE JONES:

24 Following that is a --- it looks like to

1 me a complaint, which I'm calling it a more specific
2 pleading. There's four pages to that. The last ---
3 the fourth page dated December 4th and Mr. Fuce and
4 Ms. Fuce have signed it.

5 ATTORNEY FARINAS:

6 I have that.

7 JUDGE JONES:

8 Then there's a Declaration of Certificate
9 of Delivery dated December 4th. Mr. Fuce signed that.
10 Following that, Exhibits A through G.

11 ATTORNEY FARINAS:

12 I've got it. Thank you.

13 JUDGE JONES:

14 See, Mr. Fuce?

15 A. Yes, ma'am.

16 JUDGE JONES:

17 Okay. All right. Mr. Fuce, I think in
18 order to expedite things I think what I'm going to do
19 is ask you some questions, ask you to respond to my
20 questions. And then if there is anything else after
21 I'm done, I will ask you, do you want to elaborate as
22 far as the events for your case?

23 A. Okay.

24 JUDGE JONES:

1 Okay. All right. Mr. Fuce, where is
2 your residence?

3 A. My residence is 4547 Old York Road, Second Floor,
4 Philadelphia, Pennsylvania, 19140.

5 JUDGE JONES:

6 Do you receive gas service from PGW at
7 that address?

8 A. Yes.

9 JUDGE JONES:

10 Are you currently a PGW customer?

11 A. Yes.

12 JUDGE JONES:

13 Do you receive gas service through PGW as
14 what is termed a CRP customer?

15 A. Yes.

16 JUDGE JONES:

17 How did you come to be a CRP customer?

18 Or let me start over. I'm sorry. When did you become
19 a CRP customer?

20 A. I don't --- as far as ---.

21 JUDGE JONES:

22 You don't recall. Okay. That's ---

23 A. The exact date.

24 JUDGE JONES:

1 --- a good answer. Okay. Did you become
2 a CRP customer in 2006?

3 A. No.

4 JUDGE JONES:

5 Did you become a CRP customer in 2005?

6 A. I believe I became a customer in 2005, yes.

7 JUDGE JONES:

8 Do you recall any kind of agreement that
9 you signed in order to be a CRP customer?

10 A. Now, are you asking ---?

11 JUDGE JONES:

12 In 2005, we've established that you
13 became a customer in --- a CRP customer in 2005?

14 A. Right.

15 JUDGE JONES:

16 And I'm asking now ---

17 A. Yes.

18 JUDGE JONES:

19 --- do you recall any agreement that you
20 signed?

21 A. Yes. I signed an agreement in 2005.

22 JUDGE JONES:

23 Okay. All right. Do you recall the
24 length of that agreement, the timeframe for that

1 agreement?

2 A. I believe it was for a year.

3 JUDGE JONES:

4 One year?

5 A. Uh-huh (yes).

6 JUDGE JONES:

7 Okay. So considering the fact that you
8 do not remember the specific month, but you do
9 remember that it was in 2005, then your agreement
10 would have --- and you recall that it is for a year.

11 A. Right.

12 JUDGE JONES:

13 Then you would agree that your agreement
14 would expire sometime in 2006? Answer my questions,
15 Mr. Fuce.

16 A. Yes, ma'am.

17 JUDGE JONES:

18 Okay. You agree that because it would be
19 a year that sometime in 2006 your CRP agreement would
20 expire?

21 A. Yes, ma'am.

22 JUDGE JONES:

23 Okay. Do you recall that in the terms of
24 the agreement that you signed that once it expired

1 that there would be a change in terms to renew your
2 CRP agreement?

3 A. I'm aware that I had to apply to be recertified.

4 JUDGE JONES:

5 Okay. So your understanding is that
6 after the year expired that you would have to reapply
7 to certify to be a CRP customer; is that correct, Mr.
8 Fuce?

9 A. Yes, ma'am.

10 JUDGE JONES:

11 Okay. To your recollection for the
12 agreement, what did you have to do in order to
13 recertify?

14 A. I had to supply an application and verification of
15 income.

16 JUDGE JONES:

17 That's it, Mr. Fuce? I'm ---.

18 A. I sent it to PGW.

19 JUDGE JONES:

20 So you had to fill in the application
21 again, a new application?

22 A. That's correct.

23 JUDGE JONES:

24 You had to verify your income ---

1 A. That's correct.

2 JUDGE JONES:

3 --- whether it was changed, the same,
4 less from what had been a year prior?

5 A. That's correct.

6 JUDGE JONES:

7 Then you had to make sure that that
8 documentation got to PGW?

9 A. That's correct.

10 JUDGE JONES:

11 Was there a time frame that you had to
12 make sure that that documentation got to PGW?

13 A. Well, I was sent a notice from PGW and a couple of
14 days afterward I filed the appropriate application and
15 sent them the income of the household.

16 JUDGE JONES:

17 Okay. All right. So now let's talk
18 about this notice that you received from PGW. You
19 have testified that you did, in fact, receive
20 something notifying you about the CRP program?

21 A. That's correct.

22 JUDGE JONES:

23 Now, did that notice say that you had to
24 recertify?

1 A. Yes, it did.

2 JUDGE JONES:

3 Did that notice say what you had to do to
4 recertify?

5 A. Yes, it did.

6 JUDGE JONES:

7 Did that --- as far as you're concerned
8 you complied with that notice?

9 A. Yes, I did.

10 JUDGE JONES:

11 What time frame was that notice? Was it
12 30 days before the expiration, 60 days? Was it after
13 the expiration? Do you remember what the time frame
14 was for the notice?

15 A. Thirty (30) days.

16 JUDGE JONES:

17 Thirty (30) days prior?

18 A. Before the CRP anniversary.

19 JUDGE JONES:

20 Okay. So it was 30 days prior to the
21 expiration of your CRP agreement?

22 A. This is correct.

23 JUDGE JONES:

24 Okay. Do you have a copy of the notice?

1 A. Exhibit A, yes.

2 JUDGE JONES:

3 Mr. Farinas, I'd note for the record
4 identification of Complainant Exhibit A as the CRP
5 notice to PGW.

6 (Complainant's Exhibit A marked for
7 identification.)

8 ATTORNEY FARINAS:

9 This is the document that appears in the
10 latest filed proof of documents by the Complainant and
11 it has --- and it's captioned or titled,
12 Recertification Reminder Notice, Customer
13 Responsibility.

14 JUDGE JONES:

15 And dated March 15th.

16 ATTORNEY FARINAS:

17 That's correct, Your Honor.

18 JUDGE JONES:

19 Okay. All right. We have noted for
20 identification purposes only, Exhibit A. Mr. Fuce, is
21 there anything specific that you wish for me to notice
22 on Exhibit A?

23 A. I just want to note, that at that time, the
24 previous agreement was for \$57.54.

1 JUDGE JONES:

2 Okay. So you do want me to note that on
3 the right hand side under what is bolded? Remember,
4 the second paragraph, it says as of today you must pay
5 \$57.54 to be up to date on your CRP payments?

6 A. Yes, ma'am.

7 JUDGE JONES:

8 Okay. All right. I do note that. Is
9 there anything else that you wish for me to note on
10 Exhibit A, Mr. Fuce?

11 A. No, ma'am.

12 JUDGE JONES:

13 Okay. All right. Is there any
14 objection, Mr. Farinas, to the admittance of Exhibit
15 A.

16 ATTORNEY FARINAS:

17 No objection.

18 JUDGE JONES:

19 Very well. It is admitted. So according
20 to your Exhibit A your CRP payments were \$57.54; is
21 that correct?

22 A. That's correct.

23 JUDGE JONES:

24 Do you recall when, if ever, you received

1 notice that your CRP payment would increase?

2 A. I didn't receive any notice.

3 JUDGE JONES:

4 You did not receive any notice
5 whatsoever?

6 A. No.

7 JUDGE JONES:

8 Do you recall anything in the agreement
9 that you signed regarding the CRP, a possibility based
10 on the income that you submitted and/or the change in
11 household, and/or anything else that was obtained from
12 the application as being considered to decide whether
13 your payment would change?

14 A. No.

15 JUDGE JONES:

16 You do not recall anything in the
17 agreement?

18 A. No, ma'am.

19 JUDGE JONES:

20 All right. There came a time where you
21 responded to this notice and I believe that you are
22 providing Exhibit B as your response to the notice?

23 A. Yes, ma'am.

24 JUDGE JONES:

1 And your response was within a week of
2 receiving the notice because your response is dated
3 3/22/06.

4 A. Yes, ma'am.

5 JUDGE JONES:

6 The notice was dated 3/15/06?

7 A. Yes, ma'am.

8 JUDGE JONES:

9 So Exhibit B, pages one through five is
10 your response?

11 A. Yes, ma'am.

12 JUDGE JONES:

13 For identification purposes, for the
14 record, we have marked Complainant Exhibit B, pages
15 one through five. Five being the Social Security
16 Administration supplemental security income of Ms.
17 Karen Elizabeth Fuce. It's only the first page. It
18 looks like there's supposed to be more than one page.
19 At the bottom it says, see next page, but that has not
20 been supplied.

21 (Complainant Exhibit B marked for
22 identification.)

23 JUDGE JONES:

24 The first page being a letter of notice

1 from Joseph and Karen Fuce to Philadelphia Gas Works
2 noting verification of income. Is there anything
3 specific that you wish for me to note on Exhibit B,
4 Mr. Fuce?

5 A. Only that I reserve the right to be notified,
6 prior to being billed, of any increase to the value of
7 the CRP agreement.

8 JUDGE JONES:

9 Where, in fact, did you make that
10 reservation, sir?

11 A. Under my autograph.

12 JUDGE JONES:

13 All rights reserved 1-207?

14 A. Yes, ma'am.

15 JUDGE JONES:

16 All right. In reference to that all
17 rights reserved 1-207. Are you referring to the
18 uniform customer's code?

19 A. Uniform Commercial Code.

20 JUDGE JONES:

21 I'm sorry. Uniform Commercial Code. So
22 how is the reader to know that that's what you're
23 referring to?

24 A. I have no answer for that.

1 JUDGE JONES:

2 Okay. All right. Okay. Anything else
3 you wish for me to note in Exhibit B?

4 A. Page two of Exhibit B, recertification agreement,
5 we also reserved our rights without prejudice.

6 JUDGE JONES:

7 Yes. And it says 1-207. My question
8 again is, how are we to know that that's referring to
9 the Uniform Commercial Code. And your response is the
10 same, sir?

11 A. Yes. My response is the same, ma'am.

12 JUDGE JONES:

13 All right. Anything else?

14 A. No, ma'am.

15 JUDGE JONES:

16 Okay. All right. Mr. Farinas --- Mr.
17 Fuce, I'm assuming that you wish to have this Exhibit
18 B admitted into the record?

19 A. Yes, ma'am.

20 JUDGE JONES:

21 Mr. Farinas, are there any objections to
22 Exhibit B being admitted?

23 ATTORNEY FARINAS:

24 No objection.

1 JUDGE JONES:

2 Very well. It is so admitted. Okay.
3 Mr. Fuce, I believe we're progressing to Exhibit C?

4 A. Yes, ma'am.

5 JUDGE JONES:

6 And we will note for identification
7 purposes only, Exhibit C is a letter to PGW from Mr.
8 Fuce and Ms. Fuce. It's a one page letter referencing
9 number 6335-2-001. Mr. Fuce, is that your account
10 with PGW?

11 (Complainant's Exhibit C marked for
12 identification.)

13 A. That's my personal reference number.

14 JUDGE JONES:

15 Okay. All right. Okay. Your account
16 with PGW is 0241459471; is that correct?

17 A. That's correct.

18 JUDGE JONES:

19 That is referenced in the letter?

20 A. Yes, ma'am.

21 JUDGE JONES:

22 It appears that as of this date you have
23 been informed about an increase to your CRP payment
24 because you referred to another dollar amount per

1 month as opposed to \$57, \$54 per month, and that
2 amount is \$95.53; is that correct, sir?

3 A. No, ma'am. I was sent a bill without notification
4 of any increase of value of the agreement.

5 JUDGE JONES:

6 Okay. So apparently through the bill you
7 were notified of a monthly payment of \$95.53; is
8 that ---?

9 A. Without notification that the bill was going to
10 be ---

11 JUDGE JONES:

12 Okay.

13 A. --- valued at.

14 JUDGE JONES:

15 So your notification was, in fact, the
16 bill?

17 A. Yes.

18 JUDGE JONES:

19 When did you receive this bill?

20 A. I received the bill --- I believe it was on the
21 21st day of the month of April.

22 JUDGE JONES:

23 Okay. So that prompted you to write this
24 letter?

1 A. Excuse me. Let me correct myself. On the 20th
2 day of the month of April.

3 JUDGE JONES:

4 Okay. So 4/20/06 you received a bill
5 from PGW requesting payment for \$95.53 for gas
6 service. Then you wrote a letter 4/21/06 referencing
7 that amount and saying, I'm supposed to pay \$57.54
8 according to my CRP agreement?

9 A. No, I wasn't notified of any increase to the value
10 of the CRP agreement.

11 JUDGE JONES:

12 Okay. So you're saying --- that's
13 interesting, Mr. Fuce. Instead of you saying PGW,
14 your bill has to be wrong because I'm supposed to pay
15 \$57.53 according to my CRP agreement. You assumed
16 that you had to be notified of an increase in the CRP
17 agreement?

18 A. Correct.

19 JUDGE JONES:

20 So you said the \$95.53 cannot be right
21 because I was not notified of an increase?

22 A. Right.

23 JUDGE JONES:

24 Okay. All right. And this was your way

1 of communicating that to PGW

2 A. Correct.

3 JUDGE JONES:

4 --- through this letter?

5 A. That's correct.

6 JUDGE JONES:

7 Is there anything else you wish for me to
8 know about this letter, sir?

9 A. Well, in this letter, Your Honor, I advised that
10 we had reserved our rights without prejudice pursuant
11 to the Uniform Commercial Code 1-207.7, and if PGW
12 does not adjust the agreement we would take legal
13 action.

14 JUDGE JONES:

15 Okay.

16 A. Or have ---.

17 JUDGE JONES:

18 You want me to note the fourth
19 paragraph ---

20 A. That's correct.

21 JUDGE JONES:

22 --- of the letter where you actually do
23 say now Uniform Commercial Code?

24 A. That's correct.

1 JUDGE JONES:

2 Okay. All right. Mr. Farinas, is there
3 any objection?

4 ATTORNEY FARINAS:

5 Yes, Your Honor. I do have an objection.
6 I agree that the letter says what it says and was sent
7 on or around the date. However, the assertions that
8 the Uniform Commercial Code applies in this matter, I
9 object to that for two reasons. One, there is
10 something called the Pennsylvania Commercial Code,
11 which is not the same thing as the UCC. The UCC isn't
12 the law anywhere, it is the sort of model law that
13 other states can use from. And secondly, the
14 Commission is only authorized to have jurisdiction and
15 decide on matters that are having to do with statutes
16 that they've been given specific authority to
17 adjudicate. And the UCC is not among them or the
18 Pennsylvania Commercial Code is not among them. The
19 Pennsylvania Public Utility Code is the main statute,
20 which the Commission has authority to rule on.

21 JUDGE JONES:

22 Very well. Mr. Fuce, I am going to
23 attempt to interpret in laymen's terms what Mr.
24 Farinas objection amounts to. Mr. Farinas is

1 basically saying that I as a representative of the
2 Commission, as well as the Commission, have to follow
3 the statute that enables this agency. And that statute
4 basically says that I can follow everything that's
5 under Title 66 Pa.CS Sections 100 through, I believe
6 it's somewhere in the 3,000s. The Uniform Commercial
7 Code is not among those. However, I don't believe
8 that that usurps my jurisdiction here. I do believe,
9 however, it usurps some of the remedies you may be
10 seeking. You're as I said, at the beginning
11 proceeding, what you are here is you did not --- in
12 your interpretation of what has occurred, you did not
13 receive adequate notice of a change in your CRP
14 payment. That can be interpreted, if that is proven
15 to be true, as PGW not providing adequate service to
16 you. I can under that interpretation provide a
17 violation to PGW and I can according to that
18 interpretation, fine PGW. However, I cannot, as you
19 have requested, provide payment for pain and suffering
20 as a remedy. I cannot as you have suggested provide
21 any remedy under the UCC code; do you understand, Mr.
22 Fuce?

23 A. Yes.

24 JUDGE JONES:

1 So in part, Mr. Farinas' objection is to
2 the remedies that you may receive in this particular
3 proceeding. Also in part Mr. Farinas' objection to
4 this document is that the UCC code does not apply here
5 because there is a Pennsylvania Commercial Code that
6 has been adopted by the state of Pennsylvania and that
7 is what we follow when we're dealing with contracts,
8 commercial contracts, in Pennsylvania, not the Uniform
9 Commercial Code. And he is accurate on that, sir, so
10 I --- while I do see what you have written I am going
11 to take his objection under advisement. It is
12 sustained in part and overruled in part. The
13 sustaining in part is that the UCC does not apply.
14 The Pennsylvania UCC, however, does apply and I cannot
15 provide remedies under that because the commission has
16 not given me the authority to do that, and if I find
17 PGW has not given you adequate notice they should
18 have, then I can say that PGW is in violation of
19 providing adequate service to you as a rate carrier.
20 Are we clear, sir?

21 A. Yes, ma'am.

22 JUDGE JONES:

23 Okay. Mr. Farinas, do you understand my
24 ruling?

1 ATTORNEY FARINAS:

2 Yes, I do.

3 JUDGE JONES:

4 Okay. Exhibit C is admitted based on the
5 sustaining and overruling of the objection of PGW.

6 Okay. Mr. Fuce, we are moving on to Exhibit D?

7 A. Yes, ma'am.

8 JUDGE JONES:

9 This is a response from PGW to you by a
10 Mr. George Galano (phonetic), I believe.

11 A. That's correct.

12 JUDGE JONES:

13 Is there anything specific you wish for
14 me to highlight in reference to Exhibit D?

15 A. Just that he received it and said that he
16 forwarded it to the appropriate department for
17 corrective action.

18 JUDGE JONES:

19 Now, when you say received it, he
20 received your correspondence in reference to the CRP
21 payment?

22 A. That's correct.

23 JUDGE JONES:

24 All right. Mr. Farinas, is there any

1 objection to the identification and admittance of
2 Exhibit D?

3 ATTORNEY FARINAS:

4 No objection, Your Honor.

5 JUDGE JONES:

6 Very well. It is admitted. Okay. Mr.
7 Fuce, we are moving on to Exhibit E. This is your
8 attempt to characterize what has occurred on your
9 complaint in reference to notification of the CRP
10 payment amount; is that correct?

11 A. That's correct.

12 JUDGE JONES:

13 Okay. Mr. Farinas, is there any
14 objection to Exhibit E? Exhibit E is actually two
15 pages.

16 (Complainant's Exhibit E marked for
17 identification.)

18 ATTORNEY FARINAS:

19 I have no objection.

20 JUDGE JONES:

21 Very well. Exhibit E is admitted, as
22 identified, into the record. Mr. Fuce, Exhibit F is
23 actually the company's response to your complaint
24 although the pages are somewhat out of order. The

1 verification usually comes behind the actual
2 complaint.

3 (Complainant's Exhibit F marked for
4 identification.)

5 A. Okay.

6 JUDGE JONES:

7 Okay. That's okay. I can take it.

8 A. All right.

9 JUDGE JONES:

10 Mr. Farinas, I assume you have no
11 objection?

12 ATTORNEY FARINAS:

13 I didn't know the purpose of putting the
14 verification first. I wasn't sure if he was --- so if
15 you need it to be the entire Answer I have no
16 objection. Normally we don't do this, but I have no
17 objection.

18 JUDGE JONES:

19 Okay. I believe he's trying to verify
20 that you are the person that answered the complaint.

21 ATTORNEY FARINAS:

22 Yes, I am.

23 JUDGE JONES:

24 Okay. All right. Exhibit F is admitted

1 as identified. Okay. Exhibit G is Mr. Fuce's letter
2 dated November 20th, 2006 and addressed to myself.
3 And it's Mr. Fuce's attempt to verify that he is still
4 complaining about not receiving notice from PGW in
5 reference to his CRP payment; is that correct, Mr.
6 Fuce?

7 (Complainant's Exhibit G marked for
8 identification.)

9 A. Yes.

10 JUDGE JONES:

11 Exhibit G is identified for the record.
12 Is there anything specific that you wish for me to
13 note in Exhibit G, Mr. Fuce?

14 (Complainant's Exhibit G marked for
15 identification.)

16 A. Up to this point I didn't receive anything in
17 writing from PGW.

18 JUDGE JONES:

19 Okay. So as of the date of this letter,
20 November 20th, 2006 you have yet to receive anything
21 in writing from PGW stating that your CPR --- why do
22 you have CPR?

23 A. My error. I'm sorry. That was my error.

24 JUDGE JONES:

1 Okay.

2 A. It's CRP. CRP.

3 JUDGE JONES:

4 Okay. It doesn't take much to confuse
5 me. Okay. We will note that where you have CPR, you
6 do mean CRP.

7 A. CRP. That's correct.

8 JUDGE JONES:

9 Okay. That your CRP agreement payment
10 has changed from what you had noted was \$57.54?

11 A. That's correct. Without the notification.

12 JUDGE JONES:

13 Okay. All right.

14 ATTORNEY FARINAS:

15 Your Honor, I'm going to object to that
16 for several reasons. One, yes, it is a piece of
17 correspondence. It seems to contain the demand that I
18 am somehow required to answer this notice with an
19 explanation. Under Commission's rules I did on
20 October, whatever date it was, answer the complaint
21 timely, providing an explanation. So I was not
22 obligated to respond to this. And the substance of
23 it, it maintains that he is not receiving notice from
24 PGW. I in fact, gave him, I believe, seven paragraphs

1 of very clear notice as to the reason and a response
2 to his complaint. Therefore it's irrelevant and on
3 its face contradicts his earlier statement.

4 JUDGE JONES:

5 Okay. I'm going to overrule your
6 objection. Basically, I'm going to give the Exhibit
7 the weight that it deserves. I note that you have ---
8 he has put in Exhibit F prior to Exhibit G, that had
9 your Answer. It's possible that Mr. Fuce did not
10 understand how your Answer applied to him. So I will
11 give it the weight that it deserves, but I do not find
12 it irrelevant altogether and I will admit it based on
13 that. Oh, I need to note that Exhibit G is three
14 pages, the last page being a verification of mailing.
15 Mr. Fuce, is there anything else you wish to add that
16 we have not already gone through in my question and
17 answer to you?

18 A. For the record, I just --- I, Joseph Fuce, Jr., as
19 second generation sovereign, object to any
20 presentations made by Laureto Farinas, Esquire, the
21 legal representative for PGW, who acting under the
22 common law knowingly and willfully neglected to
23 provide the CRP contract showing my lawful name and
24 authentic autograph and which PGW denied breaching.

1 Furthermore, Mr. Farinas, as previously stated in the
2 complaint, neglected to provide evidence of the
3 notification made by PGW prior to the billing of the
4 annual recertification. I, Joseph, without dishonor,
5 wish to remain silent without prejudice under the
6 Uniform Commercial Code 1-207 concerning all other
7 issues or matters.

8 JUDGE JONES:

9 Anything else, Mr. Fuce?

10 A. That is all, Your Honor.

11 JUDGE JONES:

12 Mr. Farinas, I'm surprised you did not
13 object.

14 ATTORNEY FARINAS:

15 I'm not sure what the meaning of it was.
16 Your Honor, if this is a motion to preclude me from
17 submitting evidence today I would like to respond to
18 it ---.

19 JUDGE JONES:

20 It's not a motion, sir. I did not take
21 it as a motion.

22 ATTORNEY FARINAS:

23 Your Honor, I object to that statement
24 because I don't know the legal significance of it.

1 Again, he calls upon relief that is not available to
2 him from the Uniform Commercial Code and I'd ask that
3 it be stricken from the record.

4 JUDGE JONES:

5 I'm not going to have it stricken because
6 Mr. Fuce has been consistent in calling upon the UCC.
7 I believe that that needs to be in the record for his
8 belief that that was applicable somehow in the
9 circumstances. We have already explained to Mr. Fuce
10 how that is a model and the appropriate code would be
11 the Pennsylvania Code. We have explained to Mr. Fuce
12 even if that were the case that he referenced that,
13 that this body, this agency, the Pennsylvania Public
14 Utility Commission cannot act upon that. So I'm not
15 going to --- I'm going to overrule your objection, Mr.
16 Farinas. However, I do not characterize what Mr. Fuce
17 testified to as a motion and I do not believe that he
18 has precluded you from providing exhibits to present
19 your case.

20 ATTORNEY FARINAS:

21 Thank you.

22 JUDGE JONES:

23 And if he is under that belief when you
24 do present your case we will deal with it then.

1 ATTORNEY FARINAS:

2 Your Honor, there's one other phrase that
3 he mentioned in there, separating them out as I'm
4 recalling what he said. He wants to remain silent on
5 any other issue?

6 JUDGE JONES:

7 I heard that as well.

8 ATTORNEY FARINAS:

9 I'm not sure --- will he be responding to
10 my Cross Examination?

11 JUDGE JONES:

12 We will see, wcn't we, Mr. Farinas?
13 Okay. Mr. Fuce, does that end your presentation for
14 your case, sir?

15 A. Yes, ma'am.

16 JUDGE JONES:

17 Okay. You have no further witnesses to
18 present?

19 A. No, ma'am.

20 JUDGE JONES:

21 No further documents?

22 A. No, ma'am.

23 JUDGE JONES:

24 Okay. Very well. Mr. Fuce, I'm going to

1 prevail on you to sit there a little while longer.

2 Mr. Farinas, this witness is available for your Cross
3 Examination.

4 ATTORNEY FARINAS:

5 Thank you, Your Honor.

6 EXAMINATION

7 BY ATTORNEY FARINAS:

8 Q. Mr. Fuce, I just want to get a few other timelines
9 straightened and I want to try to refresh your
10 recollection with a document that --- a PGW document
11 that contains the record of your bills.

12 ATTORNEY FARINAS:

13 Your Honor, I'd like to have marked as
14 PGW Exhibit One, the first document that I previously
15 distributed.

16 BY ATTORNEY FARINAS:

17 Q. Mr. Fuce, I had shown you this document. It is
18 marked as PGW Exhibit One. It has --- it's titled
19 History Report for Account and it gives the account
20 number for your account. You had mentioned, if I can
21 refer you to the document, the extreme left hand
22 column, which shows a listing of dates. Okay. You
23 had mentioned that you had first enrolled in the
24 customer responsibility program, CRP, in 2005. Is

1 that --- do you still remember that or ---?

2 A. I wish to remain silent without prejudice under
3 the Uniform Commercial Code 1-207.

4 ATTORNEY FARINAS:

5 Your Honor, I knew this was going to
6 happen. Your Honor, please instruct the witness to
7 answer my question.

8 JUDGE JONES:

9 Mr. Fuce, let me say in addition to
10 instructing you to answer a question, it is incumbent
11 upon you to provide significant evidence to show that
12 the company did not provide notice. If you are an
13 obstacle for that evidence then I --- you give me no
14 choice then to find that you have not provided
15 sufficient evidence to prove your case. I do not see
16 any prejudice to you as an individual for answering
17 Mr. Farinas' question. You have provided information
18 for me when I ask a question. If there is any
19 prejudice to you, sir, I would need to know what
20 prejudice it is an order to rule favorably for you. I
21 would think that you would want me to try to see your
22 point of view. So all that being said, Mr. Fuce, I
23 would urge you to answer Mr. Farinas' question?

24 A. With all due respect, Judge, Mr. Farinas of PGW

1 hasn't shown me any contract that I have signed
2 concerning this account.

3 ATTORNEY FARINAS:

4 Your Honor, I don't think it's responsive
5 to my question to him.

6 JUDGE JONES:

7 Okay. Mr. Fuce, do you recall the
8 question that Mr. Farinas asked?

9 A. Yes.

10 JUDGE JONES:

11 Okay. He is not asking in reference to
12 you signing an account. He is asking in reference to
13 a time frame for you to be a CRP customer. You have
14 established in your testimony that you were, indeed, a
15 CRP customer. He is just making sure that the record
16 is accurate as to when you became a CRP customer. Do
17 you understand that, Mr. Fuce?

18 A. I understand.

19 JUDGE JONES:

20 Okay. Are you able to answer his
21 question?

22 A. Can you repeat the question?

23 BY ATTORNEY FARINAS:

24 A. Surely. Mr. Fuce, you made reference in your

1 testimony that you became a customer responsibility
2 program participant in 2005. Is that your
3 recollection?

4 A. Yes.

5 Q. Okay. I'll show you this document, which I have
6 marked as PGW Exhibit One. I refer your attention to
7 the left hand column, which is a listing of dates. I
8 refer you down to the date of April 8th, 2004.
9 Following this line across on this document the next
10 column contains information that says CRP FRZ. I'm
11 not asking you if you know what that is, but that on
12 PGW's records indicates that you became a CRP
13 participant in April of 2004. Does that refresh your
14 recollection?

15 A. Yes.

16 Q. Do you change your testimony to indicate that you
17 have now remember that you became a CRP participant in
18 2004?

19 A. In '04, yes.

20 Q. I'm going to show you the rest of this document,
21 if I can direct your attention to all of the columns
22 that follow April 8th, 2004. The third column from
23 the left shows a listing of bills and payments. Where
24 the second column says paid that means where you paid.

1 Where it says billed that means what you were billed.
2 Can I --- would you agree with me that the third
3 column from the left lists the bills and payments that
4 were made --- that you made under CRP during that
5 time? Does it reflect the payments that you made?
6 You have to speak ---.

7 A. (Indicates yes.)

8 ATTORNEY FARINAS:

9 Let the record reflect that he nodded his
10 head.

11 JUDGE JONES:

12 I did not see the nod so I have ---
13 because I'm waiting for an answer.

14 A. Yes.

15 BY ATTORNEY FARINAS:

16 Q. Mr. Fuce, I refer you to this --- the next page.
17 You had participated in the CRP, the customer
18 responsibility program, from April of 2004 all the way
19 to --- well, actually to the present. When did you
20 receive the first bill that was for an amount more
21 than the --- originally you were paying \$53; is that
22 correct?

23 A. I promised to pay \$53, yes.

24 Q. And then there was a period afterward where there

1 was an additional --- there was a slight increase. Do
2 you recall that?

3 A. I believe it was on the recertification, annual
4 recertification.

5 Q. Okay. After the amount of \$53 that you paid what
6 was the next amount that you paid?

7 A. I promised to pay \$57.46.

8 Q. So it did increase? The amount that you paid did
9 increase from your original enrollment in the CRP; is
10 that correct?

11 A. Yes.

12 Q. Following that --- I think we're up to the matter
13 we're now in controversy over. When did you receive
14 the bill increasing your payment from the \$50 figure
15 to the \$90 figure?

16 A. The 20th day of the month of April 2006.

17 Q. Mr. Fuce, I'll show you a copy of a PGW bill,
18 which is dated April 11th, '06. Is this the bill?
19 Does this bill look familiar to you? It's dated April
20 11th. It was obviously sent into the mail after April
21 11th and it has a due date of May 5th. It would have
22 been the bill that you received at the time that
23 you've indicated?

24 A. That looks like the bill.

1 Q. That looks like the bill?

2 A. Yeah.

3 Q. The bill is in the amount of \$95.93; is that
4 correct?

5 JUDGE JONES:

6 How about \$92.53?

7 ATTORNEY FARINAS:

8 Your Honor, actually the bill does state
9 \$95 and my witness can explain.

10 JUDGE JONES:

11 Okay.

12 A. I'd like to object for the record.

13 JUDGE JONES:

14 You'd like to object to his question?

15 A. To the bill --- to them sending me the bill. I
16 mean, I'm saying that ---.

17 JUDGE JONES:

18 I don't understand the objection, Mr.
19 Fuce. You can object to the exhibit, you can object
20 to his question.

21 A. Okay. Your question was again?

22 BY ATTORNEY FARINAS:

23 Q. Does this look like the bill that you
24 received ---?

1 JUDGE JONES:

2 No. He did say yes.

3 ATTORNEY FARINAS:

4 Yes. Okay.

5 JUDGE JONES:

6 He said yes to that question. I heard
7 that.

8 BY ATTORNEY FARINAS:

9 Q. Does this bill say that it's in the amount ---

10 JUDGE JONES:

11 That was the question, because I
12 said ---.

13 BY ATTORNEY FARINAS:

14 Q. --- of \$95.53?

15 A. The value is correct.

16 Q. So on the bill dated April 11th, 2006 was the
17 payment date of May 5th is the date you noticed that
18 your bill had now increased to the \$90; is that
19 correct?

20 A. I wish to remain silent.

21 ATTORNEY FARINAS:

22 I object to his answer.

23 JUDGE JONES:

24 It's his answer. That is his answer, Mr.

1 Farinas.

2 ATTORNEY FARINAS:

3 Your Honor, it's not responsive to the
4 question.

5 JUDGE JONES:

6 I understand that. Mr. Fuce, do you wish
7 to not answer the questions?

8 A. I wish to remain silent.

9 JUDGE JONES:

10 Invoking what rights, sir?

11 A. Remaining silent without prejudice under Uniform
12 Commercial Code 1-207 concerning all issues of the
13 matter.

14 JUDGE JONES:

15 Okay. I don't . . .

16 ATTORNEY FARINAS:

17 Your Honor, I am --- on behalf of my
18 client, PGW, we are being deprived of our rights under
19 this hearing.

20 JUDGE JONES:

21 Mr. Farinas, it's not necessary to go
22 into that. I have a witness that is non-responsive to
23 your question, that prejudices him for this case. Do
24 you wish to admit the exhibit?

1 ATTORNEY FARINAS:

2 I will be admitting the exhibit when my
3 client testifies.

4 JUDGE JONES:

5 Okay. Move on.

6 ATTORNEY FARINAS:

7 Thank you, Your Honor.

8 BY ATTORNEY FARINAS:

9 Q. Mr. Fuce, I want to show you one of your exhibits,
10 that is Complainant's Exhibit F. It was the Answer
11 that I filed in response to your complaint. This is
12 the document that was sent before your communication
13 in Complainant's Exhibit G where you stated that you
14 didn't get an answer to your request. On
15 Complainant's Exhibit F I'd like to direct your
16 attention to paragraph 4B, and by B-1 mean, the
17 B-1, B-2, B-3, B-4, B-5 and B-6. Could I ask you to
18 agree with me that the substance of paragraph 4B-1
19 states that in March 2006 you submitted information
20 for recertification for CRP?

21 A. I wish to remain silent without disorder under
22 Uniform Commercial Code 1-207.

23 JUDGE JONES:

24 Now, Mr. Fuce, I don't understand why you

1 wish to remain silent in reference to your own
2 exhibit. This is your exhibit that he is referring
3 to.

4 A. Well, basically, Your Honor, it's my notice of
5 objection to all his questions because, again, PGW or
6 Mr. Farinas hasn't provided me with a contract.

7 JUDGE JONES:

8 I understand. Mr. Fuce, ---?

9 A. With my ---

10 JUDGE JONES:

11 Mr. Fuce?

12 A. --- autograph on it.

13 JUDGE JONES:

14 Mr. Fuce, I understood when I came in
15 here what your dispute was. I articulated it to you
16 and you agreed with me. So you have to know that I
17 understand what you're trying to have as an outcome
18 for this case. However, that being said, Mr. Farinas
19 is asking you about a document that you provided as an
20 exhibit into this case. You did not say that you were
21 objecting to anything on this exhibit, so I find it
22 very difficult to understand why you would now object
23 to what is said in this exhibit that you provided.

24 A. Judge, ---.

1 JUDGE JONES:

2 Can you help me understand that?

3 A. Without dishonor I wish to remain silent without
4 prejudice under the Uniform Commercial Code 1-207 ---

5 JUDGE JONES:

6 Okay.

7 A. --- concerning all of the issues.

8 JUDGE JONES:

9 All right.

10 ATTORNEY FARINAS:

11 Your Honor, I move to dismiss this matter
12 for what is tantamount to lack of prosecution, lack of
13 cooperation and contempt for this forum.

14 JUDGE JONES:

15 Mr. Fuce, I am trying to be very patient,
16 but it is difficult, I think, particularly here
17 because this is your exhibit. Mr. Farinas did not
18 move this exhibit into the record. You did, which I
19 was frankly surprised, but it was your case. You
20 labeled it Exhibit F. You made it pages one through
21 three. You did not change, you did not say, I wish to
22 change anything on this exhibit. I allowed you to
23 highlight anything you wanted me to highlight on the
24 exhibit, and we admitted the exhibit in without

1 modification. Mr. Farinas is asking you if the
2 exhibit says what it says. That seems to be a yes or
3 no answer. It does not prejudice you at all because
4 it's your exhibit and you're invoking a right for the
5 UCC to say that you wish to be silent? I don't
6 understand the logic behind that, Mr. Fuce.

7 A. Well, Your Honor, I invoked this right before he
8 even started questioning me.

9 JUDGE JONES:

10 I understand, but now you're invoking the
11 right specific to this exhibit he's questioning you
12 on, which is your exhibit. I don't understand that,
13 Mr. Fuce, and it is very disrespectful for this forum
14 to have business articulated and expeditiously handled
15 with you remaining silent on an exhibit that you
16 admitted, sir. Can you understand that you are close
17 to contempt and very close to dismissal of your case
18 as obstructing the business of this forum?

19 A. May I ask the Court a question?

20 JUDGE JONES:

21 I have a question to pose first, sir.
22 Then you may ask your question. I'm asking why or how
23 this is prejudicial to you, how you can invoke silence
24 under the UCC on an exhibit that you provided that you

1 did not modify, when he is just asking, does it say
2 what it says?

3 A. Your Honor, when I ---.

4 JUDGE JONES:

5 No, answer the question, sir.

6 A. Without dishonor I wish to remain silent.

7 ATTORNEY FARINAS:

8 Your Honor, I move to dismiss this
9 matter. In fact, Mr. Fuce is saying that it's okay
10 for him to come and complain about PGW and he wants
11 relief from this forum. However, he precludes any
12 other party from having their matters aired or issues
13 aired.

14 A. I object. I object.

15 JUDGE JONES:

16 Your objection is overruled. Mr.
17 Farinas, your motion is sustained. At the reluctance
18 of this Judge who tries to be very patient with a pro
19 se Complainant I regret to grant your motion, sir. I
20 do not see how I can be fair to the utility as well as
21 to Mr. Fuce when we are obstructed from obtaining
22 evidence, accurate evidence, on the record to make an
23 objective and impartial decision. Mr. Farinas, you
24 may terminate your Cross. I'm sorry, sir. Mr. Fuce,

1 you have in effect derailed your own complaint by not
2 being cooperative with this forum and I will be
3 providing a written decision based on the record that
4 we have obtained thus far, ruling in favor of PGW's
5 motion to dismiss. We are adjourned.

6 ATTORNEY FARINAS:

7 Thank you, Your Honor.

8 A. Thank you, Your Honor.
9

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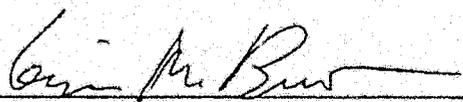
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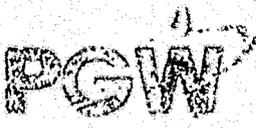
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C E R T I F I C A T E

I hereby certify, as the
stenographic reporter, that the foregoing
proceedings were taken stenographically by
me, and thereafter reduced to typewriting
by me or under my direction; and that this
transcript is a true and accurate record
to the best of my ability.



Court Reporter



PHILADELPHIA GAS WORKS
800 W. MONTGOMERY AVENUE, PHILADELPHIA, PA 19122-0050

Notice Date: 03/15/06
Account Number: 0241459471

Recertification Reminder Notice
CUSTOMER RESPONSIBILITY PROGRAM

IT'S YOUR CRP ANNIVERSARY!

It is time to update your Customer Responsibility Program (CRP) Agreement. In order to stay in CRP, you are required to give PGW updated information on your household income.

HOW TO UPDATE YOUR CRP AGREEMENT.

You can update your CRP Agreement either of the following ways:

1. Visit one of PGW's Customer Service Centers; or
2. Complete the enclosed "CRP Mail-Recertification Form", sign the "Recertification Agreement" and return them with copies of the required documentation to PGW at:
**Philadelphia Gas Works
P.O. BOX 3529
Philadelphia, PA 19122-0529**

WHAT DOCUMENTS ARE NEEDED TO UPDATE YOUR CRP AGREEMENT?

To update your CRP Agreement, you must bring the following documentation to one of PGW's Customer Service Centers listed on this notice OR send copies of the following documentation with the completed CRP Mail Recertification Agreement to the address listed above:

1. **Proof of Current Household Income.**
Examples: Pay Stubs for at least the last 30 days, DPW#, a letter from your employer, social security printout, etc. This information is needed for all members of the household.
2. **Social Security Cards for all Household Members.** (Please do not send originals).

Remember!

You **MUST** provide PGW with this information within 30 days of this notice, before your CRP anniversary. You must be up to date on your CRP payment in order to maintain your gas service.

As of today you must pay \$57.54 to be up to date on your CRP payments.

If you do not update your CRP agreement on time your CRP Agreement will be in default. Failure to meet the above requirements could result in removal from the program.

If you are removed from CRP, you will be required to pay our full monthly gas bill(s) plus any previously unpaid gas bills you owe to PGW. Further, once you are removed from CRP, PGW may pursue regular collection activity against you. This could lead to your gas service being shut off.

FOR MORE INFORMATION, CALL OR VISIT ONE OF THE FOLLOWING LOCATIONS:

CUSTOMER SERVICE DEPARTMENT
TELEPHONE 235-1000
MONDAY-FRIDAY, 7AM - 6PM

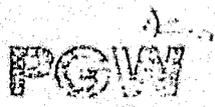
CUSTOMER SERVICE CENTERS
Hours of operation are 9 AM to 5 PM

- 1137 Chestnut St. (M, T, Th, F)
- 4410 Frankford Avenue (T, Th, F)
- 212 West Chelton Avenue (T, W, F)
- 1337 West Eric Avenue (M, W, Th)
- 1601 South Broad Street (M, W, Th)
- 5230 Chestnut Street (M, T, W, F)

RECEIVED
JAN 08 2007
PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Questions or complaints about your bill? Please call us before the Due Date at 215-235-1000...
Or write to: PGW P.O. Box 3500, Phila., PA 19122-0050

Please return this portion with your payment.
Write your account number on your check or money order made payable to PGW.



Place "X" in box for address corrections. Print corrections on reverse side.

DOCUMENT FOLDER

Account Number: 0241459471
Notice Date: Mar 15, 2006
Please Pay: \$57.54

Amount Enclosed:

1007 1 AT 0.308 **AUTO**SCH 3-DIGIT 191
JOSEPH FUCE 2ND
4547 OLD YORK RD 2
PHILA, PA 19140
C-20066831
PHILA, 12/7/06

Philadelphia Gas Works
P.O. Box 17606
Baltimore, MD 21297-1606

Exhibit - A

EXHIBIT
cl. exp. A.
12/7/06
C-20066831

0002414594718000000000057547

Exhibit - B

Phila. Gas Works

:Joseph:&:Karen-E.:Fuce:II:
4547 Old York Rd. 2nd Fl.
Philadelphia, Pa 19140

Ref#6335-2-001

Date: 3/22/06

Philadelphia Gas Works
Customer Responsibility Program[CRP]
P.O. Box 3529
Philadelphia, Pa 19122-0529

Letter of Notice

Refs: Acct.#0241459471

Re: Verification, No Income

P.G.W.,

For the Letter of Notice is to inform the P.G.W., that, I, :Joseph: of
the :Fuce:-Family, in the second generation, have no income.

Be advised, :Karen-E.:Fuce:II:, my Wife, recieves the only income
concerning the above residence[Apt.].

Declaration

I, :Joseph: of the :Fuce:-Family, in the second generation, declare,
under penalty of perjury, under the Laws of the United States of
America, in the jurisdiction of the United States Flag, that, the Letter
of Notice is true.

Joseph Fuce II
:Joseph:Fuce:II: Customer
All rights reserved 1-207

KAREN-E: FUCE:II:
:Karen-E.:Fuce:II: - Witness
All rights reserved 1-207

cc: Fuce,II

DOCUMENT
FOLDER

RECEIVED

JAN 08 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKETED

JAN 09 2007

C-20066831
PHILA, 12/7/06

1 of 5

EXHIBIT
Cl. ex. B
12/7/06
C-20066831

RECERTIFICATION - AGREEMENT

CUSTOMER RESPONSIBILITY PROGRAM (CRP)

Philadelphia Gas Works
P.O. Box 3529
Philadelphia, PA 19122 - 0529

In order to process your CRP recertification, you must sign this form and mail a copy to PGW along with the MAIL RE-CERTIFICATION FORM and proper documentation.

By recertifying your CRP agreement via mail, you are agreeing to the following rules:

1. I agree to pay PGW the total monthly payment determined by PGW through the recertification process plus \$3 towards my pre-program arrears (back bills), any other additional charges that may apply to me.
2. I agree to apply for LIHEAP each year and assign the grant to PGW. The LIHEAP CASH grant will be used to help cover the difference between my CRP payment and my actual monthly gas bill.
3. I understand that if I miss one (1) payment, I will be in default with the program, collection activity will begin, and can have my service terminated.
4. I agree that I must prove my household income eligibility for CRP each year. I also agree to let PGW install an Automatic Meter Reading (AMR) device on my gas meter, and to accept services from PGW's conservation programs if offered to me. I understand that if I do not do these things, I can be removed from the CRP and cannot get back on until I do them.
5. I understand that if I pay my monthly CRP payment each month on time, my pre-program arrears (back bill) will be forgiven by 1/36 per month.
6. I authorize the Philadelphia Gas Works to verify all information provided on this form including verification with City and State records. PGW may use credit report to verify income information.

Customer Signature: JAYCE H. FREE, II without prejudice 1-207
Date: 3.22.06

10-69-4515

Jayce H. Free, II - Customer
without prejudice 1-207

2 of 5

PHILADELPHIA GAS WORKS
CUSTOMER RESPONSIBILITY PROGRAM (CRP)
MAIL RE-CERTIFICATION FORM

KAREN-E FACE, II

NAME: Joseph Face II PGW ACCOUNT #: 0241459471
ADDRESS: 4547 old York Rd - Apt # 2, Phila, PA, 19142

1. SOCIAL SECURITY NUMBER:
2. HOME PHONE NUMBER:
3. WORK PHONE NUMBER:

[283-46-6436] | [164-58-6444]
215-455-7679
215-939-8835

4. SOURCE(S) OF INCOME:

- | | |
|--|--|
| <input checked="" type="checkbox"/> EMPLOYMENT | <input type="checkbox"/> CHILD SUPPORT |
| <input type="checkbox"/> PUBLIC ASSISTANCE | <input type="checkbox"/> RENTAL PROPERTY |
| <input type="checkbox"/> SOCIAL SECURITY | <input type="checkbox"/> UNEMPLOYMENT COMPENSATION |
| <input checked="" type="checkbox"/> SSI | <input type="checkbox"/> NONE |
| <input type="checkbox"/> PENSION/RETIREMENT | <input type="checkbox"/> OTHERS |
| <input type="checkbox"/> DISABILITY | |

5. TOTAL GROSS INCOME FOR EVERYONE LIVING IN YOUR HOME:

\$ 1,028.00 MONTHLY X 12 = \$ 12,340.00 ANNUALLY

Attach copies of proof of income for everyone living in your home. See reverse side for list of income documentation.

6. NUMBER OF PEOPLE LIVING IN YOUR HOME 2

HOW MANY PEOPLE ARE 62 YEARS OF AGE AND OVER 0
HOW MANY PEOPLE ARE 18 YEARS OF AGE AND UNDER 0

Attach copies of social security cards for everyone living in your home

7. DO YOU LIVE IN A:

PRIVATE HOME APARTMENT

8. REAL ESTATE INFORMATION:

RENT OWN OTHER

LANDLORD/AGENT NAME: MINN THAI
LANDLORD/AGENT ADDRESS: 4547 old York Rd

3/22/06

3095

740 00 MONTH

~~321~~

FOLD AND REMOVE

FOLD AND REMOVE

YOUR BANKING

EARNINGS HOURS RATE AMOUNT YTD AMOUNT

REGULAR 40.00 9.250 370.00

TOTAL EARNINGS 370.00 2541.37

EMPLOYER INFORMATION

FILING STATUS TAX TYPE AMOUNT YTD AMOUNT

HOME HELPERS
123 BURMONT ROAD
REXEL HILL, PA 19026

FLAT M 00 SOC SEC 22.94 157.57
M 00 MEDICARE 5.37 36.86
M 00 FEDERAL 0.00 26.11
M 00 PA 11.36 78.02
M 00 SUI .33 2.29
M 00 PHILA 15.91 109.29

PAY PERIOD 03/11/06 TO 03/24/06
CHECK DATE 03/31/06 CHECK # 3225103250

TOTAL WITHHOLDINGS 55.91 410.14

PERSONAL INFORMATION

ADJUSTMENTS AMOUNT YTD AMOUNT

4 of 5

**Social Security Administration
Supplemental Security Income
Notice of Planned Action**

Date: September 30, 2006
Claim Number: 203-46-6436 DI

245 CMP2.M10.014.002709 000002709 01 AT 0.308

KAREN ELIZABETH FUCE
4547 OLD YORK RD
2ND FLOOR
PHILADELPHIA PA 19140-1209
[Barcode]

Type of Payment:
Individual-Disabled

We are writing to tell you about changes in your Supplemental Security Income payments. The following chart shows the SSI money due you for the months we changed. As you can see from the chart, we are only changing your payments for future months. The rest of this letter will tell you more about this change.

We explain how we figured the monthly payment amounts shown below on the last page(s) of this letter. The explanation shows how your income, other than any SSI payments, affects your SSI payment. It also shows how we decided how much of your income affects your payment amount. We include explanations only for months where payment amounts change.

Your Payments Will Be Changed As Follows:

From	Through	Amount Due Each Month
November 1, 2006	Continuing	\$105.50

We will reduce your payments as shown above beginning November 2006.

Information About Your Payments

The new payment due you as shown above is the amount we would send each month if we were not recovering an overpayment. Because we will continue to withhold \$40.00 each month until the remaining overpayment of \$3,837.92 is recovered, your new payment amount will be \$65.50 beginning November 2006.

Your Payment Is Based On These Facts

You had monthly income which must be considered in figuring your eligibility as follows:

See Next Page

5 of 5



Philadelphia Gas works

:Joseph:Fuce:II:
4547 Old York Rd. Apt.#2
Philadelphia, Pa 19140

Ref#6335-2-001

Date: 4/21/06

Philadelphia Gas works
P.O. Box 3500
Philadelphia, Pa 19122-0500

No response
AS of 5/23/06
7/16/06
8/1/06
9/1/06

Letter of Notice

Ref: Account Number: 0241459471

Re: CPR Agreement, complaint concerning

P.G.W.,

For the Letter of Notice is to inform P.G.W., that, the CPR was changed without proper notice. As stated when entering into the CPR Agreement there is only one individual who has income concerning the above residence.

Enclosed, is a copy of the income recieved by my spouse. I have already forwarded paystubs from her employer in which the income has not changed.

Be advised, because of our proverty we are unable to pay \$95.53 a month and respectfully request that P.G.W. re-adjust the agreement to \$57.54 a month.

Also be advised, that we have reserved our rights without prejudice pursuant to Uniform Commercial Code 1-207.7 and if P.G.W. does not re-adjust the agreement, I, :Joseph: of the :Fuce:-Family, in the second generation, will have recourse pursuant to U.C.C.1-103.6 and will take possible legal action.

Your cooperation is very much appreciated.

Thank you,

:Joseph:Fuce:II:

:Joseph:Fuce:II:
Without prejudice 1-207

cc: Fuce, II

DOCUMENT FOLDER

:Karen-E:Fuce:II

:Karen-E.:Fuce:II: - Witness
Without prejudice 1-207

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JAN 09 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

C-20066831
PHILA, 12/7/06

EXHIBIT
Clerk C
12/7/06
C-20066831

Exhibit - D

Philadelphia Gas Works



800 W. Montgomery Ave., Philadelphia, PA 19122
Telephone: 215-236-0500

Telephone 215-235-1000
Fax Number 215-684-6996

May 05, 2006

JOSEPH FUCE 2ND
4547 OLD YORK RD 2
PHILA, PA 19140

RE: CRP Payment Amount

Dear JOSEPH FUCE 2ND,

Your inquiry has been received and forwarded to the proper department for corrective action. Please accept our apology for any inconvenience this matter may have caused you.

Thank you for bringing this matter to our attention.

Sincerely,

George Villano

George Villano

Dispute Resolution Unit

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You can now View, Analyze and Pay your bill online at www.pgworks.com

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21. of D
12/07/06
C-20066831
PENNSA 800-631-6080

Pennsylvania Public Utility Commission

Formal Complaint Form

1. :Joseph:&:Karen-E:Face:II: Tel.: 215-455-7677 lv msg
4547 Old York Rd. - Apt#2 Utility Acct#0241459471
Philadelphia, Pa 19140

2. Philadelphia Gas Works

3. Gas

4. A. Other: P.G.W. breached the CPR Agreement

B. 1. On the Twenty-second day of the month of March, 2006, we :Karen: and I, :Joseph: of the :Face:-Family, in the second generation forwarded to P.G.W. a Letter of Notice, Ref#6335-2-001, the recertification agreement along with the necessary income documentation. For the agreement was for 57.54 a month.

2. On the Twentieth[20th] day of the month of April, 2006, Philadelphia Gas Works Co. forwarded to me a bill showing the CPR payment of \$95.53.

3. On the Twenty-first day of the month of April, 2006, I, :Joseph: forwarded a Letter of Notice concerning the change of the CPR agreement without proper notification.

4. On the Fifth day of the month of May, 2006, :George:Villano:, a representative of the Philadelphia Gas Works dispute resolution unit stated in a letter, "Your inquiry has been recieved and forwarded to the proper department for corrective action."

5. On the Fifteenth day of the month of May, 2006, I, :Joseph:, forwarded a second Letter of Notice to :George:Villano: informing him, that, P.G.W. failed to respond to my complaint.

6. On the Seventeenth day of the month of July, 2006, I, :Joseph:, forwarded a Notice of informal complaint, ref#6335-2-001, to :Lou:Sauers:, Division Chief, requesting him to check into the issue I had raised in the informal complaint. :Lou:Sauers:, Division Chief, acting under color of law, knowingly and willfully, failed to respond to my informal complaint.

5. For we, :Karen: and I, :Joseph:, request that the PUC investigates the breach of the Agreement without proper notification by P.G.W. and orders P.G.W. to expunge the entire bill concerning utility account no.0241459471 on the basis, that, P.G.W. has not provided the level of service required by law concerning an individual on disability with minimal income.

6. No

7. Yes - See 4 B.3-5 [Copies of my ltr along with the responce from :George:Villano:, P.G.W., representative]

8. Declaration

For we, :Karen-Elizabeth: and I, :Joseph: of the :Face:-Family, in the

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12/7/06
C-20066831

second generation, declare, under penalty of perjury under the laws of the United States of America, that, the above stated facts are with the volition of the truth, we are not represented by any lawyers concerning the formal complaint, and we shall be able to prove the same at a hearing concerning the matter, if necessary.

Date: 1ST day of the month of September, 2006.

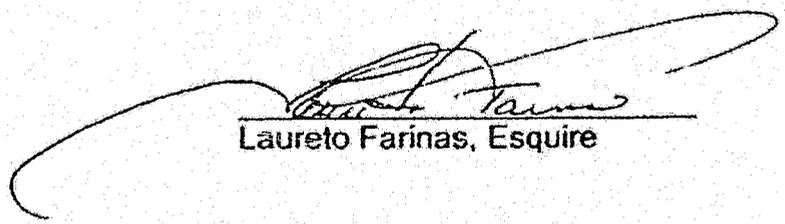
Joseph Fuce II
: Joseph Fuce II, sui juris - Complainant
All rights reserved without prejudice U.C.C.1-207.7

Karen E. Fuce
: Karen E. Fuce, sui juris - Witness
All rights reserved without prejudice U.C.C.1-207.7

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: October 17, 2006


Laureto Farinas, Esquire

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EXHIBIT
cl. exp f
12/2/06
C-20066831
PENNSA 000-031-0596

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joseph and Karen Fuce

v.

Docket No. C-20066831

Philadelphia Gas Works

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 PGW breached the Customer Responsibility Program ("CRP") contract with the Complainant.

(b1) Admitted. It is admitted that in March 2006, the Complainant submitted information to complete a re-certification for CRP. It is further admitted that before this recertification, the Complainant's CRP amount was in the amount of \$57.54.

(b2) Admitted. It is admitted that in April 2006, PGW billed the Complainant in the amount of \$95.53. By way of further answer, based on the household income information provided by the Complainant during the recertification, the Complainant's monthly CRP bill was increased to \$95.53, pursuant to the Gas Tariff § 13.1A, which is attached hereto as Exhibit "A."

(b3) Admitted. It is admitted that the Complainant sent a correspondence concerning the CRP increase.

(b4) Admitted. It is admitted that PGW provided a correspondence to the Complainant indicating that the Complainant's correspondence had been forwarded to the proper department for corrective action.

(b5) Admitted. It is admitted that that on May 15, 2006, the Complainant sent a second correspondence to PGW advising that PGW had not responded to the Complainant's correspondence. By way of further answer, PGW records indicate that on May 10, 2006, PGW's Universal Services Department called the Complainant in reference to the first correspondence and left a message for the Complainant to call back.

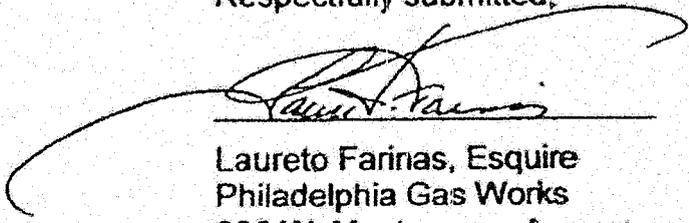
(b6) Admitted in part; denied in part. It is admitted that the Complainant filed an Informal Complaint in July 2006 with the Bureau of Consumer Service ("BCS"). It is further admitted that the BCS did not respond to the Informal Complaint as the Complainant filed the Formal Complaint.

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,

October 17, 2006


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

DOCUMENT
FOLDER

Exhibit-G

Philadelphia Gas Works

Ref#6335-2-004

:Joseph:Fuce:II:
4547 Old York Rd. Apt.#2
Philadelphia, Pa 19140

Date: 11/20/06

:Laureto:Farinas:, Esquire#50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, Pa 19122
ATTN: :Mary-M.:Chan:, Paralegal
Fax 215-684-6798

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JAN 08 2007

P.O. Box 3500
Philadelphia, Pa 19122-0500

Attn: :Angela-T.:Jones:, Esquire#64635
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, Pa 19130

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Notice of Inquiry and Certificate of Delivery

Ref: Ltr of Notice, Ref#6335-2-003, dated 10/25/06, mailed/Faxed to :Laureto:
Farinas:, Esq.
:Joseph&Karen:Fuce:II: V. P.G.W., Docket No.: C-20066831, Hearing
dated 12/7/06, at 10:00am
Universal Service and Energy Conservation Programs 13,
Customer Responsibility Program 13.1.B.3

Account Number: 0241459471

Re: 52 Pa.Code, Sec.5.231(a)

:Laureto:Farinas:, Esquire,

For the witness is with the volition of the truth with his testimony.

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JAN 09 2007

Notice

We are :Joseph. and :Karen: of the :Fuce:-Family, in the second generation
and are not JOSEPH & KAREN FUCE, which are pseudonyms, fictions. Please use
our proper names when addressing us!!

On the Twenty-fifth day of the month of October, 2006, I.:Joseph:, the com-
plainant faxed and forwarded by first class mail along with a Certificate
of mailing#00034091-03, dated 11/1/06, a letter of "Notice", to you, :Laureto:
Farinas:, the attorney representing the Philadelphia Gas Works, a private
company.

I, :Joseph:, clearly put you, :Laureto:Farinas:, Esquire on "Notice" concerning
the settlement of the complaint.

Inquiry

what is the specific reason for the delay in responding to the "Notice"
forwarded to you, :Laureto:Farinas:, Esquire#50415?

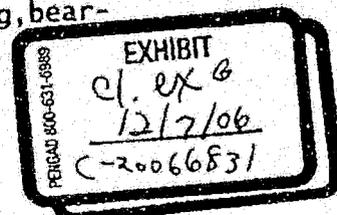
Either P.G.W. agrees or dis-agrees to resolve the matter!

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PHILA, 12/7/06

I, :Joseph: of the :Fuce:-Family, in the second generation, respectfully re-
quest, that, you, :Laureto:Farinas:, Esquire, and not :Mary-M.:Chan: or any other
individual of P.G.W., immediately response to the "Notice", in writing, bear-

Page 1

10F3



Philadelphia Gas Works
ing your lawful name and authentic autograph[No Stamp].

:Laureto:Farinas:, Esquire#50415, your silence is your acquiescence, that, P.G.W.
has, in fact, breached the CPR agreement, dated 3/22/06.

Enclosed, copies of Certificate of mailing and receipt with proof of fax.

Your cooperation is very much appreciated.

Thank you,

Joseph: Fuce: II
:Joseph: Fuce: II: - Complainant
Without prejudice per U.C.C.1-207.7

Certificate of Delivery

I, :Joseph: of the :Fuce: Family, in the second generation, declare, under the
penalty of perjury under the laws of the United States of America, that, the
Notice and Inquiry was mailed to 800 w. Montgomery Avenue, Philadelphia, Pa,
19122, to :Laureto:Farinas:, Esquire#50415, the representative of the Phila-
delphia Gas Works, a private company.

Joseph: Fuce: II
:Joseph: Fuce: II: Sui juris
Without prejudice per U.C.C.1-207.7

cc: :Fuce: II:

HISTORY REQUEST REPORT FOR ACCOUNT # 241459471 AND SA # 1700353138 AS OF 12/06/2006

Account #: 241459471 SA #: 1700353138 Bill Cycle: 06 Rate Class: GS Phone #: 4557677(215)

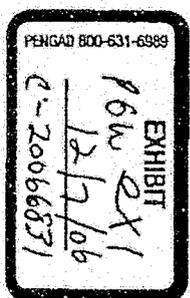
Name: FUCE 2ND, JOSEPH Address: 4547 OLD YORK RD, 2PHILA, PA

Pay Agreement Indicator: N Easyway Indicator: CRP Status: A

Blocker Start Date: 20060719 Blocker End Date: 20080719 Meter #: 1647842

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PGW Exhibit - 1



Tran Date	Tran Type	Current Amt.	Total Amt.	Adjst. Amt.	Segment Start Date	Segment End Date	Road Code	End Read	Current Balance	Usage	Meter #
10/07/2003	BILL	\$140.00	\$140.00	\$0.00	08/07/2003	10/07/2003	R	369	\$140.00	88	1647842
10/22/2003	PAY	(\$30.00)	(\$30.00)	\$0.00							
11/05/2003	BILL	\$173.53	\$173.53	\$0.00	10/07/2003	11/05/2003	R	479	\$283.53	110	1647842
12/05/2003	PAY	(\$70.00)	(\$70.00)	\$0.00							
12/08/2003	BILL	\$339.70	\$339.70	\$0.00	11/05/2003	12/08/2003	R	726	\$553.23	247	1647842
01/08/2004	BILL	\$412.96	\$412.96	\$0.00	12/08/2003	01/08/2004	R	1025	\$974.48	299	1647842
01/10/2004	LPC	\$8.29	\$8.29	\$8.29							
02/06/2004	BILL	\$448.87	\$448.87	\$0.00	01/08/2004	02/06/2004	R	1381	\$1,437.84	356	1647842
02/10/2004	LPC	\$14.49	\$14.49	\$14.49							
03/09/2004	BILL	\$310.75	\$310.75	\$0.00	02/06/2004	03/09/2004	R	1601	\$1,769.81	220	1647842
03/11/2004	LPC	\$21.22	\$21.22	\$21.22							
04/07/2004	BILL	\$53.22	\$53.22	\$0.00	03/09/2004	04/07/2004	R	1789	\$53.22	188	1647842
04/08/2004	CRPFRZ	(\$1,769.81)	(\$1,769.81)	(\$1,769.81)							
05/03/2004	PAY	(\$53.22)	(\$53.22)	\$0.00							
05/07/2004	BILL	\$53.22	\$53.22	\$0.00	04/07/2004	05/07/2004	R	1896	\$53.22	107	1647842
06/02/2004	PAY	(\$53.22)	(\$53.22)	\$0.00							
06/08/2004	BILL	\$53.22	\$53.22	\$0.00	05/07/2004	06/08/2004	R	1927	\$53.22	31	1647842
07/02/2004	PAY	(\$53.22)	(\$53.22)	\$0.00							
07/08/2004	BILL	\$53.22	\$53.22	\$0.00	06/08/2004	07/08/2004	R	1953	\$53.22	26	1647842
08/02/2004	PAY	(\$53.22)	(\$53.22)	\$0.00							
08/06/2004	BILL	\$53.22	\$53.22	\$0.00	07/08/2004	08/06/2004	R	1978	\$53.22	25	1647842
09/01/2004	PAY	(\$53.22)	(\$53.22)	\$0.00							
09/08/2004	BILL	\$53.22	\$53.22	\$0.00	08/06/2004	09/08/2004	R	2007	\$53.22	29	1647842
10/01/2004	PAY	(\$53.22)	(\$53.22)	\$0.00							
10/07/2004	BILL	\$53.22	\$53.22	\$0.00	09/08/2004	10/07/2004	R	2031	\$53.22	24	1647842
11/02/2004	PAY	(\$53.22)	(\$53.22)	\$0.00							
11/05/2004	BILL	\$53.22	\$53.22	\$0.00	10/07/2004	11/05/2004	R	2146	\$53.22	115	1647842
12/02/2004	PAY	(\$53.22)	(\$53.22)	\$0.00							

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Account #: 241459471 SA #: 1700353138 Bill Cycle: 06 Rate Class: GS Phone #: 4557677(215)
 Name: FUCE 2ND, JOSEPH Address: 4547 OLD YORK RD, 2/PHILA, PA
 Pay Agreement Indicator: N Easyway Indicator: CRP Status: A
 Blocker Start Date: 20060719 Blocker End Date: 20060719 Meter #: 1647842

Tran Date	Tran Type	Current Amt.	Total Amt.	Adjust Amt.	Segment Start Date	Segment End Date	Read Code	End Read	Current Balance	Usage	Meter #
12/07/2004	BILL	\$53.22	\$53.22	\$0.00	11/05/2004	12/07/2004	R	2336	\$53.22	190	1647842
12/21/2004	NSFCHA	\$20.00	\$20.00	\$20.00							
12/21/2004	NSFPAY	\$0.00	\$0.00	\$66.22							
02/12/2004	CANP	\$53.22	\$53.22	\$0.00							
11/07/2005	BILL	\$53.22	\$53.22	\$0.00	12/07/2004	01/07/2005	R	2566	\$179.66	230	1647842
01/24/2005	PAY	(\$53.22)	(\$53.22)	\$0.00							
02/02/2005	PAY	(\$53.22)	(\$53.22)	\$0.00							
02/07/2005	BILL	\$53.22	\$53.22	\$0.00	01/07/2005	02/07/2005	R	2854	\$126.44	288	1647842
03/01/2005	PAY	(\$51.13)	(\$51.13)	\$0.00							
03/08/2005	BILL	\$53.22	\$53.22	\$0.00	02/07/2005	03/08/2005	R	3107	\$128.53	253	1647842
04/04/2005	PAY	(\$75.31)	(\$75.31)	\$0.00							
04/07/2005	BILL	\$53.22	\$53.22	\$0.00	03/08/2005	04/07/2005	R	3339	\$106.44	232	1647842
04/29/2005	PAY	(\$53.22)	(\$53.22)	\$0.00							
05/05/2005	PAY	(\$50.41)	(\$50.41)	\$0.00							
05/06/2005	BILL	\$54.54	\$54.54	\$0.00	04/07/2005	05/06/2005	R	3448	\$57.35	109	1647842
06/01/2005	PAY	(\$57.35)	(\$57.35)	\$0.00							
06/07/2005	BILL	\$54.54	\$54.54	\$0.00	05/06/2005	06/07/2005	R	3505	\$54.54	57	1647842
07/01/2005	PAY	(\$54.54)	(\$54.54)	\$0.00							
07/07/2005	BILL	\$54.54	\$54.54	\$0.00	06/07/2005	07/07/2005	R	3525	\$54.54	20	1647842
08/02/2005	PAY	(\$54.54)	(\$54.54)	\$0.00							
08/08/2005	BILL	\$54.54	\$54.54	\$0.00	07/07/2005	08/08/2005	R	3543	\$54.54	18	1647842
09/01/2005	PAY	(\$54.54)	(\$54.54)	\$0.00							
09/08/2005	BILL	\$54.54	\$54.54	\$0.00	08/08/2005	09/08/2005	R	3561	\$54.54	18	1647842
10/03/2005	PAY	(\$54.54)	(\$54.54)	\$0.00							
10/07/2005	BILL	\$54.54	\$54.54	\$0.00	09/08/2005	10/07/2005	R	3581	\$54.54	20	1647842
11/07/2005	BILL	\$54.54	\$54.54	\$0.00	10/07/2005	11/07/2005	R	3615	\$109.08	34	1647842
11/25/2005	PAY	(\$51.70)	(\$51.70)	\$0.00							
12/01/2005	PAY	(\$54.56)	(\$54.56)	\$0.00							
12/08/2005	BILL	\$54.54	\$54.54	\$0.00	11/07/2005	12/08/2005	R	3795	\$57.36	180	1647842
01/06/2006	PAY	(\$57.36)	(\$57.36)	\$0.00							
01/10/2006	BILL	\$54.54	\$54.54	\$0.00	12/08/2005	01/10/2006	R	4114	\$54.54	319	1647842
02/01/2006	PAY	(\$54.54)	(\$54.54)	\$0.00							
02/09/2006	BILL	\$54.54	\$54.54	\$0.00	01/10/2006	02/09/2006	R	4364	\$54.54	250	1647842

Account #: 241459471

SA #: 1700353138

Bill Cycle: 06

Rate Class: GS

Phone #: 4557677(215)

Name: FUCE 2ND, JOSEPH

Address: 4547 OLD YORK RD, 2PHILA, PA

Pay Agreement Indicator: N

Easyway Indicator:

CRP Status: A

Blocker Start Date: 20060719

Blocker End Date: 20080719

Meter #: 1647842

Tran Date	Tran Type	Current Amt.	Total Amt.	Adjust Amt.	Segment Start Date	Segment End Date	Read Code	End Read	Current Balance	Usage	Meter #
03/02/2006	PAY	(\$54.54)	(\$54.54)	\$0.00							
03/10/2006	BILL	\$54.54	\$54.54	\$0.00	02/09/2006	03/10/2006	R	4643	\$54.54	279	1647842
04/03/2006	PAY	(\$54.54)	(\$54.54)	\$0.00							
04/10/2006	BILL	\$92.53	\$92.53	\$0.00	03/10/2006	04/10/2006	R	4845	\$92.53	202	1647842
05/03/2006	PAY	(\$55.73)	(\$55.73)	\$0.00							
05/10/2006	BILL	\$92.53	\$92.53	\$0.00	04/10/2006	05/10/2006	R	4906	\$129.33	61	1647842
05/31/2006	PAY	(\$55.74)	(\$55.74)	\$0.00							
06/09/2006	BILL	\$92.53	\$92.53	\$0.00	05/10/2006	06/09/2006	R	4938	\$166.12	32	1647842
07/07/2006	PAY	(\$55.73)	(\$55.73)	\$0.00							
07/11/2006	BILL	\$92.53	\$92.53	\$0.00	06/09/2006	07/11/2006	R	4864	\$202.92	26	1647842
08/02/2006	PAY	(\$55.73)	(\$55.73)	\$0.00							
08/09/2006	BILL	\$92.53	\$92.53	\$0.00	07/11/2006	08/09/2006	R	4983	\$239.72	19	1647842
09/05/2006	PAY	(\$55.74)	(\$55.74)	\$0.00							
09/08/2006	BILL	\$92.53	\$92.53	\$0.00	08/09/2006	09/08/2006	R	5004	\$276.51	21	1647842
10/02/2006	PAY	(\$55.73)	(\$55.73)	\$0.00							
10/09/2006	BILL	\$92.53	\$92.53	\$0.00	09/08/2006	10/09/2006	R	5037	\$313.31	33	1647842
11/07/2006	BILL	\$92.53	\$92.53	\$0.00	10/09/2006	11/07/2006	R	5178	\$405.84	141	1647842

PGW's Customer Responsibility Program (CRP)

What is the Customer Responsibility Program (CRP)?

- CRP is a Customer Assistance Program that can help low-income customers better afford their PGW bills and maintain their gas service.
- CRP may provide discounted bills for eligible customers.
- CRP customers pay a budget amount based on their gross household income.

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Who is Eligible for the CRP Program?

- Residential customer of record.
- Gross household income must be at or below 150% of the Federal Poverty Level.

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What types of agreements are offered through CRP?

- CRP agreements are based on the number of persons in the household and the total gross household income, plus \$3 monthly co-pay towards the pre-program arrears (the amount that the customer owed PGW at the time of enrollment in CRP), if any.
- The poverty guidelines and maximum household income are based on federal figures. The dollar amounts change every year.
- The minimum CRP charge is \$18 per month (plus \$3 co-pay, if applicable).

CRP Agreement Type	If Percentage of Poverty is:	2006 Maximum Monthly Gross Income per Household Size				
		1	2	3	4	Each Additional
8% of income	0-50%	\$408	\$550	\$692	\$833	\$142
9% of income	51-100%	\$817	\$1,100	\$1,383	\$1,667	\$283
10% of income	101-150%	\$1,225	\$1,650	\$2,075	\$2,500	\$425



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Page 1 of 3
 Billing Date 05/26/04
 Account Number 23423423

MONTHLY STATEMENT

From: 04/23/04 thru 05/24/04
 Billing Cycle Number 17

Account for
 JOHN SMITH
 123 LAKE STREET
 PHILADELPHIA PA 19122

Payments Summary
 04/16/04 LIHEAP \$143.00
 05/20/04 Cash \$116.00

CRP Billing Summary
 Past Due Non-Basic Charges \$0.00
 Current Non-Basic Charges \$5.00
 Past Due CRP Basic Charges \$0.00
 Current CRP Basic Charges \$116.50

Total Amount Due By
 Jun 21, 2004 **\$121.50**

GENERAL INFORMATION

CONTACT US

Gas Leaks & Emergencies 215-235-1216
 Billing & General Information 215-235-1000
 Appliance Service 215-235-2050
 Theft of Gas 215-684-6333
 Foreign Language Assistance 215-235-1000
 Hearing Impaired TTY Line 215-235-4646
 Representatives Que Hablan Espanol 215-235-2175
 Web Site: www.pgworks.com

CUSTOMER SERVICE CENTERS

(Hours 9 a.m. - 5 p.m.)

Center City 1137 Chestnut St (M, T, Th, F)
 Germantown 210 W. Chester Ave (T, W, F)
 S. Philadelphia 1601 S. Broad St (M, W, Th)
 Frankford 4413 Frankford Ave (T, Th, F)
 N. Philadelphia 1037 W. Erie Ave (M, W, Th)
 W. Philadelphia 5235 Chestnut St (M, T, W, F)

Monthly Statement
 ■ Statement of your balance from a certain date to a certain date.

Payment Summary:
 ■ Payment(s) – Payments applied to your account balance and the date it was applied.

CRP Billing Summary
 ■ **Past Due Non-Basic Charges**
 The amount of CRP Non-Basic Charges you did not pay from previous CRP bills.
 ■ **Current Non-Basic Charges**
 Current installment of a CRP Non-Basic Charges.
 ■ **Past Due CRP Basic Charges**
 The amount of CRP Basic Charges you did not pay from previous CRP bills.
 ■ **Current CRP Basic Charges**
 Current CRP charges may include your CRP budget amount, the Monthly Arrears Co-Pay, and the Monthly CRP Restore Installment Charges.

Total Amount Due by Date
 ■ The sum of the Past Due Amount and the Current CRP Charges



Questions or complaints about your bill? Please call us before the Due Date at 215-235-1000
 Or write to: PGW P.O. Box 7769, Phila., PA 19101-0769

Please return this portion with your payment.
 Write your account number on your check or money order made payable to PGW.

Place "X" in box for address correction. Print corrections on reverse side.

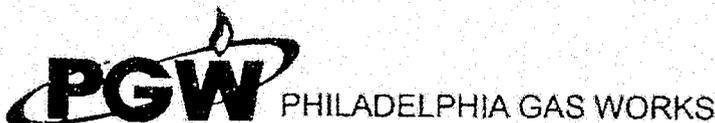
Account Number 23423423
 Due Date Jun 21, 2004
 Please Pay \$121.50

Amount Enclosed

JOHN SMITH
 123 LAKE STREET
 PHILADELPHIA PA 19122

Philadelphia Gas Works
 P.O. Box 7769
 Philadelphia, PA 19101-7769

The information contained in this bill is for illustration only.



Account Summary:

- **Previous Balance** - The total account balance before payments and the current charges.
- **Payments Received** - The payments applied to your account this billing period.
- **Balance Brought Forward** - The Previous Balance minus Payments Received.
- **Repairs and Adjustments** - The sum of all adjustments applied to your account for this billing period.
- **Current Charges** - The current charge for the CRP Budget Amount of your bill.
- **Account Balance** - Your current total account balance (including your pre-CRP arrears) after payments, adjustments, and current charges.

Billing Detail:

- **Delivery charges and Supply charges**
- **CRP Discount or CRP Reverse Discount** - Difference between the regular bill and the CRP budget amount

Adjustment Detail

- **Back Out LIHEAP Payment** - As a CRP customer, your LIHEAP cash grant is backed out of your account and used to help cover the discount provided under CRP.
- **CRP Forgiveness** - As a CRP customer, PGW will eliminate (forgive) 1/36 of your original pre-CRP arrears each month if the total amount due is paid on time and in full.
- **Non-Basic Charges** - Charges for services such as service repairs. For CRP customers, these charges will be spread over a 10-month period starting from the first bill after the charges are incurred.

CRP Information:

- **Agreement Type:** Type of CRP agreement (8, 9, 10% of income).
- **CRP Agreement Status:** Current Status of CRP agreement:
 - **Active:** Payments are current
 - **Defaulted:** Payments are One Month Past Due
 - **Curable:** Payments are Two or More Months Past Due



JOHN SMITH
123 LAKE STREET
PHILADELPHIA PA 19122

Page: 2 of 3
Billing Date: 05/26/04
Account Number: 23423423

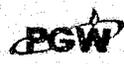
Account Summary	Previous Balance	Payments Received	Balance Brought Forward	Repairs and Adjustments	Current Charges	Account Balance
	\$1,620.97	\$259.00	\$1,561.97	\$145.56	\$113.50	\$1,821.03

Current Basic Charges	SA ID# 111111111, 123 LAKE ST Rule Class: General Service Residential
Supply Charges	
Commodity Charge 30 Ccf @ \$0.76331	\$22.90
Total Supply Charges	\$22.90
Delivery Charges	
Customer Charge @ \$12.00	\$12.00
Distribution Charge 30 Ccf @ \$0.53915	\$16.18
Gas Cost Adjustment @ \$0.02923 for 31 Days	\$0.88
Weather Normalization Adjustment	\$0.84
Total Delivery Charges	\$29.90
CRP Reverse Discount	\$60.70
Total Current Billing Charges	\$113.50

Adjustment Detail	Adjustments for SA ID # 111111111
Backout LIHEAP Payment	\$143.00
CRP Forgiveness Attr	\$47.44 C
Non-Basic Charges	\$50.00
Total Adjustments	\$145.56

CRP Information	Agreement Type	Basic Charges
10.00% OF INCOME	CRP Budget Amount:	\$113.50
CRP Agreement Status: ACTIVE	Monthly Arrears Co-Pay Charges:	\$3.00
Payments are current	Current CRP Basic Charges:	\$118.50
	Past Due CRP Basic Charges:	\$0.00
	Total Basic Charges:	\$118.50
	Current Non-Basic Charges:	\$5.00
	Past Due Non-Basic Charges:	\$0.00
	Total Non-Basic Charges:	\$5.00
	Total CRP Charges	\$121.50

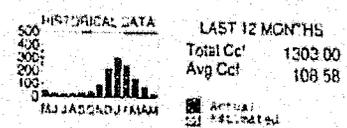
Meter Detail	Meter # 1010101	Service Point 1010101010	Next Meter Read: Jun 23, 2004
4/23/2004	9956	ACTUAL 05/24/2004 9986	Actual 30 30.00 1.035 31.14



JOHN SMITH
123 LAKE STREET
PHILADELPHIA PA 19122

Page: 3 of 3
Billing Date: 05/26/04
Account Number: 23423423

Energy Usage Information	SA ID# 111111111, 123 LAKE ST
COMPARATIVE GAS USAGE THIS MONTH	
	This Year Last Year
Avg Daily Usage (Ccf)	1.0 2.0
Billing Days	31 29
Avg Daily Cost	\$3.66 \$2.47



Basic Charges

- These are CRP charges related to gas bills
- **CRP Budget Amount:** The CRP budget amount based on percent of household income.
 - **Monthly Arrears Co-pay Charges:** The \$3 co-pay amount towards the pre-program arrears.
 - **Monthly Restore Installment Charges:** The installment amount for previous unpaid CRP bills.

- **Current CRP Basic Charges:** The sum of the current Basic Charges.
- **Past Due CRP Basic Charges:** The unpaid previous CRP Basic Charges.
- **Total Basic Charges:** Total of the Current and Past Due CRP Basic Charges.

Non-Basic Charges

- These are installments for service repair charges.
- **Current Non-Basic Charges:** Current installment of a CRP Non-Basic Charges.
 - **Past Due Non-Basic Charges:** The installment of CRP Non-Basic Charges you did not pay from previous CRP bills.



What are the Rules for participation?

- Make payments on time.
- Assign a LIHEAP grant to PGW.
- Recertify (re-apply) every year.
- Allow installation of Automatic Meter Reading (AMR) device.
- Accept free conservation services.

How to apply for CRP?

Visit one of PGW's Customer Service Centers and bring:

- Social Security Cards for all members of the household.
- Proof of income for all members of the household.
 - Pay stubs for last four (4) weeks; letter from employer; DPW card; Social Security, Child Support, Unemployment, rental income, or other acceptable documentation.

What happens to my pre-CRP program arrears?

- Your monthly \$3 co-pay is applied to your pre-CRP arrears.
- CRP Forgiveness: PGW will eliminate (forgive) 1/36 of your original pre-CRP arrears each month provided that all bills are paid on time and in full.

What happens if I don't pay my bills on time?

- PGW will send you a notice informing you that you have 10 days to cure your agreement or your gas service could be shut-off.
- CRP is the most affordable payment agreement available from PGW and/or the PUC's Bureau of Consumer Services because it provides a discount on your gas service.

Could a CRP customer choose a gas supplier other than PGW?

- No. You can not choose a gas supplier and remain on CRP at the same time.
- CRP will provide greater savings for low-income customers than will be available from gas suppliers.

For more information, contact PGW'S LIHEAP, CWP, and CRP Hotline at (215) 684-6100 or visit our web site at www.pgworks.com

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13. Universal Service And Energy Conservation Programs

13.1 CUSTOMER RESPONSIBILITY PROGRAM.

13.1.A Eligibility and Enrollment. A Customer is eligible for the Customer Responsibility Program if it is determined at the time of application (or recertification) that the Customer's annual household gross income is at or below 150% of the federal poverty level. The Customer shall provide all documentation necessary for PGW to determine the household Gross Annual Income, including but not limited to proof of household income, verification of family size, and character of service requested (Heating or Non-Heating). PGW has the right to verify an Applicant's or Participant's income by means including but not limited to verification through governmental agency and checking credit reports. Enrollment shall be ongoing and open year-round. Applicants or Participants selecting Transportation Service will no longer qualify for the CRP Program and will be responsible for the tariffed rates under General Service - Rate GS.

13.1.B Requirements. A Participant must abide by the following provisions. The failure of a Participant to comply with one of the following could result in dismissal from the CRP Program:

13.1.B.1 A Participant shall make regular monthly Customer Responsibility Payments. Failure to do so may lead to termination of service.

13.1.B.2. A Participant shall recertify annually, based upon the Participant's anniversary date of enrollment.

13.1.B.3. It is the Participant's responsibility to notify PGW when there is a change in the household's income or size. Adjustments to a Participant's bill will be made anytime there is a change in income or family size.

13.1.B.4. When eligible, a Participant must apply for and assign at least one energy assistance grant to PGW annually.

13.1.B.5. Participants must take the necessary actions to participate in the Conservation Works Program (CWP) or other conservation programs and to abide by established consumption limits.

13.1.B.6. A Participant must allow access to their property for meter readings or for the installation of an AMR. Failure to allow access for four consecutive months will result in dismissal from CRP.

13.1.B.7. A Participant shall be responsible for seeking assistance and guidance from PGW, including budget counseling, in the event that the Participant is unable to meet the above responsibilities.

13.1.C. Applicable Rates. A Participant's CRP Payments will be based upon the Participant's family size and gross household income. A Participant will pay a percentage of his/her gross household income depending on where that Participant falls within the Federal Poverty Guidelines (FPL). Rates are calculated under rate schedule GS, including riders.

13.1.C.1. For payment purposes CRP Participants will be defined as follows:

13.1.C.1.a. Group A: Participants whose gross household income has been verified as being from 0 - 50% of FPL.

13.1.C.1.b. Group B: Participants whose gross household income has been verified as being from 51 - 100% of FPL.

13.1.C.1.c. Group C: Participants whose gross household income has been verified as being from 101 – 150% of FPL.

13.1.C.2. A CRP Participant will be responsible for paying the following rates for service or \$18 per month, whichever is greater.

13.1.C.2.a. Group A: 8% of gross income.

13.1.C.2.b. Group B: 9% of gross income (not to exceed 10% of gross income).

13.1.C.2.c. Group C: 10% of gross income

13.1.D. Arrearages - Participants making regular monthly Customer Responsibility Payments will earn forgiveness on their pre-program arrearages. The amount of and criteria applicable to arrearage forgiveness shall be consistent with applicable Commission Orders. Participants choosing an NGS are responsible for all outstanding balances owed to PGW.

13.2. CONSERVATION WORKS PROGRAM (CWP) PGW shall establish fair, effective and efficient Gas usage reduction programs for low-income Customers. Such programs are intended to maintain affordable Gas Service and to reduce uncollectible accounts and the collection and termination expenses of PGW by enabling low income Customers to conserve energy and reduce their Gas usage.

Account: Fuce 2nd, Joseph			
Account: 0002 4145 9471		Name: Fuce 2nd, Joseph	
		ID: 241459471	
Agreement Status:	A - Active	Status Date:	06/03/2006
Agreement Type:	9.00 - 9.00% Of Income	Current CRP Start Date:	04/08/2004
Agreement Amount:	9253	Date Recertified:	04/04/2006
Nbr of Persons in Household:	2	Gender:	Female
Nbr of Persons 18 and under:		Nbr of Persons 62 and over:	
Monthly Household Income:	1 028 22 93 472	Source of Income:	SOCl - Social Security
Previous Status:		Previous Status Date:	
Previous Type:	9.00 - 9.00% Of Income	Previous CRP End Date:	04/04/2006
Previous Source of Income:		Previous Nbr of Persons in Household:	1
Curable Amount:	0.00	Nbr of Times Cured:	0
Curable BIs Nbr:	0		
Suggested CRP Agreement Type & Amount			
<input type="button" value="Calculate"/>			

Main

Address

Billing

Bill Print

Intercept

Misc Pers

Misc

Bankruptcy

CRP Agreement

Blocker Code

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PHILA, 12/7/06

PGW Exhibit - 4

Philadelphia Gas Works



800 W. Montgomery Ave., Philadelphia, PA 19122
Telephone: 215-236-0500

Telephone 215-235-1000
Fax Number 215-684-6996

May 24, 2006

JOSEPH FUCE 2ND
4547 OLD YORK RD 2
PHILA, PA 19140

RE: Lowering Your CRP

Dear JOSEPH FUCE 2ND,

Your inquiry has been received and forwarded to the proper department for corrective action. Any questions that you may have about your CRP monthly payment, call 215-684-6298. That number is for the Universal Services department. Please do not fax over any more information to the correspondence department because we cannot respond to your request.

Thank you for bringing this matter to our attention.

Sincerely,

George Villano

George Villano
Dispute Resolution Unit

You can now View, Analyze and Pay your bill online at www.pgworks.com

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PHILA, 12/7/06

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