

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

-----X  
Anthony P. Zeus, III vs. National:  
Fuel Gas Distribution Corporation: Docket No.  
Billing Dispute. Initial : C-20066855  
Telephonic Hearing. :  
-----X

Pages 1 through 38

Hearing Room #3  
Pittsburgh State Office Bldg.  
300 Liberty Avenue  
Pittsburgh, Pennsylvania

Monday, January 22, 2007

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

Michael A. Nemec, Administrative Law Judge

APPEARANCES:

Anthony P. Zeus, III (pro se)  
4331 Aaron Road  
Erie, Pennsylvania 16511

Lee E. Hartz, Esq.  
P.O. Box 2081  
Erie, Pennsylvania 16512  
(For NFGD Corporation)

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## INDEX TO WITNESSES

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
Anthony P. Zeus, III				
By Judge Nemeec	5			
By Mr. Hartz		13		
Kathie Whipple				
By Mr. Hartz	19			
By Mr. Zeus		32		

## E X H I B I T S

NUMBER FOR IDENTIFICATION IN EVIDENCE

## NFG Exhibits

✓ A, Account Statement	20	31
✓ D, Payment Arrangements	27	31
✓ C, BCA Decision	30	31

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## PROCEEDINGS

ADMINISTRATIVE LAW JUDGE MICHAEL

1  
2  
3 NEMEC: This morning we have a case captioned  
4 Anthony P. Zeus, III, versus National Fuel  
5 Gas Distribution Corporation. Present by way  
6 of telephone is the complainant, Anthony P.  
7 Zeus, III. Also by way of telephone is  
8 attorney Lee Hartz, representing National  
9 Fuel Gas Distribution Corporation.

10 My name is Michael Nemec. I am an  
11 administrative law judge with the Public  
12 Utility Commission and I have been assigned  
13 to conduct the initial hearing in this case  
14 and prepare an initial decision. The way that  
15 we are going to proceed is that we will take  
16 your testimony first, Mr. Zeus. I will have  
17 some questions for you and Mr. Hartz may have  
18 some. Once you are finished with your direct  
19 testimony, then we will take testimony from  
20 NFG's witnesses, if any, and as each witness  
21 finished their direct testimony, you may ask  
22 any questions you may have. Once we finish  
23 with all of that, you may ask any questions  
24 that you wish to at the end. Do you have any  
25 questions about that?

1 MR. ZEUS: No.

2 ANTHONY P. ZEUS, III

3 having been duly sworn, testified under oath  
4 as follows:

5 DIRECT TESTIMONY

6 JUDGE NEMEC: Please state your  
7 name for the record.

8 MR. ZEUS: My name is Anthony P.  
9 Zeus, III.

10 JUDGE NEMEC: Sir, can you tell me  
11 where you reside?

12 MR. ZEUS: I reside currently at  
13 1725 Curtz Road. C-u-n-t-z, Erie,  
14 Pennsylvania 16509.

15 JUDGE NEMEC: What I didn't say at  
16 the beginning was I'm in a hearing room in  
17 the Pittsburgh State Office Building and  
18 there is a court reporter taking a verbatim  
19 record of what we say here. We make a record  
20 so that should the Commission wish to review  
21 the case, they have a full record to do that.  
22 So you caused a Complaint to be filed in this  
23 matter and today is the hearing on the  
24 Complaint. I'd like you to tell me in your  
25 own words what your complaint is.

1                   MR. ZEUS: My complaint is my  
2 family and I do desire to reside at the 4331  
3 Aaron Road location. That location is owned  
4 by my father, Anthony P. Zeus, Junior. I  
5 would like to have gas service restored to  
6 that location in my own name. The confusion  
7 is the names are very similar. My father's  
8 name is Anthony P. Zeus, Jr., and my name is  
9 Anthony P. Zeus, III, therefore, National  
10 Fuel is holding me responsible for his bill,  
11 saying I need to pay his bill before service  
12 can be restored to that location. I would  
13 like them to restore the service in my name  
14 and initiate service with National Fuel. It's  
15 that simple.

16                   My father owned this home for 32 or  
17 33 years. That bill had been in effect since  
18 that time in his name. My family and I have  
19 at different times over those 32 years  
20 resided at that location with my father as  
21 well as residing in many other locations, and  
22 up to now, we were residing at another  
23 location. So like I say, at this point, we  
24 have interest in residing in that location.  
25 We have interest in purchasing the home from

1 my father, but we do not feel we should be  
2 responsible for his bill.

3 JUDGE NEMEC: I assume your father  
4 is still with us?

5 MR. ZEUS: Yes, he is.

6 JUDGE NEMEC: Where does he  
7 reside?

8 MR. ZEUS: He is currently residing  
9 in Oakland, Maryland.

10 JUDGE NEMEC: When did you reside at  
11 4331 Aaron Road?

12 MR. ZEUS: We have resided at 4331  
13 Aaron Road at different times. I home school  
14 my children. This is the first year that my  
15 children are attending a public school so we  
16 came to Erie to reside at 4331 at the  
17 beginning of the school year so my children  
18 could attend public school. Prior to that, we  
19 traveled quite a bit. We were not constrained  
20 by them going to a fixed school location. We  
21 were not constrained by our jobs. We work  
22 for ourselves. We were able to come and go as  
23 we please, so therefore, we did exactly that.  
24 We came and go as we please. My family has a  
25 home in Naples, Florida that we stayed at and

1 my family has a home at Conneaut Lake that we  
2 stayed at. My family has a home here. My  
3 family has a home in Oakland, Maryland and  
4 Nebraska. We have homes all over. We  
5 traveled and did our business wherever we  
6 went. Our business is Internet based, so we  
7 didn't have to have a fixed location.  
8 Therefore, we stayed all over. It was our  
9 intention as of the school year to reside  
10 here. Initially when we came to stay at this  
11 location full-time, we had an enormous gas  
12 bill. We did intend to pay it for my father  
13 the same as we would ourselves, but we didn't  
14 really feel we should have to pay his bill.  
15 We feel we should be able to start with a  
16 clean slate. Our income level has dropped  
17 some and we would like to start at this  
18 location with a clean slate, which we never  
19 had the opportunity to do.

20 JUDGE NEMEC: It's your testimony  
21 you moved into 4331 Aaron Road in August,  
22 September of 2006?

23 MR. ZEUS: Yes, it was near the end  
24 of August full-time. We have resided at the  
25 location on and off for the last 20 years

1 that I have been married. But like I say, we  
2 never have taken over this location to live  
3 at ourselves full-time. We have never had the  
4 utility or anything transferred over to our  
5 name to reside here as the full-time  
6 residents. It's always been my father's home.  
7 Everything here has always been in his name.

8 JUDGE NEMEC: Well, all right. When  
9 you are referring to we, I assume you are  
10 referring to you and your wife?

11 MR. ZEUS: That is correct.

12 JUDGE NEMEC: So your proposition  
13 is you take over service in your name as a  
14 new customer of NFG?

15 MR. ZEUS: That is correct.

16 JUDGE NEMEC: What about the  
17 outstanding bill? What arrangements, if any,  
18 can be made there?

19 MR. ZEUS: I don't have a problem  
20 making arrangements of the outstanding bill,  
21 but it's my father's bill. The arrangement  
22 really needs to be made with him if a bill  
23 needs to be paid.

24 JUDGE NEMEC: Have you talked to  
25 him about it?

1                   MR. ZEUS: I have not. Like I say,  
2                   if they want to start me at a zero balance,  
3                   myself, I don't mind making payments on his.  
4                   I would make payments on his the same as I  
5                   would make payments on my own bill. I'm just  
6                   not in the position to take over that bill to  
7                   make a huge payment on it, and so forth. I'm  
8                   not in a position to do that. If I were, I  
9                   would. I would pay his bill the same as I pay  
10                  mine. So this is really putting a strain on  
11                  me, especially with the gas prices going up.  
12                  I'm sure a lot of people are feeling the  
13                  strain. But the strain is enough just on  
14                  myself to have my strain and somebody else's  
15                  burden as well, has been a little too much  
16                  lately. I'm not unwilling to make some kind  
17                  of an agreement as long as it's understood  
18                  though that my bill is what it is. And, you  
19                  know, my bill IS in my name and then I don't  
20                  mind having some kind of an agreement to pay  
21                  on the back bill owed on this location, even  
22                  though it's not in my name. Even as long as  
23                  it's reasonable and doable.

24                         JUDGE NEMEC: When was service  
25                         terminated at 4331 Aaron Road?

1 MR. ZEUS: I think in October. I'm  
2 not positive of the date. I don't have it  
3 here in front of me. Perhaps attorney Hartz  
4 has it.

5 JUDGE NEMEC: They have proposed  
6 exhibits. Do you have those, Mr. Zeus?

7 MR. ZEUS: Yes, I did receive a  
8 schedule of service and I believe --

9 JUDGE NEMEC: It's the Account  
10 Statement and Usage Comparison Report.

11 MR. ZEUS: I do have those.

12 JUDGE NEMEC: There is also a list  
13 of, I guess, arrangements. In any event, so  
14 prior to August of 2006, when is the last  
15 time you resided at 4331 Aaron Road?

16 MR. ZEUS: Well, we are gone all  
17 summer long. We would have been here some  
18 time. Well, we were gone all over the  
19 holidays, December and January. We would  
20 have been here for a month in February, in  
21 March, and then we left again in April. We  
22 were back for maybe a week in May, two weeks  
23 in May. We left again. We were gone all  
24 summer long and came back for the beginning  
25 of the school year.

1 JUDGE NEMEC: When did your father  
2 last reside there?

3 MR. ZEUS: My father last resided  
4 here --

5 JUDGE NEMEC: By here, you are  
6 referring to 4331 Aaron Road?

7 MR. ZEUS: Right. My father last  
8 resided-- it has probably been four years  
9 since my father resided here. He had a tenant  
10 here for a long time. But again, he  
11 maintained all of the bills. He actually had  
12 a maid and his maid lived here for 3 or 4  
13 years after he left.

14 JUDGE NEMEC: When did she leave?

15 MR. ZEUS: I don't even know  
16 exactly, because she was even here part of  
17 the time when we were here.

18 JUDGE NEMEC: It sounds like --  
19 are you estranged from your father?

20 MR. ZEUS: Not really estranged. We  
21 haven't spoken much. We are very busy. We  
22 haven't spoken much in the last five or six  
23 months.

24 JUDGE NEMEC: Have you talked to  
25 him about this bill?

1 MR. ZEUS: No, no, I haven't. I  
2 want to resolve it on my own. This is my  
3 business and my family's business so --

4 JUDGE NEMEC: Well, that being the  
5 case, if you are going to resolve it on your  
6 own, I guess you are going have to enter into  
7 a payment arrangement with NFG. Let's see  
8 what Mr. Hartz has to say. Go ahead, Mr.  
9 Hartz.

10 CROSS EXAMINATION

11 BY MR. HARTZ:

12 Q I want to clarify when you lived at the  
13 property and when you didn't, and make it a  
14 little more clear.

15 A I can't. I have no recorded history. What I  
16 told you is as clear as I am going to be able  
17 to make it without a journal of events.

18 Q Did you live there in the Spring of 2005,  
19 January through April?

20 A Yes, that is correct.

21 Q What about the summer of 2005?

22 A 2005, we did not.

23 Q You didn't live there in July of 2005?

24 A In July of 2005, we lived here for, like I  
25 say, maybe a week at a time and then we were

1           gone again. I go on buying trips. We have to  
2           buy quite a bit to support our Internet  
3           business. I travel back and forth to Florida,  
4           back and forth across the country. I'm in and  
5           out a lot. But I will go a month at a time  
6           and come back, and be gone three months at a  
7           time and come back. And yes, when we are back  
8           here in town, we do stay at my father's  
9           house.

10        Q     Do you recall talking to NFG representatives  
11           in July of 2005 with respect to the gas  
12           account at 4331 Aaron Road?

13        A     Yes, I spoke to them on several occasions.

14        Q     In 2005?

15        A     Yes.

16        Q     Do you recall at that time accepting  
17           responsibility for the bill and having your  
18           name placed on the account?

19        A     No, I never had my name placed on the  
20           account. I never assumed responsibility for  
21           the bill that is not mine. I have made  
22           payment arrangements on the bill so that we  
23           could maintain service, but I have never ever  
24           had my name added to the bill. In fact, you  
25           sent the exhibits to me and to the attorney

1           there showing the name on the bill. My name  
2           is not on that bill.

3           Q       Yours is the primary name on there.

4           A       No. It's the only name on there. If you look  
5           at the bill, what does it say? It says  
6           Anthony P. Zeus, Jr. The simple fact that you  
7           are trying to say my name is added to the  
8           bill, your own documentation that you  
9           provided shows otherwise.

10          Q       So what you are saying is that you didn't  
11          have that conversation in July of 2005, yes  
12          or no?

13          A       I did have a conversation with National Fuel  
14          about the bill, yes. I did not, no, assume  
15          responsibility or have my name added to the  
16          account.

17          Q       Your wife's name is Kathy; is that correct?

18          A       That is correct.

19          Q       Do you know if she had a conversation in July  
20          of 2005 with respect to this bill?

21          A       You would have to ask her that, I don't know.

22          Q       You don't know?

23          A       No.

24          Q       Were you established in the premises in the  
25          Fall of 2005?

1 A I don't know. That is two years ago. I was  
2 here in and out. I couldn't tell you the  
3 exact dates.

4 Q So generally you have lived there off and on  
5 for the last 20 years; is that what you have  
6 said?

7 A Exactly.

8 MR. HARTZ: That is all I have,  
9 Your Honor.

10 JUDGE NEMEC: Mr. Zeus, anything you  
11 would like to add at this point?

12 MR. ZEUS: No, I don't.

13 JUDGE NEMEC: Okay. Do you have any  
14 other witness you want to present?

15 MR. ZEUS: No.

16 JUDGE NEMEC: Assuming that there  
17 is a payment arrangement needed in this case,  
18 would you be willing to provide some income  
19 information?

20 MR. ZEUS: Sure.

21 JUDGE NEMEC: I need to know, first  
22 of all, what is your family size? How many  
23 folks in your family? You and your wife and

24 --

25 MR. ZEUS: My wife is currently

1 pregnant and I have three children.

2 JUDGE NEMEC: So you are family  
3 size five with number six on the way?

4 MR. ZEUS: That is correct.

5 JUDGE NEMEC: Can you tell me what  
6 your gross annual income is or maybe your  
7 gross monthly income?

8 MR. ZEUS: That is part of the  
9 reason why we have to go through this  
10 hearing. Under normal circumstances, I would  
11 pay my dad's bill the same as I pay mine.  
12 Recently we have had a downturn. I recently  
13 started working again on my business, getting  
14 my business up to where it was several years  
15 ago. We had a serious downturn in our  
16 business and we lost at least eighty percent  
17 of our income. We are back up to probably  
18 about 40 percent, 30 percent of that income.  
19 We anticipate getting it built back up to  
20 where we were before. That is the reason we  
21 had to straighten this out because we are not  
22 in a position to pay a lot. Our gross income  
23 right now is around 22 hundred dollars a  
24 month, maybe. That is just as of the last  
25 month. The last month was the first month we

1           made 22 hundred dollars in the last year.

2                   JUDGE NEMEC: This is from self  
3           employment?

4                   MR. ZEUS: That is correct.

5                   JUDGE NENE: I take it your wife  
6           does not work?

7                   MR. ZEUS: She does not.

8                   JUDGE NEMEC: Do you have any other  
9           income?

10                  MR. ZEUS: No, that is it right at  
11           the moment.

12                  JUDGE NEMEC: Have you provided  
13           income information to NFG in the past?

14                  MR. ZEUS: Yes, I have. My income  
15           fluctuates quite a bit, being self employed.  
16           That is where it's at as of now.

17                  JUDGE NEMEC: That is what we need  
18           to know.

19                  Okay. Let's see if Mr. Hartz has  
20           any more questions for you?

21                  MR. HARTZ: No, Your Honor.

22                  JUDGE NEMEC: Mr. Hartz, you may  
23           proceed.

24                  MR. HARTZ: We have Kathie Whipple  
25           to testify.

## KATHIE WHIPPLE

1  
2 having been duly sworn, testified under oath  
3 as follows:

## DIRECT EXAMINATION

4  
5 BY MR. HARTZ:

6 Q Miss Whipple, could you please state your  
7 name and spell your last name for the  
8 record.

9 A Kathie Whipple. Last name is W-h-i-p-p-l-e.  
10 First name, K-a-t-h-i-e.

11 Q Are you currently employed?

12 A Yes, I am.

13 Q Where do you work?

14 A National Fuel.

15 Q How long have you worked at National Fuel?

16 A For 28 years.

17 Q What is your current position with National  
18 Fuel?

19 A Director of quality assurance.

20 Q Describe briefly for me, if you would, your  
21 role in that position?

22 A I oversee the informal and formal complaints  
23 filed with the Pennsylvania Public Utility  
24 Commission as well as our low income program.

25 Q Do you conduct investigations with respect to

1           those complaints?

2           A       Yes, I do.

3           Q       What generally would your investigation  
4           entail?

5           A       I review the account, all of the information  
6           that is supplied by the customer for this  
7           particular account, as well as the informal  
8           complaint.

9           Q       Did you review that information for the  
10          account in question here today?

11          A       Yes, I did.

12          Q       Do you have that account number, by any  
13          chance?

14          A       Yes, I do. The account number is 3661192- 01.

15          Q       I'd like to turn your attention to what has  
16          been previously marked as an NFG Exhibit A.  
17          Your Honor, this was sent in the packet of  
18          documents both to yourself and the  
19          complainant and yourself, and I believe we  
20          referenced that previously. Exhibit A is  
21          three pages with the words Account Statement  
22          appearing at the top of the page.

23                    JUDGE NENE: It may be so identified  
24                    ( Whereupon, NFG Exhibit A was marked for  
25                    identification.)

1 Q Miss Whipple, can you identify that  
2 statement?

3 A Yes. It is an Account Statement for Anthony  
4 Zeus, Jr. with the account number being  
5 3661192-01.

6 Q What is the time frame that is referenced on  
7 the account?

8 A The service is from January 30th, 2004 through  
9 September 14th, 2006.

10 Q It appears that the account may be a little  
11 older than the 2004 account; does that appear  
12 correct?

13 A Yes.

14 Q At the top of the first page, there is a line  
15 that says customer and it says Anthony Zeus,  
16 Jr.; can you tell me what that means?

17 A Yes. That is the customer of record.

18 Q What is the customer of record?

19 A That is the named name that we have on the  
20 account for 3661192-01.

21 Q Would that essentially be the person that  
22 initiated the account normally?

23 A Yes.

24 Q Does National Fuel keep a record of any  
25 additional names that are added as part of

1 the account?

2 A Yes.

3 Q Are there any additional names associated  
4 with this account?

5 A Yes, there are.

6 Q What are those names?

7 A On that account, it's listed as Anthony Zeus,  
8 Jr., III, as well as Kathy Zeus.

9 Q Do you know who prepared Exhibit A?

10 A Yes.

11 Q Who prepared Exhibit A?

12 A I did.

13 Q And is that a document that National Fuel  
14 will keep in its ordinary course of business?

15 A Yes, we do.

16 Q Do you normally prepare these documents for  
17 formal and informal hearings?

18 A Yes, I do.

19 Q Is it your practice to list the additional  
20 names on this document or just the primary  
21 rate payer?

22 A The primary rate payer.

23 Q How do you know that those additional names  
24 are associated with this account?

25 A We have those listed on our account

1 information in our system.

2 Q The system is on a main frame computer type  
3 system?

4 A Yes.

5 Q Do you have access to the system right now?

6 A Yes, I do.

7 Q And those names are associated with the  
8 account?

9 A Yes.

10 Q How do those, in general, not specific to  
11 this account, but how do those names become  
12 associated with an account?

13 A Those names are associated with an account  
14 through conversations we have when people  
15 contact National Fuel with regard to an  
16 account.

17 Q When somebody does contact National Fuel, is  
18 a record of that contact usually kept?

19 A Yes, it is.

20 Q How does National Fuel keep that record?

21 A We have that information attached to each  
22 account with notations with regard to the  
23 telephone conversation of that particular  
24 day.

25 Q And that information is also accessible to

1           you on the same main frame system that you  
2           mentioned previously?

3           A     Yes.

4           Q     Did you review that information in  
5           preparation or in review of this Formal  
6           Complaint?

7           A     Yes.

8           Q     Can you tell me whether or not there is a  
9           telephone call associated with this account  
10          occurring in, it would be June of 2005?

11          A     Yes.

12          Q     And do you know who placed that telephone  
13          call?

14          A     I believe from looking at the information  
15          that I have here that that telephone call was  
16          placed by the complainant.

17          Q     Anthony Zeus, III?

18          A     Yes.

19          Q     And do you have the exact date of the  
20          telephone call?

21          A     Yes. It was July 11, 2005, at 11:52.

22          Q     And in the record shown with respect to those  
23          telephone calls, 11:52 is the time?

24          A     Yes.

25          Q     The record associated with the telephone

1 call, is there a notation as to what the  
2 telephone call was about?

3 A Yes.

4 Q What generally is the notation with respect  
5 to that telephone call on June 11, 2005?

6 A We added Anthony to the account under his  
7 father's name. Mr. Zeus agreed to the terms  
8 that he was to pay \$288.93 before the 25th of  
9 July and then he was to pay the budget amount  
10 plus as an additional \$67.

11 Q When you say Mr. Zeus agreed to the terms,  
12 would that be Junior or the third?

13 A The third.

14 Q Is that the person who initiated that  
15 telephone call?

16 A Correct.

17 Q Were there any other telephone calls made to  
18 National Fuel on July 11, 2005?

19 A Yes. There was.

20 Q What was that?

21 Q The daughter-in-law contacted us and said the  
22 PUC said we have it put into her name. We at  
23 that point advised her she was responsible  
24 for the balance based on the new regulations.

25 Q So that was also June 11, 2005?

- 1 A Yes. 11:17 is the time.
- 2 Q How about on July 25, 2005, were there any  
3 telephone calls during that time?
- 4 A Yes, there was.
- 5 Q What was that?
- 6 A Apparently Mr. Zeus, Anthony, forgot what the  
7 arrangement of the terms were and the amount  
8 due. We advised him that \$282.93 was due on  
9 the 15th of July. He said he would pay it on  
10 the 26th at the office.
- 11 Q And was that Mr. Zeus, Junior, or Mr. Zeus,  
12 III?
- 13 A Mr. Zeus, III.
- 14 Q I believe you had heard Mr. Zeus had  
15 testified that his father, Mr. Zeus, Junior,  
16 has not lived in the property in some time,  
17 maybe four years; does that sound correct?
- 18 A Correct.
- 19 Q Can you tell me, referring back to Exhibit A,  
20 the entry on the exhibit, which entry in  
21 Exhibit A would be closest in time to the  
22 initial conversation to July 11, 2005?
- 23 A That would be the entry with the service  
24 period to July 28th, 2005.
- 25 Q That is on the second page of Exhibit A?

1 A Yes. The third month down.

2 Q What was the status of the account at that  
3 time?

4 A There was a balance of \$1492.31 and payment  
5 of \$283 on the 26th of July, 2005.

6 Q Since that time, has the balance on the  
7 account gone up or gone down?

8 A The balance has gone up.

9 Q And what was the final balance on the  
10 account?

11 A The final balance was \$2,733.99.

12 Q What was the date of that balance?

13 A That was as of September 14th, 2006.

14 Q Was the account terminated at that time?

15 A Yes. It was terminated September 14th, 2006  
16 for non payment of the bill.

17 Q Is there anything with respect to Exhibit A  
18 that would need to be added to that document  
19 to make it current as of today?

20 A No.

21 Q I am going to skip Exhibits B and C for now  
22 and refer you to Exhibit D. Do you recognize  
23 Exhibit D, Miss Whipple?

24 (Whereupon, NFG Exhibit D was  
25 marked for identification.)

1 A Yes, I do. These are the arrangements that  
2 are associated with this account.

3 Q Do you know who prepared that exhibit?

4 A Yes.

5 Q Who prepared it?

6 A I did.

7 Q To the best of your knowledge, is that the  
8 extent of the arrangements on this account?

9 A That is correct.

10 Q How many arrangements are listed there?

11 A Four arrangements and a dismissal from the  
12 Bureau of Consumer Services.

13 Q The dismissal from the Bureau of Consumer  
14 Services, I believe that is referenced on  
15 Exhibit D; would that be correct?

16 A Yes.

17 Q The same number?

18 A Yes.

19 Q Why was that dismissed? It looks like two  
20 pages on Exhibit D, I'm sorry. The first one  
21 is BCS 1881002. That would be the first at  
22 the bottom of Exhibit D?

23 A Correct.

24 Q What is the date?

25 A April 18, 2005.

1 Q On the second page of Exhibit D is the more  
2 recent BCS decision, number 20088032. That  
3 is the one that you mentioned was dismissed;  
4 is that correct?

5 A That is correct.

6 Q Why is that?

7 A That was dismissed because the customer did  
8 not return income information to the Public  
9 Utility Commission. There was a discrepancy  
10 of what was reported.

11 Q At this point, what was National Fuel's  
12 position with respect to this account and  
13 restoration of service?

14 A When we spoke to Mr. Zeus on the 14th of  
15 November, 2006, we had stated our position  
16 that to restore service in his name we would  
17 require \$350 and that is what he agreed to at  
18 that time with the budget amount and an  
19 additional forty dollars a month.

20 Q Is that still National Fuel's position?

21 A Yes.

22 Q As far as an outstanding balance would go,  
23 what is National Fuel's position? I  
24 understand the account closed at \$2,333.99.  
25 How much of that amount is National Fuel

1 going to hold Mr. Zeus, III, responsible for?

2 A We would go back to the July of 2005 where  
3 the balance was \$14092.31.

4 Q So we you would remove the 149231 that was on  
5 the account as of July of 2005 when those  
6 telephone conversations occurred from the  
7 whole, the ending amount, the \$2,700?

8 A That is correct.

9 Q What would that be for a total?

10 A \$1,241.68.

11 Q That amount would represent the accrued since  
12 those July conversations until the time the  
13 account was terminated; is that correct?

14 A That is correct.

15 MR. HARTZ: I have no further  
16 questions. I might have one more. Actually,  
17 no, I have no further questions for Miss  
18 Whipple, pending any cross examination, any  
19 questions you may have, and any objections. I  
20 would ask that NFG A, C and D be admitted.

21 ( Whereupon, NFG Exhibit C was  
22 marked for identification.)

23 JUDGE NEMEC: Okay. Mr. Zeus, any  
24 objections to A, C and D?

25 MR. ZEUS: No.

1 JUDGE NEMEC: NFG Exhibits A, C and  
2 D are admitted.

3 (Whereupon, NFG Exhibits A, C and D  
4 were admitted into evidence.)

5 Miss Whipple, the balance that you  
6 are holding Mr. Zeus, III for, how much is  
7 that? Is that 1241?

8 MS. WHIPPLE: Yes.

9 JUDGE NEMEC: I had it on the  
10 calculator. Just a moment. 1241.68.

11 JUDGE NEMEC: All right. Mr. Zeus,  
12 any questions for the witness?

13 MR. ZEUS: Actually, I had a bunch  
14 of questions but I'm okay with that. All I  
15 wanted was to have that documented. I want to  
16 have the bill in my own name. I'm not trying  
17 to escape responsibility that is mine. So  
18 there are some charges on there that are the  
19 result of my residence at this location.

20 JUDGE NEMEC: The bill is in your  
21 name sir, No. 1.

22 MR. ZEUS: No, it is not in my  
23 name.

24 JUDGE NEMEC: According to Miss  
25 Whipple's testimony and the company's

1 records, her review of the company's records.

2 MR. ZEUS: If anybody were to  
3 inquire on anyone's bill, their name would be  
4 associated with the account.

5 JUDGE NEMEC: She just testified  
6 that your name is associated with the  
7 account, along with your wife and your  
8 father.

9 MR. ZEUG: Right. But if I were to  
10 call about my aunt's bill who lives on West  
11 23rd Street, say, my name would become  
12 associated with her account, but that doesn't  
13 make me the primary rate payer.

14 JUDGE NEMEC: Do you want to ask if  
15 your supposition is correct?

16 MR. ZEUS: Yes.

17 CROSS EXAMINATION

18 BY MR. ZEUS:

19 Q Miss Whipple, if you were to call today to  
20 National Fuel, and by their own exhibit my  
21 name as it is, Anthony P. Zeus, III, is not  
22 on any of those exhibits, they haven't really  
23 provided anything in their documentation that  
24 shows my name on any of it, but now, Miss  
25 Whipple, if I were to call and inquire about

1 my aunt's gas bill, and she had asked me to  
2 help her or make arrangements on the bill,  
3 and I called on her behalf to do that,  
4 wouldn't my name then become associated with  
5 her account?

6 A No. It would not.

7 Q By conversation?

8 A No, it would not.

9 Q Then how is it that my name is associated  
10 then with the account?

11 A When we spoke to you in July, you had agreed  
12 to that.

13 Q I agreed to take over my father's bill?

14 A That is correct.

15 Q Now, that is ridiculous. Why would anybody  
16 do that and why isn't it in any of the  
17 documentation that I did that?

18 JUDGE NEMEC: Okay. We are going to  
19 cut you off. The reality is by your own  
20 testimony you have been residing in this  
21 premises off and off for a period of time.  
22 Under the Public Utility Code, chapter 14,  
23 that makes you responsible whether your name  
24 is officially part of the account or not, for  
25 starters.

1                   The second thing you need to be  
2 aware of, you have had a prior payment  
3 arrangement, at least the company's documents  
4 had prior payment arrangements with you on  
5 this account, and you didn't take timely  
6 appeals from those, and my understanding is  
7 I'm precluded from even entering a payment  
8 arrangement. I want to suggest to you what  
9 they have offered you is about a good a deal  
10 as you are going to get.

11                   MR. ZEUS: I'm okay with that. I  
12 was okwy when they offered it.

13                   JUDGE NEMEC: Then you need to  
14 comply with it and then this will all be  
15 over.

16                   MR. ZEUS: I didn't say I wouldn't  
17 comply with that. I never said I wouldn't. I  
18 said when I was ready to re-initiate service,  
19 that is the path I would follow.

20                   JUDGE NEMEC: Okay.

21                   MR. ZEUS: That I would make the  
22 \$350 payments and have the service restored  
23 and make the payments.

24                   JUDGE NEMEC: Why do you need to  
25 document that?

1 MR. ZEUS: I have had situations  
2 before where agreements had been made, and  
3 once the agreement is fulfilled at that time,  
4 the additional amount is tacked on. I want it  
5 to be that everybody is in agreement and  
6 there is some documentation that that is what  
7 we are going to do and that is the agreement  
8 that we have.

9 JUDGE NEMEC: Well, you have sworn  
10 testimony from an NFG witness to the effect  
11 that that is the agreement.

12 MR. ZEUS: Terrific, that's all I  
13 need. I'm good.

14 JUDGE NEMEC: Would that be enough  
15 to satisfy you and have you withdraw your  
16 Complaint?

17 MR. ZEUS: Sure, absolutely, if  
18 that testimony would still be valid. If I  
19 withdraw it, though, doesn't that testimony  
20 go away?

21 JUDGE NEMEC: It's never going to  
22 go away, no. I have a suggestion. The  
23 suggestion is that Mr. Hartz send you a  
24 letter to the effect outlining the offer made  
25 by Miss Whipple on the record here, and that

1 along with that, that he file something  
2 called a Certificate of Satisfaction. Once  
3 that is filed, you will get a letter  
4 eventually from the Commission. I have no  
5 control over this, so I say eventually. It  
6 takes a while. You will get a letter saying  
7 that this case is closed within ten days,  
8 unless you object. By that point, you will  
9 have his letter. You have already agreed  
10 that the offer is to your satisfaction, and  
11 if you do nothing, the matter will be closed.  
12 If something comes up and you decide you want  
13 to object, you may, and then that will force  
14 me to write an initial decision. Okay?

15 MR. ZEUS: Okay.

16 JUDGE NEMEC: How does that sound,  
17 Mr. Hartz?

18 MR. HARTZ: That sounds fine to me.  
19 I will do that at the conclusion of the  
20 hearing.

21 JUDGE NEMEC: Great. I can't think  
22 of anything else. In any event, you will have  
23 a letter from Mr. Hartz, plus you know we  
24 have a transcript that has it in it. That is  
25 about it, Mr. Zeus.

1 MR. ZEUS: Okay. I'm satisfied.

2 JUDGE NEMEC: Oh, I know what. What  
3 address do you want us to send all this to?

4 MR. ZEUS: The first address I gave  
5 you or this address here.

6 JUDGE NEMEC: Why don't we keep the  
7 service address so that everything goes to  
8 one place.

9 MR. ZEUS: Okay.

10 JUDGE NEMEC: So you can be  
11 expecting a letter from Mr. Hartz there and  
12 any notices that we send will come to the  
13 service address, which is 4331 Aaron Road,  
14 Erie, Pennsylvania 16511. All right?

15 MR. ZEUS: Okay.

16 JUDGE NEMEC: Okay. Are we all on  
17 the same page?

18 MR. ZEUS: I think so.

19 MR. HARTZ: I think so.

20 JUDGE NEMEC: Fantastic. Have fun,  
21 folks. Bye-Bye.

22 (Whereupon, at 11:00 a.m., the hearing was  
23 concluded.)

24

25

## C E R T I F I C A T E

I, Anne V. Thompson, a court reporter for the Commonwealth of Pennsylvania, do hereby certify that the said hearing was taken at the time and place stated herein; and that the said hearing was recorded stenographically by me and then reduced to typewriting under my direction, and constitutes a true record of the testimony given at the time of the hearing.

*Anne V. Thompson*

Anne V. Thompson

RECORDED  
2001 FEB 20 AM 9:38  
SECRETARY'S BUREAU

# ACCOUNT STATEMENT

CUSTOMER: Anthony Zeus, Jr.  
 ACCOUNT #: 3661192-01

INVESTIGATOR: Formal Complaint  
 CASE NUMBER: C-20066855

**DOCKETED**  
 FEB 22 2007

SVC TO	DAYS	MTR RDC	*TYPE	CONS	DD	BILL AMT	DUE DATE	LPC	PYMTS	DATE	BALANCE	COMMENTS
1/30/2004	32	8509	A	302	1307	\$ 304.85	2/22/2004	1.32			\$ 394.13	
2/26/2004	27	8781	E	272	1065	\$ 284.95	3/22/2004	5.89			\$ 684.97	
3/25/2004	28	9045	A	264	819	\$ 277.78	4/20/2004	4.25	\$ 394.13	3/12/2004	\$ 572.87	
4/27/2004	33	9208	E	163	599	\$ 177.64	5/20/2004	8.42			\$ 758.93	
5/27/2004	30	9220	A	12	176	\$ 25.12	6/21/2004	2.49	\$ 572.87	5/14/2004	\$ 213.67	
6/25/2004	29	9258	E	38	86	\$ 53.03	7/20/2004	2.87			\$ 269.57	
7/27/2004	32	9283	A	25	16	\$ 39.06	8/19/2004	0.46	\$ 213.67	7/19/2004	\$ 95.42	
8/25/2004	29	9308	E	25	32	\$ 39.88	9/19/2004	1.05			\$ 136.35	
9/28/2004	34	9337	A	29	46	\$ 46.28	10/19/2004	1.64			\$ 184.27	Term notice for 10/11
10/25/2004	27	9431	E	94	326	\$ 114.35	11/17/2004	0.29	\$ 136.35	10/8/2004	\$ 162.56	
11/24/2004	30	9566	A	135	528	\$ 164.17	12/20/2004	2.01			\$ 328.74	
12/28/2004	34	9839	E	273	1091	\$ 317.60	1/23/2005	4.47			\$ 650.81	Term notice for 1/14
1/31/2005	34	0133	A	294	1213	\$ 343.37	2/21/2005	9.23			\$ 1,003.41	Term notice for 2/11
2/25/2005	25	0354	E	221	893	\$ 258.08	3/22/2005	9.76	\$ 308.68	2/17/2005	\$ 962.57	Term notice for 3/14
3/30/2005	33	0597	A	243	1174	\$ 285.08	4/21/2005	13.63			\$ 1,261.28	Term notice for 4/14
4/27/2005	28	0719	E	122	490	\$ 152.18	5/22/2005				\$ 1,413.46	

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 PA PUBLIC UTILITY COMMISSION  
 SECRETARY'S BUREAU

**BA**  
 COMMENTS

TYPE CODES: A - Actual  
 E - Estimate  
 C - Customer

IA - Initial (Actual)  
 FA - Final (Actual)  
 ADJ - Adjustment

**DOCUMENT FOLDER**  
 NFG EXHIBIT A  
 C-20066855  
 01-22-07  
 1122107  
 PGH HRNG

CUSTOMER: Anthony Zeus, Jr.  
 ACCOUNT #: 3661192-01

INVESTIGATOR: Formal Complaint  
 CASE NUMBER: C-20066855

SVC TO	DAYS	MTR RDC	TYPE	CONS.	DD	BILL AMT	DUE DATE	IPC	PYMTS	DATE	BALANCE	COMMENTS
5/27/2005	30	0815	A	96	423	\$ 129.20	6/21/2005	\$ 1.27			\$ 1,543.93	
6/27/2005	31	0852	E	37	46	\$ 58.17	7/20/2005	\$ 3.21			\$ 1,605.31	
7/28/2005	31	0867	A	15	0	\$ 31.39	8/21/2005		\$ 283.00	7/26/2005	\$ 1,492.31	Budget @ \$170
8/25/2005	28	0892	E	25	1	\$ 45.45	9/19/2005				\$ 1,662.31	
9/27/2005	33	0913	A	21	16	\$ 40.97	10/19/2005		\$ 199.00	9/15/2005	\$ 1,633.31	
10/25/2005	28	0989	E	76	256	\$ 113.22	11/11/2005		\$ 198.00	10/25/2005	\$ 1,616.31	Budget @ \$181
11/29/2005	35	1107	A	118	646	\$ 203.71	12/20/2005		\$ 200.00	11/28/2005	\$ 1,597.31	
12/28/2005	29	1351	E	244	1063	\$ 408.26	1/23/2006	\$ 22.88			\$ 1,801.19	Term notice for 2/12
1/30/2006	33	1602	A	251	903	\$ 423.97	2/21/2006	\$ 25.59			\$ 2,078.78	Budget @ \$252
2/27/2006	28	1822	E	220	951	\$ 354.83	3/22/2006	\$ 23.25	\$ 408.00	2/10/2006	\$ 1,946.03	Term notice for 3/14
3/28/2006	29	2055	A	233	896	\$ 375.96	4/20/2006				\$ 2,198.03	Term notice for 4/13
4/27/2006	30	2181	E	126	493	\$ 210.71	5/22/2006	\$ 26.76	\$ 270.00	4/6/2006	\$ 2,206.79	Term notice for 5/12
5/25/2006	28	2235	A	54	304	\$ 99.10	6/21/2006				\$ 2,458.79	
6/27/2006	33	2272	E	37	57	\$ 72.79	7/20/2006		\$ 5.43	6/5/2006	\$ 2,526.15	Budget cancel
7/27/2006	30	2324	A	52	1	\$ 97.06	8/20/2006				\$ 2,623.21	
8/24/2006	28	2345	E	21	1	\$ 40.61	9/18/2006	\$ 36.79			\$ 2,700.61	Term notice for 9/8

\*TYPE CODES: A - Actual  
 E - Estimate  
 C - Customer

IA - Initial (Actual)  
 FA - Final (Actual)  
 ADJ - Adjustment

# ACCOUNT STATEMENT

CUSTOMER Anthony Zeus, Jr  
 ACCOUNT #: 3661192-01

INVESTIGATOR: Formal Complaint  
 CASE NUMBER: C-20066855

SVC TO	DAYS	MTR KDCG	*TYPE	CONS	DD	BILL AMT	DUE DATE	LPC	PYMTS	DATE	BALANCE	COMMENTS
9/14/2006	21	2364	FA	19	25	\$ 33.38	10/5/2006				\$ 2,733.99	SONP 9/14

\*TYPE CODES: A - Actual  
 E - Estimate  
 C - Customer

IA - Initial (Actual)  
 FA - Final (Actual)  
 ADJ - Adjustment

PA. PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
CASE DECISION

BCS Number: 1881002 Case Closed On: 2005-08-31  
Investigator: KEPNER, SHEILA  
Account Number: 366119201 0063 - NFG (NATIONAL FUEL GAS DISTRIBUTION CORP)  
Customer Name: ANTOHNY ZEUS JR  
Service Address: 4331 AARON RD Total Balance: 1662.31  
Date of Acct Balance: 2005-08-31  
ERIE, PA 16511  
Decision Issued? Y Violation: NO  
Oral/Written: W Chap. 56/64 Other:  
Heading Date: 2005-09-01 Section/Rule:  
Resolution: SEE CS17 FOR TERMS OF PAR.

Letter Description: EGW STRAIGHT PAR/NO LPCS/BUDGET + FOR LEVEL 1 HOUSEHOLDS

PAR Description:

No. 2's (OFFS) - To have Service Restored Pay:

No. 3's (REMEDS) - To Keep Service on Pay:

Terms: Beginning:

SEPTEMBER 19, 2005

Special Budget or Optional Payment Amount:

198.00

Regular Budget Amount:

170.00

Plus Payment Toward Arrears:

28.00

Final Bill Monthly Payment:

Current Bill Monthly Payment:

End of Month Payment:

Billing Date:

Reconnect Amt:

Payment Amt:

PUC Fax Nbr: 717 7876641

Times Sent: 1

Times Faxed:

0

BA

DOCUMENT  
FOLDER

RECEIVED

FEB 20 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

DOCKETED  
FEB 22 2007

NFG EXHIBIT C

e-200 06 805  
1/22/07 Pgh.a.o.

PA. PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
CASE DECISION

BCS Number:	2088032	Case Closed On:	2006-08-07
Investigator:	HARTMAN, SHIRLEY		
Account Number:	366119201	0063 - NFG (NATIONAL FUEL GAS DISTRIBUTION CORP)	
Customer Name:	ANTHONY ZEUS		
Service Address:	4331 AARON RD	Total Balance:	2526.15
	ERIE, PA 16511	Date of Acct Balance:	
Decision Issued?	N	Violation:	NO
Oral/Written:	O	Chap. 56/64 Other:	
Heading Date:		Section/Rule:	
Resolution:	CASE DISMISSED WITHOUT A DECISION. CU DID NOT RETURN INCOME VERIFICATION FORM. CU GAVE PUC INCOME OF 1400/5 AND CO INCOME 3821/5 ON SAME DAY 6/5/2006.		

Letter Description:

PAR Description:

No. 2's (OFFS) - To have Service Restored Pay:

No. 3's (REMEDI) - To Keep Service on Pay:

By:

Terms: Beginning:

Special Budget or Optional Payment Amount:

Regular Budget Amount:

Plus Payment Toward Arrears:

Final Bill Monthly Payment:

Current Bill Monthly Payment:

End of Month Payment:

Billing Date:

Reconnect Amt:

Payment Amt:

PUC Fax Nbr: 717 7876641

Times Sent: 1

Times Faxed: 0

Formal Complaint  
Anthony Zeus, Jr.  
C-20066855

ARRANGEMENTS

ST2088032  
June 6, 2006

Balance: \$2526.15  
Terms: Case dismissed/customer did not return income information  
Income: reported to PUC \$1400/reported to NFG \$3821/same day

Settlement  
May 11, 2006

Balance: \$2206.79  
Terms: \$570.00 by May 19, 2006, then budget plus \$28  
Income: \$3820.00  
Expenses: \$2097.00

Settlement  
March 13, 2006

Balance: \$1946.03  
Terms: \$280.00 by March 23, 2006, then budget plus \$28.00  
Income: \$1721.00  
Expense: \$2097.00

Settlement  
September 6, 2005

Balance: \$1622.31  
Terms: \$198.00 by September 19, 2006, then budget plus \$28.00  
Income: \$1075.00  
Expenses: n/a

ST.1881002  
April 18, 2005

Balance: \$1413.46  
Terms: Budget plus \$28.00  
Income: \$1075.00  
Expenses: n/a

**RECEIVED**

FEB 20 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**DOCUMENT  
FOLDER**

**DOCKETED**  
FEB 22 2007

NFG EXHIBIT D

C-20066855

1/22/07 Pgh.a.s.