

AA.00063.00000 (40/40)

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: ALJ
- 3. SECTION(S):
- 5. APPROVED BY: *Reserved*  
DIRECTOR:  
SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: C-20066960
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 10/02/06
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: BOWERS, RUTH M.

RESPONDENT/APPLICANT: DOMINION RETAIL INC T/A PEOPLES PLUS

COMP/APP COUNTY: ALLEGHENY

UTILITY CODE: 125002

ALLEGATION OR SUBJECT

COMPLAINANT STATES SERVICE WAS SWITCHED WITHOUT CONSENT. SHE WOULD LIKE THE PUC TO HAVE ORIGINAL RATES BEFORE BEING SWITCHED CHARGED INSTEAD OF HIGHER RATE NOW BEING CHARGED.

DOCUMENT  
FOLDER

**DOCKETED**  
OCT 23 2006

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
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6. PERSON IN CHARGE:	:	7. DATE FILED: 10/02/06
8. DOCKET NO: C-20066960	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: BOWERS, RUTH M.

RESPONDENT/APPLICANT: PEOPLES NATURAL GAS CO., THE

COMP/APP COUNTY: ALLEGHENY

UTILITY CODE: 122250

ALLEGATION OR SUBJECT

COMPLAINANT STATES SERVICE WAS SWITCHED WITHOUT CONSENT. SHE WOULD LIKE THE PUC TO HAVE ORIGINAL RATES BEFORE BEING SWITCHED CHARGED INSTEAD OF HIGHER RATE NOW BEING CHARGED.

**DOCUMENT  
FOLDER**

**DOCKETED**

OCT 19 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

ORIGINAL

Please print or type.

C-20066960

1. CUSTOMER NAME (COMPLAINANT)

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

Name Ruth M Bowers

Street/P.O. Box P.O. Box 295 Apt # \_\_\_\_\_

City BAKERTOWN State PA Zip 15007

County Allegheny

Area Code/HOME Phone 724-443-3853

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

Utility Account Number 24613 0119 4147  
(from your bill)

SECRET  
2005 OCT -2 AM 9:00

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

Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

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

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Dominion Peoples

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE  
(local, long distance)

27

4. COMPLAINT (check one)

A. In general, what is your complaint?

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

B. State the facts of your complaint.

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

*Domestic Peoples disconnected service, & put us on Dominion, saying <sup>plus</sup> they sent a letter for us to sign if we wanted to stay with them, they sent it to 513 Main St, not 80 Boy 895. We never got the letter when I called they put us back on Dominion Peoples <sup>plus</sup> but at commodity charge of MCF @ 11.59 not 7.99 when they take us off*

5. RELIEF

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

*put us back to the MCF @ 7.99*

6. PROTECTION FROM ABUSE

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

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

YES

NO

7. PRIOR UTILITY CONTACT

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

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

YES   
(includes appeals of BCS determinations)

NO

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

8. VERIFICATION AND SIGNATURE

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

Verification:

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

Ruth M Bowers  
(Signature)

9/29/06  
(Date)

9. **LEGAL REPRESENTATION (IF ANY)**

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

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

Street \_\_\_\_\_

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

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

10. **FILING**

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

If using U.S. Postal Service:

If using overnight delivery service:

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

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

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

**Keep a copy of your complaint for your records.**

PO Box 26656  
Richmond VA 23261-6656



February 23, 2006

DARRELL BOWERS  
PO BOX 295  
BAKERSTOWN PA 15007-0295

ACCOUNT NO:  
2461301194147  
SERVICE ADDRESS:  
313 MARION ST  
BAKERSTOWN PA 15007-1011

**Subject: Energy Choice Confirmation**

This letter confirms your choice of Dominion Peoples Plus, as your natural gas supplier.

Unless your account status changes, you will start receiving **one combined bill** from Dominion Peoples on or after 03/24/2006. It will include your delivery service from Dominion Peoples and your natural gas supply from Dominion Peoples Plus.

If any of this information is not correct, please contact our office at **(800)764-0111** by 03/07/2006. If you have any questions about your natural gas supply choice, please call Dominion Peoples Plus toll-free at (800)400-5648.

We hope that you will be pleased with our Energy Choice program and the natural gas supplier you chose.

**As always, please call Dominion Peoples for any emergency such as fire, odor of gas, or explosion.** Dominion Peoples will continue to deliver the gas safely to your home and meet your customer service needs.

Sincerely,

Dominion Peoples  
Customer Service Center

ica170



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

IN REPLY PLEASE  
REFER TO OUR FILE

DATE SERVED: OCTOBER 19, 2006

C-20066960

PEOPLES NATURAL GAS COMPANY  
SUSAN G GEORGE ESQ  
625 LIBERTY AVE  
PITTSBURGH PA 15222-3197

**DOCUMENT  
FOLDER**

Dear Ms. George:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by RUTH BOWERS. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

**CUSTOMER OF A UTILITY**

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

**COMPANY/UTILITY**

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

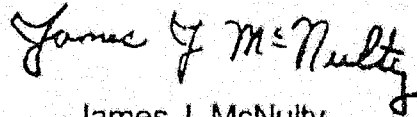
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

OCTOBER 19, 2006

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,



James J. McNulty  
Secretary

SS

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: OCTOBER 19, 2006

RUTH BOWERS

Complainant

v.

PEOPLES NATURAL GAS COMPANY

Respondent

Complaint Docket  
No: C-20066960

**DOCKETED**

OCT 19 2006

---

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: PEOPLES NATURAL GAS COMPANY

**DOCUMENT  
FOLDER**

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

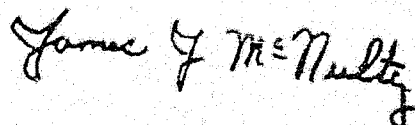
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest. In which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested



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

IN REPLY PLEASE  
REFER TO OUR FILE

DATE RESERVED: OCTOBER 23, 2006

C-20066960

DOMINION RETAIL INC  
T/A PEOPLES PLUS  
1201 PITT STREET  
PITTSBURGH PA 15221

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by RUTH BOWERS . To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

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**COMPANY/UTILITY**

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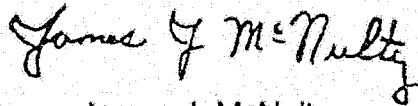
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

OCTOBER 23, 2006

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty  
Secretary

SS

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE RESERVED: OCTOBER 23, 2006

RUTH BOWERS

Complainant

v.

DOMINION RETAIL INC

Respondent

Complaint Docket

No: C-20066960

---

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: DOMINION RETAIL INC

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

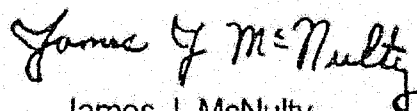
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

Horace P. Payne, Jr.  
Senior Counsel

Dominion Resources Services, Inc.  
625 Liberty Avenue, Pittsburgh, PA 15222  
Phone 412-497-6882, Fax 412-497-6838  
E-mail: Horace\_P\_Payne@dom.com



**Dominion**

ORIGINAL

November 3, 2006

**CERTIFIED MAIL**

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RECEIVED

NOV 08 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Re: Ruth M. Bowers v. The Peoples Natural Gas Company  
at Docket No. C-20066960

Dear Secretary McNulty:

On behalf of The Peoples Natural Gas Company, enclosed please find an original and three (3) copies of its Answer, and Motion to Dismiss, filed in the above-referenced matter.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Very truly yours,

DOCUMENT  
FOLDER

Enclosures

cc: Ruth M. Bowers, P.O. Box 295, Bakerstown, PA 15007

59

COMMONWEALTH OF PENNSYLVANIA  
BEFORE  
THE PUBLIC UTILITY COMMISSION

Ruth M. Bowers  
v.  
The Peoples Natural Gas Company

) Complaint Docket  
) No. C-20066960  
) 2006

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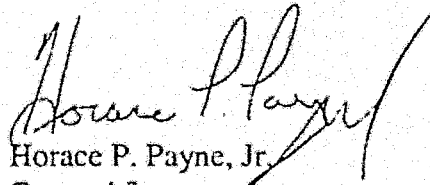
NOV 08 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

ANSWER OF  
THE PEOPLES NATURAL GAS COMPANY  
d/b/a DOMINION PEOPLES

1. Admitted.
2. The Peoples Natural Gas Company d/b/a Dominion Peoples  
625 Liberty Avenue  
Pittsburgh, PA 15222-3197  
Horace P. Payne, Jr., Counsel for The Peoples Natural Gas Company
3. Admitted.
4. The subject matter of this complaint contains allegations against Complainant's natural gas supplier, Dominion Peoples Plus, a separate and distinct company from Dominion Peoples. Dominion Peoples was incorrectly served with the subject complaint.
5. Wherefore, Dominion Peoples respectfully requests that this complaint be dismissed.
6. Unknown to Dominion Peoples.
7. Denied.

Respectfully submitted,

  
Horace P. Payne, Jr.  
Counsel for  
The Peoples Natural Gas Company

COMMONWEALTH OF PENNSYLVANIA  
BEFORE  
THE PUBLIC UTILITY COMMISSION

Ruth M. Bowers  
v.  
The Peoples Natural Gas Company

) Complaint Docket  
) No. C-20066960  
) 2006

MOTION TO DISMISS OF  
THE PEOPLES NATURAL GAS COMPANY  
d/b/a DOMINION PEOPLES

1. The allegations stated in this complaint are against Complainant's gas supplier, Dominion Peoples Plus, a separate and distinct company from Dominion Peoples.
2. Dominion Peoples was incorrectly served with the subject complaint.
3. Wherefore, Dominion Peoples respectfully requests approval of the attached Order dismissing Dominion Peoples from this matter.

Respectfully submitted,

Horace P. Payne, Jr.  
Counsel for  
The Peoples Natural Gas Company

Ruth M. Bowers  
v  
The Peoples Natural Gas Company

) Complaint Docket  
) No. C-20066960  
) 2006

ORDER

Respondent, The Peoples Natural Gas Company d/b/a Dominion Peoples  
is hereby dismissed from this matter, as it has been improperly served with this  
Complaint. Respondent has performed all duties required of them and has not violated  
any of the Commission's regulations, policies, or procedures.

BY THE COURT:

---

J.

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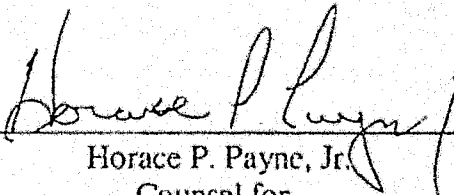
PAID SECURITY COMMISSION  
GEORGETOWN, DE



CERTIFICATION OF SERVICE

I hereby certify that I have served a copy of the foregoing upon each party to this proceeding.

Done at Pittsburgh, Pennsylvania, this 3rd day of December, 2006.

  
\_\_\_\_\_  
Horace P. Payne, Jr.  
Counsel for  
The Peoples Natural Gas Company

RECEIVED

NOV 03 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Gary A. Jeffries  
Senior Counsel

Dominion Retail, Inc.  
1201 Pitt Street, Pittsburgh, PA 15221  
Phone: 412-473-4129 Fax: 412-473-4170  
Email: gjeffries@dom.com



**Dominion**

November 9, 2006

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 1705-3265

**ORIGINAL**

Re: Ruth Bowers v. Dominion Retail, Inc.: Docket No. C-20066960

RESPONDENT'S ANSWER AND NEW MATTER

Dear Secretary McNulty:

On behalf of Dominion Retail, Inc. d/b/a Peoples Plus, the Respondent in the above-referenced matter, please find an original and four (4) copies of the ANSWER AND NEW MATTER OF DOMINION RETAIL, INC. d/b/a PEOPLES PLUS.

Pursuant to 52 Pa. Code §5 63, unless otherwise ordered by the Commission, a reply to new matter shall be filed with the Commission and served within 20 days after date of service of the answer, but not later than 5 days prior to the date set for the commencement of the hearing. Failure to file a timely reply to new matter may be deemed in default, and relevant facts stated in the new matter may be deemed to be admitted.

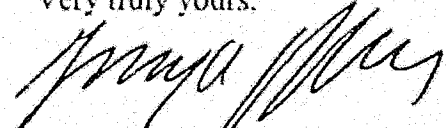
Please note that Respondent is also filing this date in the instant docket a PRELIMINARY OBJECTION seeking the dismissal of the subject complaint.

A copy of this filing is also being service upon Complainant this date by first-class U.S. Mail.

If you have any questions, please do not hesitate to contact me.

DOCUMENT  
FOLDER

Very truly yours,

 BTL

Gary A. Jeffries  
Senior Counsel

Enclosures

cc: Ruth Bowers, P.O. Box 295, Bakerstown, PA 15007

RECEIVED  
NOV 14 11 51 AM '06  
29

2005 NOV 11 AM 9:05

SECRET

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

RUTH BOWERS

Complainant,

v.

DOMINION RETAIL, INC.

Respondent .

Docket No. C-20066960

ANSWER AND NEW MATTER OF  
DOMINION RETAIL, INC. d/b/a PEOPLES PLUS

NOW comes Dominion Retail, Inc. d/b/a Peoples Plus ("Peoples Plus") and states and avers as follows:

ANSWER

1 The averments in Paragraph 1 of the Complaint are admitted. It should be noted that the referenced Dominion Peoples Gas utility account number applies to one Darrell Bowers, 313 Marion Street, Bakerstown, PA 15007-1011. Presumably, Darrell Bowers is the spouse or family relative of Ruth Bowers. Therefore, Peoples Plus' use of the term "Complainant" in this ANSWER AND NEW MATTER as well as in the PRELIMINARY OBJECTION also filed in this docket shall refer to both Ruth and Darrell Bowers.

2 Respondent's address:

Dominion Retail, Inc. d/b/a Peoples Plus  
1201 Pitt Street  
Pittsburgh, PA 15221

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Gary A. Jeffries, Counsel for Dominion Retail, Inc.

3. Peoples Plus is a licensed natural gas supplier ("NGS") in the Commonwealth of Pennsylvania. Peoples Plus is not a public utility.
4. In Section B. of Paragraph 4, Complainant alleges that "*Dominion Peoples Plus disconnected service & put us on Dominion, saying they sent a letter for us to sign if we wanted to stay with them, they sent it to 313 Marion St. not PO Box 295. We never got the letter when I called they put us back on Dominion Peoples Plus but at commodity charge of MCF @ 11.59 not 7.99 when took us off*".

Peoples Plus denies all allegations of wrongdoing by Complainant. As a natural gas supplier, Peoples Plus could not and did not "disconnect" gas service to Complainant. See also NEW MATTER below for Complainant's account history with Peoples Plus.

5. Complainant requests that the Commission "*put us back to MCF @ 7.99*". Complainant is seemingly asking the Commission to direct that Peoples Plus sell gas to Complainant at a price of \$7.99/mcf. Respectfully, the Commission is without jurisdiction to order the relief requested by Complainant as against Peoples Plus, an unregulated gas marketer. Peoples Plus is not a public utility and thus is not subject to the rate or price regulation that Complainant is seeking. See the PRELIMINARY OBJECTION filed by Peoples Plus this date in the instant docket.
6. No response necessary.
7. No response necessary.
8. No response necessary.

9. No response necessary.
10. No response necessary.

### NEW MATTER

In furtherance of its Answer, the Respondent, Peoples Plus, hereby states and avers the following material facts as New Matter pursuant to 52 Pa. Code §5.62(b):

1. Complainant voluntarily enrolled for natural gas commodity service from Peoples Plus in May 1998 under a 2-year, cancel-anytime contract at a price of \$6.71/mcf (gas and delivery). Dominion Peoples Gas, the utility company, at all times relevant hereto, performed billing of Peoples Plus's charges to Complainant on a separate portion of the monthly gas bill.
2. Complainant's original contract was renewed in December 2002 for a 1-year term at the price of \$5.46/mcf (gas only). Then, on October 7, 2003, Peoples Plus sent an automated renewal letter to Complainant offering a renewal price of \$6.99/mcf through November 2004. That letter was sent to the utility service address of record for the account, 313 Marion Street, Bakerstown, PA 15007. However, the letter was returned to Peoples Plus as undeliverable. Consequently, on October 30, 2003, Peoples Plus's automated renewal system automatically cancelled Complainant's service and returned Complainant to gas sales service from Dominion Peoples Gas effective that day. Dominion Peoples Gas would have sent Complainant a letter advising of the change in

supplier. In any event, effective with Complainant's December 2003 gas bill from Dominion Peoples Gas, all reference to Peoples Plus would have no longer appeared on the bill. Complainant did not contact or question Peoples Plus about the contract cancellation.

3. Indeed, at no time from late 2003 until early 2006 did Peoples Plus hear anything at all from Complainant again for over two years. On January 4, 2006, Complainant twice called the Peoples Plus call center to complain about a high bill. Peoples Plus informed Complainant that service to her account had been cancelled in 2003. Complainant asserted that she did not know her service from Peoples Plus had ended over two years prior and asked that Peoples Plus immediately reinstate her at the same price. Peoples Plus responded that this was not possible since Peoples Plus's standard offer price at that time was significantly higher.
4. On February 21, 2006, Complainant voluntarily enrolled via the Internet with Peoples Plus at the price of \$11.59/mcf, with service commencing in March 2006 through November 30, 2006. Moreover, on October 2, 2006, Peoples Plus sent a renewal letter to Complainant advising of new pricing to become effective December 1, 2006 through October 30, 2007 (\$8.45/mcf for the period 12/1/06 through 1/31/07 and \$10.95/mcf for the period February 07 through 10/30/07). Complainant, who is free to cancel without penalty, has not done so. Complainant currently remains a customer of Peoples Plus.
5. Complainant's request that the Commission order Peoples Plus to "put us back to MCF @ 7.99" is beyond the jurisdiction of the Commission. As discussed in greater detail

in Peoples Plus's PRELIMINARY OBJECTION filed today in this docket, this request should be summarily rejected by the Commission.

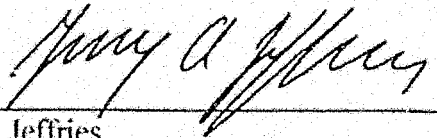
Moreover, Peoples Plus never even served Complainant at a price of \$7.99/mcf. Further, Complainant cannot reasonably claim that Peoples Plus somehow breached its contract with Complainant or that Complainant did not have notice of the October 2003 cancellation. That contract ended of its own terms in October 2003. The automated cancellation would have prompted the utility, Dominion Peoples Gas, to send Complainant a letter at that time advising of the switch. Moreover, beginning soon thereafter Peoples Plus's charges would have disappeared from Complainant's bill. Therefore, Complainant cannot now reasonably claim not to have known of the supplier change or that Peoples Plus acted wrongly. Curiously, too, Complainant now sees fit to file the instant complaint some *ten months* after again voluntarily enrolling with Peoples Plus via the web at \$11.59/mcf. In sum, the complaint is utterly without merit and should be dismissed with prejudice.

**Pursuant to 52 Pa. Code §5.63, unless otherwise ordered by the Commission, a reply to new matter shall be filed with the Commission and served within 20 days after date of service of the answer, but not later than 5 days prior to the date set for the commencement of the hearing. Failure to file a timely reply to new matter may be deemed in default, and relevant facts stated in the new matter may be deemed to be admitted.**

IN WITNESS WHEREOF, Respondent, Peoples Plus, respectfully submits its ANSWER AND  
NEW MATTER.

DOMINION RETAIL, INC.

DATED: November 9, 2006

By:   
\_\_\_\_\_  
Gary A. Jeffries  
Senior Counsel

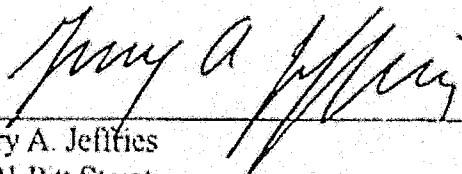


CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

Ruth M. Bowers  
P.O. Box 295  
Bakerstown, PA 15007

Dated this 9<sup>th</sup> day of November, 2006.

  
\_\_\_\_\_  
Gary A. Jeffries  
1201 Pitt Street  
Pittsburgh, PA 15221

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ASSOCIATION  
OF PENNSYLVANIA

Gary A. Jeffries  
Senior Counsel

Dominion Retail, Inc.  
1203 Pitt Street, Pittsburg, PA 15221  
Phone: 412-473-4129 Fax: 412-473-4170  
Email: gjeffries@dom.com



**Dominion**

November 9, 2006

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**ORIGINAL**

Re: Ruth Bowers v. Dominion Retail, Inc.: Docket No. C-20066960

RESPONDENT'S PRELIMINARY OBJECTION

Dear Secretary McNulty:

On behalf of Dominion Retail, Inc. d/b/a Peoples Plus, the Respondent in the above-referenced matter, please find an original and four (4) copies of the PRELIMINARY OBJECTION OF DOMINION RETAIL, INC. d/b/a PEOPLES PLUS.

Pursuant to 52 Pa. Code §5 101(b), an answer to a preliminary objection shall be filed within 10 days of the date of service of the objection.

Please note that Respondent is also filing this date in the instant docket an ANSWER AND NEW MATTER to the instant complaint.

A copy of this filing is also being service upon Complainant this date by first-class U.S. Mail.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Gary A. Jeffries  
Senior Counsel

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**BTL**

Enclosures  
cc Ruth Bowers, P.O. Box 295, Bakerstown, PA 15007

SECRETARY'S BUREAU  
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ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RUTH BOWERS

Complainant.

v.

DOMINION RETAIL, INC.

Respondent .

Docket No. C-20066960

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PRELIMINARY OBJECTION OF  
DOMINION RETAIL, INC. d/b/a PEOPLES PLUS

By even date hereof, the Respondent, Dominion Retail, Inc. ("Peoples Plus") filed its ANSWER AND NEW MATTER in the above-captioned proceeding. That pleading is hereby incorporated by reference.

Now comes Respondent and files this Preliminary Objection, pursuant to 52 Pa. Code §5.101, seeking the dismissal of the Complaint on the basis that the Complaint fails to invoke the Commission's jurisdiction and is insufficient as to substance.

Commission preliminary objection practice is similar to Pennsylvania civil practice regarding the filing of preliminary objections.<sup>1</sup> A preliminary objection in civil practice seeking dismissal of a pleading will be granted only where relief is clearly warranted and free from doubt.<sup>2</sup> The Commission has adopted this standard.<sup>3</sup>

<sup>1</sup> Equitable Small Transportation Intervenors v. Equitable Gas Company, 1994 Pa. PUC I EXIS 69, Docket No. C-00935435 (July 18, 1994).

<sup>2</sup> Interstate Traveller Services, Inc. v. Pa. Dept. of Environmental Resources, 406 A.2d 1020 (Pa. 1979); Rivera v. Philadelphia Theological Seminary of St. Charles Borromeo, Inc., 595 A.2d 172 (Pa. Super. 1991)

Section 701 of the Public Utility Code<sup>4</sup> allows any person, having an interest in the subject matter, to file a formal complaint in writing with the Commission setting forth any act or thing done or omitted to be done *by any public utility* in violation, or claimed violation, of any law which the Commission has jurisdiction to administer or of any regulation or order of the Commission. (Emphasis added).

The instant complaint raises non-jurisdictional issues against a non-jurisdictional entity and therefore should be dismissed for lack of jurisdiction and insufficiency as to substance. The essence of the matter raised in the Complaint concerns the Complainant's assertions that Peoples Plus, as a natural gas supplier, is subject to Commission regulation as to the prices it charges under its private contracts with natural gas commodity customers. Related thereto, Complainant requests the Commission order Peoples Plus to sell gas to Complainant at a specific price<sup>5</sup> and seemingly also seeks a determination that Peoples Plus breached its contract with Complainant.

However, Peoples Plus respectfully submits that the Commission lacks the jurisdiction to entertain these requests. The Commission does not regulate the prices that Peoples Plus, as a natural gas supplier, charges under its private contracts with natural gas commodity customers such as Complainant nor does the Commission adjudicate private contract enforcement matters involving suppliers and customers.<sup>6</sup> Indeed, the Commission has not extended its jurisdiction over

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<sup>3</sup> *Montague v. Philadelphia Electric Company*, 66 Pa. PUC 24 (1988).

<sup>4</sup> 66 Pa. C.S. §701

<sup>5</sup> At page 5 of the Complaint, under paragraph 5. RELIEF, in response to the question "What do you want the Public Utility Commission to do about your complaint", Complainant states: "put us back to the MCF @ 7.99".

<sup>6</sup> *Adams, et al. v. Pa. Public Utility Commission*, No. 1697 C.D. March 21, 2003, citing *Allport Water Authority v. Winburne Water Company*, 258 Pa. Superior Ct. 673, 393 A.2d 673 (1978); *Litman v. The Peoples Natural Gas Company*, 303 Pa. Superior Ct. 345, 449 A.2d 720 (1982); In *Piper v. Columbia Gas of Pennsylvania, Inc.*, Docket No. C-891720 (Opinion and Order entered September 2, 1988), the Commission adopted the Administrative Law Judge's Initial Decision which granted motions to dismiss for lack of jurisdiction because the

gas suppliers such as Peoples Plus beyond those activities set forth in Section 2208(e) of the Public Utility Code.<sup>7</sup> Tellingly, Complainant does not raise an issue with regard to any of the Section 2208(e) activities. Therefore, dismissal of the subject Complaint for failure of jurisdiction and insufficiency as to substance is clearly warranted and free from doubt.

Finally, the Complaint should be dismissed without a hearing. The Commission's rules recognize that a hearing is not necessary in every formal complaint brought before it. Those rules provide that "[t]he filing of a formal complaint entitles the complainant to a formal hearing before the Commission, *except that the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest.*" 52 Pa. Code §5.21(d) (emphasis added). A hearing is necessary only to resolve disputed questions of fact, and is not required to resolve questions of law, policy, or discretion.<sup>8</sup> Peoples Plus submits that the issues raised against it in this proceeding are issues of law, not fact. Accordingly, no hearing on this issue is needed.

**NOTICE TO PLEAD: Pursuant to 52 Pa. Code §5.101(b) an answer to a preliminary objection shall be filed within 10 days of the date of service of the objection.**

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terminated gas service in question was not a tariffed service, but a private contract service not subject to the Commission's regulation.

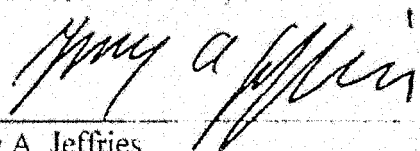
<sup>7</sup> 66 Pa. C.S. §2208(e). Those activities include licensing, bonding, reliability and consumer services and protections and applicable portions of Chapter 56 of the Commission's regulations (relating to standards and billing practices for residential utility service).

<sup>8</sup> *Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission*, 563 A.2d 557 (Pa. Cmwlth. 1989).

IN WITNESS WHEREOF, Respondent, Peoples Plus, respectfully submits its  
PRELIMINARY OBJECTION and requests the Commission grant the relief requested.

DATED: November 9, 2006

DOMINION RETAIL, INC.

By:   
\_\_\_\_\_  
Gary A. Jeffries  
Senior Counsel

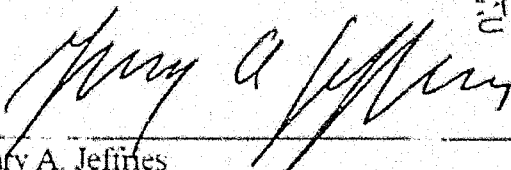


CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

Ruth M. Bowers  
P.O. Box 295  
Bakerstown, PA 15007

Dated this 9<sup>th</sup> day of November, 2006.

  
\_\_\_\_\_  
Gary A. Jeffries  
1201 Pitt Street  
Pittsburgh, PA 15221

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SECRETARY'S OFFICE



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
November 16, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

Re: C-20066960

(SEE ATTACHED LIST)

Ruth M. Bowers v. Dominion Retail, Inc. d/b/a Peoples Plus

Service Dispute / Billing Dispute

Motion Judge Assignment Notice

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This is to inform you that a Preliminary Objection was filed on the above-captioned case. This objection is being assigned to Chief Administrative Law Judge Veronica A. Smith for ruling. The Commission rule of practice at 52 Pa. Code §5.101 specifies that the person who filed the complaint has ten (10) days from the date the objection was served on you to file an answer.

If you file any pleading or document relating to this objection with the Secretary of the Commission, please provide a duplicate copy to the judge.

Procedural questions or comments should be directed to the judge at:

717-783-5452

pc: Special Agent Eranda Vero  
Stacy Nolan, Scheduling Officer  
Beth Plantz  
Docket Section

**DOCKETED**  
DEC 11 2006

BTL

C-20066960 RUTH M. BOWERS v. DOMINION RETAIL, INC. D/B/A PEOPLES PLUS

RUTH M BOWERS  
PO BOX 295  
BAKERSTOWN PA 15007  
724-443-3853

GARY A JEFFRIES ESQUIRE  
DOMINION RETAIL INC  
1201 PITT STREET  
PITTSBURGH PA 15221  
412-473-4129

HORACE P PAYNE JR ESQUIRE  
DOMINION RESOURCES SERVICES INC  
625 LIBERTY AVENUE  
PITTSBURGH PA 15222  
412-497-6889



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
December 18, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

Re: C-20066960

(SEE ATTACHED LIST)

Ruth M. Bowers v. The Peoples Natural Gas Company

Service Dispute / Billing Dispute

**DOCUMENT  
FOLDER**

Motion Judge Assignment Notice

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717-783-5452

pc: Special Agent Vero  
Stacy Nolan, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File

**DOCKETED**  
JAN 09 2007