

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Debra Tomlinson

v.

Philadelphia Gas Works

F-02019505

DOCUMENT
FOLDER

PREHEARING ORDER

DOCKETED
FEB 26 2007

On February 2, 2007, I was assigned as the presiding officer in this case. The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. An Initial Hearing in this case is scheduled for Tuesday, April 3, 2007 at 9:30 a.m. in an available hearing room on the 13th floor of the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the hearing room no later than 9:15 a.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all afternoon, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

On January 17, 2007, the Complainant filed a formal complaint against the Philadelphia Gas Works ("PGW" or the Respondent) alleging the following: that she cannot afford to pay the \$1,000.00 a month payment arrangement because she has other bills; that her bill is out of control because her health is bad and she has missed work; and that she needs a reasonable payment arrangement so that she can pay her past due gas bill.

On January 30, 2007, the Respondent, through its counsel, filed an Answer. The Respondent denied that the Complainant cannot afford the payment arrangement. The

Respondent admitted that the Complainant requested a different payment arrangement. The Respondent stated that the payment arrangement ordered by the Bureau of Consumer Services was consistent with income guidelines in § 1405(b) of the Public Utility Code. The Respondent referred to the Bureau of Consumer Services decision, dated December 14, 2006, which ordered the Complainant to pay \$949.00 a month which consists of a budget bill of \$248.00 plus \$701.00 on the arrearage. In addition, the Complainant's account balance is \$8,997.38. The Respondent stated that the Complainant filed informal complaints on two other occasions. She broke the agreements set forth in the February 6, 2004 and December 2, 2004 Bureau of Consumer Services' decisions.

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

1. A request for a continuance of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa. Code § 1.15(b). Requests for a change of hearing date must be sent to me and all parties of record. The correct address is:

Administrative Law Judge Cynthia Williams Fordham
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

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

2. The Commission's policy promotes settlements. 52 Pa. Code § 5.231(a). The utility shall contact the Complainant at least one week before the scheduled hearing to discuss a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. § 332(a).

4. The Pennsylvania Legislature has recently enacted the Responsible Utility Customer Protection Act. 66 Pa. C.S. § 1401 *et seq.* This law provides strict guidelines as to how the Commission must handle customer complaints. The application of this law may result in the issuance of a less favorable payment arrangement than a customer's current payment arrangement.

5. If the Complainant has not made the payments that the Bureau of Consumer Services ("BCS") directed her to make, she must explain why the payments were not made.

6. The customer must make monthly payments towards his/her utility bill while the complaint is pending. **FAILURE TO MAKE PAYMENTS MAY RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE. FAILURE TO MAKE PAYMENTS MAY RESULT IN THE UTILITY TERMINATING YOUR SERVICE.**

7. If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), you must bring four (4) copies (a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record). Please keep a copy for yourself. 52 Pa. Code § 5.409.

8. During the hearing, the Complainant must be prepared to testify about the total gross monthly income of the household. A household includes all adults living at the service address and benefiting from the utility service. The "total gross monthly household income" includes but is not limited to the following

- (a) income from salaries, wages, tips or other compensation;
- (b) pension, retirement or social security benefits;
- (c) Supplemental Security Income (SSI)
- (d) unemployment compensation benefits;

- (e) workers' compensation benefits;
- (f) alimony;
- (g) support;
- (h) public assistance, and
- (i) any other source(s) of income.

9. The utility must bring the following documents to the hearing:

- (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less;
- (b) a copy of the most recent Bureau of Consumer Services (BCS) decision; and,
- (c) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission.

10. Pursuant to 52 Pa. Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

11. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code § 5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it. The written subpoena application must be submitted to the presiding officer, the Secretary of the Commission, opposing counsel and the person to be subpoenaed. 52 Pa. Code § 5.421 (a, b)

12. THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE IN SUPPORT OF THE COMPLAINT.

13. This is a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Date: February 20, 2007


Cynthia Williams Fordham
Administrative Law Judge

Philadelphia Gas Works



ORIGINAL

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Laureto A. Farinas, Senior Attorney
Legal Department
Direct Dial 215-684-6982
FAX 215-684-6798
E-mail laureto.farinas@pgworks.com

March 22, 2007

RECEIVED

MAR 22 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

RE: Debra Tomlinson v. PGW, Docket No. F - 02019505

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaint has been satisfied. PGW and the Complainant have discussed the issue raised in the complaint and reached a settlement. With this discussion and settlement, the Complainant has indicated that she is satisfied with the resolution of the complaint.

Therefore, the hearing scheduled for Tuesday, April 3, 2007 at 9:30 a.m. is no longer necessary.

By copy of this letter, I am notifying the Complainant of her right to object to any part of this settlement, in writing to the Public Utility Commission within ten (10) days of the date of this letter.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Laureto Farinas", is written over a large, stylized flourish or scribble.

Laureto Farinas

**DOCUMENT
FOLDER**

cc. Debra Tomlinson (Regular Mail)
Administrative Law Judge Cynthia W. Fordham (Regular mail)
Dawn Reitenbach, Scheduler (via FAX)
Linda Pereira (PGW Mail)
Anne Marie Cromley (PGW Mail)

DOCKETED
MAR 26 2007

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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
March 22, 2007

IN REPLY PLEASE
REFER TO OUR FILE

In Re: F-02019505

(SEE LETTER DATED 2/2/07)

Debra Tomlinson v. Philadelphia Gas Works

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial Hearing
Date: Tuesday, April 3, 2007
Time: 9:30 a.m.
Presiding: Administrative Law Judge Cynthia W. Fordham

Please mark your records accordingly.

pc: Judge Fordham
Janean Spiegel
Beth Plantz
Docket Section
Calendar File

DOCUMENT
FOLDER

DOCKETED
APR 10 2007

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: March 22, 2007
SUBJECT: F-02019505
Debra Tomlinson v. Philadelphia Gas Works
TO: Wanda Zeiders
Docket Management
FROM: Janean Spiegel, ALJ Support Staff
Office of Administrative Law Judge

On March 22, 2007, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of the filing, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Cynthia W. Fordham
Beth Plantz
Case File

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MAR 26 2007

BTL