

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Ben Fagioletti,  
v.  
The Peoples Natural Gas  
d/b/a Dominion Peoples

Docket No.:  
C-20030955

State Office Building  
300 Liberty Avenue  
11th Floor  
Pittsburgh, PA 15222

Friday, March 12, 2004  
Commencing at 10:00 a.m.

BEFORE:

Fred R. Nene, Administrative Law Judge

APPEARANCES:

HORACE P. PAYNE, JR.  
625 Liberty Avenue  
Pittsburgh, PA 15222  
For the Respondent

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JUDGE NENE:

All right. This is the time scheduled for a hearing on the complaint filed by Ben A. Fagioletti against the Peoples Natural Gas Company. It's docket number C-20030955. And Mr. Fagioletti is present telephonically. Peoples is present represented by Attorney Horace Payne. And my name is Fred Nene, the Administrative Law Judge assigned by the Commission to develop a record and issue an initial decision in this matter.

This case involves a dispute concerning rates. And we're going to listen to the testimony and see what we can determine here.

-----  
BEN A. FAGIOLETTI, HAVING FIRST BEEN DULY SWORN,  
TESTIFIED AS FOLLOWS:  
-----

JUDGE NENE:

Okay. Now, just for the record, we're having --- everything that transpires here is being tape --- transcribed by a Court Reporter. And we will try to have something organized here that the Commission can see what this problem is all about.

1 Mr. Fagioletti, before you testify, just state your  
2 name and your address for the record, please?

3 A. My name is Ben A. Fagioletti. My address is  
4 3804-A Logan Ferry Road, Plum, Pennsylvania 15239.

5 JUDGE NENE:

6 Okay. You filed a complaint with the  
7 Commission on July the 25th. Now, will you tell the  
8 Commission what it is that you're complaining about  
9 and what you want the Commission to do for you?

10 A. Well, first of all, I wanted to pay the \$54 to  
11 Dominion Gas. And they wouldn't accept the \$54 on a  
12 monthly basis. Now, a girl said that, which I don't  
13 remember her name. And she wouldn't give her name at  
14 that time. She said the \$54 was a ridiculous amount,  
15 that it was going to go up to \$150 and if I didn't pay  
16 that, that the gas would be shut off.

17 JUDGE NENE:

18 Where did you get the idea that you  
19 should be paying \$54?

20 A. Well, I had an agreement, it's a contract, sir,  
21 for seven --- several years. I think 1997 I was  
22 paying that, until Dominion took over.

23 JUDGE NENE:

24 Tell me about the agreement.

25 A. The agreement stated ---.

1                   JUDGE NENE:

2                   Do you have a copy of the agreement? Is  
3 it in writing?

4 A. Well, I don't know if I have a copy of that. But  
5 the agreement is known because I got a letter from  
6 Keith K-A-I-E-R, that said that the payment agreement  
7 of your budget \$54 per month plus \$1 for your arrears  
8 was made several years ago. According to our records,  
9 you did not maintain this payment agreement during  
10 this period on a monthly basis. I have advised during  
11 our conversation that the reason for --- the new  
12 agreement was recently voided because they said I  
13 didn't pay the \$54.

14                   JUDGE NENE:

15                   Now, you're referring to a letter?

16 A. Yes.

17                   JUDGE NENE:

18                   What is the date of that letter?

19 A. The date of that letter is April the 1st, 2002, by  
20 Mr. Keith, last name K-A-I-E-R.

21                   JUDGE NENE:

22                   And who is he?

23 A. Director of Customer Relations. And the copy was  
24 sent to Sadie K-R-O-E-C-H.

25                   JUDGE NENE:

1 Did you respond to that letter?

2 A. Well, I did. I told them that I was able to do a  
3 reasonable amount of a raised premium per month. For  
4 \$54 to \$150 was too much for my budget.

5 JUDGE NENE:

6 So your problem really is dealing with  
7 whether you can afford to pay your bills?

8 A. That's about it, sir.

9 JUDGE NENE:

10 Then we have to get into that type of  
11 information. You went to the Bureau of Consumer  
12 Services with a complaint; right? Recently?

13 A. Uh-huh (yes).

14 JUDGE NENE:

15 And they told you what they wanted you to  
16 do to keep your gas service, didn't they?

17 A. Yes, they said \$150 a month.

18 JUDGE NENE:

19 And so you filed this complaint, really  
20 appealing that decision; right?

21 A. Well, I felt that, you know, the company said  
22 \$150. I thought that maybe they would come down some.  
23 I only make a certain amount of money, which I sent  
24 you, to the Courts.

25 JUDGE NENE:

1 Yes, I understand that. We'll get into  
2 that.

3 A. Okay.

4 JUDGE NENE:

5 But you know you're using a certain  
6 amount of gas a month, too?

7 A. I understand that, sir. I really understand that.

8 JUDGE NENE:

9 All right. So tell me about your income.  
10 How much income do you have every month?

11 A. By the month, well it's --- well I sent you  
12 a ---.

13 JUDGE NENE:

14 Did you send a copy to Mr. Payne?

15 ATTORNEY PAYNE:

16 No, I did not receive it, Your Honor.

17 A. I sent it to the Court, sir, you.

18 JUDGE NENE:

19 Yes, you did. But you were supposed to  
20 send a copy to the Complainant --- I mean, to the gas  
21 company, too. So do you have a copy in front of you?

22 A. Not right now.

23 JUDGE NENE:

24 Did you keep yourself a copy?

25 A. Yes, but it's not available right now. I'd have

1 to go into --- I think it was \$32,000 that I had made.  
2 But I think the income is only like \$13,000 or  
3 something.

4 JUDGE NENE:

5 I'll read it to you and you tell me if  
6 that's the truth.

7 A. Okay.

8 JUDGE NENE:

9 Now, you said you have income from Social  
10 Security of \$10,000 for the year, \$10,286.

11 A. Approximately, yes.

12 JUDGE NENE:

13 That's what you said here.

14 A. By the year, I think, but yes, that's true, sir.

15 JUDGE NENE:

16 That's Social Security?

17 A. Social Security.

18 JUDGE NENE:

19 Retirement?

20 A. Yes.

21 JUDGE NENE:

22 Not disability?

23 A. That's right. I'm 71 years old.

24 JUDGE NENE:

25 Now, you also say that you have an income

1 of --- a salary of \$84.20. What is that, is that  
2 every month?

3 A. You mean \$8,400.

4 JUDGE NENE:

5 I don't know, it says \$84.20. Now, here  
6 on the second sheet, which is supposed to be a copy,  
7 but it's a hand copy, it has \$8,420.

8 A. Yes. I have a small business here. I have a  
9 detective business.

10 JUDGE NENE:

11 You have a detective business?

12 A. Yes.

13 JUDGE NENE:

14 But you know you have to pay your bills.

15 A. I understand that, sir. I was making money in  
16 Monroeville. But here in Plum Borough for the last  
17 few years, I only make about \$13,000 a year.

18 JUDGE NENE:

19 But you said here that you made \$8,420  
20 and that's as a private detective?

21 A. Yes.

22 JUDGE NENE:

23 So I don't have a calculator here. But  
24 we're going to say that you make about \$18,600 ---  
25 \$18,700 a year. I'll let somebody with a calculator

1 find that out. Now, you ---.

2 A. Well, the income is on that, which I sent to you,  
3 the total income.

4 JUDGE NENE:

5 That is the income, right, what you just  
6 told me?

7 A. My income from Social Security is about \$10,200  
8 and my agency about \$8,000 something.

9 JUDGE NENE:

10 You'll get a check from the Social  
11 Security every month; right?

12 A. Yes, I do.

13 JUDGE NENE:

14 How much is that?

15 A. \$820.

16 JUDGE NENE:

17 And how much do you think you make a  
18 month on your business?

19 A. I never know, sir.

20 JUDGE NENE:

21 Right, but over the average of a year?

22 A. Like I told you.

23 JUDGE NENE:

24 Okay. You can't say.

25 A. It's always about the same since I've been here in

1 Plum. I make about \$13,000 a year.

2 JUDGE NENE:

3 Okay. Maybe \$1,000 a month?

4 A. Yes. What's that? Yes.

5 JUDGE NENE:

6 Right?

7 A. Yes. Let me ask you, could I qualify for any  
8 grants or anything?

9 JUDGE NENE:

10 We're trying to get your case here. You  
11 know, after the gas company testifies, you can maybe  
12 ask them. Now, I have to make a list of your monthly  
13 expenses.

14 A. Okay.

15 JUDGE NENE:

16 You were sent a form. Did you send it  
17 back?

18 A. Yes.

19 JUDGE NENE:

20 And it has listed some things. Now, let  
21 me just read them off and you say if this is what you  
22 want to testify as to your expenses.

23 A. Okay.

24 JUDGE NENE:

25 Your rent is \$657 a month?

1 A. Right. That just recently went up to \$675.

2 JUDGE NENE:

3 It is now \$675?

4 A. Well, it'll go up in June, \$675.

5 JUDGE NENE:

6 Okay. It is not up yet.

7 A. Oh, okay.

8 JUDGE NENE:

9 You have an electrical bill of ---.

10 A. \$60 a month. That's a contract.

11 JUDGE NENE:

12 A contract?

13 A. An agreement, sir. I'm sorry.

14 JUDGE NENE:

15 Do you understand that your utilities is  
16 based on your usage, don't you?

17 A. Yes.

18 JUDGE NENE:

19 And some months you use more and some  
20 months you use less. That's why they have meters.

21 A. Uh-huh (yes).

22 JUDGE NENE:

23 So you really can't have a contract.

24 A. Well, I have --- every month they send me they say  
25 they have a budget of \$60 a month.

1                   JUDGE NENE:

2                   You listed here gas, nothing. You pay  
3 nothing for gas; right? And I think that's what  
4 they're going to say.

5 A. Yes.

6                   JUDGE NENE:

7                   I don't know how you can do that. Okay.  
8 You pay \$50 a month for telephone?

9 A. Yes.

10                   JUDGE NENE:

11                   Now, do you have a cell phone?

12 A. Yes.

13                   JUDGE NENE:

14                   Is that part of the \$50?

15 A. That's \$53 a month more recently.

16                   JUDGE NENE:

17                   You spend \$50 on telephone and \$53 on a  
18 cell phone?

19 A. Yes. But I could drop that.

20                   JUDGE NENE:

21                   Well, I'm afraid you're going to have to  
22 do something here.

23 A. Okay. I'll drop that.

24                   JUDGE NENE:

25                   Do you have a water bill?

1 A. Yes, I do.

2 JUDGE NENE:

3 You say you pay \$35 a month?

4 A. Approximately, yes.

5 JUDGE NENE:

6 You do not have cable television?

7 A. No, I don't have cable.

8 JUDGE NENE:

9 You have an automobile payment?

10 A. Yes, I do.

11 JUDGE NENE:

12 How much?

13 A. \$560.23.

14 JUDGE NENE:

15 What kind of an automobile is it?

16 A. It's a 2000 Tracker, Chevrolet.

17 JUDGE NENE:

18 And you said \$70 for car insurance;

19 right?

20 A. Yes. Approximately, yes. A month.

21 JUDGE NENE:

22 A month?

23 A. Yes.

24 JUDGE NENE:

25 You didn't list anything else on this

1 monthly household expense list?

2 A. I don't think I have anything else.

3 JUDGE NENE:

4 Is there anything else you want to say  
5 about your situation here with the gas company?

6 A. I don't know what else I can say except, you know,  
7 from \$53 to \$150 I think is not reasonable. But  
8 that's my opinion.

9 JUDGE NENE:

10 Mr. Payne, do you have any questions?

11 ATTORNEY PAYNE:

12 Just a few, Your Honor.

13 CROSS EXAMINATION

14 BY ATTORNEY PAYNE:

15 Q. Sir, so that I clearly understand, or pretty  
16 clearly understand you, could you tell me again  
17 roughly what your income is, roughly, a month?

18 A. I don't know by the month. It varies from the  
19 month. But at the end of the year I sent in a copy of  
20 my W-2 form.

21 JUDGE NENE:

22 Let me interrupt you. You sent me a copy  
23 of a tax filing?

24 A. Yes, that's what I made.

25 JUDGE NENE:

1 Yes. You shouldn't be sending that stuff  
2 out, I don't think, because that has your Social  
3 Security number on it.

4 A. Well, I sent it to the Court, sir.

5 JUDGE NENE:

6 Well, yes. And I'm going to destroy it  
7 when I'm done here because we're not going to enter it  
8 into evidence as such. We'll enter the figures if you  
9 want.

10 A. Okay.

11 BY ATTORNEY PAYNE:

12 Q. But in any event, you receive Social Security  
13 retirement income, you know that to be \$820. Then you  
14 have a private detective business, which it would  
15 vary. But roughly that's \$1,000 a month; right?

16 A. I would say so, yes. Absolutely.

17 Q. So roughly speaking, we're talking about \$1,800  
18 --- a little over \$1,800 a month in terms of income?

19 A. Yes. If that's what it comes to, yes.

20 Q. Does anyone else live there with you?

21 A. Yes, I have a wife and I have a child.

22 Q. Does your wife have an income?

23 A. Yes, she does. But she works in a restaurant.

24 And she is not willing to help with the bills.

25 Q. She's not willing to help with the bills? Does

1 she eat there or does she eat at the restaurant?

2 A. What's that? Does she eat here?

3 Q. Okay. You didn't mention anything about a  
4 food ---.

5 A. She hasn't been here for about 14 months. She's  
6 taking care of an elderly lady and she's staying  
7 there.

8 Q. How much do you spend a month in food?

9 A. For me? Very little. For myself, about \$100 a  
10 month, I would say.

11 Q. How old is the child?

12 A. How old is the child? 14 years.

13 Q. And who does the child stay with?

14 A. My wife, at that house. But they're coming back  
15 soon, though. That lady is going to be hospitalized.  
16 And they're coming to live back here.

17 Q. So when did your wife leave the household?

18 A. I guess about 14 months ago, 18 months ago.

19 Q. Is this normal?

20 A. No, sir. It's not normal at all. Not normal at  
21 all, sir, but I have no --- I can't make them do  
22 anything.

23 Q. Before she left, she wasn't contributing any  
24 income to the household?

25 A. Never did. No, sir. Nor does she pay --- help me

1 pay the rent or anything. I'm on my own here.

2 Q. Are you current on your rent?

3 A. Yes, I am, sir. I am current on everything.

4 Q. You're current on everything but your gas bill?

5 A. And the reason I got behind was that they wouldn't  
6 accept anything except \$150 from \$54. If they would  
7 have said we'll accept ---.

8 JUDGE NENE:

9 Wait a minute. Wait a minute. We can't  
10 have two people talking at the same time. The Court  
11 Reporter is trying to transcribe this. So just, one  
12 at a time. Mr. Payne, ask the question, please. And  
13 then Mr. Fagioletti, you can answer it.

14 BY ATTORNEY PAYNE:

15 Q. Yes, sir. It's your position that --- or it's  
16 your testimony that you offered to pay \$50 and the  
17 company refused to take your money?

18 A. \$54.

19 Q. \$54?

20 A. Yes.

21 Q. You said here's \$54 and the company said no, get  
22 it out of our face, we don't want your money?

23 A. No, they didn't say that, sir.

24 Q. If you would have sent \$54 in ---.

25 A. I did.

1 Q. When?

2 A. That's what it was. And they called me and said  
3 that they won't accept the \$54. They wanted the \$150  
4 or the gas would be shut off.

5 Q. Okay. They said that ---.

6 A. That's why I took action.

7 JUDGE NENE:

8 Wait a minute. One at a time.

9 A. Let me finish the statement. That's why I took  
10 action with the PUC. They gave me no other  
11 alternative but to pay the \$150 a month. If they  
12 would have been ---.

13 BY ATTORNEY PAYNE:

14 Q. Okay. You took the action with the PUC ---.

15 A. Let me finish. What's that?

16 Q. You took the action with the Public Utility  
17 Commission when?

18 A. That's been a couple --- two and a half years ago,  
19 probably. Two years ago when this happened. But  
20 anyhow, they gave me no option. If they would have  
21 said, you know, you're paying \$54 a month, and that's  
22 ridiculous, We want you to pay --- if you can't afford  
23 \$150, we want you to pay \$100, or we want you to pay  
24 \$90 or \$87 a month. They gave me no option but \$150 a  
25 month or the gas would be shut off at that time.

1 Q. Sir, you filed your informal complaint with the  
2 Pennsylvania Public Utility Commissions Bureau of  
3 Consumer Services in May of 2003. You stopped paying  
4 on your gas bill in 2002. November 12th, 2002, was  
5 the last payment that you made. And it wasn't a \$54  
6 payment, it was a \$63.76 payment.

7 A. I'm not familiar with that. But why would I wait  
8 a year to get a hold of the PUC?

9 Q. That's my question to you.

10 A. I don't think they would --- I don't think your  
11 gas company would allow that. But I'm not sure of the  
12 dates. I'm just saying that I talked to a girl and  
13 she said I no longer can pay \$54 a month. I must pay  
14 \$150 a month or they will shut the gas. And that's  
15 the time I went to the PUC. I've been there two or  
16 three different times on this.

17 JUDGE NENE:

18 Yes, and we have to do something about  
19 settling this, because we can't have you coming back  
20 here every other six months, Mr. Fagioletti.

21 A. That's true, sir.

22 BY ATTORNEY PAYNE:

23 Q. Let me ask you this. When did you purchase your  
24 automobile?

25 A. 2000.

1 Q. And you're still making payments on it?

2 A. Yes, I am.

3 Q. And how long will you continue to make these  
4 \$560.23 payments?

5 A. It's a five-year contract.

6 Q. I'm sorry, I didn't hear you.

7 A. I think it's a five-year contract.

8 Q. So you still have at least another year or so to  
9 go?

10 A. Uh-huh (yes).

11 Q. Are you current on that automobile?

12 A. Yes I am. Yes, I am, sir.

13 ATTORNEY PAYNE:

14 Your Honor, I have no further questions.

15 JUDGE NENE:

16 Mr. Fagioletti, you said that you were  
17 presented with no other alternatives and that they  
18 didn't want your \$54?

19 A. That's the way I understood it.

20 JUDGE NENE:

21 Have you been setting this money aside  
22 that you can pay this bill?

23 A. Well, for a year, I sent them --- for a year I  
24 sent them just the basic money which the PUC told me  
25 to send.

1                   JUDGE NENE:

2                   You know, they submitted an exhibit that  
3 they're going to use in this hearing. And it tells  
4 when you made payments. Did you see that list  
5 exhibit?

6 A. I don't know.

7                   JUDGE NENE:

8                   Well, it says that the last payment you  
9 made was in December of 2002. That's over a year ago.

10 A. Uh-huh (yes).

11                   JUDGE NENE:

12                   Do you have any money to pay them now?

13 A. You mean the full amount?

14                   JUDGE NENE:

15                   How much of that full amount could you  
16 pay?

17 A. I got taxes coming up on the 15th. But you know  
18 what, I'm tired of fighting here. I pay my bills. I  
19 pay my car payment. I pay the electric company \$60 a  
20 month every year for 20 years.

21                   JUDGE NENE:

22                   Right. But this is the gas ---.

23 A. If I have a reasonable amount, I will pay that,  
24 sir, to the gas company. I will. Now they let me go  
25 behind two years and I'll probably never catch up.

1                   JUDGE NENE:

2                   I don' t know why they let you go behind,  
3 Mr. Fagioletti. They didn't let you ---.

4 A. They did. They wouldn't accept the \$54 years ago.

5 If they would have said, well, send in what you can  
6 afford, I would have sent in \$65, \$70. But now they  
7 were fighting with me and they said we accept nothing  
8 but \$150. And now it's been, what, two years.

9                   JUDGE NENE:

10                  Mr. Payne, before we listen to the  
11 Peoples evidence in this matter, do you want to take a  
12 break here and see if you can talk with Mr. Fagioletti  
13 about getting this paid off?

14                  ATTORNEY PAYNE:

15                  Your Honor, we'll give it a try.

16                  JUDGE NENE:

17                  I'd appreciate it if you might give it a  
18 try. But I don't know how you could --- we can show  
19 that even if you do make some sort of arrangement,  
20 that it might be kept. But I'd just like to maybe  
21 take a break and see. Because if we keep going like  
22 this, I'm going to have to issue an order that's going  
23 to require you, Mr. Fagioletti, to pay a considerable  
24 amount of money in a lump sum.

25 A. I don't have it.

1                   JUDGE NENE:

2                   Well, I don't have any choice, either,  
3 because you haven't paid for so long.

4 A.    It's not my complete fault, sir.

5                   JUDGE NENE:

6                   Now whose fault is it?

7 A.    It is the gas company's fault for not accepting  
8 the \$54.

9                   JUDGE NENE:

10                  If you're going to take that attitude  
11 ---.

12 A.    It isn't an attitude, sir. It's fact. That's the  
13 fact, sir. I paid my gas bill for years to Peoples. I  
14 was never behind.

15                  JUDGE NENE:

16                  All right. I'm going to just ---.

17 A.    All right. Whatever.

18                  JUDGE NENE:

19                  I'm going to let Mr. Payne -- just see  
20 what you might be able to discuss here. We're going  
21 off the record.

22 OFF RECORD DISCUSSION

23                  JUDGE NENE:

24                  The parties have had a discussion.  
25 Peoples has offered not to pursue the lump sum, that

1 they're entitled to request \$670.

2 A. I appreciate that.

3 JUDGE NENE:

4 The Commission is almost obliged to grant  
5 that request if they make it. They're entitled to  
6 that because you have not complied with an earlier  
7 Commission order. Now, Peoples has agreed, as I  
8 understand this agreement, that you're going to pay  
9 your monthly usage, which is currently \$73 a month  
10 that you're using in gas on the average over a year.

11 A. Okay.

12 JUDGE NENE:

13 You're going to pay that \$73 a month plus  
14 \$100 a month towards the arrearages. Which is right  
15 now about \$2,400.

16 A. Okay.

17 JUDGE NENE:

18 Which if you do this for two years you'll  
19 be even with the gas company.

20 A. Okay. All right. I'll do it, sir. I will do it.

21 JUDGE NENE:

22 Okay. That's great. And the gas company  
23 is requesting that the first payment be made by the  
24 23rd of this month. And that's ---

25 A. All right.

1                   JUDGE NENE:

2                   --- that's going to indicate whether or  
3 not you're going to do it.

4 A. I'm going to do it, sir. You put that in the mail  
5 for me today, Attorney, and I'll send you a check at  
6 that time and every month after that, I guarantee.

7                   JUDGE NENE:

8                   That would be a good satisfaction  
9 settlement of this case. And I'd ask, Mr. Payne, if  
10 those are the terms that I have expressed there that  
11 you have agreed to? Mr. Payne? Mr. Payne?

12 A. We may have lost him.

13                   JUDGE NENE:

14                   Well, apparently we have lost him. I'm  
15 going to --- will you hang up and I'll call you both  
16 back?

17 A. Yes.

18                   JUDGE NENE:

19                   Okay. Thank you.

20 OFF RECORD DISCUSSION

21                   JUDGE NENE:

22                   Mr. Fagioletti?

23 A. Yes.

24                   JUDGE NENE:

25                   I have Mr. Payne back.

1                   ATTORNEY PAYNE:

2                   Sir, I think the question that you had  
3 stated for me is for us --- for me to send you a bill.  
4 I mean I don't ---.

5 A.   Not a bill. But something, a summary of what is  
6 happening now, when you want the money. I'll send it  
7 to you, sir.

8                   ATTORNEY PAYNE:

9                   Well, I can do that.

10                  JUDGE NENE:

11                  Just a simple statement of the terms of  
12 the agreement?

13 A.   Yes.

14                  JUDGE NENE:

15                  And when the first payment will be made?

16 A.   Yes.

17                  JUDGE NENE:

18                  Can you do that, Mr. Payne?

19                  ATTORNEY PAYNE:

20                  Yes, I can do that. Sir, do you have a  
21 copy --- do you have your bill? You should have a  
22 bill in hand. A gas bill. Do you have that bill,  
23 because ---

24 A.   I don't have that, honestly, I don't.

25                  ATTORNEY PAYNE:

1                    --- the payment. Then you could make the  
2 payment with that bill.

3 A. Well I'll send it in if you don't want to send me  
4 a copy. Okay. It's \$150 a month, is that it?

5                    JUDGE NENE:

6                    No.

7 A. I'm sorry. \$175 a month.

8                    JUDGE NENE:

9                    \$173.

10 A. Wait. Hold on. \$173 to Dominion. Where though?

11                    ATTORNEY PAYNE:

12                    Well that would be --- that information  
13 --- that's the question I have for you. That  
14 information would be on your bill, your gas bill.

15 A. All right.

16                    ATTORNEY PAYNE:

17                    What I can do is I was going to send you  
18 a copy, or a letter, as to our agreement for this  
19 amount.

20 A. Yes.

21                    ATTORNEY PAYNE:

22                    But don't send that check to me. Send it  
23 to the company.

24 A. Oh, I will. But you tell me where to send it to  
25 though. The company is large.

1                   JUDGE NENE:

2                   You get a bill every month. And it has  
3 an envelope in it. And it tells you, you know, you  
4 don't even have to ---.

5 A. All right. I'll send it to Dominion, wherever the  
6 bill is. And I agree with everything here today.

7                   JUDGE NENE:

8                   Okay. What do you do with your gas bill  
9 when it comes? Don't you have them stacked up  
10 somewhere or you look at them?

11 A. Sir, I don't do that. Believe me, I don't do  
12 that, sir.

13                   JUDGE NENE:

14                   What do you do with it?

15 A. What do you do with it? I do the same thing  
16 everybody else does. I put it in the drawer and I try  
17 to pay my bills.

18                   JUDGE NENE:

19                   Okay. Can you find one? I'm saying can  
20 you find one that has the address on it?

21 A. Now?

22                   JUDGE NENE:

23                   No, no, I mean ---.

24 A. Yes, I will find that, sir. I will ---.

25                   JUDGE NENE:

1 So you know where to send \$173.

2 A. Okay. I know where to send \$173 a month. I agree  
3 on that.

4 JUDGE NENE:

5 Okay.

6 A. By the 23rd of March.

7 JUDGE NENE:

8 Yes.

9 A. Okay. Let me write that down.

10 JUDGE NENE:

11 I don't know how to deal with this case,  
12 because I mean the Commission would have ordered you  
13 to pay \$700 next week. I can't make a better deal  
14 than Peoples Natural Gas has just offered you.

15 A. Okay.

16 JUDGE NENE:

17 And I don't know how we're going to  
18 conclude this. Should we continue this case, Mr.  
19 Payne, to see ---.

20 A. No, I don't think.

21 ATTORNEY PAYNE:

22 Your Honor, based upon the payment  
23 history, we would ask that this case be continued for  
24 30 days at least to see whether or not we're going to  
25 get this payment on the 23rd.

1 A. That's fair.

2 JUDGE NENE:

3 Okay. I will keep the case open until I  
4 hear from Peoples indicating whether or not that  
5 you've complied with the terms. Okay?

6 A. Okay. I will definitely apply (sic).

7 JUDGE NENE:

8 And then if you do comply, if they  
9 receive the check for \$173 by the 23rd, then maybe  
10 Peoples can confirm with the Commission that this  
11 matter is settled.

12 ATTORNEY PAYNE:

13 We will do that, Your Honor. We'll  
14 perhaps do a Certificate of Satisfaction.

15 JUDGE NENE:

16 I think that would be a good way to end  
17 it.

18 A. I'll agree with that.

19 JUDGE NENE:

20 Okay. Great. Mr. Fagioletti, good luck  
21 to you.

22 A. Thank you very much, sir.

23 JUDGE NENE:

24 All right. Is there anything else, Mr.  
25 Payne, that you want to say?

1                   ATTORNEY PAYNE:

2                   Nothing at this point. Nothing further  
3 at this point, Your Honor. I wish Mr. Fagioletti the  
4 best of luck going forward. And I hope his business  
5 picks up.

6 A.    Okay. Thank you.

7                   JUDGE NENE:

8                   Just go and find a gas bill there so  
9 you'll have the address.

10 A.   I will do that today, sir.

11                   JUDGE NENE:

12                   You know, and when you send it in make  
13 sure you put your account number on there so they know  
14 where to credit it.

15 A.   Okay. I'll do that. I'll take care of it, sir,  
16 guaranteed.

17                   JUDGE NENE:

18                   Thank you very much.

19 A.   Okay.

20                   JUDGE NENE:

21                   I'll keep this case open until I hear  
22 from Peoples.

23 A.   Okay.

24                                   \* \* \* \* \*

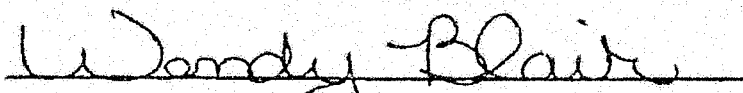
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C E R T I F I C A T E

I HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS  
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