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P R O C E E D I N G S

1  
2 ADMINISTRATIVE LAW JUDGE FRED R. NENE: This is the  
3 time scheduled for a hearing on a complaint filed by  
4 Gertrude L. Langer against National Fuel Gas Distribution  
5 Corporation, Docket No. C-20077614. Ms. Langer, the  
6 complainant, is present telephonically. National Fuel Gas  
7 is present telephonically represented by Attorney Lee Hartz.

8 My name is Fred Nene, the administrative law judge  
9 assigned by the Commission to conduct this hearing and to  
10 write an initial decision. This appears to be a billing  
11 dispute, and it's a request for payment arrangements by Ms.  
12 Langer.

13 Ms. Langer, according to the papers, you owe a  
14 considerable amount of money for past services to National  
15 Fuel. National Fuel answered your complaint and said that  
16 you were a customer in their Customer Assistance Program and  
17 that, as such, the Commission can't give you a payment  
18 arrangement.

19 Are you aware of the answer that was filed?

20 MS. LANGER: What are you talking about, some kind of  
21 program?

22 JUDGE NENE: Were you in a Customer Assistance Program  
23 for National Fuel Gas?

24 MS. LANGER: What program?

25 JUDGE NENE: Well, we'll just let's see what the

1 testimony is.

2 Whereupon,

3 GERTRUDE L. LANGER,

4 having been duly sworn, testified as follows:

5 EXAMINATION

6 BY JUDGE NENE:

7 Q. Would you just tell the Commission for the record  
8 what your problem is. Before you do, just state your name  
9 and your address, please.

10 A. Gertrude Langer, 739 East 22nd Street, Second  
11 Floor, Erie, Pennsylvania, 16503.

12 Q. For the record, what is your complaint about?

13 A. Well, I went down there and I--

14 Q. Down where?

15 A. I'm sorry. Down to the gas company on State  
16 Street. And I asked why my bill was so high. I was  
17 surprised. Well, like, they were saying, well, okay.

18 Q. Wait. I'm having difficulty understanding you.  
19 You went down to the gas company. When did you do that?

20 A. Oh, that was a few-- I don't know. It was a few  
21 months back.

22 Q. Do you have service now, gas service right now?

23 A. Yes, sir.

24 Q. You went down to talk to them about a high bill?

25 A. Yes.

1 Q. Okay.

2 A. And the girl that I spoke with -- I'm not sure of  
3 her name -- but they were, like, we can't help you.

4 Q. Wait. I'm sorry. This was about not a high bill  
5 but a balance due on your account. Is that right?

6 A. Correct, balance due.

7 Q. And they said they couldn't help you?

8 A. They couldn't help me.

9 Q. Do you know about how much you owed at that time?

10 A. I think it was like, I'm going to say, five or  
11 close to 6,000. I said wow. They just said to me, "Well,  
12 I'm sorry, but we can't help you." I'm like, okay, "Well,  
13 what am I supposed to do about this?" "Well, try to go get  
14 some help." I said, "There ain't nobody going to help me  
15 with that kind of money." I said, "I'd like to make an  
16 arrangement." And that's when she said, "Well, we can't  
17 help you. You have to come up with the money."

18 Q. Had you ever made arrangements before?

19 A. A long time ago, yeah. Then I lost work, and I  
20 ended up on welfare with only \$153 every two weeks.

21 MR. HARTZ: Hello?

22 JUDGE NENE: Yes. Hello? Mr. Hartz, are you there?  
23 Mr. Hartz?

24 (No response.)

25 JUDGE NENE: We'll go off the record. I think we've

1 lost a party.

2 (Pause in the proceedings.)

3 JUDGE NENE: We're back on the record. We had a power  
4 interruption.

5 BY JUDGE NENE:

6 Q. Ms. Langer, you were telling us you went down to  
7 see somebody at the gas company about a billing matter and  
8 you were told that you better get some assistance; right?

9 A. Yes. I was supposed to go out and try to get  
10 some assistance.

11 Q. The company said they couldn't help you?

12 A. They couldn't help me.

13 Q. Then I asked you if you had a payment arrangement  
14 with the company before this.

15 A. I said yes.

16 Q. Then you said you became unemployed and that's  
17 where it is now?

18 A. Yes. The problem was that I've got medical  
19 problems. I have arteriosclerosis/arthritis through my back  
20 and stuff. Then I've got diabetes, high blood pressure,  
21 depression, and stuff like that going on.

22 Q. So what is it you want the Commission to do for  
23 you?

24 A. I'd like an arrangement. I mean, I went down  
25 there and told them, you know, I told them I'll try to do

1        what I can do, I mean, if they can be reasonable about it.  
2        But they told me I have to come up with \$3,000. I said,  
3        "That's still too steep. I can't do that. So can we make  
4        some kind of arrangement?" She went in the back and asked  
5        somebody and they said no. I said okay. So I did go down  
6        and get some public assistance money.

7            Q.    What kind of assistance money?

8            A.    It's LIHEAP.

9            Q.    Oh, LIHEAP?

10          A.    Yeah. I guess they gave them two or three -- I'm  
11        not sure how much; I forgot now -- and gave it to them. And  
12        I thought, well, maybe, you know, if you can agree with me,  
13        you know, try and at times it's hard to get any utility  
14        money here in Erie because they only get so much to spread  
15        and that's it.

16          Q.    Have you tried to-- Have you offered National  
17        Fuel any-- Have you suggested what you might be able to do,  
18        the best you could do on a program?

19          A.    Yes. I asked them if there was a possibility if  
20        I give them \$15 on top of my bill or if there is a problem  
21        maybe, quote, the 200 and that would be it.

22          Q.    All right. Is there anything else you want to  
23        say?

24          A.    No, because it was just a couple times. But I  
25        was paying the bottom half, what they said I needed to pay

1 the bill, like two something. I was paying them. Then also  
2 another time I asked them again if there was some way I  
3 could make an arrangement because I was paying the bottom  
4 half where it says you need to pay the bill, and they said  
5 no, we still can't help you, you need to come up with  
6 \$3,000.

7 JUDGE NENE: Mr. Hartz, do you have any questions?

8 MR. HARTZ: No, I don't think so.

9 JUDGE NENE: All right. Ms. Langer, we're going to  
10 listen to what the gas company says, and you can ask  
11 questions of any of their witnesses that they might present.  
12 Okay?

13 MS. LANGER: Uh huh.

14 JUDGE NENE: Mr. Hartz?

15 MR. HARTZ: Yes. We have Kathie Whipple, Your Honor.  
16 Whereupon,

17 KATHIE WHIPPLE,

18 having been duly sworn, testified as follows:

19 JUDGE NENE: Mr. Hartz.

20 MR. HARTZ: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. HARTZ:

23 Q. Ms. Whipple, please state your full name and  
24 spell your last name for the record.

25 A. My name is Kathie Whipple. Last name is

1 W-h-i-p-p-l-e. First name is Kathie, K-a-t-h-i-e.

2 Q. Ms. Whipple, are you currently employed?

3 A. Yes, I am.

4 Q. Where do you work?

5 A. National Fuel.

6 Q. How long have you worked at National Fuel?

7 A. Twenty-eight years.

8 Q. What is your current position at National Fuel?

9 A. Director of quality assurance.

10 Q. Tell me what your duties are in that position.

11 A. I review the formal and informal complaints filed  
12 with the Pennsylvania Public Utility Commission.

13 Q. By virtue of your position are you familiar with  
14 the facts and circumstances surrounding the formal complaint  
15 of which today's hearing is the subject, Docket No.  
16 C-20077614?

17 A. Yes, I am.

18 Q. And are you also familiar with the various  
19 natural gas accounts that Gertrude L. Langer has had with  
20 National Fuel Gas Distribution Corporation?

21 A. Yes, I am.

22 Q. Did you conduct an investigation with respect to  
23 those accounts?

24 A. Yes, I did.

25 Q. Do you feel that you've reviewed all pertinent

1 information with respect to those accounts?

2 A. Yes.

3 MR. HARTZ: Your Honor, just for some background, I'm  
4 going to show Ms. Whipple some documents. These documents  
5 were sent both to yourself and to the complainant prior to  
6 today's hearing. I think we'll start--

7 JUDGE NENE: Well, wait a minute. I don't have any  
8 documents other than those that are attached to your answer.

9 MR. HARTZ: You don't have any?

10 JUDGE NENE: No. When were they sent?

11 MR. HARTZ: July 11th. I sent them by Next Day UPS on  
12 July 11th.

13 JUDGE NENE: Ms. Langer, did you receive any documents  
14 from National Fuel?

15 MS. LANGER: On July 11th? No.

16 JUDGE NENE: Well, I have documents that were attached  
17 to your answer, Mr. Hartz. But I don't have anything else.

18 MS. LANGER: I didn't receive anything on the 11th,  
19 no.

20 MR. HARTZ: We did send these, like I said, on the  
21 11th. So I'm not sure what happened there.

22 JUDGE NENE: Well, if they're identical to the  
23 exhibits you attached to your answer I might be able to make  
24 copies.

25 MR. HARTZ: There was probably some that were in

1 addition to what was sent with the answer. The ones that  
2 were sent with the answer look to be, there was the BCS  
3 decision.

4 JUDGE NENE: Were they sent to Pittsburgh?

5 MR. HARTZ: Yes, the 1103 Pittsburgh State Office  
6 Building, 300 Liberty Avenue.

7 JUDGE NENE: Right. That's unusual that I wouldn't  
8 have them.

9 MR. HARTZ: I don't think I've ever had that happen.

10 JUDGE NENE: Well, I guess you could testify and  
11 maybe--

12 MR. HARTZ: Well, we can see if what was sent with the  
13 complaint might be enough. We can update that. Ms. Whipple  
14 would be able to update that through testimony.

15 JUDGE NENE: Let me ask Ms. Langer if when you  
16 received the answer filed by the gas company in this matter  
17 were there attachments on that answer, charts?

18 MS. LANGER: What I got from way back?

19 JUDGE NENE: Yeah, way back. It would have been  
20 account statements.

21 MS. LANGER: Right, that's it.

22 JUDGE NENE: They were marked Exhibits A and B.

23 MS. LANGER: That's it. That's all I have.

24 JUDGE NENE: Well, that's all I have, too. We'll go  
25 with that. Mr. Hartz, if you want to update them we'll try

1 to. Well, I know they're not here.

2 MS. LANGER: I don't have them either. I didn't get  
3 nothing on the 11th. I got them way back when I made my  
4 complaint.

5 JUDGE NENE: Well, we'll go with what we have. If you  
6 change them, if you update them, we will receive copies and  
7 allow you to send copies to Ms. Langer.

8 MR. HARTZ: Okay. That will work. Well, let's start  
9 with what's marked as Exhibit A attached to the answer.  
10 That was five pages to that document. It says account  
11 statement in bold at the top.

12 JUDGE NENE: Very well. I have that, and you've  
13 marked it, yes, Exhibit A on the left-hand side.

14 MR. HARTZ: Correct.

15 JUDGE NENE: So marked then.

16 (Whereupon, the document was marked as NFG Exhibit No.  
17 A for identification.)

18 BY MR. HARTZ:

19 Q. Ms. Whipple, are you familiar with this document  
20 that is marked as Exhibit A?

21 A. Yes.

22 Q. Tell me, if you would, what that is.

23 A. That is the account statement for Gertrude  
24 Langer. The account number is 6236562-02 for 739 East 22nd  
25 Street, Second Floor.

1 Q. Do you know who prepared this document?

2 A. Yes.

3 Q. Who prepared this document?

4 A. I did.

5 Q. And how did you go about preparing this document?

6 A. I got all of the information together that was  
7 related to this account and prepared the account statement.

8 Q. Is there anything missing from this document that  
9 would be required to make it current as of today's  
10 proceeding?

11 A. Yes. There are two additional billings after the  
12 18th of April.

13 Q. Where would that information appear on this  
14 document?

15 A. That would be going from the left-hand side to  
16 the right-hand side starting with the first column where  
17 it's SVC, which is service to.

18 Q. On the bottom of this first page?

19 A. Yes. It would be the next line under April 18th,  
20 2007.

21 Q. If you would provide that information to us,  
22 reading from the left to right across the document.

23 A. Service to 5/16/07, the days are 28, the meter  
24 reading is 5569, the type is A for actual, the consumption  
25 is 19, the--

1 JUDGE NENE: 19?

2 THE WITNESS: Yes.

3 JUDGE NENE: All right.

4 A. The DD, which is degree days, are 294. The bill  
5 amount is \$36.44. It's due the 11th of June 2007. There  
6 are no payments. The balance at that time was \$6,623.56,  
7 and the budget at that time was \$118.

8 The next line down would be service to 6/18/07,  
9 the days are 33, the meter reading is 5611, the type is E  
10 for estimated, the consumption is 42. The DD, which are  
11 degree days again, are 116. The bill amount is \$68.35. The  
12 bill is due or was due July the 11th, 2007. There were no  
13 payments. The balance is \$6,734.56. The budget has dropped  
14 to \$111.

15 BY MR. HARTZ:

16 Q. Ms. Whipple, is there any other information  
17 that's necessary to make the account statement current as of  
18 today's proceeding?

19 A. No.

20 Q. To the best of your information, does the account  
21 statement as it appears there as Exhibit A accurately depict  
22 the history and current status of Ms. Langer's account with  
23 National Fuel?

24 A. Yes, it does.

25 Q. I notice near the top of this first page of

1 Exhibit A on the right-hand column on the second line  
2 there's an indication unpaid final bill. There's the  
3 balance there of \$6,101.34. Then in the payment column in  
4 parentheses there's an amount, \$5,961.20. The unpaid final  
5 bill, is that represented on the account that represents  
6 that amount, was that found in Exhibit A also?

7 A. Yes, it is.

8 Q. Where does that information appear?

9 A. I believe that that would be on the third page  
10 or, okay, second page.

11 Q. Starting on the second page?

12 A. Starting on the second page, yeah.

13 Q. What does that represent starting on the second  
14 page?

15 A. That represents the account statement for  
16 Gertrude Langer. The account number is 5979101-02. The  
17 address is 2635 Sassafras Street.

18 Q. So it's a different address than what was  
19 represented on the first page of Exhibit A?

20 A. Yes.

21 Q. Then there are two pages that represent this  
22 specific account that Ms. Langer had?

23 A. Yes, correct.

24 MS. LANGER: Can I--

25 JUDGE NENE: What is it, Ms. Langer?

1 MS. LANGER: I wanted to ask a question what she's  
2 saying the last amounts are as payments for the gas company  
3 to be paid as a budget.

4 JUDGE NENE: Well, you're going to have to make a note  
5 and ask her that when she's through testifying. Okay?

6 MS. LANGER: Go ahead. I'm going to find my papers.  
7 I'm sorry. Go ahead.

8 BY MR. HARTZ:

9 Q. What was the balance on that specific account  
10 number that's represented on the second and third page of  
11 Exhibit A when the account was closed, Ms. Whipple?

12 A. \$5,961.20.

13 Q. And that amount was transferred to the active  
14 account?

15 A. Correct, yes.

16 Q. How about the fourth page of Exhibit A, what does  
17 that represent?

18 A. That represents the statement for Langer. The  
19 account number is 5646546-07. The address is 725 Rosedale.

20 Q. What time period was that account active?

21 A. From April of 2003 through February the 11th,  
22 2005.

23 Q. Then that account statement is again represented  
24 on two pages?

25 A. Yes, correct.

1 Q. Those are the last two pages of Exhibit A?

2 A. Yes.

3 Q. What was the balance on that account at the time  
4 it was closed?

5 A. \$1,553.97.

6 Q. Then just as a housekeeping matter were each of  
7 these, was that amount then rolled into the second interim  
8 account, the middle account?

9 A. Yes.

10 Q. And then the full amount of the second account  
11 was rolled into what's now the current account?

12 A. Yes, that's correct.

13 Q. You heard Ms. Langer had testified that she at  
14 some point prior to today's hearing had come into the  
15 National Fuel offices to attempt to negotiate a payment  
16 arrangement on the account. Do you have any knowledge of  
17 that situation?

18 MS. LANGER: I'm sorry. I didn't hear you.

19 A. She may have come into the office, yes.

20 BY MR. HARTZ:

21 Q. Is there currently an active payment arrangement  
22 with respect to Ms. Langer's active account?

23 A. No.

24 Q. Are you aware of whether or not a BCS complaint,  
25 an informal complaint, was filed with respect to Ms.

1 Langer's account?

2 A. Yes.

3 Q. Do you know when that case was filed?

4 A. The case was filed in 2007.

5 (Whereupon, the document was marked as NFG Exhibit No.  
6 B for identification.)

7 BY MR. HARTZ:

8 Q. Looking at Exhibit B that was attached to the  
9 answer of the complaint, it's a one-page document with the  
10 words PA Public Utility Commission Bureau of Consumer  
11 Services Case Decision at the top of that document. Ms.  
12 Whipple, do you recognize that document?

13 A. Yes.

14 Q. What is that document?

15 A. It is a decision issued by the Public Utility  
16 Commission for Gertrude Langer.

17 Q. And is that the decision with respect to the most  
18 recent BCS complaint that Ms. Langer has filed?

19 A. Yes.

20 Q. At that time what was the decision?

21 A. The decision was, well, the bills were correct as  
22 rendered, the customer was notified that the company  
23 position was \$3,000 down, and the customer was to make  
24 arrangements on the balance.

25 Q. When was that decision issued?

1 A. That was issued March the 6th, 2007.

2 Q. And did they state in that decision why they  
3 could not issue a payment arrangement?

4 A. Yes. They cannot issue arrangements because the  
5 customer had been a CAP, on our Customer Assistance Program.

6 Q. What is National Fuel's Customer Assistance  
7 Program?

8 A. Our program is the LIRA program, Low Income  
9 Residential Assistance Program.

10 Q. Is that a rate release program?

11 A. Yes.

12 Q. And how does the rate release operate in that  
13 program?

14 A. The information is requested from the customer  
15 when it's provided to the company to determine what the  
16 dollar amount is that the customer will pay each month and  
17 it is also a debt forgiveness and when that customer pays on  
18 time each month 1/24 of the bill is eliminated.

19 Q. Is the LIRA program approved by the Pennsylvania  
20 Public Utility Commission?

21 A. Yes, it is.

22 Q. Has Ms. Langer participated in the LIRA program  
23 in the past?

24 A. Yes, she did.

25 Q. Do you know when that participation occurred?

1           A.    She participated in that program in 2006,  
2    2005/2006.

3           Q.    Is Ms. Langer currently participating in the LIRA  
4    program?

5           A.    No.

6           Q.    Why not?

7           A.    Ms. Langer's account was shut off for nonpayment  
8    of the bill, and the service was turned back on with a  
9    medical certificate, which at that time made her ineligible  
10   to continue participation in the program.

11          JUDGE NENE:   Excuse me.   Would you explain that Ms.  
12   Whipple, why the complainant was ineligible at that point?

13          THE WITNESS:   Yes.   The service was shut off for  
14   nonpayment of the bill, and the service was restored with a  
15   medical certificate.   At that time we no longer would accept  
16   that customer as participating because the service was  
17   restored with a medical.

18          BY MR. HARTZ:

19          Q.    Ms. Whipple, is it a requirement of National  
20   Fuel's LIRA program that a customer make all payments as  
21   they come due in order to continue participation in that  
22   program?

23          A.    Yes.

24          Q.    Obviously since Ms. Langer's service was  
25   terminated at some point she had not been making the

1 payments required under the LIRA program?

2 A. That's correct.

3 Q. Are you aware of any other payment agreements  
4 that have been entered into between National Fuel and Ms.  
5 Langer?

6 A. Yes.

7 Q. If you would, what is the date of the oldest  
8 payment agreement that you are aware of?

9 A. April 15th, 2004.

10 Q. And what was the balance due on the account at  
11 that time?

12 A. The balance at that time was \$2,910.76.

13 Q. What were the terms of the payment agreement?

14 A. The customer was to pay \$20 a month plus the  
15 budget. At that time the service was restored with a  
16 medical certificate, and that was the arrangement that we  
17 made.

18 Q. Are you aware of any other payment agreements  
19 that have occurred on this account?

20 A. Yes. There was a payment agreement the 27th of  
21 September 2005. The balance at that time was \$3,577.42, and  
22 at that time the customer was to pay \$20 a month plus the  
23 budget and the service was restored again with a medical  
24 certificate.

25 Q. Okay. Are there any other payment arrangements

1 that you're aware of?

2 A. No.

3 Q. What is the current balance on the account again,  
4 if you would?

5 A. The current balance is \$6,734.56.

6 Q. And what is National Fuel's current position with  
7 respect to the account?

8 A. The current position is the customer is \$3,465 in  
9 default.

10 Q. How did you arrive at that number?

11 A. That was the \$3,000 that the company originally  
12 asked for and the budget amount for the April, May, June,  
13 and July bills.

14 Q. When was the last customer payment received on  
15 this account?

16 A. The last customer payment was \$125 the 5th of  
17 February 2007.

18 MR. HARTZ: No further questions for Ms. Whipple, Your  
19 Honor. I would ask that the documents that we've referred  
20 to, those that were attached to the answer of the complaint,  
21 NFG Exhibit A and NFG Exhibit B, be admitted into the  
22 record.

23 JUDGE NENE: Very well. They will be admitted into  
24 the record.

25 (Whereupon, the documents marked as NFG Exhibit Nos. A

1 and B were received in evidence.)

2 JUDGE NENE: Ms. Langer, do you have any questions of  
3 Ms. Whipple?

4 MS. LANGER: Well, when she was talking about the  
5 bills where the small amounts were just at the beginning. I  
6 had no knowledge of that amount of money. But I could do  
7 it. I could have did it then. But I am, like, on social  
8 security and then I was forced to get a job which now has  
9 made my medical problems worse which I can't keep.

10 I did go in and ask for an arrangement on that 3,000,  
11 and they told me no. They said they couldn't do it, that's  
12 what I definitely have to come up without anything, with no  
13 arrangement or nothing, and once I pay that 3,000 then they  
14 will agree to make an arrangement with me. That's quite a  
15 bit of money. I'm sorry. I don't have that kind of money.

16 JUDGE NENE: Do you have any other questions of Ms.  
17 Whipple?

18 MS. LANGER: No.

19 JUDGE NENE: Ms. Whipple, I have a question.

20 EXAMINATION

21 BY JUDGE NENE:

22 Q. When exactly was Ms. Langer terminated from LIRA?

23 A. Just a minute.

24 MS. LANGER: Hello?

25 THE WITNESS: I'm looking that up. I'm sorry.

1           BY JUDGE NENE:

2           Q.    You testified that she participated in LIRA in  
3    2005/2006.

4           A.    We originally placed Ms. Langer on our LIKA  
5    program October of 2003 or prior to that. We canceled her  
6    at that time because the gas service was shut off in April  
7    of '04 and at that time it was restored with a medical. So  
8    we would have terminated her in April of '04.

9           Q.    She was not enrolled in your CAF program  
10   subsequent to April '04?

11          A.    Not as-- After that, no. If I said that I'm  
12   sorry, I misspoke.

13          Q.    When you were asked by Mr. Hartz when Ms. Langer  
14   filed a complaint with the BCS you said 2007. Can you be  
15   more specific?

16          A.    Well, the original complaint on the ST2124349 was  
17   filed August the 10th of 2006. The decision was issued in  
18   2007.

19          JUDGE NENE: Mr. Hartz, do you have any redirect?

20          MR. HARTZ: No, Your Honor.

21          JUDGE NENE: Very well. Then I'll make the copies of  
22   your exhibits and maybe we should try to find out what  
23   happened to the ones you sent out.

24          MR. HARTZ: I know we have another hearing today, and  
25   I probably would have sent those at the same time. So if

1 those are missing also--

2 JUDGE NENE: I don't have that file here, but if you  
3 want me to call you back after I can do that. If you want  
4 to maybe fax something to me and we could provide it to the  
5 complainant in that case. I shouldn't be on the record with  
6 this. We're talking about another case. I'll talk about  
7 that later.

8 I'm going to wait until I get a copy of the transcript  
9 in this case, and then I will issue a decision. But it's my  
10 understanding, Mr. Hartz, that you're relying on Section  
11 1405(c)--

12 MR. HARTZ: That's correct, yes.

13 JUDGE NENE: --in this case?

14 MR. HARTZ: Yes. That would determine the minimum  
15 payment arrangement applicable to the account and whether or  
16 not the account is eligible for a payment arrangement based  
17 on prior participation in a CAP program.

18 JUDGE NENE: This Chapter 14 had an effective date of  
19 what, December 14th?

20 MR. HARTZ: Yes, of 2004.

21 JUDGE NENE: 2004. And the testimony of Ms. Whipple  
22 was that she was canceled in 2004, April, from LIRA.

23 MR. HARTZ: Yes. It's been our position on these  
24 cases, Your Honor, that that does not constitute a  
25 retroactive application of the law because the Section 1405

1 is determining eligibility for a payment arrangement at the  
2 time the arrangement is requested and would include the fact  
3 that that account participated in the LIRA program at some  
4 point in the past. Otherwise, there would be no effect, you  
5 would not be able to give effect to the law at the time it  
6 was entered into by stating that there was prior  
7 participation in the program.

8 JUDGE NENE: Okay. Well, Ms. Langer, you'll be  
9 getting a decision from the Commission in due time. It will  
10 be a while. But you know you have an obligation to continue  
11 to pay at least for the services that you are being provided  
12 right now.

13 MS. LANGER: That's right. But nothing comes up  
14 saying what I can provide, the amount on the thing at the  
15 bottom. I used to read it. Now there's nothing down there  
16 saying how much I could pay, and I was paying that. Then I  
17 went in and I did ask about the LIRA again and they told me  
18 no. I said, well, I don't know what else to do.

19 I mean, this is outrageous. I might have to take a  
20 couple of these things and just go into bankruptcy with all  
21 this because I can't do this without an arrangement. I  
22 don't have that kind of income. I was told no.

23 But I do agree. I will pay the bottom or whatever  
24 they're sending me.

25 JUDGE NENE: I think just for the record we ought to



1 earning or bringing in \$1,200 a month?

2 A. Right.

3 JUDGE NENE: Mr. Hartz, any questions on that?

4 MR. HARTZ: Yes.

5 CROSS-EXAMINATION

6 BY MR. HARTZ:

7 Q. Ms. Langer, do you have any other sources of  
8 income, food stamps?

9 A. Yes, I did. But I don't have them now because of  
10 the fact that I have to pay for my medical through Medicare  
11 now, which is \$93 a month, and they add that on as income  
12 and I'm over the limit. So I have to pay Medicare and plus  
13 I have to pay for, it's called A something through welfare.  
14 But I had to pay for A and B, and now I'm going to pay for  
15 D.

16 Q. Other than the \$1,200 a month that you mentioned,  
17 do you receive any other form of income at all?

18 A. No, sir.

19 JUDGE NENE: One more question.

20 FURTHER REEXAMINATION

21 BY JUDGE NENE:

22 Q. You said that part of that \$1,200 is social  
23 security. Is that social security due to your age or is  
24 that supplemental social security for some other reason?

25 A. Other reasons, not because of my age.

1 Q. Is it supplemental social security?

2 A. Disability.

3 Q. Disability insurance?

4 A. Uh-huh.

5 JUDGE NENE: Any questions on that, Mr. Hartz?

6 MR. HARTZ: No. But checking the guidelines we would  
7 stipulate that based on that testimony Ms. Langer would fall  
8 into 1405(b)(1), which is essentially the most forgiving of  
9 the 1405 sections, which would provide for a five-year  
10 repayment.

11 JUDGE NENE: Very well. We'll close this record, and,  
12 like I say, I'll issue an initial decision. But you do have  
13 a duty to pay for your gas service being provided. Do you  
14 know that?

15 MS. LANGER: Yes.

16 JUDGE NENE: Anything else?

17 MR. HARTZ: No, Your Honor.

18 JUDGE NENE: Goodbye. Then I'll talk to you later.  
19 We'll go off the record now.

20 (Whereupon, at 10:40 a.m., the hearing adjourned.)  
21  
22  
23  
24  
25

2007-07-17 PM 1:33

SEN. ...

C E R T I F I C A T E

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

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Karen L. Cross, Notary Public  
Economy Boro, Beaver County  
My Commission Expires July 26, 2010  
Member, Pennsylvania Association of Notaries

COMMONWEALTH REPORTING CO., INC.

BY: Karen L. Cross  
Karen L. Cross

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# ACCOUNT STATEMENT

INVESTIGATOR: Formal Complaint  
CASE NUMBER: C-20077614

CUSTOMER: Gertrude L. Langer  
ACCOUNT #: 6236562-02 739 East 22nd St-2fl.

SVC TO	DAYS	MTR RDG	*TYPE	CONS	DD	BILL AMT.	DUE DATE	LPC	PYMTS	DATE	BALANCE	COMMENTS
9/15/2006	25	4773	IADJ	26	28	\$ 44.79	10/18/2006				\$ 44.79	
10/16/2006	31	4836	E	63	299	\$ 95.35	11/8/2006		\$ (5,961.20)	10/2/2006	\$ 6,101.34	Unpaid final bill
11/15/2006	30	4903	A	67	566	\$ 98.72	12/7/2006	\$ 91.52			\$ 6,291.58	Term notice for 11/30
12/15/2006	30	4990 5011	ADJ E	87 108	705	\$ 119.55 \$ 144.47	1/18/2007 1/7/2007	\$ 1.43	\$ 144.00	12/1/2006	\$ 6,268.56 \$ 6,293.48	
1/17/2007	33	5105	A	115	854	\$ 156.48	2/12/2007		\$ 271.00	1/2/2007	\$ 6,154.04	LIHEAP
2/16/2007	30	5290	E	185	1385	\$ 240.52	3/13/2007		\$ 125.00	2/5/2007	\$ 6,269.56	Term notice for 4/5 Budget @ \$118
3/19/2007	31	5443	E	153	1092	\$ 195.95	4/11/2007				\$ 6,387.56	
4/18/2007	30	5550	E	107	699	\$ 142.21	5/13/2007				\$ 6,505.56	

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AUG 22 2007

DOCUMENT  
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EXHIBIT  
NF 6-A  
PH/C-20077614  
7-19-07 KLC

\*TYPE CODES: A - Actual  
E - Estimate  
C - Customer  
IA - Initial (Actual)  
FA - Final (Actual)  
ADJ - Adjustment

# ACCOUNT STATEMENT

CUSTOMER: Gertrude L. Langer  
 ACCOUNT #: 5979101-02 2635 Sassafra

INVESTIGATOR: Formal Complaint  
 CASE NUMBER: C-20077614

SVC TO	DAYS	MTR RDG	*TYPE	CONS	DD	BILL AMT.	DUE DATE	LPC	PYMTS	DATE	BALANCE	COMMENTS
3/7/2005	31	3340	IA	316	1118	\$ 365.80	3/30/2005		\$ (1,553.97)	2/15/2005	\$ 1,699.97	Budget @ \$146 Unpaid final bill
4/6/2005	30	3592	A	252	913	\$ 294.60	5/1/2005				\$ 1,845.97	Term notice for 4/21
5/5/2005	29	3734	A	142	536	\$ 177.77	5/30/2005		\$ 166.00	4/15/2005	\$ 1,825.97	Term notice for 5/21
6/6/2005	32	3801	A	67	279	\$ 94.91	6/29/2005		\$ 166.00	5/20/2005	\$ 1,838.97	Term notice for 6/21 Budget @ \$179
7/6/2005	30	3833	A	32	15	\$ 52.26	7/31/2005		\$ 166.00	7/1/2005	\$ 1,851.97	Term notice for 7/21
8/4/2005	29	3862	A	29	0	\$ 48.93	8/29/2005		\$ 199.00	7/28/2005	\$ 1,831.97	Term notice for 8/19
9/2/2005	29	3890	A	28	1	\$ 50.31	9/28/2005				\$ 2,072.97	Budget @ \$241
9/19/2005	17	3911	FADJ	21		\$ 35.55	10/18/2005		\$ 131.42	9/19/2005	\$ 1,977.10	SONP 9/19
10/4/2005	7	3899	E	9	3	\$ 19.17	10/30/2005		\$ (69.00)		\$ 1,960.72	Budget cancel
10/4/2005	7	3920	IA	9	19	\$ 14.93	10/27/2005			9/28/2005	\$ 2,249.10	Budget @ \$203 Turn on fee
12/5/2005	33	4016	A	96	374	\$ 141.78	11/27/2005				\$ 2,452.10	Term notice for 11/17
1/6/2006	32	4217	A	201	729	\$ 341.49	12/28/2005	\$ 36.78			\$ 2,691.88	
2/6/2006	31	4534	ADJ	317		\$ 529.28	5/14/2006				\$ 2,961.71	
		4466	E	249	1104	\$ 419.20	1/27/2006	\$ 39.83			\$ 2,961.71	Budget @ \$230
		4790	ADJ	256		\$ 426.90	5/14/2006				\$ 4,789.28	Term notice for 2/21
		4666	E	200	855	\$ 337.04	2/28/2006	\$ 66.25	\$ (1,531.32)	1/13/2006	\$ 4,789.28	State of resp for dlr.

\*TYPE CODES: A - Actual  
 E - Estimate  
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 ADJ - Adjustment

CUSTOMER: Gertrude L. Langer  
 ACCOUNT #: 5979101-C2 2635 Sassafra

INVESTIGATOR: Formal Complaint  
 CASE NUMBER: C-20077614

SVC TO	DAYS	MTR RDC	TYPE	CONS	DD	BILL AMT	DUE DATE	LPC	PYMTS	DATE	BALANCE	COMMENTS
3/7/2006	29	5090	ADJ	300		\$ 479.44	5/14/2006				\$ 5,088.98	
		4902	E	236	1054	\$ 380.60	3/28/2006	\$ 69.70			\$ 5,088.98	
4/6/2006	30	5321	FADJ	231		\$ 373.35	5/22/2006				\$ 5,786.69	Term notice for 4/3 SONP 4/6 Budget cancel
		5078	E	176	734	\$ 288.52	4/28/2006	\$ 73.15	\$ (336.04)	4/6/2006	\$ 5,961.20	Debit adj. Trans to active acct.
									\$ 5,961.20	10/20/2006	-0-	

\*TYPE CODES: A - Actual  
 E - Estimate  
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 ADJ - Adjustment

# ACCOUNT STATEMENT

CUSTOMER: Gertrude L. Langer  
 ACCOUNT #: 5646546-07 725 Rosedale

INVESTIGATOR: Formal Complaint  
 CASE NUMBER: C-20077614

SVC TO	DAYS	MTR RDG	*TYPE	CONS	DD	BILL AMT.	DUE DATE	LPC	PYMTS	DATE	BALANCE	COMMENTS
5/23/2003	31	8107	C	84	353	\$ 89.17	6/16/2003				\$ 794.36	
6/20/2003	28	8166	E	59	143	\$ 65.76	7/17/2003	\$ 6.82	\$ 332.83	6/6/2003	\$ 534.11	
7/23/2003	33	8166	A	0	10	\$ 11.41	8/14/2003	\$ 7.81			\$ 553.33	
8/20/2003	28	8187	ADJ	21		\$ 31.95	11/23/2003				\$ 224.33	
		8188	E	22	2	\$ 32.96	9/15/2003				\$ 724.33	Budget @ \$171
9/19/2003	30	8211	ADJ	24		\$ 36.00	11/23/2003				\$ 895.33	
		8215	E	27	17	\$ 39.12	10/17/2003				\$ 895.33	
10/20/2003	31	8268	ADJ	57		\$ 69.94	11/23/2003				\$ 1,066.33	
		8326	E	111	328	\$ 123.44	11/18/2003				\$ 1,066.33	
11/19/2003	30	8360	C	92	500	\$ 71.10	12/11/2003		\$ 375.11	11/19/2003	\$ 774.22	Budget @ \$83 Budget adj.
12/22/2003	33	8555	C	195	946	\$ 158.19	1/15/2004	\$ 0.91			\$ 853.13	Budget @ \$78 Budget @ \$65 LIHEAP Budget roll-in
1/19/2004	28	8774	A	219	1011	\$ 174.13	2/16/2004		\$ 311.00	1/2/2004	\$ 918.13	
		9064	ADJ	290		\$ 237.74	6/9/2004		\$ (311.00)	1/2/2004	\$ 983.13	
2/20/2004	32	9026	E	252	1379	\$ 208.16	3/16/2004				\$ 983.13	
3/22/2003	31	9281	ADJ	217		\$ 182.06	6/9/2004				\$ 1,060.13	Budget @ \$77
		9213	E	187	981	\$ 158.46	4/15/2004				\$ 1,060.13	

\*TYPE CODES: A - Actual  
 IA - Initial (Actual)  
 E - Estimate  
 FA - Final (Actual)  
 C - Customer  
 ADJ - Adjustment

CUSTOMER: Gertrude L. Langer  
 ACCOUNT #: 5646546-07 725 Rosedale

INVESTIGATOR: Formal Complaint  
 CASE NUMBER: C-200

SVC TO	DAYS	MTR RDG	TYPE	CONS.	DD	BILL AMT	DUF DATE	LIC	PYMTS	DATE	BALANCE	COMMENTS
4/15/2004	24	9405 9320	FADJ FE	124 107	522	\$ 106.09 \$ 92.68	6/9/2004 5/14/2004		\$ (144.22)	4/15/2004	\$ 1,310.44	SONP 4/15 Budget cancel
5/20/2004	8	9414 9417	IADJ E	9 12	27	\$ 13.11 \$ 16.43	8/26/2004 6/15/2004		\$ (69.00)	5/20/2004	\$ 1,392.55 \$ 1,395.87	TONP 5/12 Turn on fee/debit
6/21/2004	32	9446 9461	ADJ E	32 44	84	\$ 46.78 \$ 60.02	8/26/2004 7/15/2004				\$ 1,439.33 \$ 1,455.89	
7/15/2004	24	9466 9491	ADJ E	20 30	25	\$ 31.25 \$ 42.38	8/26/2004 8/15/2004				\$ 1,470.58 \$ 1,498.27	SONP 7/7
8/19/2004	16	9484	E	18	20	\$ 26.93	9/13/2004		\$ 69.00	8/3/2004		Turn on fee TONP 8/3
9/20/2004	32	9522	E	38	48	\$ 54.82	10/13/2004		\$ 31.00 \$ (69.00)	8/3/2004 8/6/2004	\$ 1,576.58	Turn on fee/debit Budget @ \$137
10/18/2004	28	9547	E	25	243	\$ 39.55	11/11/2004		\$ 157.00	10/21/2004	\$ 1,713.58	
11/17/2004	30	9658	E	111	501	\$ 136.93	12/12/2004	\$ 25.07			\$ 1,693.58	
12/20/2004	33	9841	E	183	882	\$ 217.88	1/16/2005		\$ 326.00	12/1/2004	\$ 1,855.65	Budget @ \$126 LIHEAP
1/21/2005	32	0034	A	193	1111	\$ 228.98	2/15/2005				\$ 1,655.65	
2/11/2005	21	0206	FE	172	864	\$ 201.61	3/7/2005		\$ 334.38 \$ 94.91	2/4/2005 2/11/2005	\$ 1,781.65	Budget adj. trans to active acct
									\$ 1,553.97	2/15/2005	\$ -0-	

\*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: 2124349 Case Closed On: 2007-03-06  
 Investigator: GALACCI, THEODORE  
 Account Number: 616082003 0063 - NFG (NATIONAL FUEL GAS DISTRIBUTION CORP)  
 Customer Name: GERTRUDE LANGER  
 Service Address: 739 E 22ND ST 2ND FL Total Balance: 5961.20  
 ERIE, PA 16503 Date of Acct Balance: 2006-08-15  
 Decision Issued? N Violation: NO  
 Oral/Written: W Chap. 56/64 Other:  
 Heading Date: 2007-03-06 Section/Rule:

Resolution: **BILLS CORRECT AS RENDERED. CUSTOMER NOTIFIED BY LETTER THAT, BY LAW, ANY BALANCE BILLED UNDER CAP RATES CANNOT BE THE SUBJECT OF A PAYMENT ARRANGMENT FROM THE PUC. THE FOLLOWING SUMMARY OF THE COMPANY'S POSITION WAS RELATED TO THE CUSTOMER IN THE LETTER: PAY \$3000 BY 3/16/2007 THEN ENTER PAYMENT ARRANGEMENTS FOR REMAINING BALANCE.**

Letter Description: CAP BALANCE NO PAYMENT

PAR Description: YOUR DISPUTE HAS BEEN REVIEWED. THE BILLS ARE CORRECT AS RENDERED. YOU ARE RESPONSIBLE FOR THE BALANCE OWED TO THE COMPANY.

No. 2's (OFFS) - To have Service Restored Pay: 0.00  
 No. 3's (REMEDS) - To Keep Service on Pay: 0.00  
 Terms: Beginning:  
 Special Budget or Optional Payment Amount: 0.00  
 Regular Budget Amount: 0.00  
 Plus Payment Toward Arrears: 0.00  
 Final Bill Monthly Payment: 0.00  
 Current Bill Monthly Payment: 0.00  
 End of Month Payment: 0.00  
 Billing Date:  
 Reconnect Amt: 0  
 Payment Amt: 0.00

By:

**DOCUMENT  
FOLDER**

**DOCKETED**  
AUG 22 2007

PUC Fax Nbr: 717 7876641  
 Times Sent: 1

Times Faxed: 0

**RECEIVED**

AUG 17 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**EXHIBIT**  
NFG-B  
PGH/C-2007764  
7-19-07 KIC

Exhibit B