

PUBLIC UTILITY COMMISSION

James R. Horney,  
v.  
UGI Utilities, Inc.

Docket No.: C-20065825

Initial Hearing

Pages: 1 - 40

DOCUMENT  
FOLDER

Pennsylvania Public Utility  
Commission  
Keystone Commonwealth Building  
400 North Street  
Harrisburg, PA

April 4, 2006  
Commencing at 10:20 a.m.

BEFORE:

DAVID SALAPA, Administrative Law Judge

APPEARANCES:

JAMES R. HORNEY, PRO SE  
For the Complainant

LARRY R. CRAYNE, Esquire  
238 Johnston Road  
Pittsburgh, PA 15241  
For the Respondent  
(via telephone)

WITNESS:

Rose Williams, UGI Utilities, Inc.

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

REPORTER: DANIEL B. URIE

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## P R O C E E D I N G S

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2  
3                   JUDGE DAVID SALAPA:

4                   This is the time and the place that the  
5 Pennsylvania Public Utility Commission has set for the  
6 hearing in the case captioned, James R. Horney ---  
7 that's H-O-R-N-E-Y --- versus UGI Utilities, Inc., at  
8 Docket Number C-20065825. I am Administrative Law  
9 Judge David Salapa. The Commission has assigned me to  
10 preside over the hearing in this case and to render a  
11 decision for the Commission to consider.

12                   Appearing here, in person, in Hearing  
13 Room Number Three in Harrisburg, at the Keystone  
14 Commonwealth Building, is Mr. James R. Horney. Good  
15 morning, Mr. Horney. Also appearing, by telephone, is  
16 Counsel for the Respondent, Larry R. Crayne. Good  
17 morning, Mr. Crayne.

18                   ATTORNEY CRAYNE:

19                   Good morning.

20                   JUDGE:

21                   Now, Mr. Crayne, can you hear me?

22                   ATTORNEY CRAYNE:

23                   Yes, I can.

24                   JUDGE:

25                   And can you hear Mr. Horney?

1 Mr. Horney, please speak.

2 MR. HORNEY:

3 Yes, yes.

4 JUDGE:

5 Can you hear Mr. Horney, or does he need  
6 to move closer to the phone?

7 ATTORNEY CRAYNE:

8 I can barely hear him.

9 JUDGE:

10 You're going to have to speak up, Mr.  
11 Horney.

12 MR. HORNEY:

13 Okay.

14 JUDGE:

15 And each of you can hear me; correct?

16 MR. HORNEY:

17 Yes.

18 ATTORNEY CRAYNE:

19 Yes.

20 JUDGE:

21 All right. Now, what is going to happen  
22 here, Mr. Horney, since you are the Complainant in  
23 this matter, you will testify first. I will swear you  
24 in and ask you a few questions about your address and  
25 residence and how long you've resided there. Then you

1 may present your testimony. After you're done  
2 testifying, Mr. Crayne will have the opportunity to  
3 cross examine you. He can ask you questions about  
4 your testimony.

5 MR. HORNEY:

6 Okay.

7 JUDGE:

8 Once that is completed, if you have any  
9 additional testimony you wish to add in light of his  
10 Cross Examination, I will give you the opportunity to  
11 do that. Once you've concluded your testimony, I will  
12 then swear in Mr. Crayne's witness, and she will have  
13 the opportunity to testify.

14 MR. HORNEY:

15 Okay.

16 JUDGE:

17 When she is done testifying, you will  
18 have the opportunity to ask any questions of her that  
19 you want.

20 MR. HORNEY:

21 Okay.

22 JUDGE:

23 Once you're done cross examining her, if  
24 Mr. Crayne wishes to ask any additional questions of  
25 her, he will be allowed to do that.

1                   MR. HORNEY:

2                   Okay.

3                   JUDGE:

4                   At the close of the hearing, then, I will  
5 go over what takes place from there.

6                   MR. HORNEY:

7                   Okay.

8                   JUDGE:

9                   All right? Do you understand, basically,  
10 what's going to transpire?

11                   MR. HORNEY:

12                   Yes.

13 -----

14 JAMES R. HORNEY, HAVING FIRST BEEN DULY SWORN,  
15 TESTIFIED AS FOLLOWS:

16 -----

17                   JUDGE:

18                   All right. Now, you're going to have to  
19 speak up, so that Mr. Crayne can hear you over the  
20 telephone.

21                   MR. HORNEY:

22                   Okay.

23                   JUDGE:

24                   Could you please state your name and  
25 spell it for the record?

1 A. James R. Horney, and the last name is H-O-R-N-E-Y.

2 JUDGE:

3 And Mr. Horney, where do you reside?

4 A. At 201 Kelker Street in Harrisburg.

5 JUDGE:

6 And how long have you resided there, Mr.  
7 Horney?

8 A. Three years.

9 JUDGE:

10 And is that an apartment?

11 A. Yes, it's a home, and I rent the first floor as an  
12 apartment.

13 JUDGE:

14 And prior to residing there, where did  
15 you reside?

16 A. It would have been 1921 North Street in  
17 Harrisburg.

18 JUDGE:

19 1921 North Street. All right. Now from  
20 what I can gather, you have some complaint about UGI  
21 providing you with gas service.

22 A. I do.

23 JUDGE:

24 Why don't you go ahead and explain what  
25 happened, and try to do that in chronological order,

1 giving dates if you have them.

2 A. Okay. My landlord had oil service -- his last  
3 name is Perkosky --- and he switched over to gas  
4 service.

5 JUDGE:

6 You mean oil as in oil wells?

7 A. Heating oil, yes. And he switched over to gas and  
8 notified me and the man upstairs that he was going to  
9 do that, and he had UGI come there and do that in the  
10 month of October.

11 JUDGE:

12 All right. So that would have been  
13 October of 2005?

14 A. That's correct.

15 JUDGE:

16 All right. Then what happened?

17 A. And he told me and the man upstairs to contact UGI  
18 to have heat put in their wall units. They have a  
19 name for them --- they call them space heaters. He  
20 put a space heater in the bedroom and a space heater  
21 in the living room, but we had to call UGI to have the  
22 service hooked up in our name.

23 JUDGE:

24 Okay. So the landlord had two space  
25 heaters installed in your apartment ---

1 A. That's correct.

2 JUDGE:

3 --- and indicated that you had to contact  
4 UGI in order to establish gas service for those  
5 heaters.

6 A. Correct; that's right.

7 JUDGE:

8 All right. Then what happened?

9 A. The first week of November --- and I thought it  
10 was November 1st but it might have been a little bit  
11 later, but it was the first week of November --- I  
12 contacted UGI for gas service.

13 JUDGE:

14 All right.

15 A. They gave me a very hard time at that time.

16 JUDGE:

17 What exactly do you mean by, gave you a  
18 hard time? You're going to have to describe to me, in  
19 facts, what transpired, if you can recall.

20 A. Basically, they did not want to take on any new  
21 customers in the Harrisburg area.

22 JUDGE:

23 Okay.

24 A. They did not want to supply service to anybody ---  
25 all new accounts --- in the Harrisburg area.

1                   JUDGE:

2                   Okay.

3 A.   And at that time, I asked to speak to a  
4 supervisor.

5                   JUDGE:

6                   And what happened then?

7 A.   I held on the phone for a long amount of time, and  
8 then they disconnected me deliberately.

9                   JUDGE:

10                  Okay.

11 A.   I then --- and, once again, it would have been  
12 probably the second week of November --- filed a  
13 Complaint with the PUC.

14                  JUDGE:

15                  Okay.

16 A.   I did not have any gas service whatsoever, and  
17 there was no heat in the property for the first 16, 17  
18 days of November.

19                  JUDGE:

20                  All right.

21 A.   I got them. I called back to the PUC. After I  
22 filed the Complaint, I called the PUC back, like, a  
23 week later, in November.

24                  JUDGE:

25                  So this would have been, probably, the

1 third week in November?

2 A. I would say --- I was going to say maybe around  
3 the 15th or 16th of November. And they told me to  
4 call UGI, once again.

5 JUDGE:

6 Okay.

7 A. At that time, I called back to UGI, and I got an  
8 earful from Denise who, basically, told me to go fly a  
9 kite, and after they switched me three or four times  
10 to different departments, I ended up in another  
11 department where they told me that I would have to  
12 give them a \$150 deposit because my credit was not  
13 this or credit was not that, which I never complained  
14 about. I never, at no time, complained about that.

15 JUDGE:

16 All right. And was this the first time  
17 that anyone from UGI had indicated to you that you  
18 needed to have a security deposit before ---?

19 A. Absolutely, absolutely, absolutely.

20 JUDGE:

21 All right. Is there anything else, then?

22 A. I got service, like, in the next two days --- I  
23 think it was two days later --- that they came and  
24 started service to my property. And I sent them the  
25 security deposit, and they received that, I would say,

1 probably in the neighborhood of two weeks later, but I  
2 can't recall the exact date.

3 JUDGE:

4 All right. So UGI came out and commenced  
5 service within a couple days of your phone call ---

6 A. Absolutely.

7 JUDGE:

8 --- before you sent them a security  
9 deposit?

10 A. Yes, that is correct.

11 JUDGE:

12 All right. Anything else?

13 A. I also explained to them that I had three animals  
14 die because I had no heat for the first 17 days.  
15 Because of UGI, I had no service for the first 17 days  
16 of November.

17 I would also like to say, right here --- and the  
18 paper is signed by Mr. Crayne --- he says, Complainant  
19 did not contact UGI until November 16th, 2005, to  
20 request gas service; okay? And this paper is signed,  
21 Larry Crayne, and that is an absolute lie --- I did  
22 not contact them until November 16th. That is the  
23 date that the PUC told me to call them a second time;  
24 that is an absolute lie.

25 Now, I do not have phone records to bring you

1 because I used pay phones when I called them, and I  
2 know that's not going to help me; okay?

3 The other thing that I would like to point out  
4 here is, a paper that I received from you, David ---

5 JUDGE:

6 That's me.

7 A. Yes --- Administrative Law Judge, and it says  
8 here, commission policy promotes settlements. The  
9 utility will contact the customer at least one week  
10 before the scheduled hearing to talk over a possible  
11 settlement of this case. At no point did they ever do  
12 that.

13 If I don't have a phone, why would they not send  
14 something registered mail or certified mail? At no  
15 point did they do that --- if you are unable to settle  
16 this case, you may still resolve many questions or  
17 issues during your talks ---. At no point did they  
18 send me any certified mail saying, hey, would you  
19 please give us a call, we'd like to talk to you. They  
20 don't want to do that. They don't have a problem with  
21 the animals dying. Denise told me to go to Hell. And  
22 that's --- and, basically, they're not afraid of the  
23 PUC. They think they can do whatever they want.

24 My only question to you is, whatever happens here,  
25 can I appeal it in the Common Pleas Court?

1                   JUDGE:

2                   Not the Common Pleas Court, no.

3 A.    I can't; okay.

4                   JUDGE:

5                   You can appeal it to the Commonwealth  
6 Court.

7 A.    To a Commonwealth Court?

8                   JUDGE:

9                   Yes, that's under the Appellate Court  
10 that would appeal any Commission decision.

11 A.    Okay.

12                   JUDGE:

13                   So what is it --- do you have any other  
14 testimony that you want to give at this point?

15 A.    No. Basically, I am very, very angry that I had  
16 three reptiles die because UGI would not give me  
17 service until after I contacted the PUC. Once they  
18 found out that I contacted the PUC, that is when they  
19 were willing to go forward with service.

20                   JUDGE:

21                   All right. What do you want the  
22 Commission to do, then, about this?

23 A.    I think something should be done. I don't know  
24 what. I haven't sat down and said, you know, and come  
25 to that in my mind, but I think something should be

1 done. I think what they did was wrong.

2 JUDGE:

3 All right. Here's --- let me explain to  
4 you. I can --- the Commission can impose a fine or  
5 penalty on UGI for improper service. That would be  
6 the extent of what the Commission could do.

7 A. And how much would the fine be?

8 JUDGE:

9 It can be up to \$1,000 per incident.

10 A. Which is pocket change to them, but, okay. All  
11 right.

12 JUDGE:

13 All right? So that you understand ---

14 A. I understand.

15 JUDGE:

16 --- that's the limit of what I can do in  
17 this situation.

18 A. I understand.

19 JUDGE:

20 All right. Do you have any additional  
21 testimony?

22 A. Not at this time.

23 JUDGE:

24 All right. Mr. Crayne, any Cross  
25 Examination?

1                    ATTORNEY CRAYNE:

2                    I have a few questions, Your Honor.

3 CROSS EXAMINATION

4 BY ATTORNEY CRAYNE:

5 Q. Mr. Horney, you said that when you called, you  
6 were told that UGI did not want to establish new  
7 accounts; is that correct?

8 A. That's correct.

9 Q. Who told you that?

10 A. I did not take her name at that time. I did not  
11 write her name down.

12 Q. What date was it, then, you were told?

13 A. It was some time the first week, first ten days,  
14 of November.

15 Q. First what?

16 A. First week to first ten days of November. I did  
17 not write the girl's name down that told me that. It  
18 was a female, but I did not write her name down.

19 Q. All right. Now you said on November 16 or 17, you  
20 got an earful from Denise?

21 A. Absolutely.

22 Q. What did Denise tell you?

23 A. Can I remember her exact words --- her exact words  
24 were, she started laughing at me, okay? Then she said  
25 a lot of other things to me, and what exactly --- what

1 she said to me --- things she said to me were,  
2 basically, telling me that she didn't care.

3 Q. Was this the same person that told you they were  
4 not --- UGI was not establishing new accounts?

5 A. No, that was --- she was not that same girl. From  
6 my conversation with the girl that told me that, from  
7 what I could hear on the phone, she sounded like a  
8 black girl; okay? Denise did not sound black to me,  
9 even though she could be. She did not sound black to  
10 me.

11 Q. Do you know the date of that call?

12 A. That I made to Denise?

13 Q. Yes.

14 A. It would have been around November 16th, November  
15 17th.

16 Q. Okay. When Denise told you to go to go to hell,  
17 what date did she tell you to do that?

18 A. Same date.

19 Q. Same day?

20 A. Yes. According to your paper, sir, you have no  
21 girl by that name that even works there.

22 Q. Well, we'll get into that, Mr. Horney.

23 ATTORNEY CRAYNE:

24 I have no further questions, Your Honor.

25 JUDGE:

1 All right. Mr. Horney, do you have  
2 anything further at this point?

3 MR. HORNEY:

4 Not at this point. According to him, I  
5 never spoke to a girl by the name of Denise, and they  
6 have no girl --- according to his papers here --- I  
7 could look over his papers --- he said that they have  
8 reviewed the records of calls to Denise on November  
9 1st and has found no record of any such call by  
10 Complainant.

11 JUDGE:

12 Okay. All right. Mr. Crayne, do you  
13 have a witness?

14 ATTORNEY CRAYNE:

15 Yes, I do, Your Honor. I would like to  
16 call Rose Williams.

17 -----  
18 ROSE WILLIAMS, HAVING FIRST BEEN DULY SWORN, TESTIFIED  
19 AS FOLLOWS:  
20 -----

21 JUDGE:

22 All right. Mr. Crayne.

23 DIRECT EXAMINATION

24 BY ATTORNEY CRAYNE:

25 Q. Okay. Ms. Williams, please state your full name.

1 A. Rose Williams.

2 Q. What is your position with UGI Utilities?

3 A. I'm a representative in the regulatory compliance  
4 department.

5 Q. How long have you been with the company?

6 A. Twenty-one (21) years.

7 Q. Are you familiar with the company's computer  
8 system?

9 A. Yes, I am.

10 Q. Do you access that computer system on a regular  
11 basis to review various complaints?

12 A. Yes, I do.

13 Q. All right.

14 ATTORNEY CRAYNE:

15 Your Honor, I'd like to let Ms. Williams  
16 identify the exhibits that we've presented in this  
17 Complaint. I assume you have a copy.

18 JUDGE:

19 Yes, I do. Mr. Horney, do you have your  
20 copies?

21 MR. HORNEY:

22 No, I do not.

23 JUDGE:

24 Hold on one second, Mr. Crayne.

25 ATTORNEY CRAYNE:

1           Your Honor, the exhibits were mailed by  
2 first class mail on March 28th, '06, to Your Honor. A  
3 copy was sent to Mr. Horney. I have not received a  
4 return of that letter.

5                   JUDGE:

6           All right. Let me verify --- Mr. Horney,  
7 this has your address as P.O. Box 3701, Harrisburg,  
8 PA, 17105-3701. Is that correct?

9                   MR. HORNEY:

10          That is correct.

11                   JUDGE:

12          All right. Well, you may borrow my copy  
13 to follow along.

14                   MR. HORNEY:

15          Okay.

16                   JUDGE:

17          All right. Continue, Mr. Crayne.

18                           (Exhibit R-1 marked for  
19 identification.)

20 BY ATTORNEY CRAYNE:

21 Q. Ms. Williams, would you identify what has been  
22 marked as Exhibit R-1?

23 A. That is a Statement of Account for Mr. Horney.  
24 It's the bills and payment history of the account.

25 Q. Okay. What is the current amount owed by Mr.

1 Horney?

2 A. That's \$425.12.

3 Q. And how much of that is in arrears?

4 A. \$198.60. I may be off a little bit with that.

5 Q. Okay.

6 (Exhibit R-2 marked for  
7 identification.)

8 BY ATTORNEY CRAYNE:

9 Q. Would you please identify what has been marked  
10 Exhibit R-2?

11 A. That is a copy of the CPS decision for Mr. Horney.

12 Q. That was issued when?

13 A. It was closed on December 23rd of '05.

14 Q. Okay. Now, Ms. Williams, there's been some  
15 discussion about the first time that Mr. Horney  
16 contacted UGI to obtain service.

17 ATTORNEY CRAYNE:

18 And Your Honor, in the Answer to the  
19 Complaint, we do represent or deny that Complainant  
20 called UGI on November 1, '05. A search was done  
21 regarding the gas service account. However, upon  
22 further investigation, we have, in fact, determined  
23 that Mr. Horney did contact UGI, I believe, on  
24 November 7th. So I'm going to ask Ms. Williams to  
25 indicate the first record that UGI has of Mr. Horney's

1 contacting UGI to establish service.

2 BY ATTORNEY CRAYNE:

3 Q. Ms. Williams, when did Mr. Horney first contact  
4 UGI to establish service?

5 A. Our records indicate, November 7th of 2005.

6 Q. And did UGI refuse, at that time, to establish  
7 service for Mr. Horney?

8 A. No, we did not.

9 Q. What do the records indicate transpired?

10 A. Failure to establish service at 201 Kelker Street.  
11 At that point, he did contact our customer information  
12 center. She advised him of the --- explained the  
13 turn-on process. She obtained his Social Security  
14 number to run a credit score. When she came back on  
15 the line, she informed him that to complete his  
16 application, he would have to contact our credit  
17 department.

18 While placing him on hold to transfer --- well,  
19 before that, actually, he requested to speak with a  
20 supervisor. She went to transfer the call to the  
21 supervisor, and when she came back, the call was  
22 disconnected.

23 Q. The call was subsequently disconnected by UGI  
24 then; correct?

25 A. That is correct. They found my information, and

1 when she went back to speak to Mr. Horney, he was no  
2 longer there.

3 Q. Now, you deal with the establishment of service  
4 accounts; do you not?

5 A. Yes.

6 Q. To the best of your knowledge, did UGI have any  
7 type of hold on new accounts in the Harrisburg area in  
8 November of '05?

9 A. No, not to my knowledge.

10 Q. To the best of your knowledge, has UGI ever had a  
11 hold on the establishment of new service accounts?

12 A. No, not to my knowledge.

13 Q. All right. Now, based on your review of the  
14 computer records, did the Complainant again contact  
15 UGI for the establishment of service?

16 A. That was on November 16th of 2005.

17 Q. And what transpired at that time?

18 A. At that point, we did inform him of the required  
19 security deposit, and an order was placed to establish  
20 the service.

21 Q. And when was the service established?

22 A. That was on November 18th, 2005.

23 Q. Now that was established prior to the obtainment  
24 of the security deposit; correct?

25 A. That is correct. On the 16th of November, he was

1 informed that the deposit was required but he had 21  
2 days to pay it.

3 Q. Okay. Now why did UGI require the Complainant to  
4 post the security deposit?

5 A. Because of the failed credit requirement.

6 Q. Now, have you reviewed telephone records for this  
7 individual by the name of Denise for November 1, 2005?

8 A. Yes, I did.

9 Q. And what did you find?

10 A. There was no record of any contact with Mr. Horney  
11 on that date.

12 Q. Now why did you focus on November 1 as the date of  
13 the contact?

14 A. Basically, I went with the date that he placed on  
15 his Complaint.

16 Q. Okay. You do have a Denise that works in that  
17 area; do you not?

18 A. Yes, we do.

19 Q. All right.

20 ATTORNEY CRAYNE:

21 I have no further questions at this time,  
22 Your Honor. Based on the testimony, at the  
23 appropriate time, I'd like to move for the many  
24 answers to reflect the fact that we did have a  
25 contact on November 7th.

1                   JUDGE:

2                   All right. Do you wish to move your  
3 exhibits into the record at this point, Mr. Crayne?

4                   ATTORNEY CRAYNE:

5                   Yes, I would also like to move the  
6 exhibits into the record at this point.

7                   JUDGE:

8                   All right. Mr. Horney, what Mr. Crayne  
9 is requesting is that these documents be made part of  
10 the record in this proceeding. Do you have any  
11 objection to that?

12                   MR. HORNEY:

13                   I have no objections, other than I'd like  
14 on the record that I never received a copy of this,  
15 and he never sent that to me.

16                   JUDGE:

17                   Okay. So noted.

18                   ATTORNEY CRAYNE:

19                   Your Honor, it was in fact done,  
20 so that statement is not correct.

21                   JUDGE:

22                   Well, here's --- I understand what you're  
23 saying, Mr. Crayne. I'm looking at your cover letter  
24 that says that it was mailed to him, and I can accept  
25 that, but he is saying he does not have it and never

1 received it.

2 ATTORNEY CRAYNE:

3 Okay.

4 JUDGE:

5 So that's where we'll leave it. I will  
6 admit the Exhibits R-1 and R-2 into the record.

7 MR. HORNEY:

8 Why would I lie about that when I know  
9 that I contacted them?

10 JUDGE:

11 Now, Mr. Horney, do you have any  
12 questions --- Cross Examination questions --- for Ms.  
13 Williams?

14 MR. HORNEY:

15 Yes.

16 CROSS EXAMINATION

17 BY MR. HORNEY:

18 Q. I'd like to know why UGI is telling the PUC, and  
19 sticking to it, that this whole Complaint is about  
20 my --- their request for a \$150 deposit. If she  
21 reviewed the phone records at any time, my question to  
22 her is, at any time did I complain or say that I'm not  
23 going to pay the \$150 deposit?

24 JUDGE:

25 Ms. Williams, did you hear the question?

1 A. Yes, and when we responded to the Commission on  
2 the informal complaint, we did not state that the  
3 complaint was regarding the security deposit. What we  
4 did was, we just basically informed the Commission of  
5 what transpired on that conversation.

6 BY MR. HORNEY:

7 Q. And at any time, was there a complaint by me not  
8 to pay that?

9 A. Let me just read briefly here ---. No, there was  
10 no complaint on the actual --- on the informal  
11 complaint to the Commission, there was nothing about  
12 the actual security deposit.

13 Q. And did they receive the \$150 security deposit?

14 A. They did receive that on December 8th of 2005.

15 Q. Okay.

16 MR. HORNEY:

17 I have no more questions for her at this  
18 time, but I'd like to ask Mr. Crayne something.

19 JUDGE:

20 Well, Mr. Crayne's not the witness.

21 MR. HORNEY:

22 Okay. My only other question is, if  
23 they've already told the Public Utility Commission the  
24 Complainant did not contact UGI until November 16th to  
25 request gas service, you had to review the records to

1 find out that that was untrue. Have you reviewed the  
2 records about other things and found out that they  
3 weren't true in this case, also?

4 ATTORNEY CRAYNE:

5 Is that a question?

6 MR. HORNEY:

7 That is a question. Why did you put down  
8 telling the PUC the Complainant did not contact UGI  
9 until November 16th. Now, all of a sudden, that date  
10 has changed.

11 ATTORNEY CRAYNE:

12 I already explained that, Mr. Horney.

13 MR. HORNEY:

14 Okay. What else have you not checked  
15 out, or what else have you checked into here that has  
16 changed?

17 ATTORNEY CRAYNE:

18 Well, what else is ---?

19 JUDGE:

20 Wait a minute. Let's keep this ---. Mr.  
21 Horney, if you have questions for the witness ---

22 MR. HORNEY:

23 That is my question to the witness.

24 JUDGE:

25 All right, then. Ms. Williams, could you

1 answer that, please?

2 A. Basically, when I reviewed the account, originally  
3 it was stated that it was November 16th, the initial  
4 contact, but as I did review it further, this is where  
5 I found that November 7th was the original contact;  
6 and I did look into that conversation with a quality  
7 rep. That's all I could find at that time. I didn't  
8 review any other calls. We did check November 1st for  
9 the contact with Denise - - we found nothing - - -  
10 November 7th, we did listen to that call, but after  
11 that, no, I have not listened to any other phone  
12 calls.

13 BY MR. HORNEY:

14 Q. You have not listened to any other phone calls?

15 JUDGE:

16 No - - - looked into records of any phone  
17 calls.

18 BY MR. HORNEY:

19 Q. Okay. So my last question is, once again, when  
20 did I contact UGI for service, and when did you  
21 originally take the first application, is my last  
22 question. What was the date?

23 A. The date that you originally called was November  
24 7th of 2005, but the application was not completed at  
25 that time.

1 Q. Thank you.

2 JUDGE:

3 Okay.

4 ATTORNEY CRAYNE:

5 Can I ask a question, Your Honor?

6 JUDGE:

7 Did you have any Redirect, Mr. Crayne?

8 REDIRECT EXAMINATION

9 BY ATTORNEY CRAYNE:

10 Q. Ms. Williams?

11 A. Yes.

12 Q. Why was the application not completed on November  
13 7th?

14 A. I'm sorry?

15 Q. Why was the application not completed on November  
16 7th?

17 A. The call was disconnected. Mr. Horney was advised  
18 that he had to complete the process with the credit  
19 department.

20 Q. And by whom was the call disconnected?

21 A. I'm sorry?

22 Q. And by whom was the call disconnected?

23 A. The call was disconnected by Mr. Horney.

24 Q. That's what your records show; correct?

25 A. That's what our records show, yes.

1                    ATTORNEY CRAYNE:

2                    I have no further questions on Redirect,  
3 Your Honor.

4                    JUDGE:

5                    All right. Mr. Horney, do you have any  
6 Recross Examination based on Ms. Williams' additional  
7 testimony?

8                    MR. HORNEY:

9                    Yes.

10 RECROSS EXAMINATION

11 BY MR. HORNEY:

12 Q. Ms. Williams, how do you know that Mr. Horney  
13 disconnected that call? How do you know that UGI, in  
14 switching the call around, something didn't --- he  
15 wasn't disconnected? How do you know for an absolute  
16 fact that Mr. Horney was the one that disconnected  
17 that phone? How do you know for an absolute fact?  
18 How could you prove that?

19 A. Actually, an absolute fact I cannot state. The  
20 only thing I can say is that when she did place him on  
21 hold and she came back, you were no longer there. I'm  
22 not sure if our phone records would show exactly who  
23 disconnected the call or how it went about. I  
24 couldn't answer that.

25 Q. So you don't have absolute proof that that is the

1 way it happened, is it? But you just testified a  
2 second ago that I was the one that disconnected it.  
3 Now you're saying you don't have proof that that  
4 happened, do you? Can you prove that? Can you prove  
5 right now, 100 percent, that I was the one that  
6 disconnected that phone? Can you prove that right  
7 now?

8 A. No, I cannot.

9 Q. Okay. But a second ago when Mr. Crayne asked you,  
10 you said you could. You said, oh, yeah, it was Mr.  
11 Horney.

12 A. But I also stated, sir, that when the  
13 representative went back on the line, she was still on  
14 the line with the call, you were not there.

15 Q. But do you know for a fact that something couldn't  
16 have happened in UGI's system that it was  
17 disconnected? Can you prove that right now?

18 A. Right at this point, no, I cannot.

19 Q. Thank you.

20 JUDGE:

21 Any Re-redirect, Mr. Crayne?

22 ATTORNEY CRAYNE:

23 I have no Redirect, Your Honor.

24 JUDGE:

25 All right. Do you have another witness,

1 Mr. Crayne?

2 ATTORNEY CRAYNE:

3 No, I do not.

4 JUDGE:

5 Do you have any further testimony at this  
6 point?

7 ATTORNEY CRAYNE:

8 No.

9 JUDGE:

10 All right. And I'm assuming, Mr. Horney,  
11 you don't have any additional testimony at this point.  
12 All right. Here's what will happen at this point. I  
13 will wait for the transcript in this proceeding to  
14 come back. That should be in about 21 days. After I  
15 get the transcript back, I will sit down and I will  
16 write an Initial Decision. That Initial Decision will  
17 be sent out to you, Mr. Horney, and to Mr. Crayne on  
18 behalf of UGI.

19 If one, or the other, or both of you do  
20 not like my decision, you may file what are called  
21 Exceptions or Objections to my decision. You will  
22 have to file them with the Commission. The decision  
23 should have a cover sheet on it explaining how to do  
24 that. If you file Exceptions to my decision, those  
25 Exceptions and my decision will be considered by the

1 five-person panel of the utility commission. The  
2 Commission can either adopt my decision or modify it,  
3 reverse it, or remand the matter back to me for  
4 further proceedings.

5           In any event, once the Commission issues  
6 its decision, that decision is the final decision of  
7 the Public Utility Commission in this matter. If one  
8 or the other of you don't like the final Commission  
9 decision, you may appeal that matter to Commonwealth  
10 Court, which is the Appellate Court where appeals from  
11 Commission and other Commonwealth agency decisions are  
12 taken.

13           So that is the schedule from here on. Do  
14 you have any questions about that, Mr. Horney?

15           MR. HORNEY:

16           No, I just don't --- there are statements  
17 in their papers that are incorrect. They haven't  
18 contacted me about any settlement. There's so many  
19 things here that ---.

20           JUDGE:

21           Okay. I understand. Mr. Crayne, do you  
22 have any further comments?

23           ATTORNEY CRAYNE:

24           I just have a short closing statement,  
25 Your Honor, if this is the time for it.

1                   JUDGE:

2                   All right. Well, first, let me ask Mr.  
3 Horney. Would you like to make a closing statement  
4 first?

5                   MR. HORNEY:

6                   Yes.

7                   JUDGE:

8                   Go ahead, and you'll have to speak up so  
9 that Mr. Crayne can hear you.

10                  MR. HORNEY:

11                  I'd like, when a decision is made, to  
12 keep in mind how the dates have changed after Mr.  
13 Crayne has signed the paper saying that the  
14 Complainant did not contact UGI until November 16th.  
15 We already know that that's a lie; okay?

16                  Then he puts a representative on the  
17 phone who says that Mr. Horney disconnected the call.  
18 She then turns around and says, well, no, she can't  
19 prove that; okay?

20                  It was also in the papers from the Public  
21 Utility Commission that the utility will contact the  
22 customer at least one week before the scheduled  
23 hearing to talk over a possible settlement of his  
24 case. At no point, have they ever done that. At no  
25 point, has he been willing to do that. At no point,

1 have they sent anything in the mail to me saying,  
2 let's have a settlement on this. He's never contacted  
3 me at all.

4 They're a utility company that is much like  
5 terrorist groups right now. They are out of control  
6 and somebody's got to do something. They're much like  
7 Al Quaida, and I compare UGI to Al Quaida; they're  
8 much like them. They're just --- they're out there  
9 doing whatever they want right now, and they don't  
10 care what the PUC tells them. They will lie to the  
11 PUC. That's already obvious. The PUC tells them, you  
12 know, you have to contact the customer for settlement,  
13 they haven't done that. They're much like terrorist  
14 groups right now. That's what I compare UGI to.

15 JUDGE:

16 Okay. Mr. Crayne.

17 ATTORNEY CRAYNE:

18 Well, Your Honor, I obviously think Mr.  
19 Horney's characterization of this situation is  
20 considerably overblown. Mr. Horney did not include a  
21 telephone number in his Complaint, so UGI did not have  
22 the ability to contact him to talk settlement. We had  
23 the ability to talk settlement here today, and we were  
24 unable to reach an agreement with Mr. Horney, so  
25 this case was unable to be amicably settled

1 As far as the question of who disconnected the  
2 telephone call on November 7th, the UGI representative  
3 was still on the line when she came back to talk with  
4 Mr. Horney, and Mr. Horney was not there, so I think  
5 it's a reasonable inference that Mr. Horney  
6 disconnected the conversation.

7           And had Mr. Horney really been interested  
8 in pursuing this matter and had gotten disconnected  
9 for some reason other than Mr. Horney hanging up the  
10 telephone, Mr. Horney could have called back the same  
11 day. Or he could have called back on November 8th or  
12 any day thereafter. And UGI, as indicated by how  
13 quickly they got service into effect for Mr. Horney,  
14 would have been able to connect his service much  
15 earlier. But Mr. Horney did not re-contact UGI, so  
16 UGI, having no telephone number for Mr. Horney, had no  
17 ability to contact him.

18           Mr. Horney could have prevented whatever  
19 damages he may have incurred, by reason of not having  
20 heat, simply by calling UGI the same day, on November  
21 7th, calling them on November 8th, or any day  
22 thereafter, and UGI would have connected service  
23 within a day or two. So I just don't think that Mr.  
24 Horney's being reasonable here when he tries to  
25 attribute the damages to UGI, if there are damages.

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JUDGE:

All right. Thank you. If we don't have anything further, then, we stand adjourned. Good day to both of you.

\* \* \* \* \*

HEARING CONCLUDED AT 10:58 A.M.

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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.

Daniel B. Wood

Court Reporter



Exhibit R2



PUC Complaint Processing System

Case Detail

[ Log Out

Home

Save Milestones

Page 3 < 1 2 3 >

Open Complaints

Case # 2009740

Date Opened 11/15/2005

Date Closed 12/23/2005

Status Closed

Approval Cases

Account # 203258286204

Outstanding Cases

Customer Name JAMES HORNEY

New Decisions

Service Address 201 KELKER ST

Case Search

City HARRISBURG State PA Zip 17101 Zip+4

Case Detail

Decision Issued (Y/N) N

Decision Type

0 (O'ral/Written)

Report

Issued Date 12/23/2005

Violation

NO

Chapter

Section/Rule

Terms

Letter Description

CORRECT DEPOSIT/DECISION TURN ON - LEVEL 1

Total Balance

88888.88

Balance Date

12/07/2005

Service Continue AMT

Service Continue Date

Service Restore AMT

Regular Budget AMT

75.0

Special Budget/Opt PMT

Payment toward arrears

Final Bill monthly PMT

Current Bill Monthly PMT

End of Month payment

Resolution

DECISION SENT TO JAMES HORNEY TO PAY SEC DEP OF 150.00. BUDGET IS 75. SEC DEP IS CORRECT. SVC WAS TURNED ON IN THE NAME OF JAMES HORNEY AS OF 11/18/05. TOTAL DEPOSIT 150.00

Save Milestones

Page 3 < 1 2 3 >

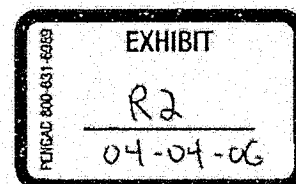
DOCUMENT FOLDER

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APR 13 2006

PA PUBLIC UTILITY COMMISSION SECRETARY'S OFFICE

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H09 4/4/06 2/8/2006