

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Larritta A. Warner,
v.
Philadelphia Gas Works

Docket No.: C-20077253

Pages 1 - 11

1400 Spring Garden Street
Philadelphia, PA

May 9, 2007
Commencing at 10:07 a.m.

BEFORE:

Marlane R. Chestnut, Administrative Law Judge

APPEARANCES:

LARRITTA A. WARNER, PRC SE
343 East Albanus Street
Philadelphia, PA 19120
For the Complainant

LOURETO FARINAS, Esquire
800 West Montgomery Avenue
Philadelphia, PA 19122
For the Respondent

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REPORTER: Brian D. O'Hare

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WITNESS

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P R O C E E D I N G S

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3 JUDGE MARLANE R. CHESTNET:

4 This is the hearing scheduled at Docket
5 C-20077253, Larritta A. Warner versus Philadelphia Gas
6 Works. For the record, let me state that I am the
7 Administrative Law Judge Marlane R. Chestnut. I have
8 the following appearance for the record, Laureto
9 Farinas representing the Respondent. I note that the
10 Complainant is not here. And in connection with that,
11 I do have a statement to make. Which was when I was
12 reviewing the file this morning, I fortunately looked
13 at the back of the hearing notices that I got and saw
14 that they were actually returned.

15 ATTORNEY FARINAS:

16 Oh.

17 JUDGE CHESTNUT:

18 I thought they were just extras and I was
19 going to throw them away. So what happened was the
20 Hearing Notice was sent to both her mailing address
21 listed in the Complaint and the service address and
22 they apparently were returned. But on the other hand
23 from my pre-hearing order, it also referenced a
24 scheduled time, date and location for this hearing.

25 ATTORNEY FARINAS:

1 Okay.

2 JUDGE CHESTNUT:

3 Now, do you have another address for her?

4 ATTORNEY FARINAS:

5 No. I do not have another address, Your
6 Honor, but she has an active working phone number and
7 I spoke to her yesterday.

8 JUDGE CHESTNUT:

9 Okay.

10 ATTORNEY FARINAS:

11 She is aware of the hearing.

12 JUDGE CHESTNUT:

13 Oh, okay. Because I was going to say
14 that --- she was aware of the hearing?

15 ATTORNEY FARINAS:

16 She was aware of the hearing that had
17 been scheduled for today.

18 JUDGE CHESTNUT:

19 I was trying to make this as simple as
20 possible.

21 ATTORNEY FARINAS:

22 Oh, I'm sorry. I thought I was helping
23 you.

24 JUDGE CHESTNUT:

25 But you don't have an address for her?

1 ATTORNEY FARINAS:

2 Nothing that what you've already
3 mentioned.

4 JUDGE CHESTNUT:

5 Yeah. Sorry. I don't think I'm going to
6 mess with that.

7 ATTORNEY FARINAS:

8 Okay.

9 JUDGE CHESTNUT:

10 Because that really does cause all kinds
11 of problems. Does she have an active account with
12 you?

13 ATTORNEY FARINAS:

14 Yes, she does.

15 JUDGE CHESTNUT:

16 And is there an address?

17 MS. CROMLEY:

18 343 East Albanus.

19 JUDGE CHESTNUT:

20 Second floor?

21 MS. CROMLEY:

22 Yes.

23 JUDGE CHESTNUT:

24 Okay. Well, at this point then what I'm
25 going to say is what I think is the truth here which

1 is that you can't provide another address in addition
2 to what we have.

3 ATTORNEY FARINAS:

4 That's correct.

5 JUDGE CHESTNUT:

6 So what I was going to suggest is in this
7 circumstance since there is a question about, you
8 know, in terms of the returned Hearing Notice, my
9 practice is to grant a motion to dismiss, but dismiss
10 it without prejudice.

11 ATTORNEY FARINAS:

12 Okay.

13 JUDGE CHESTNUT:

14 Is that okay with you? Let's go off the
15 record for a minute. Okay.

16 OFF RECORD DISCUSSION

17 JUDGE CHESTNUT:

18 The Complainant is now here. We will
19 resume this hearing. Ms. Warner, I'm going to give
20 you a chance to see if you can resolve this with the
21 company before we go ahead and have a hearing. But I
22 want you to be aware of some things so that you can
23 make relative decisions about what you wish to
24 proceed. You have to understand that the Commission
25 has very, very limited jurisdiction over liens. That

1 is done pursuant to a different statute. So that if
2 you're challenging the lien that was put on the
3 property, this isn't the place to do it. Okay. What
4 you have to do is file something with the Common Pleas
5 Court or depending on the amount, maybe a Small Claims
6 Court. I'm not sure, but this really isn't the place
7 to come. The Commission only has jurisdiction over the
8 public utility code. And these are filed under a
9 different statute. Now, hopefully, you know, it is
10 connected with utility service, so I'm going to allow
11 you the chance to talk about this with the company to
12 see if they can work something out with you. Okay.

13 MS. WARNER:

14 Okay.

15 JUDGE CHESTNUT:

16 But like I said, I want you to be
17 realistic that if you intend to proceed with this, you
18 may --- it's very likely you might not prevail in the
19 complaint. So you might get more out of the company
20 by negotiating with them. Okay? That will be off the
21 record. I'll remove myself so that you, Mr. Farinas
22 and his witness can speaking freely. And Mr. Farinas,
23 I really hope you resolve this just to resolve it.
24 Okay?

25 ATTORNEY FARINAS:

1 Yes. Thank you, Your Honor.

2 OFF RECORD DISCUSSION

3 JUDGE CHESTNUT:

4 I gave the clients a chance to resolve
5 this. Mr. Farinas, do you want to report on that?

6 ATTORNEY FARINAS:

7 Yes, Your Honor. I am happy to report
8 that the Complainant has graciously agreed to settle
9 this matter with PGW. Ms. Warner has discussed with
10 Ms. Cromley from PGW the opposition regarding the lien
11 and how it --- the lien does not affect Ms. Warner's
12 gas service. Now, under her own account with PGW, Ms.
13 Warner has indicated that she is satisfied with that
14 explanation.

15 JUDGE CHESTNUT:

16 And is that true, Ms. Warner?

17 MS. WARNER:

18 Yes.

19 JUDGE CHESTNUT:

20 Good. I'm glad you were able to resolve
21 it. Did Mr. Farinas explain the process to you that
22 you'll receive a letter?

23 MS. WARNER:

24 Yes.

25 JUDGE CHESTNUT:

1 Okay. Anything further from you at this
2 point then?

3 MS. WARNER:

4 Nope. Not at all.

5 JUDGE CHESTNUT:

6 Okay. Good. Not good that you don't
7 have anything to say, but I'm glad that you resolved.
8 Anything from you, Mr. Farinas?

9 ATTORNEY FARINAS:

10 Nothing further, Your Honor.

11 JUDGE CHESTNUT:

12 Good. Thank you very much. This hearing
13 is adjourned.

14

15 * * * * *

16 HEARING CONCLUDED AT 10:40 A.M.

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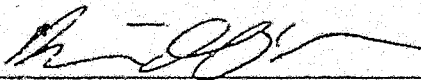
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