

CAPTION SHEET

CASE MANAGEMENT SYSTEM

| | | |
|--------------------------|---|-----------------------------|
| 1. REPORT DATE: 00/00/00 | : | |
| 2. BUREAU: ALJ | : | |
| 3. SECTION(S): | : | |
| 5. APPROVED BY: | : | 4. PUBLIC MEETING DATE: |
| DIRECTOR: | : | 00/00/00 |
| SUPERVISOR: | : | |
| 6. PERSON IN CHARGE: | : | 7. DATE FILED: 03/19/07 |
| 8. DOCKET NO: C-20077471 | : | 9. EFFECTIVE DATE: 00/00/00 |

PARTY/COMPLAINANT: MARDORF, TIMOTHY J.

RESPONDENT/APPLICANT: PHILLIPS, T. W., GAS & OIL CO.

COMP/APP COUNTY: ALLEGHENY

UTILITY CODE: 122350

ALLEGATION OR SUBJECT

COMPLAINANT STATES HE WAS CONTACTED BY A TENENT THAT THE GAS SERVICE WAS GOING TO BE SHUT OFF THAT DAY. HE CALLED T.W. PHILLIPS ON THE PHONE & BEGGED THEM NOT TO SHUT IT OFF. HE STATES HE PAID THEM WITH A CREDIT CARD OVER THE PHONE IN FULL \$648.57 AND THEY STILL SHUT OFF HIS GAS ANYWAY. HIS COMPLAINT IS PART OF THE PAYMENT WAS A \$50.00 TURN ON FEE. HE WANTS TO RECEIVE THIS \$50.00 BACK.

DOCKETED
MAR 28 2007

DOCUMENT
FOLDER

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED
2007 MAR 19 11:53:15
ORIGINAL

Please print or type.

C-20077471

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name TIMOTHY J. MARDORF

Street/P.O. Box 1487 MARTIN ROAD Apt # _____

City TARENTUM State PA. Zip 15084

County ALLEGHENY

Area Code/HOME Phone 724-224-7330

Area Code/WORK Phone 724-448-0167

Utility Account Number 5380050001
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name TIMOTHY J. MARDORF

Street/P.O. Box 830 9TH AVENUE

City BRACKENRIDGE State PA. Zip 15014

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: T. W. PHILLIPS

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE
(local, long distance)

81

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- ~~I received~~ a notice that my utility service is being terminated.
Did NOT
- I would like a payment agreement.
- Other.
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

I WAS CONTACTED BY MY TENANT THAT THE GAS SERVICE WAS GOING TO BE SHUT OFF THAT DAY (11-1-04) I CALLED T.W. PHILLIPS ON THE PHONE & BEG THEM NOT TO SHUT IT OFF. I PAID THEM WITH A CREDIT CARD OVER THE PHONE IN FULL \$648.57 THEY SHUT IT OFF ANYWAY & PART OF THE PAYMENT WAS A 50.00 TURN ON FEE (I PAID IN FULL "THAT DAY") THIS IS WRONG THEN I FILED A COMPLAINT WITH P.U.C. & IN 2 YEARS CHECKED TO SEE HOW MY COMPLAINT WAS GOING NO DECISION WAS MADE AFTER A 3RD PHONE CALL THEY TOLD ME MY RELIEF CASE WAS CLOSED (WITH NO WRITTEN NOTICE WHICH THEY SAY WAS AN OVERSIGHT ON THEIR PART

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

Pay me my \$50.00 TURN ON FEE

MOST IMPORTANT

2 SICK CHILDREN IN THIS HOUSE HOLD - ONE 1 YEAR OLD 1 3 YEARS OLD
TEMPERATURE IN THE 20'S

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES
(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

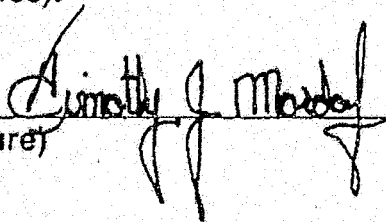
8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I Timothy J. Mardorf, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

(Signature)



(Date)

MARCH 15, 07

9. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name NONE

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

| | |
|--|--|
| Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105 | Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120 |
|--|--|

Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

Att.

The First Set of

PAPERS WERE SENT

TO THE WRONG

ADDRESS

A. J. Marder



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: MARCH 29, 2007

C-20077471

T W PHILLIPS GAS & OIL
ROBERT M HOVANEC VICE PRES
205 N MAIN ST
BUTLER PA 16001

**DOCUMENT
FOLDER**

Dear Mr. Hovanec:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by TIMOTHY J. MARDORF. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either, personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

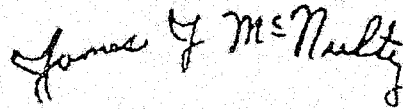
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

MARCH 29, 2007

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty
Secretary

jih

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: MARCH 29, 2007

TIMOTHY J. MARDORF
Complainant

v.

T W PHILLIPS GAS & OIL
Respondent

Complaint Docket
No: C-20077471

DOCUMENT
FOLDER

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: T W PHILLIPS GAS & OIL

DOCKETED
MAR 28 2007

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

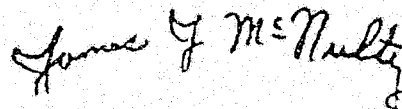
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

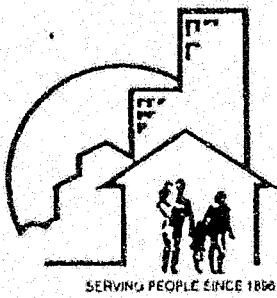
5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested



T.W. PHILLIPS
GAS AND OIL CO.

ORIGINAL

205 North Main Street
Butler, Pennsylvania 16001
(724) 287-2751

April 19, 2007

EXPRESS MAIL

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor North
Harrisburg, Pennsylvania 17105

**DOCUMENT
FOLDER**

RECEIVED

APR 19 2007
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Timothy J. Mardorf v. T. W. Phillips Gas and Oil Co.
PUC Docket No. C-20077471

Dear Mr. McNulty:

Enclosed for filing are the original and three copies each of T. W. Phillips Gas and Oil Co.'s Answer and New Matter in response to the Formal Complaint with which it was recently served in the above-referenced proceeding. Please acknowledge your receipt of this filing by date stamping and returning to me the extra copy of this cover letter that is enclosed, using the envelope provided for your convenience.

Very truly yours,

T. W. PHILLIPS GAS AND OIL CO.

Jay W. Dawson
Vice President - Legal
and Secretary

JWD/bjr

Enclosures

cc: Timothy J. Mardorf
Bradene Kaltenbach

BTL

ORIGINAL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RECEIVED

APR 19 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

TIMOTHY J. MARDORF)
)
 Complainant,)
)
 vs.)
)
 T. W. PHILLIPS GAS AND OIL CO.,)
)
 Respondent.)

Complaint Docket
No. C-20077471

**DOCUMENT
FOLDER**

**ANSWER AND NEW MATTER OF
T. W. PHILLIPS GAS AND OIL CO.
TO FORMAL COMPLAINT**

DOCKETED
APR 23 2007

NOW COMES T. W. Phillips Gas and Oil Co. ("T. W. Phillips"), by its attorney, Jay W. Dawson, Esquire, and submits its Answer and New Matter to the Formal Complaint of Timothy J. Mardorf in the above-captioned matter as follows:

1. Complainant, Timothy J. Mardorf, resides at 1487 Martin Road, Tarentum, Pennsylvania 15084. Complainant is not a customer of T. W. Phillips at the above address, but he owns a rental property at 830 9th Avenue in Brackenridge, where T. W. Phillips' gas service is provided.

2. The Formal Complaint consists of several unnumbered phrases or sentences to which T. W. Phillips will respond in the order they have been presented.

3. After reasonable investigation, T. W. Phillips is without information sufficient to form a belief as to the truth of the averments of fact contained in the first unnumbered sentence of the Formal Complaint and therefore denies the same, demanding strict proof thereof.

4. The averments of fact contained in the second unnumbered sentence of the Formal Complaint are denied. To the contrary, the telephone call received by T. W. Phillips' Customer Service Department from Complainant on November 1, 2004 relative to gas service at 830 9th Avenue in Brackenridge was received after gas service had already been terminated for non-

payment. The purpose of Complainant's telephone call on that date was to have gas service restored for the tenant who resided at that service address.

5. The averments of fact contained in the third unnumbered sentence of the Formal Complaint are denied. To the contrary, the payment that was made by Complainant on November 1, 2004 to have gas service restored at 830 9th Street in Brackenridge was made by Direct Check.

6. The averments of fact contained in the fourth unnumbered sentence of the Formal Complaint are admitted in part and denied in part. T. W. Phillips admits that \$50 of the \$648.57 payment made by Complainant on November 1, 2004 was a turn-on fee, since gas service had already been terminated at 830 9th Street in Brackenridge and had to be restored. T. W. Phillips denies that gas service was shut off despite of or even though Complainant had made the \$648.57 payment by Direct Check. To the contrary, by the time Complainant called on November 1, 2004, gas service had already been shut off for non-payment and Complainant's payment was made to restore gas service for his tenant at 830 9th Street in Brackenridge.

7. The averments of fact contained in the fifth unnumbered sentence contained in the Formal Complaint are specifically denied. To the contrary, T. W. Phillips did nothing 'wrong', either in connection with its termination of gas service to 830 9th Street in Brackenridge on November 1, 2004, or in its dealings with Complainant by telephone later that same day, including its legitimate charge of a \$50 turn-on fee to restore gas service in accordance with its Tariff.

8. The averments of fact contained in the remaining unnumbered sentences and phrases of the Formal Complaint are directed to or against the PUC and its handling of a complaint to which a response from T. W. Phillips is neither required nor appropriate.

NEW MATTER

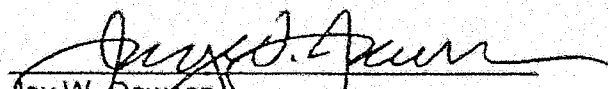
9. T. W. Phillips' termination of gas service to 830 9th Street in Brackenridge on November 1, 2004, was made by reason of non-payment and was made in accordance with all applicable regulatory requirements pertaining to the termination of gas utility service.

10. The \$648.57 payment that was required on November 1, 2004 in order to restore gas service to 830 9th Street in Brackenridge consisted of a past due balance of \$419.57, a turn-on fee of \$50 and a security deposit.

11. After receipt of the \$648.57 payment from Complainant by Direct Check on November 1, 2004, T. W. Phillips restored gas service to 830 9th Street in Brackenridge on November 2, 2004.

WHEREFORE, T. W. Phillips submits that Complainants' Formal Complaint is without merit and respectfully requests that it be dismissed promptly and with prejudice.

Date: April 19, 2007

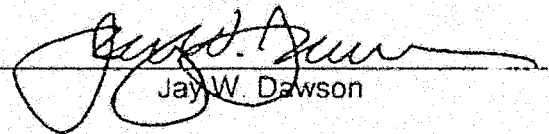

Jay W. Dawson
T. W. PHILLIPS GAS AND OIL CO.
205 North Main Street
Butler, Pennsylvania 16001
(724) 287-2751
Attorney for T. W. Phillips Gas and Oil Co.

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true copy T. W. Phillips Gas and Oil Co.'s Answer and New Matter upon Timothy J. Mardorf by first class mail, at the following address in accordance with the requirements of 52 Pa. Code, Section 1.54:

Timothy J. Mardorf
1487 Martin Road
Tarentum, Pennsylvania 15084

Date: April 19, 2007


Jay W. Dawson

RECEIVED

APR 19 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
May 1, 2007

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20077471

(SEE ATTACHED LIST)

**DOCUMENT
FOLDER**

DOCKETED
MAY 08 2007

Timothy J. Mardorf v. T.W. Phillips Gas & Oil Co.

Turn-On Fee Dispute

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial Telephonic Hearing
Date: Thursday, June 14, 2007
Time: 10:00 a. m.
Presiding: Administrative Law Judge Fred R. Nene
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: 412.565.3550
Fax: 412.565.5692

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

BTL

At the above date and time, the Presiding Officer will contact the parties as follows:

| | |
|------------------------|--------------|
| Timothy J. Mardorf | 724.224.7330 |
| Jay W. Dawson, Esquire | 724.287.2751 |

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 5 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Nene
Ona Lester
Beth Plantz
Docket Section
Calendar File