

CAPTION SHEET

USE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00  
2. BUREAU: ALJ  
3. SECTION(S):  
5. APPROVED BY:  
DIRECTOR:  
SUPERVISOR:  
6. PERSON IN CHARGE:  
8. DOCKET NO: F-01085586
4. PUBLIC MEETING DATE:  
00/00/00
7. DATE FILED: 07/14/03  
9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: JOHNSON, LYNN

RESPONDENT/APPLICANT: PHILADELPHIA GAS WORKS

COM/APP COUNTY: PHILADELPHIA

UTILITY CODE: 125042

ALLEGATION OR SUBJECT

COMPLAINANT STATES WOULD LIKE THE PUC TO DEMAND PGW TO WAIVE ANY CHARGES THAT WERE MADE PREVIOUS TO 11/5/95.

DOCKETED  
JUL 22 2003

DOCUMENT  
FOLDER

ORIGINAL

FORMAL COMPLAINT FORM

Pennsylvania Public Utility Commission

Please Print:

SECRETARY'S BUREAU

F-01085586

BCS 1085586

7/21/03

1. Your Name, Mailing Address and Telephone Number.

Name LYNN JOHNSON

Street/P.O. Box 5931 ELSINORE ST Apt.# \_\_\_\_\_

City Phila. State PA Zip 19120

County Phila Home Telephone-Area Code (215) 342-5015  
(267-269-0997)  
Work Telephone-Area Code (215) 658-4828

2. Name of Company your complaint concerns: Philadelphia Gas Works

3. What is your complaint?

ON August 16, 2001, I paid PGW \$500.00 as a deposit  
for services at my current address. My gas was turned  
ON about 10 days later. As I was leaving for work ON ~~Monday~~ <sup>Thursday</sup>  
24, 2002, the PGW worker was at my door stating he was  
there to turn off my gas. He handed me a bill for 2,855.97  
addressed to 437 S. 53rd ST. I told him I never lived  
there. He radioed someone from the company. This person  
said I owed the above amount for 437 S. 53rd Street.  
I told him they were mistaken. The PGW man at my  
door demanded some type of payment on the spot, so I

(If you need more space, use additional paper and attach to this form).

wrote him a check for \$100.00. (continued on reverse side)  
(-over-)

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I called PGW on or around February 11, 2002 and asked for a report detailing my gas service history of charges and payments. I did NOT see the \$500.00 payment I'd made on August 16, 2001, nor did I see the \$100.00 payment I made on January 24, 2002. When I received my second bill at this address on February 9, 2002, neither of those two payments were on it, but the 437 S. 53rd Street address was on it.

Prior to moving into my current residence, I lived at 4540 Greene St. Apt 2. I paid my bills on time every month. I paid my final bill there on October 4, 1998. During those three years, I never got a bill for ~~an~~ <sup>an</sup> old balance I'd had dating back to eight years. I'd believed that my ~~pass~~ balance had been forgiven or waived, since I had been and still do pay all my bills on time or before they are due. Had I known that I still owed on the eight year old bill, I would NOT have bought this house. I wouldn't have been able to get a mortgage anyway. My current income and expenses don't allow me to pay anymore than I'm paying presently.

In light of the fact that PGW has never shown me an itemized accounting of ~~the~~ <sup>those</sup> fee's and the fact that I've never been late with payments on my own fault during the time I've been here and on Greene Street, they should write it off.

When I lived on Greene Street, it was a small one bedroom apartment. My account number was 001-01-6680798. I still have the check I wrote for the final bill of \$34.00. The date of the bill was 9/21/98. I paid it on 10/4/98.

Thank you,  
Lynn Johnson

4. What do you want the Public Utility Commission to do about your complaint?

I'd like very much for you to demand PGW to waive  
any charges that were made previous to November 5, 1995,  
that is the date that I moved into 4540 Greene Street.  
If they won't do that, at least show me on paper  
all charges in my name prior to the above date.

Mondays are the only days that I'm definitely off from work.  
Please schedule my hearing ~~on~~ on that day if possible.

(If you need more space, use additional paper and attach to this form.)

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

Lynn Johnson  
Original Signature of complaining person

7/11/03  
Date

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

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone Number-Area Code ( ) \_\_\_\_\_

**NOTIFICATION OF INTENT TO APPEAL**  
(Request for Formal Complaint Forms)

Notice to Customer:

If you sign and return this form you are notifying the Public Utility Commission that you intend to appeal this informal complaint decision. Do not return this form unless you want to appeal this decision.

If you want to appeal this decision, you must return this Notification of Intent to Appeal form within twenty days of this date: May 30, 2003. The Commission will send you formal complaint forms.

You must comply with the terms of this decision until the Public Utility Commission completes the formal complaint process. You must make all of the required payments, or the utility company may pursue the termination of your service.

Thank You.  
Pennsylvania Public Utility Commission

**Yes, I want to appeal the decision of the Bureau of Consumer Services. Please send formal complaint forms to me at the following address:**

Customer name and address:

Ms. Lynn Johnson  
5931 Elsinore Street  
Philadelphia, PA. 19120

(Please correct any mistakes.)

267-269-0997 (cell)  
215-342-5015

(Area Code) Telephone Number

Lynn E. Johnson  
Signature

Mail this completed form to:

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

FOR OFFICE USE ONLY

BCS Number: 1085586

Date of mailing: May 30, 2003

Company: Philadelphia Gas Works

SECRETARY'S BUREAU

REVISED 11/97

2003 JUN 14 AM 9:52

RECEIVED



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

7/21/03  
IN REPLY PLEASE  
REFER TO OUR FILE

JULY 1, 2003

BCS 1085586

MS. LYNN JOHNSON  
5931 ELSINORE STREET  
PHILADELPHIA PA 19120

Dear Sir/Madam:

We have received your request to appeal the decision of the Bureau of Consumer Services.

We have enclosed one complaint form for you to complete. Please read carefully the instructions to help you complete the form.

**\*\* Please make sure you sign the form. We must receive your original signature in order for us to process your complaint. Your form will be returned to you if an original signature is not received.**

Return the form to us on or before JULY 21, 2003 to the address listed below:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**While you wait for us to reach a decision on your complaint, you must pay all undisputed bills (ones that are not a part of your complaint). As long as you pay all undisputed bills and return these formal complaint forms to us on time, the company is not permitted to terminate your service.**

**Commission Procedures for Formal Complaints**

- We send a copy of this letter to the company so they know you are appealing the Bureau of Consumer Services' decision;
- We also send the company a copy of your completed formal complaint forms. Once they receive it, they have 20 days to send us an answer to your complaint. The company will send you a copy of their answer.
- Once we receive all the paperwork, we usually will schedule your hearing before an Administrative Law Judge.

- We will notify both you and the company by mail when the hearing date is set.
- If you cannot travel to your hearing, you can request that the hearing be held by phone. This is called a telephonic hearing. If we can, we will schedule a telephonic hearing for you.
- We will most likely schedule your hearing sometime within three months after you file your complaint forms. If you know of certain dates when you will not be available for a hearing, let us know when you file your forms. We will try to work around your schedule.
- **If you cannot attend the hearing on the scheduled date, you must request a different time or date. You should request the change at least 5 days before your hearing by writing to:**

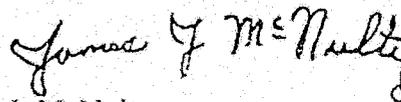
Office of Administrative Law Judge  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**YOU SHOULD INCLUDE YOUR DAYTIME TELEPHONE NUMBER IN YOUR LETTER. DEPENDING ON YOUR REASON FOR NOT BEING ABLE TO ATTEND THE SCHEDULED HEARING, YOUR REQUEST TO CHANGE THE HEARING MAY OR MAY NOT BE APPROVED. WE WILL LET YOU KNOW OUR DECISION ON YOUR REQUEST FOR CHANGING THE HEARING DATE BEFORE THE DATE OF THE HEARING.**

**YOU MUST ATTEND SCHEDULED HEARINGS IN PERSON OR BY PHONE. IF YOU DO NOT ATTEND, YOUR COMPLAINT MAY BE DISMISSED (THROWN OUT).**

If you have any questions about the complaint process, please call the Bureau of Consumer Services, toll free, at 1-800-782-1110.

Very truly yours,



James J. McNulty  
Secretary

jih

CC: PHILADELPHIA GAS WORKS

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: JULY 23, 2003

LYNN JOHNSON  
Complainant

VS.

PHILADELPHIA GAS WORKS  
Respondent

Complaint Docket  
No F-01085586

DOCUMENT  
FOLDER

DOCKETED  
JUL 23 2003

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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TO: PHILADELPHIA GAS WORKS

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,

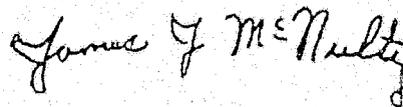
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as 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

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

DATE SERVED: JULY 23, 2003

F-01085586

LAURETO FARINAS ESQUIRE  
PHILADELPHIA GAS WORKS  
800 W MONTGOMERY AVE  
PHILADELPHIA PA 19122-2898

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by LYNN JOHNSON. 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.

DOCUMENT  
FOLDER

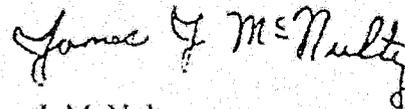
JULY 23, 2003

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

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

JH

**Philadelphia Gas Works**  
Legal Department



800 W. Montgomery Avenue, Philadelphia, PA 19122  
Fax: (215) 684-6798

**ORIGINAL**

Hector Ferrer  
Legal Assistant  
Direct Dial: 215-684-6533  
E-mail: hector.ferrer@pgworks.com

August 15, 2003

James McNulty, Secretary  
Pennsylvania Public Utility Commission  
Room B-20, North Office Building  
Harrisburg, PA 17105-3265

**RECEIVED**

AUG 15 2003

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

RE: Lynn Johnson v. PGW, Docket No. F - 01085586

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original and three (3) copies of its Answer to the Complaint.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,

Enclosures

cc: Lynn Johnson  
Anne Cromley  
Laureto Farinas, Esq

DOCUMENT  
FOLDER

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**ORIGINAL**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Lynn Johnson

v.

Philadelphia Gas Works

:  
:  
:  
:  
:

Docket No. F - 01085586

**RECEIVED**

Answer Of Philadelphia Gas Works

AUG 15 2003

PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works (PGW) hereby answers the Complaint filed in the above captioned matter. PGW hereby avers the following

1. Admitted.
2. Admitted.
3. Denied in part PGW denies that averments contained in Paragraph 3 of the Complainant concerning an error in the billing and all other averments in Paragraph 3 that are conclusions. PGW records show that the Complainant had gas service at 4540 Greene Street, 2FR from November 7, 1995 to September 28, 1998.

The Complainant was a participant in the Customer Responsibility Program ("CRP") while she resided at this address. The Complainant did make payments against her current bills but the frozen arrears were never paid. When the account was terminated, a final bill was generated on September 28, 1998 and mailed to 437 S. 53<sup>rd</sup> Street, the mailing address on the account.

On September 9, 2001, the Complainant began service at 5931 Elsinore Street. The final bill from 4540 Greene Street, 2FR, in the amount of \$2452.71, was transferred to the Complainant's current account in March 2002.

A decision of the Bureau of Consumer Services ("BCS") dated May 30, 2003, provided relief to the Complainant in the form of a waiver of late payment fees in the amount of \$393.19. The decision also provided for repayment agreement consisting of the payment of the current bill plus \$25.00 per month on the arrears.

DOCUMENT  
FOLDER

**DOCKETE**  
AUG 21 2003

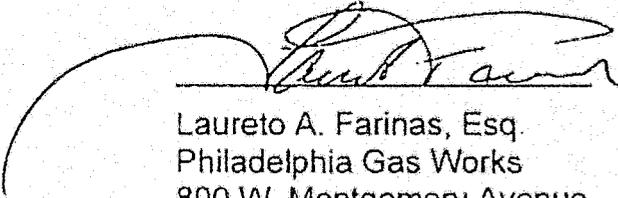
The Complainant's current balance of \$3023.08 represents gas service to August 15, 2003.

- 4 Denied. The averments in Paragraph 4 of the Complaint are requests for relief to which no response is required. PGW therefore denies the averments in Paragraph 4.

Wherefore, PGW respectfully requests that this Commission find against the Complainant, and affirm the decision of the BCS in this matter.

Respectfully submitted,

August 15, 2003

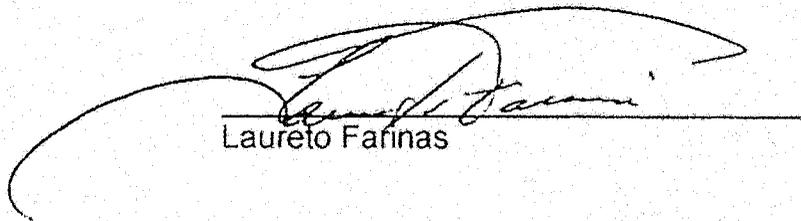


Laureto A. Farinas, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

VERIFICATION

I, Laureto Farinas, hereby declare that I am Counsel to the Philadelphia Gas Works; that, as such, I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Answer are true to the best of my knowledge, information and belief, and that I expect to be able to prove these at a hearing held in this matter. I make this verification subject to the penalties of 18. Pa. C.S. §4904, pertaining to false statements to authorities.

Date: August 15, 2003

  
Laureto Farinas

CERTIFICATE OF SERVICE

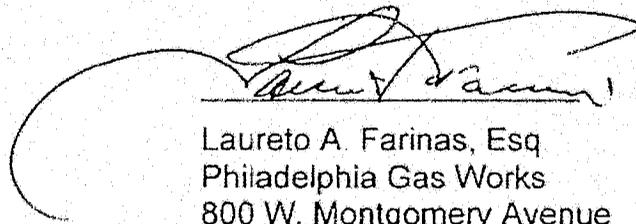
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Lynn Johnson  
5931 Elsinore Street  
Philadelphia, PA 19120

August 15, 2003

A handwritten signature in black ink, appearing to read "Laureto A. Farinas", is written over a horizontal line. The signature is stylized and cursive.

Laureto A. Farinas, Esq  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge  
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

October 14, 2003  
DOCUMENT  
FOLDER

In Re: F-01085586

(See attached list)

Lynn Johnson v. Philadelphia Gas Works

Wants charges before November 5, 1995 waived.

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 telephone hearing  
Date: Wednesday, February 11, 2004  
Time: 10:00 a.m.  
Presiding: Administrative Law Judge Allison K. Turner  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: (215) 560-2105  
Fax: (215) 560-3133

DOCKETED  
OCT 16 2003

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.

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

Lynn Johnson (215) 342-5015  
Laureto A. Farinas, Esquire (215) 684-6982

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 3 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:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Turner  
Herbert Nurick, Mediator  
Judy W. Springer  
Beth Plantz  
Docket Section  
Calendar File