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P R O C E E D I N G S

1  
2 ADMINISTRATIVE LAW JUDGE MICHAEL A. NEMEC: This  
3 morning we have a case that's captioned Steve Hensley versus  
4 The Peoples Natural Gas Company. It's docketed at  
5 C-20066856. Present by way of telephone is the complainant,  
6 Mr. Hensley. Also present by way of telephone is Attorney  
7 Horace Payne representing Peoples Natural Gas Company.

8 My name is Michael NemeC. I'm an administrative law  
9 judge with the Pennsylvania Public Utility Commission. I've  
10 been assigned to conduct the initial hearing in this case  
11 and to prepare an initial decision. I am in a hearing room  
12 in the Pittsburgh State Office Building. With me is a court  
13 reporter who is taking a verbatim record of what we say  
14 here.

15 The way we're going to proceed is we'll take your  
16 testimony first, Mr. Hensley. I'll have some questions for  
17 you. Mr. Payne may have some after you're done. Then we'll  
18 hear from Mr. Payne's witness, and once the witness is  
19 finished you may ask any questions you have of her.

20 I mean, if something occurs at some point where you  
21 want to go off the record and discuss matters, that's fine.  
22 In any event, once Peoples finishes its presentation, then,  
23 Mr. Hensley, you'll have an opportunity to add anything you  
24 like to at the end.

25 Do you have any questions?

1 MR. HENSLEY: No.

2 JUDGE NEMEC: First of all, sir, state your full name  
3 for the record.

4 MR. HENSLEY: My name is Steve Hensley.

5 JUDGE NEMEC: We're having a hard time hearing you.  
6 Are you on a speakerphone?

7 MR. HENSLEY: It's just a house phone. It's not a  
8 speakerphone or anything.

9 MS. GARDNER: Your Honor, I would have to chime in and  
10 say we are having a difficult time hearing him also.

11 MR. HENSLEY: I'll try to speak louder and see if that  
12 will help. Is that any better?

13 JUDGE NEMEC: That's better.

14 MS. GARDNER: We are better on this end.

15 MR. HENSLEY: I'll just talk in a loud voice then.

16 JUDGE NEMEC: Great.

17 Whereupon,

18 STEVE HENSLEY,  
19 having been duly sworn, testified as follows:

20 EXAMINATION

21 BY JUDGE NEMEC:

22 Q. Sir, your residence is 304 Lawrence Avenue?

23 A. That's correct.

24 Q. North Versailles, Pennsylvania, 15137?

25 A. Yes.

1           Q.    Your complaint deals with service to 1024 Fifth  
2 Avenue, East McKeesport, PA 15035?

3           A.    Yes, sir.

4           Q.    Sir, what I'd like you to do is tell me -- and by  
5 telling me, tell the Commission -- in your own words what  
6 your complaint is.

7           A.    Okay. Well, they're saying that on 9/9/5 that  
8 they did an actual read of my meter at the same time that I  
9 called in and set up the account. Well, this is not true.  
10 The problem is that there was no actual meter reading taken  
11 at that time. So I'm not sure where this meter reading even  
12 came from.

13                    I was at a job site at least 50 miles or more  
14 away, and I didn't leave work and go to the property to let  
15 someone in to take the meter reading. So I'm not sure what  
16 they're billing me from with this meter reading. The  
17 problem is that, you know, they said they took the initial  
18 meter reading in seven days, 9/9/5, and that's just not  
19 correct.

20                    Basically that sums up the whole problem that I  
21 think we have here. It was late in the day when I made the  
22 call, and I would have had to have left work against traffic  
23 because I know I wouldn't have made the call until real late  
24 in the afternoon. I would have to get through traffic to  
25 try and meet someone up there before 5:00 or whatever to let

1 someone in, and I didn't do that.

2 So I don't know where this meter reading came  
3 from that they're charging me for. Now, they did do an  
4 actual meter reading on 3/17/06 when I was there and I made  
5 time to do it. That reading is correct because that's the  
6 meter reading that was taken then. The problem is this  
7 beginning initial meter reading.

8 So that's my real problem with this.

9 Q. All right. So your contention was that the one  
10 and only actual meter reading that you're aware of from the  
11 time you've owned this building was on March 17th?

12 A. That was the initial meter reading. They have  
13 taken one more since then. I think it was on 8/30 of 2006.  
14 But the initial meter reading was from March 17th of '06.

15 Q. When did you buy the building?

16 A. April 14th, 2005. When I called in to set up the  
17 account I really wasn't trying to set up an account in a  
18 sense. I mean, that's what happened and that's okay.

19 But I explained to the person that I talked to  
20 that I was trying to set up all of the different accounts  
21 for utilities and stuff at the same time and that I wanted  
22 to, you know, say that I probably wouldn't be using any gas  
23 at all until after the first of the year.

24 I had to do a lot of work there, you know, to  
25 make sure that I was ready to even be using any gas. But

1 they did go ahead and set up the account at that time.

2 Q. Now, what type of building is this?

3 A. It consists of three storefronts and then there  
4 is an over above area once used for apartments. Now, there  
5 was a fire in this building, a pretty large fire. I think  
6 it was in 1998. And, you know, I'm just speculating. I  
7 don't know for sure. But maybe this meter reading was taken  
8 at that time or something and, you know, that's what's being  
9 used. I don't know that for sure.

10 All I know is that the initial meter reading that  
11 I was present for and let them in there to take, because the  
12 meters are inside the building, was on March 17th, '06.

13 Q. All right. And it's your contention that you--  
14 Well, did you use gas from September 2005 until the March  
15 2006--

16 A. I had a plumber that was working for me that  
17 started the boiler and started trying to check it out and  
18 see that everything was adjusted right and able to be used.  
19 Now, this was sometime right around Christmas or just before  
20 of 2005.

21 I did use gas from that time off and on  
22 periodically to get things working right through to the  
23 middle or the end of January. I'm willing to pay for the  
24 gas that I used. That's not a problem. I just know that it  
25 couldn't be anywhere near this \$4,000/\$5,000 amount.

1 Q. Did you ever take a meter reading yourself from  
2 the time you purchased the building up until March of 2006?

3 A. No, I really didn't. I didn't even at that time  
4 know exactly how to even read a meter. So I didn't take  
5 one.

6 Q. After September 9th, 2005, were you receiving  
7 monthly bills from Peoples?

8 A. I didn't receive any bill. This was something  
9 else that was said. I haven't seen any bill. Even though  
10 that they had taken the information and all when I set up  
11 the account, I didn't receive any bills until we actually  
12 bought a house here in North Versailles and closed back in  
13 February.

14 At that time, I don't know, I guess maybe their  
15 connection for the two pieces of property or something  
16 hooked up and they give me a bill at that time and said they  
17 needed to do the actual meter reading. So that's why we set  
18 it up and it happened on March 17th. But we never received  
19 any bill or anything until that time.

20 Q. When you set up the account back in September,  
21 what address did you give them?

22 A. It was 119 Park Way in White Oak.

23 Q. And you were not a Peoples customer there?

24 A. No.

25 Q. And then--

1           A.    We moved here from Colorado. My wife's mother  
2 was ill, and that's where we were living, with her, from  
3 that time until we bought this house.

4           Q.    You bought your present home in February of 2006?

5           A.    Yes. We closed sometime in February. That's  
6 when I got the first bill and got notified, you know, of  
7 needing to get the meter reading.

8           Q.    Okay. So, in essence, how much are they billing  
9 you for?

10          A.    I don't have the exact figure in front of me. I  
11 think it's like \$4,600.

12          Q.    Now, did you receive copies of proposed exhibits  
13 from Mr. Payne?

14          A.    Yes, I have those. I'm pulling those out now to  
15 see exactly what they're saying that the bill is. They're  
16 saying it's \$4,602.40.

17          Q.    So you agree that you owe something, but  
18 certainly not that much?

19          A.    I don't mind paying for what I used. I just know  
20 it's nowhere near this.

21                JUDGE NEMEC: Mr. Payne, questions?

22                MR. PAYNE: Yes.

23                                CROSS-EXAMINATION

24                BY MR. PAYNE:

25                Q.    Good morning again, Mr. Hensley. Can you hear me

1 all right?

2 A. Yes, I can hear you.

3 Q. Very well. I just wanted to just clarify just a  
4 couple points here. I believe you testified that on 9/9 of  
5 '05 you contacted the gas company initially concerning this  
6 property?

7 A. Yes, that's when I made the initial call.

8 Q. And you made the call to have service turned on  
9 at the residence?

10 A. No, no, no. I made the call basically to say,  
11 you know, I'm the new owner of this building and that I need  
12 to give you my address and everything. So what the person  
13 did was go ahead and set up an account. I guess that's the  
14 reason why you have a monthly charge or something, you know,  
15 for having an account set up.

16 Q. Right.

17 A. So that's why I guess these bills that I got was  
18 for those months of estimated usage. Of course, I hadn't  
19 used it at that time.

20 Q. Let me ask you this. During that time on 9/9 of  
21 '05 was the premises vacated, vacant?

22 A. Yes. It's still vacant. I haven't gotten it all  
23 completely renovated as of yet.

24 Q. Gas service, was it flowing to the premises prior  
25 to 9/9/05?

1           A.    Going by what the guy that did the initial setup  
2 told me that I worked with him on, he said that the gas was  
3 turned on at the street.

4           Q.    So the gas was turned on at the street?

5           A.    Right.

6           Q.    It wasn't turned on at the premises until 9/9 of  
7 '05?

8           A.    It wasn't turned on at all because the boiler was  
9 even being able to be used until around Christmastime of  
10 2005, just before the first of the year.

11          Q.    Then on that date I believe you testified that  
12 you were not at that premises, you were at another--

13          A.    Yes, that's true. I wasn't there to let anybody  
14 in to take a meter reading, and the meters are inside.

15          Q.    And did you state that you traveled to the  
16 premises on that date or not?

17          A.    No, I did not. That's what I said. I didn't  
18 even place for the call-- I would have had to let someone  
19 in. I would have had to have left work to go there to let  
20 them in to take the meter reading, and I didn't do that.

21          Q.    Do you recall making a phone call to the gas  
22 company prior to 9/9/05?

23          A.    I don't remember it, no.

24          Q.    Were you in town at that point in time or in the  
25 Pittsburgh area?

1 A. Yes.

2 Q. Now, you testified I believe that the first time  
3 that you have any recollection concerning the meter being  
4 read was in March of '05?

5 A. No, March of '06.

6 Q. March of '06?

7 A. March 17th.

8 Q. I'm sorry. Because we're talking 9/9/05. So  
9 March of '06?

10 A. Yes.

11 Q. It was your testimony that you, in fact, were not  
12 receiving bills for the property at 1024 Fifth Avenue?

13 A. That's correct. I didn't receive any bills  
14 until, I should say, we closed on this house in February,  
15 and that's when I received the bills, at that time. I  
16 didn't receive anything at the 119 Park Way address that I  
17 was living at.

18 Q. It's your testimony then that on the 9/9/05  
19 conversation that you had that the call to the gas office  
20 was just to advise the gas company that, in fact, the meter  
21 -- strike that -- that, in fact, you are now the new owner  
22 of the property?

23 A. That's right. I was trying to really get all of  
24 my accounts and everything set up, you know, because I was  
25 the owner now, and that's the reason why I had even done

1 that after initially buying the building back in April when  
2 I bought it to save all that up.

3 MR. PAYNE: Thank you, Mr. Hensley. Your Honor, I  
4 have no further questions.

5 JUDGE NEMEC: Mr. Hensley, anything else you'd like to  
6 add at this point?

7 MR. HENSLEY: No, I guess not.

8 JUDGE NEMEC: Mr. Payne, you may proceed.

9 MR. PAYNE: Thank you, Your Honor. At this time I'd  
10 like to call Ms. Deborah Gardner.

11 JUDGE NEMEC: Good morning, Ms. Gardner. Can you hear  
12 me?

13 THE WITNESS: Yes, I can, Your Honor.  
14 Whereupon,

15 DEBORAH CARDNER,  
16 having been duly sworn, testified as follows:

17 JUDGE NEMEC: You may proceed.

18 MR. PAYNE: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MR. PAYNE:

21 Q. Ms. Gardner, would you state your full name for  
22 the record and spell your name, please, for the court  
23 reporter.

24 A. Sure. The first name is Deborah, D-e-b-o-r-a-h.  
25 The last name is Gardner, G-a-r-d-n-e-r.

1 Q. Ms. Gardner, by whom are you employed?

2 A. Dominion Peoples Gas.

3 Q. You're employed with Dominion Peoples in what  
4 capacity?

5 A. I work in the customer relations department, and  
6 I respond to complaints on the formal and informal level.

7 Q. And how long have you held your current position?

8 A. Current position three years.

9 Q. Prior to that who did you work for and what did  
10 you do?

11 A. Prior to that, for the past 15 years, I've been  
12 an employee of Dominion Peoples Gas. For the 12 years prior  
13 to the last three I worked in various departments. The most  
14 recent prior to this position was in the dispute department  
15 responding to customer complaints.

16 Q. Ms. Gardner, are you familiar with 52 Pa. Code  
17 Chapter 56 as well as 66 of Purdon's Chapter 14?

18 A. Yes, I am.

19 Q. How are you familiar with those regulations and  
20 that law?

21 A. Through company training and by using them on a  
22 daily basis.

23 Q. Ms. Gardner, are you the custodian of the account  
24 of the complainant in this matter?

25 A. Yes, I am.

1 Q. And are you authorized to give testimony here  
2 today on behalf of your employer?

3 A. Yes, I am.

4 Q. Now, Ms. Gardner, did you, in fact, prepare some  
5 documents for submission today in this case?

6 A. Yes, I did.

7 MR. PAYNE: Your Honor, I'm going to be referring now  
8 to what has been previously marked as Exhibit A. It's a  
9 one-page document of account statement. I would ask that it  
10 be identified and marked in the record as such.

11 JUDGE NEMEC: It may be so identified.

12 (Whereupon, the document was marked as Peoples Exhibit  
13 No. A for identification.)

14 BY MR. PAYNE:

15 Q. Now, Ms. Gardner, could you tell us what this  
16 one-page document depicts?

17 A. This is a statement of account for 1024 Fifth  
18 Avenue from the date of turn-on, 9/9/2005, up through the  
19 most current billing at that time, which was 12/5/06.

20 Q. Now, can you tell us the status of this account?

21 A. This is an active account, commercial.

22 Q. And what is the current balance on the account?

23 A. As of today, which is not reflected on the  
24 account statement because it has since billed, there's a  
25 balance of \$4,590.15.

1 Q. Now, Ms. Gardner, you stated that the account was  
2 initiated in the complainant's name on 9/9/05?

3 A. Correct.

4 Q. Do your business records indicate the  
5 circumstances surrounding the turn-on of this 1024 Fifth  
6 Avenue property?

7 A. Yes.

8 Q. And could you tell us what your reports show in  
9 terms of the discussions and conversations, if you will,  
10 from the consumer relative to this property?

11 A. Yes. The company's business records show that  
12 the customer initially contacted the customer, or excuse me,  
13 initially contacted the company on August 31st, 2005, and at  
14 that time there was discussion and an order set to turn on  
15 the gas service. That was scheduled for 9/5, or excuse me,  
16 9/9/05.

17 Q. So your records indicate that there was a call in  
18 August of '05, last day of August, August 31st, at which  
19 time there was a request for gas service; correct?

20 A. Correct.

21 Q. And that order was done on 9/9 of '05?

22 A. Correct.

23 Q. Ms. Gardner, where were the bills sent relative  
24 to this matter?

25 A. My document shows that the bills were being sent

1 to the service address at 1024 Fifth Avenue.

2 Q. And this was information that was provided by the  
3 customer at that point in time?

4 A. I would assume, yes.

5 Q. And that's what the records show?

6 A. Correct.

7 Q. Ms. Gardner, at what point in time-- Well,  
8 strike that. Were any of the bills or any of the  
9 correspondence that were directed to 1024 Fifth Avenue  
10 returned as undeliverable?

11 A. No, they were not.

12 Q. At some point in time, Ms. Gardner, was the  
13 company informed or advised of another mailing address?

14 A. Yes. On 3/10/06 the company had checked through  
15 the local assessor's office as to the property owner, and at  
16 that time, through the assessor's office, the company was  
17 provided with a mailing address of 304 Lawrence Avenue,  
18 North Versailles.

19 Q. Now, Ms. Gardner, do your business records  
20 indicate why the company went to the assessor's office in  
21 order to ascertain this information?

22 A. The information was obtained when the company--  
23 On a commercial account where a master meter has a large  
24 balance, the company credit department goes through the  
25 assessor's office to verify that the company has the correct

1 owner of the company. At that point the assessor's office  
2 provided what they had listed as a mailing address for the  
3 customer.

4 Q. Ms. Gardner, let's go back to 9/9 of '05 when  
5 service was initiated in the property or the complainant's  
6 name. Do your records indicate how the-- Strike that. Do  
7 your records indicate that there was a customer service  
8 representative dispatched to the premises to turn service  
9 on?

10 A. Yes, I do, I show those records.

11 Q. And could you tell us what the records indicate;  
12 specifically, what the meter read and, you know, when they  
13 went out and what have you?

14 A. My business records indicate that on 9/9/05 the  
15 company serviceman went to the premise at approximately 4:38  
16 p.m. and he departed at 5:15 p.m. The documentation that  
17 the service person has is checked the house line, completed  
18 a meter dial test, left gas on for heat contractor, no other  
19 appliances to light.

20 Q. So you said there was a heat contractor. That's  
21 on the report. So there was someone there apparently to let  
22 them in?

23 A. Correct.

24 Q. Is there anything else in the documentation?  
25 What did the meter read at that time?

1           A.    The serviceman reported that the meter read on  
2 that date was seven, three, four, and seven at the date of  
3 9/9/05.

4           Q.    Now, Ms. Gardner, when did the company go back  
5 out to read the meter?

6           A.    The company was-- The meter is located inside.  
7 The company had sent an estimate letter. The customer  
8 contacted the company and scheduled a meter reading for  
9 3/17/06. At that time the company was able to gain access  
10 to the meter and obtained a read of 37.0.

11          Q.    You said that this is a commercial account, that  
12 the meter is located inside, and they sent out a letter, the  
13 company sent out a letter. What was the name of that letter  
14 again?

15          A.    Whenever the company is not able to gain access  
16 to a meter they send out-- Actually in this particular  
17 instance the company left a message for the customer to  
18 contact the office to schedule a meter reading, and that  
19 message was left on 3/13/06.

20          Q.    How was that message left, a telephone message?

21          A.    Correct. Then on 3/15/06 is when Mr. Hensley  
22 contacted the company and there was an order scheduled for  
23 3/17.

24          MR. PAYNE: Ms. Gardner, I'm going to look now to the  
25 second document that you've provided. Your Honor, it's been

1 marked previously as Exhibit B. It's a two-page document.  
2 I'd ask that that document be marked and identified on the  
3 record as Dominion Exhibit B.

4 JUDGE NEMEC: It may be so identified.

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

7 BY MR. PAYNE:

8 Q. Now, Ms. Gardner, could you tell us what this  
9 two-page document depicts?

10 A. The customer had previously filed a complaint  
11 through the Public Utility Commission, BCS Number 2046303,  
12 and this was the decision that was rendered by the  
13 investigator at the Public Utility Commission.

14 Q. And essentially what was the decision, what was  
15 the bottom line?

16 A. There was given a verbal close on it and the  
17 customer was advised to contact the company in order to set  
18 some type of a payment arrangement and he just advised that  
19 the company did obtain actual reads for billing.

20 Q. I note on this particular closing case document  
21 under the violations column it is none or no?

22 A. Correct.

23 Q. And it's from this document that the customer has  
24 taken his appeal before us today?

25 A. Correct.

1 Q. Now, Ms. Gardner, what is the company's position  
2 as of today?

3 A. The company's position is that based on the  
4 documentation that was provided to us the serviceman says he  
5 completed a meter dial test on that date, 9/9/05, which  
6 tells me that the serviceman did have access to the inside  
7 of the premise in order to complete the meter dial test.

8 So at this point the company feels that the  
9 billing is accurate, although, as previously stated, the  
10 company would be more than willing to go out and change the  
11 meter and send it for testing and review to verify the  
12 accuracy.

13 MR. PAYNE: Your Honor, I have no further questions.

14 EXAMINATION

15 BY JUDGE NEMEC:

16 Q. Ms. Gardner, I thought I heard you say that,  
17 okay, the initial call was 8/31/2005, that's what you saw in  
18 the records?

19 A. Correct.

20 Q. Now, was the order work on 9/5/2005 or was it  
21 9/9/2005?

22 A. It was the-- I think I keep saying the wrong  
23 date. The gas service was turned on 9/9/05.

24 Q. Because I thought I heard 9/5/05.

25 A. And I think I did say that. I would have to

1 apologize. It was 9/9/05.

2 Q. The customer service worker whose report you've  
3 reviewed, has that person been contacted or identified to  
4 ask what, in fact, they did or saw?

5 A. I have the serviceman's name. At this point I  
6 did not contact him because the turn-on was so long ago  
7 that, to be quite honest, you know, he would just have to  
8 reflect on the same information I have as to what he  
9 documented on the account because, unfortunately, they go to  
10 so many different homes per day, for him to remember exactly  
11 who he saw or what transpired that day, you know.

12 I would be more than happy to contact him to see  
13 if he would know anything different than what he wrote, but  
14 I just assumed that because this was so long ago that  
15 chances are he's not going to remember any other details  
16 other than what he wrote on the account.

17 Q. Okay. Now, you said that he checked the house  
18 line. Do you recall Mr. Hensley's description of this  
19 property?

20 A. Yes, I do.

21 Q. It's three storefronts with apparently what used  
22 to be apartments on the second floor. Would you still call  
23 that a house line?

24 A. Yes. Every premise has a house and a service  
25 line. So whether it's commercial or residential they still

1 have a house line which is basically from the curb in. The  
2 curb stop in is the house line. So every premise has a  
3 house line regardless of the description.

4 Q. Is there only one meter at this location?

5 A. Yes. I have it listed as a master meter  
6 commercial account.

7 JUDGE NEMEC: Thank you.

8 THE WITNESS: I'm sorry, sir?

9 JUDGE NEMEC: That helps me understand the whole  
10 situation. All right. Mr. Hensley, do you have any  
11 questions for Ms. Gardner?

12 MR. HENSLEY: No.

13 JUDGE NEMEC: No questions?

14 MR. HENSLEY: No, not really.

15 JUDGE NEMEC: All right. This is it. This is your  
16 chance.

17 MR. HENSLEY: Well, the only thing that, well, the  
18 last thing was there is more than one meter there, but  
19 they're all turned off. They would go to those apartments  
20 upstairs.

21 JUDGE NEMEC: But are they fed through the master  
22 meter?

23 MR. HENSLEY: There is a master meter, I guess, as you  
24 call it. The one would be the house meter or whatever,  
25 which is the one that would only, of all of the turned off,

1 that's the one that we've had to use for the short period of  
2 time that I used it.

3 MS. GARDNER: Correct.

4 JUDGE NEMEC: Ms. Gardner, one more question for you.

5 MS. GARDNER: Sure.

6 JUDGE NEMEC: Have you reviewed your records with  
7 regard to the prior owner and the meter readings prior to  
8 the change in ownership?

9 MS. GARDNER: Unfortunately, Your Honor, as Mr.  
10 Hensley had stated, there was a fire back at the premise in  
11 1998, and the company does not have those records from that  
12 long ago. So I cannot review the prior person's  
13 consumption. I don't have those records. I would have done  
14 that if that was possible, but unfortunately I don't have  
15 that information.

16 JUDGE NEMEC: So basically where we are is that your  
17 records indicate that somebody actually was there on  
18 9/9/2005, actually looked at the meter, tested the line to  
19 the meter--

20 MS. GARDNER: Correct.

21 JUDGE NEMEC: --and provided the reading. And then  
22 the bills were sent to the service address.

23 MS. GARDNER: They were sent to the service address.  
24 As previously stated, there is no record that anything was  
25 returned from the postal service. So the company can only

1 assume that the customer is receiving the bills. Then in  
2 March of '06 when the company contacted the assessor's  
3 office the assessor had a mailing address of the--

4 Let me grab a piece of paper here. It was 304  
5 Lawrence Avenue, North Versailles. At that time is when the  
6 company added that mailing address to the account, and then  
7 3/11/06 the customer mailed out a self-test questionnaire  
8 based on adding a mailing address.

9 JUDGE NEMEC: Was that ever returned?

10 MS. GARDNER: Let's see here.

11 MR. HENSLEY: No, I received that, Your Honor. I have  
12 that.

13 MS. GARDNER: I was going to say I don't see that that  
14 was returned to us. He did contact us on 3/17 stating that  
15 he had never received his bills, and at that point the  
16 company did advise him that we had not received any return  
17 mail from the postal service and we advised of the mailing  
18 address that we did have. And the customer did not provide  
19 any other address that we should be mailing the mail to.

20 JUDGE NEMEC: Okay. Mr. Hensley, any more questions  
21 for Ms. Gardner?

22 MR. HENSLEY: No, I don't.

23 MS. GARDNER: One thing I did want to add is, you  
24 know, based on speaking to Mr. Hensley on 3/17/06 our  
25 company records indicate that the customer advises that his

1 contractor was turning the gas on and off at the curb when  
2 needed. So, you know, I don't know how much control there  
3 was over the gas that the contractor was using.

4 JUDGE NEMEC: Okay. Thank you, Ms. Gardner.

5 MS. GARDNER: You're welcome, Your Honor.

6 JUDGE NEMEC: Any objections to their two exhibits,  
7 Mr. Hensley?

8 MR. HENSLEY: No.

9 JUDGE NEMEC: Peoples Exhibits A and B are admitted.  
10 (Whereupon, the documents marked as People's Exhibit  
11 Nos. A and B were received in evidence.)

12 JUDGE NEMEC: Mr. Hensley, anything you'd like to add  
13 at this point?

14 MR. HENSLEY: No.

15 JUDGE NEMEC: Would you be agreeable to having that  
16 meter pulled and tested?

17 MR. HENSLEY: That would be fine with me if they think  
18 that's necessary. I mean, like I said, I don't know if the  
19 meter is reading right or not. So that would probably be a  
20 good thing to do.

21 JUDGE NEMEC: Is there any possibility, Mr. Hensley,  
22 that somebody was using that building without your knowledge  
23 and permission during this period?

24 MR. HENSLEY: No, I don't think so. I mean, my  
25 thought was that possibly it was being used, you know, by

1 the other people that owned the building prior to me buying  
2 the building. But that's the only suggestion that I could  
3 have for this different reading here.

4 JUDGE NEMEC: What about where is mail delivered at  
5 that location?

6 MR. HENSLEY: Well, the only other thing that I was  
7 going to say is in regard to that question was that, you  
8 know, I didn't receive anything. The address that I had  
9 given was the 119 Park Way in White Oak. I had not received  
10 anything there, and I wasn't notified for the post office or  
11 anything that I had mail at the other location. So, you  
12 know, there was nothing there that ever came to me.

13 JUDGE NEMEC: Well, I assume that from either August  
14 or September of 2005 on you were there occasionally at  
15 least.

16 MR. HENSLEY: Yes, I've been working on the building,  
17 like I say, doing this renovation work.

18 JUDGE NEMEC: But where's the mail delivered there?

19 MR. HENSLEY: Well, there's really not a place for it  
20 to be delivered there. I don't have a, you know, there's no  
21 mailbox, there's nothing. I don't really have anything set  
22 up with the post office to be delivering mail there.

23 JUDGE NEMEC: And, to your knowledge, you didn't see  
24 anything lying around or on the ground or stuffed in the  
25 door?

1 MR. HENSLEY: No. As a matter of fact, I had even  
2 spoken with the mail carrier at different times when he'd  
3 walk by, and he never mentioned that he had any mail for me  
4 or anything.

5 JUDGE NEMEC: Well, it sure sounds like a mystery to  
6 me. I think that you should go ahead with the meter test.  
7 Can he contact you directly, Ms. Gardner, to set that up?

8 MS. GARDNER: Yes, that would be no problem.

9 JUDGE NEMEC: Can you give him a number or some other  
10 means of--

11 MS. GARDNER: Do you have a pen, sir?

12 MR. HENSLEY: Sure.

13 MS. GARDNER: Mr. Hensley?

14 MR. HENSLEY: Sure.

15 MS. GARDNER: Are you ready?

16 MR. HENSLEY: Uh-huh.

17 MS. GARDNER: My direct dial number is area code (412)  
18 497-5576. I would advise that you can call me and we'll  
19 schedule it. We need access to be able to light all  
20 appliances. So I don't know, you know, how all of the  
21 appliances are particularly set up, if there are any in the  
22 businesses or anything like that. Then we also need access  
23 into those particular areas also.

24 MR. HENSLEY: Well, to be honest with you, as a result  
25 of that fire and everything there wouldn't be a way I think

1 that you'd be able to safely turn on anything else other  
2 than just the one meter that we're returning.

3 MS. GARDNER: I'm not talking about any other meter.  
4 What I'm saying is I'm not sure how the setup in the  
5 property is, if everything is in the basement, you know.  
6 But you said there were other commercial businesses that are  
7 in your building that are run by this meter. I have had  
8 occasion to see that maybe they have a hot water tank or  
9 something in their particular location.

10 Do you understand what I mean?

11 MR. HENSLEY: Yes.

12 MS. GARDNER: Whatever utilities or appliances that  
13 are running from this meter my serviceman must have access  
14 to.

15 MR. HENSLEY: Okay.

16 MS. GARDNER: So you can give me a call and let me  
17 know when a good date for that would be.

18 MR. HENSLEY: Okay.

19 JUDGE NEMEC: Here's the situation. I will wait until  
20 I get the transcript of this hearing, and the record will  
21 not close for 30 days. In the meantime, that should give  
22 you plenty of time to check the meter. And, also, if you  
23 wish to try and negotiate something here, that's fine.

24 After the record closes then I'll proceed to prepare  
25 an initial decision. That will be in writing. All parties

1 will receive a copy. Anyone who disagrees with any of the  
2 findings or conclusions that I reach, you have an  
3 opportunity to file what are called exceptions. If you file  
4 exceptions, that will cause the entire matter to be reviewed  
5 by the Commission.

6 Any questions?

7 MR. HENSLEY: No.

8 MR. PAYNE: Your Honor, just one. Would you like to  
9 see the results of the test?

10 JUDGE NEMEC: If you feel that it's relevant to this,  
11 yes, sure. But we've got some time here. Let's see if we  
12 can straighten it out. It sounds like a mystery to me, and  
13 I'm always curious as to how mysteries play out. So if  
14 something turns up that explains some of this, this  
15 discrepancy here, great, I'd enjoy hearing about it.

16 Thank you all for your participation. We're going to  
17 adjourn at this time.

18 MR. PAYNE: Thank you, Your Honor.

19 MR. HENSLEY: Thank you, Your Honor.

20 (Whereupon, at 10:38 a.m., the hearing adjourned.)  
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\* \* \*

C E R T I F I C A T E

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

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Karen L. Cross, Notary Public  
Economy Boro, Beaver County  
My Commission Expires July 28, 2010  
Member, Pennsylvania Association of Notaries

COMMONWEALTH REPORTING CO., INC.

BY: Karen L. Cross  
Karen L. Cross

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2007 JAN 25 PM 1:06  
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SECRETARY'S BUREAU

**DOMINION PEOPLES**  
**Statement of Account**

Name **MRS JULY SIEVE**  
Address **10745 HAVEN**

Account Number **Z66007643074**  
Meter Number **Z6668219**

For Questions Call (800) 264-9111  
Billing Inquiries Customers Call TDD (800) 427-1103

READ DATE	BILL DATE	METER READING	AVG DAILY USAGE	DEGREE DAYS	BILL AMT	SALES STATE TAX	CITY TAX	COUNTRY TAX	DUG DATE	LATE FMT CHRG	INT AMOUNT	ADJ	ADJUST DECSO	PLAN AMT	PLAN AMT	TOTAL PLAN AMT	ACCT BALANCE
12/27/2000			0	0	\$0.00	\$0.00	\$0.00			\$0.00	\$10.21	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00
12/31/2000	03/07/2000	37.0	0	763	\$10.21	\$0.00	\$0.00		12/28/2000	\$0.00	\$10.21	\$0.00		\$0.00	\$0.00	\$0.00	\$4,590.15
11/02/2000	07/07/2000	37.0	0	440	\$10.21	\$0.00	\$0.00		11/27/2000	\$0.00	\$10.21	\$0.00		\$0.00	\$0.00	\$0.00	\$4,590.15
10/04/2000	03/07/2000	37.0	0	130	\$10.21	\$0.00	\$0.00		10/25/2000	\$0.00	\$22.40	\$0.00		\$0.00	\$0.00	\$0.00	\$4,590.15
09/05/2000	03/07/2000	37.0	0	24	\$20.42	\$0.00	\$0.00		09/25/2000	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$4,602.40
09/04/2000	03/07/2000	48.4	-6.4	2	\$0.00	\$0.00	\$0.00		09/25/2000	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$4,600.30
08/04/2000	03/07/2000	43.4	6.4	2	\$0.00	\$0.00	\$0.00		08/20/2000	\$0.00	\$10.21	\$0.00	CANCEL	\$0.00	\$0.00	\$0.00	\$4,668.80
07/05/2000	03/07/2000	37.0	0	32	\$10.21	\$0.00	\$0.00		07/28/2000	\$0.00	\$10.21	\$0.00		\$0.00	\$0.00	\$0.00	\$4,590.15
06/07/2000	03/07/2000	37.0	0	242	\$10.21	\$0.00	\$0.00		06/25/2000	\$0.00	\$10.21	\$0.00		\$0.00	\$0.00	\$0.00	\$4,590.15
05/07/2000	03/07/2000	37.0	0	200	\$10.21	\$0.00	\$0.00		05/17/2000	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$4,590.15
04/07/2000	03/07/2000	37.0	0	404	\$0.47	\$0.00	\$0.00		04/17/2000	\$0.00	\$137.92	\$0.00		\$0.00	\$0.00	\$0.00	\$4,570.84
03/17/2000	03/07/2000	37.0	23.0	0	\$437.92	\$0.00	\$0.00		03/18/2000	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$5,010.97
03/07/2000	03/07/2000	00.0	-80.8	0	\$1,307.90	\$0.00	\$0.00		03/12/2000	\$0.12	\$0.00	\$0.00	CANCEL	\$0.00	\$0.00	\$0.00	\$8,080.77
02/07/2000	03/07/2000	00.0	80.8	0	\$1,307.90	\$0.00	\$0.00		02/02/2000	\$40.04	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$4,507.35
01/07/2000	03/07/2000	43.1	74.8	2	\$0.00	\$0.00	\$0.00		01/12/2000	\$23.17	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$3,161.75
12/07/2000	03/07/2000	030.2	58.3	1	\$0.00	\$0.00	\$0.00		12/27/2000	\$0.07	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$1,574.01
11/07/2000	03/07/2000	77.9	35.3	1.2	\$540.70	\$0.00	\$0.00		11/27/2000	\$1.07	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$677.47
10/07/2000	03/07/2000	742.6	7.9	35	\$111.04	\$0.00	\$0.00		10/27/2000	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$1,290.04
09/09/2000	03/07/2000	734.7	0	0	\$0.00	\$0.00	\$0.00		09/09/2000	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00
09/09/2000	03/07/2000	0	0	0	\$0.00	\$0.00	\$0.00		09/09/2000	\$0.00	\$0.00	\$18.00	HCC	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTALS</b>																	
USAGE: 3023    TAXES: \$0.00    PAYMENTS: \$521.24    LATE PAYMENT CHARGES: \$147.47 DEGREE DAYS: 6030    BILL AMOUNTS: \$4,835.71    ADJUSTL NTG: \$10.00																	

DUD - DUKUIT PLAN    DEF - DOLLAR ENERGY FUND    DEP - DEPOSITS    CIA - CONTR IN AID OF CONST  
 QUIT D ACHIE (MONT)    LPH - LATE PMT CHRG (MONTHLY)    LPC - LATE PMT CHRG    RCH - RE CONNECTION CHARGE  
 NSR - INSUFFICIENT FUNDS (MONTHLY)    UTG - UTILITY    UDCNT - DISCOUNT  
 INC - INEFFICIENT FUNDS CHARGE    NIA - INSUFFICIENT FUNDS AMOUNT    CNF - CONTRACTO

EXHIBIT  
 PEOPLES A  
 PGH/C-20066856  
 1-16-07    KLC

DOCKETED DOCUMENT FOLDER  
 FEB 06 2007

"EXHIBIT A"

"PAGE 1 OF 1"

[Redacted]

Decision Complete : Yes

This case was assigned to : Deborah L Gardner

DOCUMENT FOLDER

<b>Case Information</b>			
BCS Case #	2046303	Company Name	DOMINION PEOPLES
Company Code	0071	Company Type	PEOPLES NATURAL
Reference #			GAS TRANSPORTER

Reason For Contact:

Commission Decisions

Contrary to the law	<input type="radio"/> Y <input type="radio"/> N	Decision appealed	<input type="radio"/> Y <input type="radio"/> N
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<b>Customer</b>			
First Name	STEPHEN		
Middle Initial			
Last Name	HENSLEY	JAN 25 2007	
Account #	7500025463978		
<b>Customer Service Address</b>			
Service Street	1024 5TH AVENUE	Service Street	
Service City	EAST MCKEESPORT	Service State	PA
Service Zip	150351312		
Decision Issued	<input type="radio"/> Y <input type="radio"/> N	Oral / Written	<input type="radio"/> O <input type="radio"/> W
Violation	NO		
Chapter			
Section Rule			
Total Balance owed on this case/customer's account at the time the case is closed:			4602.40
Date Closed			09/08/2006

Brief description of the resolution of the case/complaint

VERBAL CLOSE. ADV CU TOTAL BALANCE IS 4,602.40 DUE DATE 9/29/06. OFFERED TO SET UP PAYMENT ARRANGEMENTS. CUST STATES THAT HE FEELS THAT THE PRIOR OWNERS WAS USING THE GAS AND HE COULD NOT HAVE USED THAT MUCH GAS. ADV CU 9/9/05 CO TURNED ON SERVICE IN HIS NAME WITH ACTUAL READ. ADV CU CO ISSUED 5 ESTIMATED READS SINCE COULD NOT GET ACCESS TO THE METER. ADV CU CO DID ACTUAL READ 3/17/06. ADV CU BILLS ARE CORRECT AS RENDERED AND BALANCE IS CORRECT. CU NOT SATISFIED. SENT CU FORMAL COMPLAINT FORMS. CU IS STILL DISPUTING THE BALANCE ON THE ACCT.

Account balance information provided by company on
Service Restored Pay
Service Continue Amount
Service Continue Date
Term start date

DOCKETED FEB 06 2007

EXHIBIT PEOPLES B PGH/C-20066856 1-16-07 KIC

"EXHIBIT B"

Special Budget Amount  
Regular Budget Amount  
Arrears Payment Plus  
  
Letter Description  
  
Decision Issued Date

Current monthly Payment  
Final Monthly Payment  
End Monthly Payment

Special Paragraph Instructions

Next Billing Date  
Additional Payment

Minimum Customer Payment

Other Information

BCS Investigators First Name	DENNIS	BCS Investigators Last Name	SCATTON
Number of times sent	1		
Number of times faxed	0		
BCS Investigator's Fax	7876641	Fax Area Code	717