

PLEASE DOCKET

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Lynn Johnson

v.

Philadelphia Gas Works

:  
:  
: Docket Number  
:  
: F-01085586  
:

DOCUMENT  
FOLDER

**DOCKETED**

NOV 07 2003

PREHEARING ORDER

On July 14, 2003, Lynn Johnson (Johnson, Complainant or Customer) filed this formal complaint against Philadelphia Gas Works (PGW or Company).

On August 15, 2003, the Company filed a timely Answer denying the material allegations of the complaint.

On October 14, 2003, a hearing notice was issued scheduling an initial telephone hearing to be held on this case on Monday, March 1, 2004 at 10:00 am. The case has been assigned to ALJ Turner for hearing and initial decision.

The purpose of this order is to bring to the attention of all parties certain procedural rules, observance of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa. Code §1.2(a). The parties are directed to comply with the following requirements:

- I. Proceedings before the Commission are governed by, inter alia, 52 Pa. Code §1.15, which provides:

TJP

§1.15. Extensions of time.

....

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown, will requests for continuance be considered. The requests should be submitted at least 5 days prior to the hearing date. (Emphasis added.)

In accordance with the foregoing, absent a timely request for continuance for good cause (i.e., no later than 5 days before the scheduled hearing on February 11, 2004), all parties to this proceeding shall be prepared to participate in the scheduled hearing.

2. If for any reason any party cannot appear at this initial hearing as scheduled, that party should request a continuance. **If you do not appear at the hearing, and you have not obtained a continuance, the hearing may be held without you and you may lose this case.** Continuances are only granted if good cause is presented. Any request for a change of the scheduled date for the initial hearing must be sent to the Office of Administrative Law Judge Scheduling Staff, to the office of the presiding officer, and to the opposing party or parties. The mailing address for the Scheduling Staff is: PA PUC, P.O. Box 3265, Harrisburg, PA 17105-3265, and the phone number is (717) 787-1399. The scheduling officer for your case is Judy W. Springer. The mailing address for the Philadelphia Administrative Law Judges is: PA PUC, Room 1302 Philadelphia State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. The phone number for this office is (215) 560-2105. The presiding officer on your case is Administrative Law Judge Allison K. Turner.

3. **COMPLAINANT:** Please be aware that you have the burden of proof in this proceeding, and must show by a preponderance of the evidence that respondent has violated the Public Utility Code or a regulation or order of the Commission, and that you are entitled to

the relief requested in the Complaint. If this burden is not satisfied, the Complaint must be denied as a matter of law. Pursuant to 52 Pa. Code §§1.21 and 1.22, if you are an individual, you may be represented by an attorney or you may represent yourself. **If this is an adversarial proceeding and you are a partnership, corporation, trust, association or governmental agency or subdivision, you must be represented by an attorney.**

4. You must arrange to have those who intend to testify as witnesses on your behalf present with you at the time set for the hearing.

5. If you wish to offer into evidence at the hearing material in the form of documents (letters, bills, cancelled checks and the like), you must send the required number of copies (an original and two copies for the Commission, one copy for every other party in the case, and a copy for yourself) by first class mail. 52 Pa. Code §5.409. These must be received one week before the hearing.

6. PLEASE BE AWARE THAT ALTHOUGH THIS HEARING IS BEING CONDUCTED TELEPHONICALLY FOR THE CONVENIENCE OF THE PARTIES, IT IS A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.

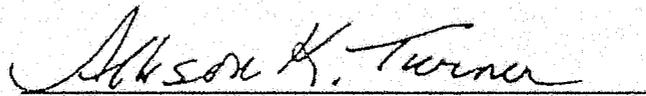
7. Please be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents you file in this proceeding.

8. If the parties intend to conduct discovery, please note that 52 Pa. Code §5.331(b) provides, *inter alia*, that "[p]articipants shall endeavor to initial discovery as early in the proceedings as reasonably possible," and 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements which require the presiding officer's participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.

9. Commission policy is to encourage settlements. 52 Pa. Code §5.231(a). Therefore, the parties are urged to **discuss informally between themselves the possible settlement of this case at least one week before the hearing, and to notify the ALJ and or the Scheduling Office by February 6, 2004 if an agreement is reached, and the hearing is not necessary.** If you are unable to completely settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

ORDER

The parties shall comply with procedural rules and regulations discussed herein.



Allison K. Turner  
Administrative Law Judge

Date: October 27, 2003



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 27, 2003

In Re: F-01085586

(See letter dated 10/14/03)

Lynn Johnson v. Philadelphia Gas Works

Wants charges before November 5, 1995 waived.

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial telephone hearing on the above-captioned case previously scheduled for Wednesday, February 11, 2004 at 10:00 a.m. has been canceled.

The hearing has been rescheduled as follows:

Type: Initial telephone hearing  
Date: Monday, March 1, 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

DOCUMENT  
FOLDER

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.

DOCKETED

NOV 04 2003

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  
Judy W. Springer  
Beth Plantz  
Docket Section  
Calendar File

**Philadelphia Gas Works**  
Legal Department



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

ORIGINAL

Laureto A. Farinas, Senior Attorney  
Legal Department  
Direct Dial 215-684-6982  
FAX: 215-684-6798  
E-mail: laureto.farinas@pgworks.com

February 17, 2004

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

RECEIVED

FEB 17 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5 24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaint has been satisfied and the Complainant acknowledges that the Complaint has been satisfied. PGW and the Complainant have discussed the Complainant's concerns with her account and reached a settlement. With this discussion and settlement, the Complainant has indicated that she is satisfied with the resolution of this complaint.

**Therefore, the telephonic hearing in this matter scheduled for Monday, March 1, 2004 will not be necessary.**

By copy of this letter, I am notifying the Complainant of his right to object to any part of this settlement, in writing to the Public Utility Commission within ten (10) days of the date of this letter.

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

**DOCKETED**  
MAR 01 2004

Sincerely,

*Laureto A. Farinas*

cc: Lynn Johnson  
Administrative Law Judge Allison K. Turner (via FAX)  
Judy Weaver, Hearing Scheduler (via FAX)  
Anne Marie Cromley

DOCUMENT  
FOLDER

170

COMMONWEALTH OF  
PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

DATE: February 25, 2004

SUBJECT: Certification of Satisfaction Filed  
F-01085586 Lynn Johnson v. Philadelphia Gas Works

TO: Wanda Zeiders,  
Docket Management

FROM: Judy W. Springer, Scheduling Officer  
Office of Administrative Law Judge

On February 24, 2004, a Certificate of Satisfaction was filed in the above-captioned proceeding by Laureto A. Farinas, Esquire. If no objection is filed to this certificate within 10 days of service, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Allison K. Turner  
Elzy Ditzler  
Beth Plantz  
Case File

DOCUMENT  
FOLDER

**DOCKETED**  
MAR 03 2004

RJP



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 OJR FILE

February 25, 2004

In Re: F-01085586

«FIRSTNAME» «MIDDLEINITIAL» «LASTNAME» «JOBTITLE»  
«COMPANY»  
«ADDRESS1»  
«ADDRESS2»  
«ADDRESS3»  
«CITY» «STATE» «POSTALCODE»

**DOCKETED**  
MAR 24 2004

Lynn Johnson v. Philadelphia Gas Works

Wants charges before November 5, 1995 waived.

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial telephone hearing on the above-captioned case previously scheduled for Monday, March 1, 2004 at 10:00 a.m. has been canceled.

The hearing has been rescheduled as follows:

Type: Initial telephone hearing  
Date: Wednesday, May 5, 2004  
Time: 2:00 p.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

**DOCUMENT  
FOLDER**

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.



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

March 1, 2004

In Re: F-01085586

«FIRSTNAME» «MIDDLEINITIAL» «LASTNAME» «JOBTITLE»  
«COMPANY»  
«ADDRESS1»  
«ADDRESS2»  
«ADDRESS3»  
«CITY» «STATE» «POSTALCODE»

Lynn Johnson v. Philadelphia Gas Works

Wants charges before November 5, 1995 waived.

Hearing Cancellation

This is to inform you that the initial telephone hearing on the above-captioned case previously scheduled for initial telephone hearing to be held Wednesday, May 5, 2004 at 2:00 p.m. By Administrative Law Judge Allison K. Turner has been cancelled.

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

DOCKETED

MAR 24 2004

DOCUMENT  
FOLDER

RID

