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2003 MAY 15 11:02:26

Case Identification:

F-01039065; Cynthia Robinson
v. Philadelphia Gas Works

Initial Decision By:

ALJ Charles E. Rainey, Jr.

Deadline for Return to OSA:

May 14, 2003

DOCUMENT
FOLDER

This decision has not been reviewed by OSA.

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MAY 05 2003

DOCKETED
MAY 16 2003

* * * * *

OFFICE OF SPECIAL ASSISTANTS

R P

I want full Commission review of this decision.

Commissioner

Date

↓ I do not want full Commission review of this decision.

Gene Thomas

Commissioner

May 2, 2003

Date

Act 294

Case Identification: F-01039065; Cynthia Robinson
v. Philadelphia Gas Works

Initial Decision By: ALJ Charles E. Rainey, Jr.

Deadline for Return to OSA: May 14, 2003

This decision has not been reviewed by OSA.

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MAY 14 2003

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OFFICE OF SPECIAL ASSISTANTS

I want full Commission review of this decision.

Commissioner

Date

do not want full Commission review of this decision.

Robert K. Bloom/rk
Commissioner

5/14/03
Date

C

Act 294

Case Identification: F-01039065; Cynthia Robinson
v. Philadelphia Gas Works

Initial Decision By: ALJ Charles E. Rainey, Jr.

Deadline for Return to OSA: May 14, 2003

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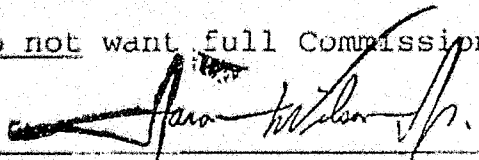
OFFICE OF SPECIAL ASSISTANTS

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.



Commissioner

May 6, 2003

Date

mce

Act 294

Case Identification: F-01039065; Cynthia Robinson
v. Philadelphia Gas Works

Initial Decision By: ALJ Charles E. Rainey, Jr.

Deadline for Return to OSA: May 14, 2003

This decision has not been reviewed by OSA.

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MAY 14 2003

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OFFICE OF SPECIAL ASSISTANTS

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Deborah J. Fitzpatrick

Commissioner

5-2-03

Date

Act 294

Case Identification: F-01039065; Cynthia Robinson
v. Philadelphia Gas Works

Initial Decision By: ALJ Charles E. Rainey, Jr.

Deadline for Return to OSA: May 14, 2003

This decision has not been reviewed by OSA.

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MAY 14 2003

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OFFICE OF SPECIAL ASSISTANTS

I want full Commission review of this decision.

Commissioner

Date

I do ~~not~~ want full Commission review of this decision.

Kim Fitzgerald

5/14/03

Commissioner

Date

Exceptions of ORIGINAL ^{Petitioner}

Dear Commission
I would like to appeal
this decision. I shouldn't
be made to be responsible
for the Gas Companies
negligence because they
improperly classified my
property. Over the past 20
years that I've been a
customer, the Gas Company
only became aware of this
error when I called them
about something else.
I was told my property
was listed as a non-residential
property. They also billed
me for five year of under
estimated bills because of
this oversight. Didn't they
know that it was unlawful
to bill a customer for five years?

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MAY 22 2003

Thank You,
Cynthia Robinson

F-01039065

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RJP

MAY 20 2003

DOCUMENT

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

95

§ 1.58. Form of Certificate of service.

(a) The form of certificate of service shall be as follows

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).

(List names and addresses of participants served.)
Commonwealth of Pa. Public Utility Comm.
P.O. Box 3365 Harrisburg, PA 17105-3265
(List names and addresses of participants served)

Dated this 20 day of May, 2003.

Stephen Johnson
(Signature)

Counsel for

(b) Subsection (a) supersedes 1 Pa. Code § 33.36 (relating to form of certificate of service).

Philadelphia Gas Works
Legal Department



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

Laureto A. Farinas, Esq.
Senior Attorney
Direct Dial: 215-684-6982
E-mail: laureto.farnas@pgworks.com

ORIGINAL

May 30, 2003

BTL

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

RE: PGW's Reply to Exceptions to the Initial Decision in
Cynthia Robinson v. PGW, Docket No. F - 01039065

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.535, the Philadelphia Gas Works ("PGW") hereby files an original and nine (9) copies of its Reply to Exceptions to the Initial Decision in the above captioned matter.

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: Service List
Linda Pereira

DOCUMENT
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MAY 30 2003
PA PUBLIC UTILITY COM. SEC. SECRETARY'S OFFICE

87

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CYNTHIA ROBINSON

v.

PHILADELPHIA GAS WORKS

Docket No. F - 01039065

PHILADELPHIA GAS WORKS' REPLY TO EXCEPTION

Pursuant to 52 Pa Code §§1.11 and 5.535, PGW hereby files its reply to the exception filed by the Complainant in the above captioned matter.

1. INTRODUCTION

This matter arose from the Complainant's receipt of a bill for previously unbilled services in the amount of \$2,360.03. This occurred after a period of bills based upon estimated meter readings for five years (between September 3, 1996 to July 16, 2001) at her current address, 5983 Opal Street, Philadelphia (the "make-up bill"). PGW's records for that service address also reflected that she had originally been classified as a non-heating customer (Tr. 32-33). The Complainant filed an informal complaint that resulted in a decision of the Bureau of Consumer Services providing, *inter alia*, for a credit of \$472 representing 20% of the make-up bill. The decision also provided for a payment arrangement to pay the balance of the make-up bill (\$1,888.03) plus, the balance owed for gas usage at the Complainant's rental property at a different service address (\$3,946.06). The payment arrangement was for approximately 77 months.

The Initial Decision issued on April 30, 2003, in this matter concluded that a utility is limited to a four-year period for the recoupment of payment for previously unbilled services. The Initial Decision instructed PGW *inter alia*, to recalculate the Complainant's bill for previously unbilled service for only four years back instead of 5 years. The Complainant's exception followed.

DOCUMENT
FOLDER

MAY 30 2003
PA PUBLIC UTILITY
SECURITY COMMISSION
JUN 03 2003

I. EXCEPTION

The Complaint maintains that she should not be held responsible for the bill because PGW did not have the correct classification and because PGW had not read the meter at the Opal Street service address for 5 years.

The Initial Decision makes no finding concerning the effect of the Complainant's classification as a heating or non-heating customer. This designation has no rate consequences to the Complainant. The Complainant was charged under PGW Gas Tariff General Service Rate (Rate GS). There would be no distinction in the Customer Charge or the Commodity Charge as between heating and non-heating customer on this rate.

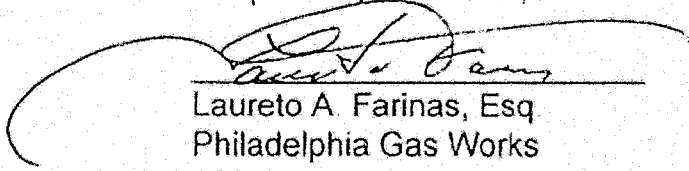
PGW's admission that it had not read the Complainant's meter at the Opal Street service address does not absolve the Complainant for payment for gas used at the property. The Initial decision properly found that the Complainant should be responsible for gas used but previously unbilled under the Public Utility Code and the PGW Tariff. The Initial Decision also cited Commission precedent for the limitation of the recoupment for previously unbilled services to a period of four years where there is no showing of theft of utility service. Angie's Bar v. Duquesne Light Company, 72 PA PUC 213, 217 (1990) The Complaint should not be excused from payment for gas services.

II. CONCLUSION

For the foregoing reasons, this Commission should deny the Complainant's exception and adopt the Initial Decision in this matter.

May 30, 2003

Respectfully submitted,



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

CERTIFICATE OF SERVICE

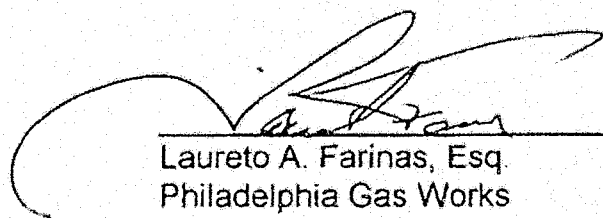
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF § 1.54 (RELATING TO SERVICE BY A PARTICIPANT)

Service List

Complainant

Cynthia E. Robinson
5983 N. Opal Street
Philadelphia, PA 19141

May 30, 2003



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

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SECRETARY'S BUREAU

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DATE: June 3, 2003

SUBJECT: F-01039065

TO: Cheryl W. Davis, Director
Office of Special Assistants

FROM: James J. McNulty
Secretary
nvl

DOCKETED
JUN 05 2003

CYNTHIA ROBINSON
VS
PHILADELPHIA GAS WORKS

Copies of the Initial Decision have been served upon all parties of interest.

Exceptions have been filed by:

CYNTHIA ROBINSON

Reply Exceptions have been received from:

PHILADELPHIA GAS WORKS

cc: Susan Hoffner