

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Emmanuel Joyner

v.

Philadelphia Gas Works

:  
:  
:  
:  
:

F-01162790

PREHEARING ORDER

**DOCKETED**  
MAR 09 2004

The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. This case is scheduled for a telephonic hearing on Thursday, March 11, 2004 at 10:00 a.m. (This case was originally assigned to Administrative Law Judge Marlane R. Chestnut.)

In the complaint, the Complainant alleged the following: that there was an outstanding balance owed at 7300 N. 21<sup>st</sup> Street when he moved in; that his gas bill should have started with a zero balance; that charges of approximately \$1,200 from a previous owner were added to his first bill; and that the Respondent refuses to remove the disputed charges.

In its Answer, the Respondent denied that there is an error in the Complainant's bills. The Respondent averred that its records show that the Complainant's gas service began on November 10, 2000. This was based on a mortgage dated November 10, 2000. The Respondent stated that the Complainant's account at 7216 Briar Road was prorated from August 26, 1996 to November 9, 2000 and there was an account balance of \$45.51. The Respondent said that the Complainant's bills are based on actual meter readings. In addition, the Respondent averred that the Complainant's outstanding balance of \$2,703.86 is based on the Complainant's service since November 10, 2000. The Respondent referred to the Bureau of Consumer Services' (BCS) decision, dated April 17, 2003, which required the Complainant to pay a current bill plus \$75 a

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month on the arrearage. Furthermore, the decision required the Respondent to waive late payment fees.

The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. §332(a). The Complainant should provide evidence to show when he established the account with the Respondent at the 21<sup>st</sup> Street address. The Complainant is required to pay the undisputed bills until a final order is issued in this matter.

If the Complainant has not made the payments that the Bureau of Consumer Services ("BCS") directed him to make, he must explain why the payments were not made. Failure to make regular payments as directed may result in an order requiring a Claypool catch up payment equal to the amount of the payments that should have been made for the gas consumed.

If the Complainant is alleging an inability to pay the disputed amount, during the hearing, the Complainant must be prepared to testify about, or document, the total net monthly household income. In addition, the Complainant must be prepared to testify about, or document, the total monthly expenses of the household, including, but not limited to, the following: rent or mortgage payments; utility bills; food; medical expenses, transportation, and loans.

The Respondent must submit the relevant account statement, which includes monthly meter readings, usage, billed amounts, balances and payments, and the most recent BCS decision.

If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), you should send three copies to me (a copy for the presiding officer and 2 copies for the Court Reporter) and send a copy to every other party in the case at least seven days in advance. Please keep a copy for yourself. 52 Pa. Code §5.409. Please send my copies to 1302 Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130.

Pursuant to 52 Pa. Code §1.15(b), requests for postponements or continuance of hearings must be submitted in writing no later than five (5) days prior to the hearing. Requests for postponement or continuance of hearings are to be sent to the presiding officer with copies to the Scheduling Office and the other party of record. The address for the Scheduling Office is P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265.

All witnesses should be prepared to testify during the March 11, 2004 hearing. If the witness will be at a different telephone number, please notify my office at least five days in advance so that the necessary arrangements can be made.

If you will be at a different telephone number than the one listed on the hearing notice, please contact my office immediately. My telephone number is (215) 560-2105.

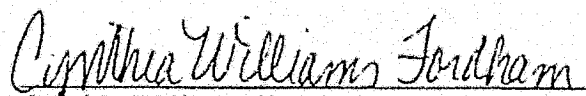
ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complainant shall pay the undisputed bills pending a final Commission Order.
  
2. That the parties shall comply with the procedural rules and regulations discussed herein.

Date: February 26, 2004

  
Cynthia Williams Fordham  
Administrative Law Judge

Philadelphia Gas Works



ORIGINAL

800 West Montgomery Avenue, Philadelphia, PA 19122  
Laureto A. Farinas, Senior Attorney  
Legal Department  
Direct Dial: 215-684-6982  
FAX: 215-684-6798  
E-mail laureto.farinas@pgworks.com

March 2, 2004

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

RECEIVED

MAR 02 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Re: Emmanuel Joyner v. PGW, Docket No. F - 01162790

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 his account and reached a settlement. With this discussion and settlement the Complainant has indicated that he is satisfied with the resolution of this complaint.

Therefore, the hearing scheduled for Thursday, March 11, 2004 in this matter 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.

Sincerely,

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cc: Emmanuel Joyner  
Administrative Lay Judge Cynthia Williams Fordham (via FAX)  
Judy Weaver Springer, Hearing Scheduler (via FAX)  
Hector Ferrer  
Anthony Langford

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MAR 11 2004

COMMONWEALTH OF  
PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

**DATE:** March 8, 2004

**SUBJECT:** Certification of Satisfaction Filed  
F-01162790 Emmanuel Joyner v. Philadelphia Gas Works

**TO:** Wanda Zeiders,  
Docket Management

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

On March 2, 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 Cynthia W. Fordham  
Elzy Ditzler  
Beth Plantz  
Case File

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MAR 15 2004



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 8, 2004

In Re: F-01162790

(See letter dated 02/20/04)

Emmanuel Joyner v. Philadelphia Gas Works

Billing dispute.

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial telephone hearing  
Date: Thursday, March 11, 2004  
Time: 10:00 a.m.  
Location: Philadelphia, Pennsylvania  
Presiding: Administrative Law Judge Cynthia W. Fordham

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Please mark your records accordingly.

pc: Judge Fordham  
Judy W. Springer  
Beth Plantz  
Docket Section  
Calendar File

DOCKETED

MAR 12 2004

# OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	F-01162790		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Emmanuel Joyner v. Philadelphia Gas Works	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input type="checkbox"/>
Date:	March 11, 2004	Estimated Add'l Days:		
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ	Cynthia W. Fordham	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Precision Reporting, Inc.	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS	<i>Certificate of satisfaction filed; Hearing cancelled</i>	

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 OFFICE OF G.A.L.  
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 PA PUC

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:
	City      State      Zip	
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form.

\_\_\_\_\_  
Reporter's Signature

RJP

*Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.*