

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Charles Hicks, Jr

v.

Philadelphia Gas Works

**DOCKETED**  
JAN 10 2007

C-20067064

**DOCUMENT  
FOLDER**

PREHEARING ORDER

On December 7, 2006, I was assigned as the presiding officer in this case. 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. An **Initial Hearing** in this case is scheduled for **Thursday, February 8, 2007 at 1:30 p.m. in an available hearing room on the 13<sup>th</sup> floor of the Philadelphia State Office Building.** Your case is one of several cases that have been scheduled at this time. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the hearing room no later than 1:15 p.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all afternoon, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

On November 9, 2006, the Complainant filed a formal complaint against the Philadelphia Gas Works ("PGW" or the Respondent) alleging the following: that the Complainant allowed a family member to stay at his house while he lived at another address; that the family member stole service from the Respondent and left him liable for the bill; and that he would like a payment arrangement.

On December 4, 2006, the Respondent, through its counsel, filed an Answer. The Respondent admitted that the Complainant wants a payment arrangement. Since the Respondent

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lacks sufficient knowledge to determine whether the Complainant allowed a family member to live at the service address and whether the family member stole service, the Respondent denied the averments. The Respondent stated that the service was terminated at the service address on August 9, 2006 for non-payment. The outstanding balance is \$496.20. The Respondent referred to the Bureau of Consumer Services decision, dated October 25, 2006, which indicated that the Complainant was responsible for the outstanding balance and instructed the Complainant to provide proof of residency if he did not reside at the service address from February 2006 through the present.

The parties are hereby directed to comply with the following requirements:

1. A request for a continuance of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa. Code §1.15(b). Requests for a change of hearing date must be sent to me and all parties of record. The correct address is:

Administrative Law Judge Cynthia Williams Fordham  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: (215) 560-2105  
Fax: (215) 560-3133

**Changes are granted only in rare situations where good cause exists.**

2. **The Commission's policy promotes settlements. 52 Pa. Code §5.231(a). The utility shall contact the Complainant at least one week before the scheduled hearing to discuss a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.**

3. 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).

4. The Pennsylvania Legislature has recently enacted the Responsible Utility Customer Protection Act. 66 Pa. C.S. §1401 *et seq.* This new law provides strict guidelines as to how the Commission must handle customer complaints. The application of this law may result in the issuance of a less favorable payment arrangement than a customer's current payment arrangement.

5. 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.

6. The customer must make monthly payments towards his/her utility bill while the complaint is pending. **FAILURE TO MAKE PAYMENTS MAY RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE. FAILURE TO MAKE PAYMENTS MAY RESULT IN THE UTILITY TERMINATING YOUR SERVICE.**

7. If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc ), you must bring four (4) copies (a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record). Please keep a copy for yourself. 52 Pa. Code §5.409.

8. During the hearing, the Complainant must be prepared to testify about the total gross monthly income of the household. A household includes all adults living at the service address and benefiting from the utility service. The "total gross monthly household income" includes but is not limited to the following:

- (a) income from salaries, wages, tips or other compensation;
- (b) pension, retirement or social security benefits;
- (c) Supplemental Security Income (SSI)
- (d) unemployment compensation benefits;
- (e) workers' compensation benefits;
- (f) alimony;
- (g) support;

- (h) public assistance, and
- (i) any other source(s) of income.

9. The utility must bring the following documents to the hearing:

- (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less;
- (b) a copy of the most recent Bureau of Consumer Services (BCS) decision; and,
- (c) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission.

10. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1 24(b).

11. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it. The written subpoena application must be submitted to the presiding officer, the Secretary of the Commission, opposing counsel and the person to be subpoenaed. 52 Pa. Code §5.421 (a, b).

**12. THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE IN SUPPORT OF THE COMPLAINT.**

13. This is a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Date: January 2, 2007

*Cynthia Williams Fordham*  
Cynthia Williams Fordham  
Administrative Law Judge

**Philadelphia Gas Works**



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

February 7, 2007

**RECEIVED**

FEB 07 2007

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

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**RE: Charles Hicks, Jr. v. PGW, Docket No. C - 20067064**

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaints have been satisfied. PGW and the Complainant have discussed the issues raised in the complaint and reached a settlement. With this discussion and settlement, the Complainant has indicated that he is satisfied with the resolution of the complaint.

Therefore, the hearing scheduled for Thursday, February 8, 2007 in this matter is no longer necessary.

By copy of this letter, I am notifying the Complainant of her 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

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FOLDER**

Sincerely,

A handwritten signature in black ink, appearing to read "Laureto Farinas", is written over a large, stylized flourish that extends to the left and underlines the name.

Laureto Farinas

**DOCKETED**  
FEB 15 2007

cc. Charles Hicks, Jr. (Regular Mail)  
Administrative Law Judge Cynthia W. Fordham (via FAX)  
Dawn Reitenbach, Scheduler (via FAX)  
Eloise Carnall (PGW Mail)  
Linda Pereira (PGW Mail)  
Anne Marie Cromley (PGW Mail)

**ORIGINAL**

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# OALJ Hearing Report

Please check Those Blocks Which Apply

Docket No.:	C-20067064		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Charles Hicks, Jr. 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 checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	February 8, 2007	RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Herbert Smolen	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
<div style="font-size: 2em; font-weight: bold; margin-bottom: 10px;">RECEIVED</div> <div style="font-size: 1.2em; margin-bottom: 10px;">FEB 21 2007</div> <div style="font-size: 0.8em; font-weight: bold; margin-bottom: 10px;">PA PUBLIC UTILITY COMMISSION</div> <div style="font-size: 0.8em; font-weight: bold;">SECRETARY'S BUREAU</div>		REMARKS: <i>Certificate of Satisfaction</i>		
		<i>Filed 2/17/07; Hearing cancelled</i>		

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

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

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

*Handwritten signature/initials*

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

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

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

DATE: February 9, 2007  
SUBJECT: C-20067064  
Charles Hicks, Jr. v. Philadelphia Gas Works  
TO: ✓ Wanda Zeiders  
Docket Management  
FROM: Dawn M. Reitenbach, ALJ Support Staff  
Office of Administrative Law Judge

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On February 7, 2007, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of the filing, 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  
Beth Plantz  
Case File

**DOCKETED**  
FEB 20 2007



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

IN REPLY PLEASE  
REFER TO OUR FILE

March 1, 2007

C-20067064

CHARLES HICKS JR  
2432 SHARSWOOD STREET  
PHILADELPHIA PA 19121

**DOCKETED**  
MAR 01 2007

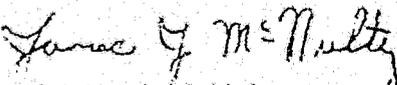
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TO WHOM IT MAY CONCERN:

Please be advised that the Commission has marked closed the above-entitled proceeding.

Very truly yours,

  
James J. McNulty  
Secretary

cc: All parties of Record

nvl

**BTL**