

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Aans I. Churchill

v.

Philadelphia Gas Works

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:
:

F-02296743

**DOCUMENT
FOLDER**

PREHEARING ORDER

On December 28, 2007, 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 7, 2008 at 1:30 p.m. in an available hearing room on the 13th 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, the Administrative Law Judge will dismiss your case.

On November 8, 2007, the Complainant filed a formal complaint against the Philadelphia Gas Works ("PGW" or the Respondent) alleging, among other things: that her grandmother, Mary Tudor, died in June 2007; that the Complainant put the account in her name on July 1, 2007; that she made three timely payments; that the Respondent told her to pay \$1,365.00 to keep the gas on; that she received a shut off notice; that the Commission determined that she should pay \$588.00 a month; and that her bills exceed her income. The Complainant wants to pay \$150.00 plus \$50.00 a month on the arrearage.

On December 7, 2007, the Respondent, through its counsel, filed an Answer. The Respondent admitted that it issued a termination notice on October 1, 2007. The Respondent

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stated that it does not know whether the Complainant's grandmother died. The Respondent admitted that the Complainant established gas service on July 5, 2007 and that she made three payments before she applied for CRP. The Respondent averred that on September 17, 2007, it notified the Complainant that she was not eligible for CRP. The Respondent referred to the Bureau of Consumer Services ("BCS") decision, dated October 11, 2007, which required the Complainant to pay a budget of \$444.00 plus \$144.00 a month on the arrearage for a total of \$588.00. The Respondent stated that the Complainant's outstanding balance is \$3,609.38.

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). The

Complainant must pay the undisputed portion of the bill while this proceeding is pending. The Complainant should provide proof of her grandmother's death.

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 her to make, she must explain why the payments were not made

6. 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.

7. 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.

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

- (a) the applicable account statements, showing the history of the account for at least two years; and

- (b) a copy of the applicable Bureau of Consumer Services (BCS) decision(s).

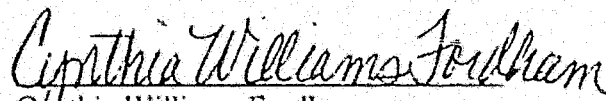
9. Pursuant to 52 Pa. Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or 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).

10. 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).

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

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

Date: January 23, 2008


Cynthia Williams Fordham
Administrative Law Judge

Philadelphia Gas Works



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

February 7, 2008

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

**DOCUMENT
FOLDER**

RE: Aaris I. Churchill v. Philadelphia Gas Works, Docket No. F - 02296743

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. 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 she is satisfied with the resolution of the complaint.

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.

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 then curves back under the signature.

Laureto Farinas

cc: Aaris I. Churchill (Regular mail)
Administrative Law Judge Cynthia W. Fordham (via FAX)
Stacey Nolan, Scheduler (via FAX)
Anne Marie Cromley (PGW mail)
Linda Pereira (PGW mail)

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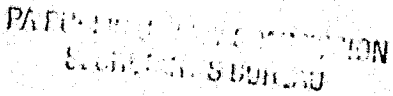
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ORIGINAL

B# 4526

OALJ Hearing Report

Please Check Those Blocks Which Apply

| | |
|---|---|
| Docket No: F-02296743 | YES NO |
| Case Name: Aaris I. Churchill v. Philadelphia Gas Works | Prehearing Held: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| Location: Philadelphia, PA | Hearing Held: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| | Testimony Taken: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| | Transcript Due: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| | Hearing Concluded: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| Date: February 7, 2008 | Further Hearing Needed: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| ALJ: Cynthia W. Fordham | Estimated Add'l Days: _____ |
| Reporting Firm: Commonwealth Reporting | RECORD CLOSED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
|  | DATE: 2/8/08 |
| | Briefs to be Filed: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| | DATE: _____ |
| | Bench Decision: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| | REMARKS: Parties settled. Certificate of satisfaction to be filed. |

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

| Name and Telephone Number | Address | Who are you representing? |
|---|---|---------------------------|
| Aaris I. Churchill (Cell) 215 850-0254 | 2432 N. 54 th St. Philadelphia PA 19131 | Self |
| Telephone: 215 850-0254 | E-mail Address: _____ | Fax Number: _____ |

Laureto Farinas, Esq. 800 W. Montgomery Avenue
 215-684-6982 Philadelphia, PA 19122
 laureto.farinas@pqworks.com PHILADELPHIA GAS WORKS
 FAX # 215-684-6798

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|------------------|-------------------------------------|------------------------|
| E-mail Address: | City: _____ State: _____ Zip: _____ | DOCUMENT FOLDER |
| Telephone: _____ | E-mail Address: _____ | Fax Number: _____ |

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

Catherine West
 Reporter's Signature

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