

COMMONWEALTH OF PENNSYLVANIA


PUBLIC UTILITY COMMISSION

----- X
Dawn Feinberg Keating v. Philadelphia Gas
Works. :
Billing Dispute. :
: :
Initial hearing. :
----- X

Docket No.
F-02295534

Pages 1 through 63

Hearing Room 1301
State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania

 ORIGINAL

Tuesday, February 5, 2008

Met, pursuant to notice, at 9:30 a.m.

BEFORE:

ANGELA T. JONES, Administrative Law Judge

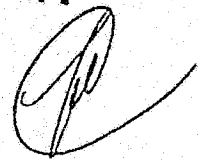
APPEARANCES:

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WITNESS INDEX

WITNESSES

DIRECT CROSS REDIRECT RECROSS

Dawn Feinberg Keating
(By the Judge)
(By Mr. Farinas)

6 -- -- --
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Jack Irizarry
(By Mr. Farinas)
(By Ms. Keating)

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PROCEEDINGS

1
2 ADMINISTRATIVE LAW JUDGE ANGELA T. JONES: This is the time
3 and place for the matter of Dawn Feinberg Keating versus Philadelphia Gas
4 Works at Docket F-02295534. I am Administrative Law Judge Angela T.
5 Jones appointed by the Commission to preside over this matter.

6 I note the appearance of Laureto Farinas, Esquire, representing
7 Philadelphia Gas Works and I note that the time by my watch is 9:31 a.m.
8 I note in my pre-hearing order that the preliminary paragraph does states,
9 "you must be available in the hearing room when your case is called by the
10 Presiding Administrative Law Judge. You should arrive at the hearing room
11 no later than 9:15 a.m., and wait in the hearing room until the
12 Administrative Law Judge calls your case."

13 I note for the record that Ms. Keating is not present in the hearing
14 room. Therefore, what I will do is, I will go off the record for
15 approximately ten minutes to check to see if Ms. Keating has called the
16 office for some rational as to why she is not here and then we will go back
17 on the record and I will render a decision or hear a motion at that point.

18 MR. FARINAS: Thank you, Your Honor.

19 (Recess.)

20 JUDGE JONES: We are back on the record.

21 At approximately 9:31 a.m., we went on the record and I stated
22 that Ms. Keating was not in the hearing room and that we would wait for
23 ten minutes for her to appear. Since that time, it is now 10:11 a.m., and
24 she has appeared in the hearing room. There was some negotiations of
25 settlement between her and Counsel for PGW and PGW's representative

1 and I am informed that that conversation and negotiation was not
2 productive; is that correct?

3 MR. FARINAS: That is correct, Your Honor.

4 JUDGE JONES: And I did inform Ms. Keating that if her settlement
5 negotiations were not fruitful, that we would go ahead and hear her case
6 today. Is that what you wish to do, Ms. Keating?

7 MS. KEATING: Yes, please.

8 JUDGE JONES: Are both parties ready for their presentations?

9 MR. FARINAS: Yes, Your Honor.

10 MS. KEATING: Yes.

11 JUDGE JONES: Are there any preliminary matters that the parties
12 wish to bring before me today?

13 MR. FARINAS: I have nothing.

14 MS. KEATING: I wouldn't know what that would mean, so I guess
15 no.

16 JUDGE JONES: All right. Ms. Keating, I need for you to sit at the
17 witness chair but before you do that, I need for you to stand and raise your
18 right hand so I can swear you in. Do you have any paperwork that you
19 need to take with you?

20 MS. KEATING: I have four copies of this.

21 JUDGE JONES: Okay. Please raise your right hand.

22 Whereupon,

23 DAWN FEINBERG KEATING

24 having been duly sworn, testified as follows:

25 JUDGE JONES: Ms. Keating, please state your full name, spelling

1 your last name for the record.

2 THE WITNESS: Dawn Feinberg Keating. K-E-A-T-I-N-G.

3 JUDGE JONES: And what is your place of residence?

4 THE WITNESS: 1417 South Philip Street, Philadelphia,
5 Pennsylvania, 19147.

6 JUDGE JONES: And is that the place where you receive gas service
7 from PGW?

8 THE WITNESS: Yes.

9 DIRECT TESTIMONY

10 JUDGE JONES: Okay, Ms. Keating, why don't you tell me about
11 your complaint?

12 THE WITNESS: Okay. I received a letter from PGW saying that
13 when they put a new meter in, they had been half-billing me for usage
14 since I moved in there which was April of 2005. So that they sent me a
15 \$6,000.00 bill, which after the adjustment was reduced to about eleven
16 hundred and then the PUC knocked another 20 percent off. I am not sure
17 of the exact number.

18 JUDGE JONES: Okay. So about eleven hundred and then 20
19 percent off, so --

20 THE WITNESS: Yes. They actually have the numbers.

21 JUDGE JONES: --that would be \$220.00, so we are figuring around
22 \$880.00?

23 THE WITNESS: I think it was like eleven --

24 JUDGE JONES: You said it was about eleven hundred and the PUC
25 knocked another 20 percent off. I am going with your testimony.

1 THE WITNESS: I am not positive.

2 JUDGE JONES: All right. Do you know what the timeframe was for
3 that makeup bill?

4 THE WITNESS: It was from April of '05 through July or August of
5 '07.

6 JUDGE JONES: So over a two-year period?

7 THE WITNESS: Right.

8 JUDGE JONES: Okay, you may continue, Ms. Keating.

9 THE WITNESS: And so after I did some investigation - and so I got
10 the letter that I was being billed \$6,000.00

11 JUDGE JONES: That is not what your testimony was.

12 THE WITNESS: That was the initial one that I got, so back and
13 forth, back and forth, back and forth and then a couple of months later, I
14 got my first gas bill with the new meter, fully expecting it to be twice the
15 amount that it was with the old meter and it was actually less.

16 JUDGE JONES: So you received that in September of 2007?

17 THE WITNESS: Yes, and the subsequent bill in October of 2007
18 was also less.

19 JUDGE JONES: So you are comparing this with '06?

20 THE WITNESS: And '05, and I am comparing the whole issue with
21 not being able to settle because in my mind -

22 JUDGE JONES: Okay, let me stop you here. Settlement
23 negotiations are confidential, which is why I left the room.

24 THE WITNESS: Okay.

25 JUDGE JONES: So I am not really suppose to know what occurred

1 in settlement and so if your testimony that you are about to give has to do
2 with substances of the settlement or what was proposed to you at
3 settlement or what you said at settlement, I am not suppose to know that,
4 so I do not want to hear that testimony. Do you understand?

5 THE WITNESS: I do apologize. I do not know the rules.

6 JUDGE JONES: I am aware that this is not what you do for a living.

7 THE WITNESS: I was told that I do not need representation.

8 JUDGE JONES: Okay, lets go off the record.

9 (Discussion off the record.

10 JUDGE JONES: We are back on the record.

11 I had a conversation with Ms. Keating off the record, basically
12 informing her or highlighting what my pre-hearing order says as well as
13 some procedures in being before an ALJ at the PUC, and Ms. Keating has
14 expressed that she wishes to go forward with her hearing today.

15 Now Ms. Keating, I believe we were at the place where in your
16 testimony you had stated that you received gas bills in September of 2007
17 and in October of 2007, and you had expected that they would be more
18 than what you had received prior to the change in the meter by PGW and
19 they were not. You had compared them with the same months in 2006
20 and 2005, and the 2006 and 2005 bills were higher than the 2007 bills; is
21 that correct, Ms. Keating?

22 THE WITNESS: That is correct and I would like to clarify that I am
23 using CCF. I am not using dollar amounts.

24 JUDGE JONES: So you are comparing the usage in CCF versus the
25 actual billed amount?

1 THE WITNESS: Correct.

2 JUDGE JONES: Okay, you may proceed with your testimony.

3 THE WITNESS: I had been in contact with the Consumer
4 Advocate's office of Pennsylvania and they provided me a case which is
5 Millikie versus the Public Utility Commission. It states that if my household
6 didn't change and if the pattern of usage of my gas didn't change, then the
7 burden of proof goes back to PGW and I have the case.

8 JUDGE JONES: I don't need the case. My question to you is, has
9 your household changed - the occupancy in your household change
10 between 2005 to 2007?

11 THE WITNESS: No, it hasn't. It has just been myself and my
12 husband and we have both signed something that says that.

13 JUDGE JONES: So two adults?

14 THE WITNESS: Right.

15 JUDGE JONES: And has there been any change in the equipments
16 in your house that uses gas?

17 THE WITNESS: No.

18 JUDGE JONES: Between 2005 and 2007?

19 THE WITNESS: No.

20 JUDGE JONES: Okay. Has there been any change in your usage
21 requirements over 2005 to 2007?

22 THE WITNESS: No.

23 JUDGE JONES: And your household is just yourself and your
24 husband?

25 THE WITNESS: Right.

1 JUDGE JONES: No children; no pets?

2 THE WITNESS: Pets. Do they count? They are not deductibles;
3 are they?

4 JUDGE JONES: No.

5 THE WITNESS: The same pets I had when I moved in that I
6 currently have.

7 JUDGE JONES: All right, you may continue with your testimony,
8 Ms. Keating.

9 THE WITNESS: And so because I wasn't certain if this double
10 billing was correct, so I compared -

11 JUDGE JONES: Wait a minute. How are you getting double-billed?

12 THE WITNESS: Well, that I was being half-billed. I apologize.

13 JUDGE JONES: You are not certain that what bill is correct?

14 THE WITNESS: Let me just say this. When I did the comparison, I
15 compared none-heating months to none-heating months. I have received
16 some bills of heating months but comparing them to previous months, I
17 can't. It's like for me, in my mind, comparing apples and oranges. I could
18 have gone away a lot; I could have been home sick for a week and have
19 the heating high, so there are so many factors with a heating month that
20 comparing a heating month to a heating month isn't a fair comparison.

21 JUDGE JONES: In your mind?

22 THE WITNESS: In my mind.

23 JUDGE JONES: But in your mind, a none-heating month compared
24 to a none-heating month is a fair comparison?

25 THE WITNESS: Because I know with surety what was going on in

1 my household.

2 JUDGE JONES: Okay. Let me see the evidence that you have
3 compared.

4 THE WITNESS: Okay.

5 JUDGE JONES: These are all your copies?

6 THE WITNESS: Well, I can go back and explain what I have there.

7 The CCF usage is Exhibit -

8 JUDGE JONES: Okay, just a minute.

9 MR. FARINAS: May I have a copy, Your Honor?

10 THE WITNESS: I am sorry. You can have this.

11 JUDGE JONES: Ms. Keating, I am going to take your exhibits out of
12 order and there is a reason why I am doing that.

13 THE WITNESS: Okay.

14 JUDGE JONES: I am going to start with what has been previously
15 marked as Exhibit B. This will be identified as Complainant's Exhibit B,
16 which is a one-page document. It looks like a table representing billing
17 months from July of 2005 through to October of 2007, representing old
18 meter versus new meter and representing usage in CCF. It appears that
19 this is relevant to the Keating's usage at the residence of 1417 Philip Street
20 in Philadelphia. Okay. All right.

21 (Whereupon, the document was
22 marked as Complainant's Exhibit
23 No. B for identification.)

24 JUDGE JONES: Now, it is your testimony that a new meter was
25 replaced - the new meter was installed in August of 2007?

1 THE WITNESS: The new meter, yes.

2 JUDGE JONES: So the new readings under the new meter would be
3 September of 2007 on. So if I wanted to compare, I would compare
4 September and October - those months - with the old meter versus
5 September and October with the new meter; correct, Ms. Keating?

6 THE WITNESS: Yes.

7 JUDGE JONES: Okay. According to your Exhibit B, September
8 2005 was 12 CCF; September 2006 was 13 CCF; September of 2007 was
9 11 and a half CCF; October of 2005 was 12 CCF; October of 2006 was 13
10 CCF and October of 2007 was 10.3 CCF; okay?

11 THE WITNESS: Yes.

12 JUDGE JONES: So that is the comparison that you wish to provide
13 to me; is that correct?

14 THE WITNESS: Yes.

15 JUDGE JONES: And you received these CCF numbers from your
16 bills?

17 THE WITNESS: I received the new meter's CCF from my bill and I
18 got the old CCF usage from Exhibit C, which is a document that PGW sent
19 me when I called them after I got the first bill.

20 JUDGE JONES: Okay. Lets identify Exhibit C as Complainant's
21 Exhibit C which is a seven-page document, the first page being a
22 correspondence from PGW, addressed to Ms. Feinberg and dated
23 September 14, 2007. The pages following that appears to be a
24 spreadsheet detailing usage at 1417 South Philip Street in Philadelphia.
25 The second page looks like it is an analysis of the gas usage and the third

1 page through to the last page looks like it is an account statement of usage
2 at the same address, basically itemizing bills and payments.

3 (Whereupon, the document was
4 marked as Complainant's Exhibit
5 No. C for identification.)

6 JUDGE JONES: So you received the actual data that made Exhibit
7 B from Exhibit C; correct?

8 THE WITNESS: Right.

9 JUDGE JONES: Okay, Ms. Keating, I am still waiting for your
10 testimony. I understand what you said. You may proceed with your
11 testimony.

12 THE WITNESS: And so based on that information, I don't believe
13 the meter readings. I have never been explained what the problem was
14 and I have never had the question answered why my bills in none-heating
15 months are not doubled. If there was a problem with the billing where I
16 was half-billed, then my bills should now be in essence doubled and I can't
17 get an answer from PGW why that is, which makes me think -

18 JUDGE JONES: Okay, let me back up because you are assuming
19 that I know something that you do not know. When did you get this
20 information or when was it communicated to you that you were being half-
21 billed?

22 THE WITNESS: I received in August a bill from PGW for \$6,000.00.

23 JUDGE JONES: Okay. Do you have a copy of that bill with you?

24 THE WITNESS: Yes, I do.

25 JUDGE JONES: Do you have it marked as an exhibit?

1 THE WITNESS: I do not.

2 JUDGE JONES: You only have the original bill?

3 THE WITNESS: Correct.

4 JUDGE JONES: Okay. We are going off the record.

5 (Discussion off the record.)

6 JUDGE JONES: We are back on the record.

7 I asked Ms. Keating if she had a copy of the August 2007 bill. She
8 informed me that she does have the original bill with her but does not have
9 sufficient copies. Mr. Farinas informed me that he does have an exhibit
10 that he will be presenting that has the form that contains the August 2007
11 bill that Ms. Keating wishes for me to see. So what we will do is, we will
12 wait for Mr. Farinas to provide that document, but both parties seem to
13 agree that the information that Ms. Keating wishes for me to see will be
14 represented in the exhibit that PGW will present.

15 Okay. In August of 2007, you received a \$6,000.00 bill?

16 THE WITNESS: Correct.

17 JUDGE JONES: At that point, you called PGW?

18 THE WITNESS: Yes.

19 JUDGE JONES: And PGW explained to you about the \$6,000.00
20 bill?

21 THE WITNESS: No. Actually, they said they needed to investigate
22 and when I had told them that there was a new meter installed, there
23 seemed to be some light bulb eclipsed but they said they would investigate
24 and get back to me.

25 JUDGE JONES: When was the new meter installed?

1 THE WITNESS: In August.

2 JUDGE JONES: Okay. So you received the billing in August and a
3 new meter was installed in August; both occurring in August of 2007;
4 correct?

5 THE WITNESS: Correct.

6 JUDGE JONES: And you called PGW and PGW said they would
7 investigate and get back to you; correct?

8 THE WITNESS: Correct.

9 JUDGE JONES: When if ever did they get back to you?

10 THE WITNESS: They got back to me by mail with Exhibit C.
11 Exhibit C in its entirety is what they sent me.

12 JUDGE JONES: So Exhibit C is PGW's response to your inquiry
13 about the \$6,000.00 bill in August of 2006?

14 THE WITNESS: Correct. And so when I received this letter, it
15 wasn't until I received my first bill with a new meter that I then knew that
16 there was a problem, because I had fully expected that the first bill with
17 the new meter would be close to twice as much as what I would have
18 expected.

19 JUDGE JONES: Okay, let me ask you this. Did you receive notices
20 between 2005 and 2007 of the gas supply charges increasing for PGW?

21 THE WITNESS: If those charges were included with the regular
22 billing, yes.

23 JUDGE JONES: Would you agree with me that if you drove your car
24 in 2005, it would have cost you less to fill it up than it did in 2007?

25 THE WITNESS: Absolutely.

1 JUDGE JONES: Similarly, charges for gas have increased as well.
2 Would you agree with me?

3 THE WITNESS: Absolutely.

4 JUDGE JONES: So what you are saying is that because you have
5 compared usage as oppose to the actual bill amount and the usage is not
6 doubled, then the meter that you thought would have doubled did not and
7 that is why there is a question?

8 THE WITNESS: That's exactly what I would have loved to say, yes.

9 JUDGE JONES: And you tried to articulate that to PGW and PGW's
10 response was your Exhibit C?

11 THE WITNESS: Correct.

12 JUDGE JONES: After you received Exhibit C, did you then tell PGW
13 you did not understand their response?

14 THE WITNESS: Yes. At that point, I then contacted Mr. Geist who
15 is the author of the letter and we had a conversation and it ended with he
16 really couldn't account for why the CCF usage was -

17 JUDGE JONES: Almost the same?

18 THE WITNESS: Actually, a little less and then he informed me
19 about filing a complaint.

20 JUDGE JONES: Okay. So PGW's response to you again questioning
21 was, we don't know; we can't explain it to you and you might want to file a
22 complaint?

23 THE WITNESS: I remember his words exactly. It was, "there is no
24 accounting for that."

25 JUDGE JONES: All right, so you did file a complaint?

1 THE WITNESS: Yes, I did.

2 JUDGE JONES: And after that, what happened, Ms. Keating?

3 THE WITNESS: Then I spoke to the PUC and the gentleman that I
4 spoke with, I explained the situation and he said that the most power he
5 had was to reduce the bill by 20 percent. So he said that he would reduce
6 the bill by 20 percent but then encouraged me to proceed from the
7 informal complaint to the formal complaint.

8 JUDGE JONES: Okay. So his remedy that he could offer was a 20
9 percent decrease in your bill amount?

10 THE WITNESS: Correct.

11 JUDGE JONES: And he encouraged you to file a formal complaint
12 which you then did?

13 THE WITNESS: Correct.

14 JUDGE JONES: Is there anything else that you wish to inform me
15 of in your testimony, Ms. Keating?

16 THE WITNESS: No.

17 JUDGE JONES: Okay, let me say something to you. I was looking
18 at Exhibit B and C. I have not looked at Exhibit A, D or E. Exhibit A
19 basically is informing me of the law. I don't know that I need it but if you
20 would like for me to have it, I am sure that I will take it. What you have to
21 be aware of however, is that PGW may have some objections to it.

22 THE WITNESS: Okay.

23 JUDGE JONES: So Exhibit A is marked as Complainant's Exhibit A
24 for identification purposes and Exhibit E is your formal complaint?

25 THE WITNESS: Correct.

1 JUDGE JONES: And it is two pages?

2 THE WITNESS: Correct

3 JUDGE JONES: The documents are marked as Complainant's
4 Exhibits A and E for identification purposes.

5 (Whereupon, the document were
6 marked as Complainant's Exhibits
7 Nos. A and E for identification.)

8 JUDGE JONES: Exhibit D is probably trying to be an affidavit to say
9 that you do live there and your husband does live there since April of 2005.
10 It is not sworn. There is no evidence that it is sworn. Exhibit D is marked
11 as Complainant's Exhibit D for identification purposes.

12 (Whereupon, the document was
13 marked as Complainant's Exhibit
14 No. D for identification.)

15 JUDGE JONES: Okay. Is there anything else that you wish for me
16 to look at here as far as your testimony, Ms. Keating?

17 MS. KEATING: No, that's it. I thank you for your help.

18 JUDGE JONES: No problem. Exhibits A through E, I assume that
19 you wish to move these into evidence?

20 THE WITNESS: Yes, please.

21 JUDGE JONES: Mr. Farinas, are there any objections?

22 MR. FARINAS: Your Honor, as you hinted at before, yes, there are
23 objections and if I can begin with Complainant's Exhibit A. It is a
24 restatement of the law. It seems to be authored by Shaun A. Sparks of the
25 Consumer Advocate of Pennsylvania and he is not counsel. Perhaps this

1 was meant to be an helpful crib-sheet for Ms. Keating. I don't have an
2 opportunity to respond to it and although I am well familiar with this case,
3 I don't think it necessarily will further your understanding of the case and
4 for that reason, as an exhibit it is irrelevant or unnecessary.

5 JUDGE JONES: Okay. What I am going to do is, I am going to
6 deny the admittance - I am going to approve your motion. I am going to
7 deny the admittance of Exhibit A, simply because it looks like you have
8 Counsel, Ms. Keating, and the counsel's name is Shawn Sparks. You do
9 not have counsel and so I cannot have what someone else has prepared as
10 an exhibit.

11 THE WITNESS: And that's fine. As you said, you know the law.

12 JUDGE JONES: And it is not harming, so Exhibit A is not accepted
13 into evidence. Mr. Farinas.

14 MR. FARINAS: Furthermore, Complainant's Exhibit D, which is the
15 document that appears to be the affidavit, though it is not sworn,
16 Mr. John Keating is not here for me to cross-examine him and I believe
17 Ms. Dawn Feinberg Keating has provided testimony in the nature that it is
18 also written, so I believe it is also an unnecessary document.

19 JUDGE JONES: I agree that Exhibit D is not a sworn document and
20 I also agree that Mr. Keating is not here for PGW to cross examine him.
21 However, I did not gain from Ms. Keating's testimony the fact that she had
22 no gas dryer or other gas appliances. I just gained from her testimony
23 that her appliances did not change over the course of 2005 to 2007. So I
24 will not admit Exhibit D, but what I will do is, I will ask Ms. Keating what
25 gas appliances she does have at 1417 South Philip Street.

1 THE WITNESS: Thank you. The appliances that uses gas are the
2 heater, the hot water heater and the stove.

3 JUDGE JONES: And is that a range where it is an oven and a stove
4 or is it just a stove?

5 THE WITNESS: It is a range with an oven and a stove.

6 JUDGE JONES: Thank you, Ms. Keating. So Exhibit D will not be
7 admitted into the record. Anything else, Mr. Farinas?

8 MR. FARINAS: Lastly Your Honor, Exhibit E is Ms. Keating's
9 complaint, which I understand is not exhibit but is part of the record in the
10 proceedings, in that I was served with it on the date. It is already in the
11 record and we normally don't need that in these proceedings unless there
12 is a different relief requested that wasn't requested originally.

13 THE WITNESS: My intentions was just to deliver a complete
14 packet.

15 JUDGE JONES: What we will do is, instead of admitting Exhibit E, I
16 believe your intent is to make sure that I look at your complaint and the
17 substance that it has in it, and so your pleadings in the formal complaint
18 will be a part of this record and I will examine it as far as my decision from
19 this evidentiary hearing. So Exhibit E is what we call compounded
20 evidence. It is unnecessary because we already have a copy of this, so we
21 are not admitting Exhibit E.

22 THE WITNESS: Okay

23 JUDGE JONES: Mr. Farinas, does that end your objections?

24 MR. FARINAS: If I can just double-check something. The pages
25 following page one of Exhibit C, these also came with a letter?

1 THE WITNESS: Correct.

2 MR. FARINAS: I have no further objections, Your Honor.

3 JUDGE JONES: Okay. So in a counting of the objections that PGW
4 has, the exhibits that are in fact admitted are the Exhibit previously
5 marked B and Complainant's Exhibit C.

6 (Whereupon, the documents marked
7 as Complainant's Exhibits Nos. B
8 and C were received in evidence.)

9 JUDGE JONES: Ms. Keating, I hope I have explained to you what
10 we are doing because I normally don't take that much time but knowing
11 that you are not an officer of the court, I want to make sure that you
12 understand what we are doing.

13 THE WITNESS: No, I appreciate it. You were able to get the
14 information out of me the right way.

15 JUDGE JONES: All right, is there anything else that you wish to
16 present to me?

17 THE WITNESS: That's it.

18 JUDGE JONES: You are resting then?

19 THE WITNESS: I am resting.

20 JUDGE JONES: Can I ask you to take a seat on the side where you
21 originally were?

22 MR. FARINAS: Your Honor, I have not been given the opportunity
23 to cross-examine.

24 JUDGE JONES: That's okay. You may stay there. After cross I will
25 have you moved. Let us go off the record.

1 (Discussion off the record.)

2 JUDGE JONES: We are back on the record.

3 Off the record, I did note that Ms. Keating had not signed the
4 appearance sheet, so we did make sure that she signed the appearance
5 sheet as far as giving the relevant information so that we have recorded
6 that she was here.

7 Mr. Farinas, I am ready for your cross examination.

8 MR. FARINAS: Thank you, Your Honor.

9 CROSS EXAMINATION

10 BY MR. FARINAS:

11 Q. In your Exhibit B, which is your analysis of the none-heating
12 month's gas usage, did you do any analysis of the winter months?

13 A. I did not because as previously stated, it wasn't preparing
14 things that were alike.

15 Q. Did you consider comparing the heating months of the year
16 with your old meter with the heating months of the year after you received
17 the new meter?

18 A. I certainly thought about that and the best comparison of
19 month to month would be one that was clear to me what the usage of gas
20 was during that period, and so comparing again a heating month to a
21 heating month in two different years, it is not possible for me with any
22 surety to know what extra gas I may have used or what less gas I may
23 have used.

24 Q. Did you do any analysis of the numbers about what gas you
25 may have used, just like you looked at the numbers of the gas usage

1 of the none-heating months?

2 A. I did certainly notice with the second heating month with the
3 new meter that the number of usage was a little higher than the highest
4 month that I have had for the past two years, and so there clearly was
5 some issue that happened but it wasn't doubled.

6 JUDGE JONES: Just a moment. The second month with the new
7 meter, what month was that?

8 THE WITNESS: December of 2007.

9 JUDGE JONES: Thank you. You may continue.

10 BY MR. FARINAS:

11 Q. Do you have any other recollection about the other winter
12 heating months and a comparison between when you had the old meter?

13 A. I can say this with surety that in December of 2006 - oh God, I
14 don't know. I have been married two years, so in December of 2005, I got
15 married and during that month, I was out of town for over a week.

16 Q. And was that during the period when you had your old meter or
17 with the new meter?

18 A. December of 2005 would be the old meter.

19 Q. And so did you compare that bill with the old bill from 2006?

20 A. I did. I also compared it with 2006, which was relatively no
21 change and so again, it took me back to a place of confusion because I
22 could not reconcile in my mind any fair comparison.

23 Q. So other than that week that you were away, nothing changed
24 in your household?

25 A. Nothing has changed in the household since I have moved.

1 Q. Have you changed the way that you set your thermostat?

2 A. No.

3 Q. What do you generally keep your thermostat on?

4 A. Somewhere between 69 and 72. I turn it down lower at nights.

5 Q. And during the day?

6 A. Lower. I turn it down to 62 and my husband turns it down to

7 65 or 66.

8 Q. Is that before or after the -

9 A. Always.

10 Q. For the January months 2006 to January 2007, did you do a
11 comparison of that?

12 A. I cannot again in my mind know what the heating was. I don't
13 know if I was extra cold; I don't know if I had a bad month at work and I
14 don't know if my husband was unemployed and we kept the thermostat
15 low. I don't know what month that might have been.

16 Q. Was your husband unemployed?

17 A. Yes, he was. It was in there some place.

18 Q. Was there a change in your household composition, in that
19 someone was home more often during the day?

20 A. There was not a change in my household composition.

21 Q. When you use gas, do you believe that you used more gas
22 during the period when your husband was unemployed?

23 A. I would need to go back into my records and look at the month.
24 If you want to go through that level of detail, I could certainly do that but I
25 can't give you that information with any sort of accuracy off the top of my

1 head. Obviously, if a person is sick and they are home, the heat is on and
2 so days that I was sick, if I was sick a lot in January, there is no
3 comparison.

4 Q. And your testimony was that you keep your heating thermostat
5 in a range from 62 but your first testimony was from 62 to 72; is that
6 correct?

7 A. If I have been sworn to honesty, I need to say that sometimes
8 it is off but what I set my thermostat on is between zero and 72.

9 Q. How often do you put it on zero?

10 A. Not very frequently but you are asking me to be accurate.

11 JUDGE JONES: Ms. Keating, your voice does carry.

12 THE WITNESS: I apologize. Everybody says it does.

13 JUDGE JONES: It's okay. I am just letting you know that I can
14 hear it very well. I do not need for you to be animated and I am not trying
15 to be confrontational. I am just trying to get you finished.

16 THE WITNESS: Okay.

17 JUDGE JONES: In your cross examination with Mr. Farinas, you
18 revealed that your husband was unemployed; is that correct?

19 THE WITNESS: At some point, yes.

20 JUDGE JONES: Do you know from when to when he was
21 unemployed?

22 THE WITNESS: I honestly don't.

23 JUDGE JONES: Do you know if he was unemployed before the
24 meter was changed?

25 THE WITNESS: It was before the meter was changed and it was

1 also not for any substantial amount of time. I think it was like three
2 weeks.

3 JUDGE JONES: So there was a three-week period of time between
4 April of 2005 and August of 2007 that your husband was unemployed?

5 THE WITNESS: Correct.

6 JUDGE JONES: Okay. Was there a time that you were
7 unemployed?

8 THE WITNESS: No.

9 JUDGE JONES: In your cross examination with Mr. Farinas, you
10 stated that there was a period in December where you got married.
11 Congratulations. Is that correct?

12 THE WITNESS: That's correct.

13 JUDGE JONES: You also stated that because you got married in
14 December of 2005, you are sure that you were not in the house for a
15 week; is that correct?

16 THE WITNESS: Correct.

17 JUDGE JONES: So some time in December of 2005, for a week's
18 period there was no one in the house; is that correct?

19 THE WITNESS: That's correct. The pets were there and so the
20 heat wasn't off. It was set to 62 or 65.

21 JUDGE JONES: But the adults weren't?

22 THE WITNESS: That's correct.

23 JUDGE JONES: You also stated in your cross examination with
24 Mr. Farinas that the range of your thermostat goes from zero to 70; is that
25 correct?

1 THE WITNESS: Correct. Close enough.

2 JUDGE JONES: And you also stated that it is very infrequent that
3 the thermostat is at zero; is that correct?

4 THE WITNESS: Correct.

5 JUDGE JONES: We are also talking about gas for gas heat, so that
6 the thermostat is at zero and you are not consuming any gas; is that
7 correct?

8 THE WITNESS: Correct. Well, actually, I am sorry. When the heat
9 is set to zero, I am still consuming gas because of the pilot light and the
10 range and the pilot light in the heater.

11 JUDGE JONES: And you still need gas for your water heater; right?

12 THE WITNESS: Correct.

13 JUDGE JONES: But you are not consuming gas for your heating;
14 correct?

15 THE WITNESS: Correct.

16 JUDGE JONES: So there would not be a time during the none-
17 heating months that you would have your gas at zero because you still
18 need the gas for your water; correct?

19 THE WITNESS: Correct.

20 JUDGE JONES: And these were the times that you did compare;
21 correct?

22 THE WITNESS: Correct.

23 JUDGE JONES: Now, during the heating period, there would not be
24 a time that you would have the thermostat at zero; correct?

25 THE WITNESS: Not very frequently.

1 JUDGE JONES: All right, I don't think I have any further questions.

2 MR. FARINAS: Your Honor, I do have two additional questions.

3 JUDGE JONES: All right.

4 BY MR. FARINAS:

5 Q. Ms. Keating, the Judge just asked you several questions about
6 the range on your heater and I believe she said between 68 and 72?

7 JUDGE JONES: I said zero to 70.

8 BY MR. FARINAS:

9 Q. I am sorry. Zero to 70. Do you recall that being her question?

10 A. Yes.

11 Q. And do you recall when you were testifying previously when I
12 was asking you the question, your testimony was that your heater went up
13 to 72?

14 A. I do recall that, which is why when the Judge made that range,
15 I hinted on there, you know, between 65 and 61.

16 Q. And this leads me to my next question. When you say you
17 keep your thermostat at zero, does that mean that you turn all your
18 apparatus off or you set it at the lowest setting?

19 A. It was turned as far as you could go and during that period,
20 there was no click on the heater, so it was not being used, which was so
21 infrequent that in my mind it is not relevant.

22 Q. So do you agree that it might not be actually zero but it is
23 actually a lower setting?

24 A. I couldn't answer that one way or another, you know. It is
25 really off or on. If it was off, I could say with surety that it was off.

1 Q. But if it was on, it was running at the lowest setting, like at 50
2 degrees?

3 A. If you want to come to my house and see how far the
4 thermostat goes, you are more than welcome. That's what it was.

5 Q. If it was at 50 degrees, you would agree that the heat won't
6 come on should it drop below 50? Do you know?

7 A. I do not know.

8 MR. FARINAS: Thank you.

9 THE WITNESS: You are welcome.

10 MR. FARINAS: I do not have any further questions, Your Honor.

11 JUDGE JONES: Ms. Keating, do you have any further questions
12 that you wish to provide based on the questions that Mr. Farinas just asked
13 you?

14 THE WITNESS: No.

15 JUDGE JONES: Ms. Keating, do you have any further exhibits or
16 witness that you wish for me to hear at this time?

17 THE WITNESS: No, I do not.

18 JUDGE JONES: All right. So Ms. Keating, you have rested your
19 case?

20 THE WITNESS: I have rested.

21 JUDGE JONES: You may take a seat over there.

22 THE WITNESS: Thank you.

23 JUDGE JONES: Before we continue, I want to explain to you
24 Ms. Keating, what is going to occur. PGW will now present their side of the
25 case. It is possible that you will hear testimony that you do not agree with

1 and was not provided to you before, even when you asked for it
2 specifically. Like you wanted to know why your readings weren't doubled
3 or your bills weren't doubled. I do not need for you to be confrontational
4 with the witness. I do not need for you to at least let me know that that is
5 wrong. What I need for you to do is make a note of that to yourself so that
6 when I ask you to cross examine that witness, then you can confront the
7 witness asking questions as oppose to posing what occurred so that I can
8 understand what did happen. Just as Mr. Farinas did not interrupt you
9 when I was asking you questions, I do not expect for you to interrupt him
10 when he is questioning his witness and that way I can understand the
11 evidence that I am hearing.

12 THE WITNESS: Okay.

13 (Witness excused.)

14 JUDGE JONES: Very well Mr. Farinas, I am ready for the
15 presentation of your case.

16 MR. FARINAS: Very well, Your Honor. At this time, I would like to
17 call Mr. Jack Irizarry.

18 JUDGE JONES: Okay. Mr. Irizarry, please raise your right hand.
19 Whereupon,

20 JACK IRIZARRY

21 having been duly sworn, testified as follows:

22 JUDGE JONES: Please state your full name, spelling your last name
23 for the record, sir.

24 THE WITNESS: My name is Jack Irizarry. I-R-I-Z-A-R-R-Y.

25 JUDGE JONES: And by whom are you employed, sir?

1 THE WITNESS: Philadelphia Gas Works.

2 JUDGE JONES: And what is your position at Philadelphia Gas
3 Works?

4 THE WITNESS: I am a Customer Review Officer.

5 JUDGE JONES: And what does that Customer Review Officer
6 service entails?

7 THE WITNESS: We review complaints that customers may have
8 filed in reference to their gas bill to the Public Utility Commission.

9 JUDGE JONES: Thank you, Mr. Irizarry. Mr. Farinas, you may
10 continue with your witness.

11 DIRECT EXAMINATION

12 BY MR. FARINAS:

13 Q. Mr. Irizarry, as a Customer Review Officer, did you review and
14 investigate the complaint that we are discussing here today?

15 A. Yes, I did.

16 Q. Could you please tell us the results of your investigation
17 starting with the original amount of the bill for previously unbilled services
18 and what occurred on Ms. Keating's account after that?

19 A. Yes. Ms. Keating's original makeup bill was in the amount of
20 \$5,928.56. That was obtained after we obtained an Actual meter reading
21 after a new meter exchange. Once the customer filed a dispute, that was
22 then referred to the Dispute Resolution Unit. The account was then
23 re-billed for the customer back to the original date of April 7, 2005 through
24 August 17, 2007, so that it included current gas cost rates and the account
25 was then re-billed or reduced to \$3,225.63. Once the account was

1 re-billed, the amount of cancelled bills and waived late payment charges
2 accrued to \$1,783.68, which was then reduced from the re-bill of the
3 \$3,225.63, making the new adjusted makeup bill \$1,441.95.

4 Ms. Keating subsequently filed a Bureau of Consumer Services
5 Complaint with the Public Utility Commission and in rendering their
6 decision, the account received an adjustment of \$288.00.

7 Q. Can you tell us what that was?

8 A. That was as a result of a decision which they then gave
9 Ms. Keating a 20 percent discount off the \$1,441.95. That was then
10 deducted from that amount, reducing the balance of the amount to
11 \$1,153.95.

12 Q. And is that the current amount that remains from the original
13 makeup bill?

14 A. From the original \$5,928.56.

15 Q. Did you hear Ms. Keating's testimony regarding her analysis of
16 her gas usage during the none-heating months?

17 A. Yes.

18 Q. Did you do any analysis of the gas usage?

19 A. Yes. My analysis however included usage for the entire -

20 Q. For both the none-heating and heating period?

21 A. Yes. For none-heating and heating period.

22 JUDGE JONES: Mr. Farinas, please refrain from leading the
23 witness.

24 MR. FARINAS: I am sorry, Your Honor. I am distributing a packet
25 of documents that I would like to have marked as PGW Exhibit No. 1.

1 JUDGE JONES: It shall be so marked.

2 (Whereupon, the document was
3 marked as PGW Exhibit No. 1 for
4 identification.)

5 BY MR. FARINAS:

6 Q. Mr. Irizarry, did you prepare this document?

7 A. Yes, I did.

8 Q. Can you tell us what this document is and describe what it
9 does.

10 A. It is what I call a Customer's billing comparison. In this
11 particular case, what I wanted to do was to compare the customer's usage
12 prior to the exchange under the old meter, which was Meter No. 1633290
13 and under the new meter after the exchange, which was Meter No.
14 1721675.

15 Q. Please walk us through the comparisons that you have made on
16 PGW Exhibit No. 1.

17 A. In this In particular, I used the heating from October of 2006
18 through January of 2007, comparing the old usage and the current usage.
19 From my estimate and in my experience, the majority of the \$5,928.56
20 would have been heating consumption. That would be the bulk of the bill.
21 Taking the dates from October to November and subsequently all the way
22 to January 22, 2007, I then had indexes that applied to each date and
23 subtracted each index to come up with the usage and the usage under this
24 particular concern was that the original meter was set on the one-foot
25 drive.

1 Q. Can you take a moment to explain when that happens to a
2 PGW meter, why is that incorrect?

3 A. PGW's meters are adjusted to work on a two-foot drive. Our
4 new system when manufacturing, they are already preset on a two-foot
5 drive. In previous experiences prior to this being the case, our own meter
6 shops use to make the adjustments. When the meter would come in, they
7 would be adjusted to the two-foot drive.

8 Q. What is the difference between the one-foot drive and the two-
9 foot dial?

10 A. In PGW's usage, it has always been on a two-foot drive. That
11 regulates the type of usage as far when we read month to month, what the
12 actual consumption is. Being set on the one-foot drive, the customer is
13 being charged half of what the actual usage would have been.

14 Q. Why? What was the meter's measurement on the one-foot
15 drive as oppose to the two-foot drive?

16 A. The one-foot drive only measures half of what the customer is
17 using.

18 Q. On PGW Exhibit No. 1, can you show us the first period of
19 comparison and usage under the meter that was measuring under the one-
20 foot drive?

21 A. From October of 2006 to November of 2006, under the one-foot
22 drive it only registered 22 cubic feet. From November of 2006 to
23 December of 2006, it only registered 43 cubic feet. From December of
24 2006 to January 27, 2007, it registered 59 cubic feet.

25 Q. And what happened after the meter was exchanged?

1 A. After the meter was exchanged, for the same time period from
2 October of 2007 to November of 2007, the usage for that period was 44
3 cubic feet. From November of 2007 to December of 2007, it was 129 cubic
4 feet and from December of 2007 to January of 2008, it was 117 cubic feet
5 under the two-foot drive.

6 Q. How did the new comparison under the new meter compare to
7 the usage that was measured by the one-foot drive and can you show us
8 on PGW Exhibit No. 1?

9 A. For January of '08 compared to January of '07, the customer
10 was using exactly half. It was 117 cubic feet in '08 to 118 cubic feet in '07
11 when it doubled. From November of '07 to November of '06, it was exactly
12 half when I doubled it up for 44 cubic feet. From December of '07 to
13 December of '06, it was actually less. When I doubled it, it would have
14 been 86 cubic feet compared to the 129 in December of '07, but out of the
15 three comparisons, the customer would have been in line if the original
16 one-foot drive was reading on the two-foot drive.

17 Q. And so the numbers to compare for that middle comparison
18 under PGW Exhibit No. 1, November to December of 2006 and November
19 to December of 2007, was the usage under the new meter exactly
20 doubled?

21 A. No. From year to year, the customers don't tend to use the
22 same amount. The weather is a factor. Not all years, the customer would
23 use exactly the same amount. Colder weather could have been a factor
24 and that would have been cause for extra usage. The heating index is also
25 a factor. If the temperature drops under 65 degrees, under normal

1 circumstances it would have been cause to use heat because the
2 thermostat would be then operating if it is under 65 degrees.

3 Q. How are you comparing the degree-days from the period from
4 the miscalibrated meter to the period of the new meter?

5 A. Well, for the period from October of '06 to January of '07, the
6 total degree-days was 1,770, compared to October of '07 to January of '08
7 period when that increased to 1,941 where it shows that the weather was a
8 lot colder.

9 Q. The weather was a lot colder in which period?

10 A. For the winter season between October and January of '07.
11 The weather was colder and subsequently there would have been an
12 increase in the home for heating.

13 Q. Could that explain the usage for the periods of November of
14 2007 to December of 2007 and November 2006 to December 2006?

15 A. Yes.

16 Q. Do you have any further comments to make about PGW Exhibit
17 No. 1?

18 A. No.

19 MR. FARINAS: Your Honor, the next document that I would like to
20 have marked is PGW Exhibit No. 2.

21 JUDGE JONES: It shall be so marked.

22 (Whereupon, the document was
23 marked as PGW Exhibit No. 2
24 for identification.)

25 MR. FARINAS: Thank you, Your Honor.

1 BY MR. FARINAS:

2 Q. Mr. Irizarry, did you prepare this document?

3 A. Yes, I did.

4 Q. Can you explain what it is and basically tell us what type of
5 analysis this is?

6 A. This is a gas usage analysis for Ms. Feinberg at 1417 South
7 Phillip Street. It takes into account the usage from April 27, 2005 through
8 July 30, 2007. We use the actual meter readings and what this does, the
9 system rates what they call CFDD or cubic feet per degree-day. This
10 separates the heating usage from the domestic or none-heating.

11 Q. Ultimately, when you compare periods under the last column
12 that you just mentioned, what does it show?

13 A. This show the number of degree days per period that the
14 customer would have used and what amount the customer would have
15 used as far as heat and the number of degree days or cubic feet per degree
16 days.

17 Q. Can you walk us through the comparison that you have made
18 in the analysis?

19 A. Well, the bottom three lines shows the analysis of the readings
20 when it was billed under the one-foot dial.

21 Q. Can you point out where in the chart does it say that?

22 A. The lower three lines from April 27, 2005 through April 19,
23 2006. Using the indexes at that time, they were under the one-foot dial.
24 2574 through 2898.

25 Q. Okay. And for clarity, can you walk us through one of the

1 periods?

2 A. This starts at April 27, 2005 to the next date a year later, April
3 19, 2006. The starting index at the time the service was turned on for
4 Ms. Feinberg was 2547 to the reading index of 2898. The next column
5 does calculate how many days for that period and the next column
6 separates the usage of cubic feet for the heating for that period. The next
7 column is the domestic usage, none-heating. The range, hot water, and
8 dryer. Heat usage will indicate how much of the 351 cubic feet of heat
9 usage was used and none domestic, it says minus six. The next column is
10 the number of degree-days from that period that the customer may have
11 used heating when the days were under 65 degrees.

12 Q. So under your first analysis of April 27, 2005 to April 19, 2006,
13 using the indexes that were registering on the meter, how does it arrive at
14 both a negative number for heating usage and per cubic feet per degree
15 column?

16 A. That would be based on the indexes and comparing it to the
17 number of degree-days.

18 Q. And what is the actual number?

19 A. 4,182.

20 Q. And can you tell us, on the document, does it define what a
21 degree day is?

22 A. It is an index of energy consumption for heating. It indicates
23 the number of degrees the average temperature drops below 65.

24 Q. And when this is used in your analysis, how does that work?

25 A. That would compare the number of days that the temperature

1 drop under 65 degrees and compare it to usage indicated or how much
2 cubic feet of gas would have been used for that period.

3 Q. And so comparing the number of cubic feet with this usage on
4 the meter, how much did the customer use?

5 A. It shows negative 0.1.

6 Q. And what does that indicate to you?

7 A. That there was no usage in heating for that period, which is
8 very unlikely. Now, when we go to the next line above which is April 19,
9 2006 through April 19, 2007, using the indexes of 2898 to 3299, the
10 number of days this period was for 365. The usage in cubic feet for that
11 period was 401 and the heat usage increased to 36. The number of degree
12 days for that period increased to 4,454 and the cubic feet per degree days
13 increased to 0.8.

14 Q. And again, when your analysis reveals such a result, what does
15 that tell you?

16 A. It also shows that there were no usage in heating, which is very
17 unlikely for that period as well. Now, when you go to April 19, 2007
18 through April 30, 2007, with the index of 3299 and a remove index at the
19 time the meter was exchanged, it was 6683 and it was for a number of 102
20 days. The usage was 3384, the domestic was 102, the heat index 3,282
21 and the number of degree-days was 131. Now, the cubic feet per degree-
22 days increased substantially to 2,505.3. So with the July 30, 2007 reading
23 of 6683, the analysis is now showing or catching up on all heating usage
24 for this particular period from April 19, 2007 through July 30, 2007 when
25 we got an actual read on the meter exchange.

1 Q. So the Actual read, where is this Actual read?

2 A. The Actual read is for July 30, 2007 and it is two lines over at
3 6683.

4 Q. So what does that tell you about the condition of the meter at
5 that point?

6 A. That there was something wrong because now it is trying to say
7 that all the heat usage was now attributed to this particular period for less
8 days, which is a 102 days, so she couldn't have use all that much gas for
9 that period.

10 Q. I know this analysis works from the bottom up, but what is the
11 next line?

12 A. The next line above is the analysis where I then doubled the
13 initial read on April 27, 2005 from 2547 to 5094.

14 Q. And was this reading actual or part of your analysis?

15 A. Part of my analysis to see where it would have been if at the
16 time the reading was taken, it was 5094 through July 30, 2007 remove
17 index using 6683 and this period totaled 824 days. The heat usage is for a
18 total of 1589 cubic feet, 824 for the domestic, the heat usage is now for
19 765 and the total degree days is 8767, which is for the same original
20 period and now it shows that the cubic feet per degree day is 8.7.

21 Q. As a result of the cubic feet of 8.7, what does that tell you
22 about the gas usage?

23 A. It was now falling in line to what she may have used. This now
24 spreads out the total usage from the period when she was turned on to
25 when they changed the meter and did the exchange.

1 Q. And so by using these indexes, are you testing your hypothesis
2 that the meter was in fact running on a one-foot drive?

3 A. Correct. Now, when the new meter was installed, the AMR on
4 January 13, 2008 was 2082 for 172 days. The heat usage was for 316 and
5 the domestic was for 172. The heat usage for that period was 144, the
6 number of degree days was 1998, for a total cubic feet per degree day of
7 7.2. Now, come to April 27, 2005 to July 30th under the old meter and
8 doubling up the initial read from 2547 to 5094 would put the customer's
9 usage in line with the new usage under the new meter and comparatively
10 in line with the consumption.

11 MR. FARINAS: Your Honor, can I go off the record for a second?

12 JUDGE JONES: Okay. We are off the record.

13 (Discussion off the record.)

14 JUDGE JONES: We are back on the record.

15 MR. FARINAS: Your Honor, at this time I would like to have
16 marked as the next exhibit the next page in your packet, which is the next
17 six pages as PGW Exhibit No. 3.

18 JUDGE JONES: It shall be so marked.

19 (Whereupon, the document was
20 marked as PGW Exhibit No. 3 for
21 identification.)

22 JUDGE JONES: You may proceed, Mr. Farinas.

23 BY MR. FARINAS:

24 Q. Mr. Irizarry, do you have that document in front of you?

25 A. Yes, I do.

1 Q. I want to ask you a few questions about this document. This
2 information on PGW Exhibit No. 3, where does it come from?

3 A. This came from our meter readers.

4 Q. And where is this information kept?

5 A. It is kept in our database.

6 Q. And does PGW keep this system - this database in the normal
7 course of it's business?

8 A. Yes.

9 Q. Who puts this information into the database system?

10 A. Well, once the reading is obtained through the electronic device
11 system, it is brought in.

12 Q. But who does those readings?

13 A. Our servicemen.

14 Q. PGW employees?

15 A. PGW employees.

16 Q. And is it their job to obtain the data and transfer it back?

17 A. Yes. They bring it in and it is referred to the Accounts
18 Department.

19 Q. And is this done at or near the time that this information is
20 obtained?

21 A. Yes. It would be on or on the day after.

22 Q. First of all, can you explain what PGW Exhibit 3 is and can you
23 show us some of the periods in question and compare the usage of one
24 meter to the other?

25 A. PGW Exhibit No. 3 is the customer's statement of account. It

1 has her name, address, account number and meter number and what it
2 does is, it applies the date from the starting date to the subsequent date
3 the bill is read. It takes into account late payment charges; it takes into
4 account applied payments and it also includes meter readings from when
5 the meter was read previously to subsequent readings. The Reading Code
6 indicates if they are read or estimated. R means it is read.

7 Q. Is that an Actual read?

8 A. Yes.

9 JUDGE JONES: Off the record.

10 (Counsel perusing documents.)

11 JUDGE JONES: On the record.

12 Mr. Farinas, you may proceed.

13 MR. FARINAS: Thank you, Your Honor.

14 BY MR. FARINAS:

15 Q. Mr. Irizarry, can you use PGW Exhibit 3 and show us some
16 comparison over time of the usage from the old meter which was mis-
17 calibrated to the new meter and please tell us what dates you are going to
18 compare?

19 A. Okay. I will start with the September of '05, and the only
20 reason is because under the current meter, we haven't had summer weeks
21 readings obtained to compare.

22 Q. What page on PGW Exhibit No. 3 does that appear?

23 A. That is page one of six on Exhibit 3. The September 19, 2005
24 bill shows the index of 2604. It shows it was a read of 31 days for 12 cubic
25 feet. Further to the right it shows average cubic feet per degree-days and

1 it shows 0.39 and the bill for that period was \$30.57. Now, the next
2 closest reading or bill I can compare it to would be page 5 of 6 on Exhibit
3 No. 3. That would be to the bottom, which is the bill of September 19,
4 2007. The reading index was 1782; it shows there was a read for 32 days
5 of 11 cubic feet; the average cubic feet per day compared to 0.34 and the
6 bill was \$30.81.

7 Q. Now, this is two readings. The first one was from the old meter
8 and the second one is from the new meter and yet consistent with the
9 Complainant's testimony that they are about the same?

10 A. Yes.

11 Q. Can you account for that?

12 A. Well, under the old meter, it is pretty much in line. Comparing
13 the one September bill to the other September bill, I don't see any
14 difference from one to the other.

15 Q. If the meter was miscalibrated, wouldn't you expect that the
16 new meter would register an higher usage?

17 A. Not when we compare the cubic feet because the cubic feet are
18 relatively the same.

19 Q. So how does that go against the analysis you just provided
20 regarding larger periods of comparison?

21 A. Because for the comparison under the warmer weather, there is
22 no heating usage involved, so the bulk of it would be most noticeable with
23 the heating bills and the usage for the heating bills.

24 Q. Can you show us any comparisons of faulty winter usage on
25 PGW Exhibit No. 3?

1 A. Yes. Going back to page 1 of 6 on PGW Exhibit 3, December
2 19, 2005, the bill was read and it was for 30 days. The cubic feet usage
3 was for 63 cubic feet and this was under the old meter, under the one-foot
4 drive. The bill was for \$129.42. On the subsequent page, page 2 of 6,
5 December 19, 2006, the Reading Code shows there was a read for 32
6 days. Still under the old meter and under the one-foot drive, it shows 43
7 cubic feet for that period and the bill was \$91.20. Now, under the new
8 meter, page 6 of 6 of Exhibit 3, December 19th of '07, the Read Code
9 shows it read for 32 days, average cubic feet 129 and the bill was for
10 \$235.42.

11 Q. So what does that tell you?

12 A. In comparing it to the two previous December bills when the
13 consumption is higher, the customer's cubic feet per average day was
14 approximately one-half less when we compare it under the new meter,
15 under the two-foot dial when it doubled to 129 cubic feet as well as the bill
16 amount for that period.

17 Q. Any other periods that you would like to point out to us?

18 A. No.

19 JUDGE JONES: I am sorry. I didn't hear that.

20 THE WITNESS: No.

21 BY MR. FARINAS:

22 Q. Any possible explanation as to why during the none-heating
23 period the usage would have registered the same?

24 A. That basically would be under the customer's - not every
25 periods do they use the same amount. They may not cook as much; the

1 hot water may not be in use and as the customer Ms. Keating stated, when
2 they go away it doesn't necessarily mean they use more or less but the
3 heating factor is where the bulk of the bill is determined and where the
4 makeup bill came from.

5 Q. And from your analysis, the heating usage is the period that
6 demonstrates more clearly the miscalibration of the meter?

7 A. Yes, because during the winter is where the usage increases
8 and we can see that it went doubled from when it was previously read
9 under the one-foot dial meter for the preceding months in December of
10 '05, December of '06 and when it doubled in December of '07.

11 Q. Let me shift gears a little bit. Can you tell me on PGW Exhibit
12 No. 3, what is the current balance on the account?

13 A. The current balance is \$1,623.72.

14 Q. And why is that higher than your current recitation of what that
15 makeup bill has been reduced to?

16 A. This includes the current charges subsequently to the meter
17 exchange and the adjustment on the bill. So this particular balance
18 includes usage up until January 22nd of '08.

19 Q. What does PGW want from the PUC in this matter? What is
20 their position with respect to the payment of the bill?

21 A. We would like to have whatever charges due paid up front.

22 Q. And what would be the amount of the current charges not in
23 dispute?

24 A. The current charges would be \$469.77.

25 Q. And with respect to the payment of the makeup bill, what

1 would be your expectations for that?

2 A. That we can give her a payment arrangement for 12 months,
3 which would be for \$135.00 on the arrears and \$125.00 based on the
4 average budget for a total of \$260.00.

5 Q. Lastly Mr. Irizarry, I am giving you a document which I would
6 like to have marked as PGW Exhibit No. 4.

7 JUDGE JONES: It shall be so identified.

8 (Whereupon, the document was
9 marked as PGW Exhibit No. 4
10 for identification.)

11 BY MR. FARINAS:

12 Q. Mr. Irizarry, can you tell us, do you have that document in front
13 of you?

14 A. Yes, I do.

15 Q. And can you tell us what that document is?

16 A. Yes. This is a decision that was rendered by the Public Utility
17 Commission after receiving a report in reference to this account.

18 Q. And what was the relief granted by that decision with respect to
19 the discount on the original makeup bill?

20 A. On the second page of the decision it states, "based on these
21 findings, we conclude: as a result of the AMR being set on the wrong foot
22 drive, all bills issued were based on half of the actual reading of the meter.
23 Because of this, the customer could not judiciously manage gas
24 consumption and exercise conservation measures as necessary. The
25 customer therefore is entitled to a reduction in the rebilled account balance

1 of \$288.00."

2 Q. Has PGW complied with this order?

3 A. Yes, it has.

4 Q. And is it your position that the PUC should compensate the
5 Complainant any further for causing the customer not to be able to
6 judiciously manage the gas supply?

7 A. It was not known to us that the problem existed, so the
8 Customer did receive the relief of \$288.00.

9 Q. Is that enough?

10 A. Yes.

11 MR. FARINAS: Your Honor, I have no further questions for my
12 witness at this time and he is available for cross-examination.

13 JUDGE JONES: Very well. Mr. Farinas, do you wish to move your
14 exhibits into the record?

15 MR. FARINAS: Yes, Your Honor. I move that PGW Exhibits 1
16 through 4 be admitted into the record.

17 JUDGE JONES: Ms. Keating, are there any objections to Exhibits 1
18 through 4?

19 MS. KEATING: No.

20 JUDGE JONES: Very well. They are admitted.

21 (Whereupon, the documents
22 marked as PGW's Exhibits
23 Nos. 1 through 4 were received
24 in evidence.)

25 JUDGE JONES: Ms. Keating, it is your turn for cross-examination of

1 Mr. Irizarry.

2 MS. KEATING: Thank you.

3 CROSS EXAMINATION

4 BY MS. KEATING:

5 Q. If I look at Exhibit 4 and the sentence that you read from, all
6 bills were based on half usage, so the language is all bills, so would that
7 include all months bills or just some months bills?

8 A. That would be all monthly bills from the time your service was
9 turned on to the time of the discovery.

10 Q. And so if we go back to the April comparison -

11 MR. FARINAS: What page?

12 JUDGE JONES: You need to tell him what exhibit.

13 MS. KEATING: Okay. The April comparison which is Exhibit 3,
14 comparing April of '05 on page one of six to April '07 on page five of six.

15 JUDGE JONES: Ms. Keating, April of '05 is not one exhibit.

16 MS. KEATING: I am sorry. September. I apologize.

17 JUDGE JONES: Okay, go ahead, Ms. Keating. I need to be able to
18 follow you.

19 MS. KEATING: I understand.

20 JUDGE JONES: Wait a minute, let me say this. Instead of saying
21 April or September, why don't you actually state the date that you want us
22 to focus on?

23 MS. KEATING: Okay.

24 BY MS. KEATING:

25 Q. 9/19/2005 on page one of six; 9/19/2005 on page five of six

1 and 9/19/2007, where we are comparing a none-heating usage, and so
2 based on what you have said --

3 JUDGE JONES: Wait a minute. Why don't you ask him if he sees
4 that?

5 BY MS. KEATING:

6 Q. Do you see that?

7 A. Yes.

8 Q. And so based on Exhibit 4 where it talks about --

9 JUDGE JONES: So now you are moving from Exhibit 3?

10 MS. KEATING: Well, I am using both.

11 JUDGE JONES: Okay.

12 BY MS. KEATING:

13 Q. Okay. So all bills were based on being half-billed, so I am
14 looking for some clarification as to why those numbers are actually less
15 instead of doubled.

16 A. You are trying to compare the September of '07 bill to the
17 September of '05 bill. The September 19th of '07 bill was under the new
18 meter, so this wouldn't be part of the decision.

19 Q. Well, you are saying that I was being half-billed. Was I being
20 half-billed all of the time or some of the time?

21 A. From the turn-on date of April 27, 2005 through the date of
22 when the meter was exchanged in August of 2007. You are showing me
23 September of 2007, which is not under the new meter.

24 Q. So September of 2007 would reflect a full bill of 11 CCF and
25 April of '05 would reflect a half bill of 12 CCF, which I just want to be clear

1 that when we are talking about these none-heating months, that it is
2 beyond clear - that it is clear to me that there is a problem with the meter.
3 How that reflects in the numbers I am not clear, but I am looking for some
4 clarification as to what this could possibly mean. You know, it is -

5 MR. FARINAS: Your Honor, I understand that she is pro se and it
6 takes time to formulate the question but she needs to ask a question and
7 let my witness answer.

8 JUDGE JONES: Ms. Keating, you are going to get frustrated
9 because you are not use to this. What you are trying to do is, you are
10 trying to say and maybe what you need is for me to help you. The
11 testimony that Mr. Irizarry had in reference to Exhibit No. 4, was that April
12 of 2005 to July of 2007, there was a half-bill for usage. Is that correct,
13 Mr. Irizarry?

14 THE WITNESS: That is correct, Your Honor.

15 JUDGE JONES: Do you see on PGW Exhibit 3, at 9/19/2005,
16 attributable usage and CCF of 12?

17 MS. KEATING: Yes.

18 JUDGE JONES: Is it your testimony that 12 CCF represents half-
19 bill?

20 THE WITNESS: It should have. Yes, Your Honor.

21 JUDGE JONES: Do you see on PGW Exhibit 3, at page five of six,
22 9/19/2007, a CCF usage of 11?

23 THE WITNESS: Yes.

24 JUDGE JONES: Is it your testimony that the 11 CCF is full-billed?

25 THE WITNESS: I am sorry. Say that again please.

1 JUDGE JONES: It is full-billed?

2 THE WITNESS: Yes.

3 JUDGE JONES: So according to your testimony, if I were to
4 compare on PGW Exhibit 3, 9/19/2005, a CCF of 12, that twelve should be
5 half of 9/19/2007, which is eleven; correct?

6 THE WITNESS: Not necessarily.

7 JUDGE JONES: And why would it not necessarily be? You see how
8 I did that?

9 MS. KEATING: You are there; I am here.

10 JUDGE JONES: Okay. Go ahead, Mr. Irizarry.

11 THE WITNESS: Not necessarily because I can only attest to the
12 readings and the consumption based on those readings as to why it may
13 have dropped considerably. If we attest that September of '05 should have
14 been 24 and why it should have dropped to eleven on September of '07,
15 any number of circumstances may have existed at the property which I am
16 not aware of, which may have caused that. I can only testify that based on
17 the readings on this particular meter, it was only eleven cubic feet used for
18 that period and on the September of '05 period, it was under the wrong or
19 the one-foot drive meter that should have billed it the amount two times of
20 twelve. That I am sure of.

21 JUDGE JONES: Do you wish for me to continue, Ms. Keating?

22 MS. KEATING: I am going to let that go. I could beat it to death
23 but I need to trust you.

24 JUDGE JONES: Okay. You can go ahead then.

25 MS. KEATING: Thank you.

1 BY MS. KEATING:

2 Q. My other question was, you used the words, "meter was read."

3 Is that a physical read or electronic?

4 A. Electronic read.

5 Q. And so on your Exhibit 2, on April 27, 2005, the beginning
6 meter reading, is there any way to have any assurance that that beginning
7 read was correct, as no one has been in my rental unit to do anything with
8 the meter other than change it? How can we know this is right?

9 A. It is based on an AMR electronic read and it would have picked
10 up what the electronic device was transmitting. If we would have
11 physically entered your property on 4/27/05, we would have possibly been
12 able to take an Actual read and notice the difference on the meter. So the
13 electronic read on 4/27/05 based on when they drove by to pick up your
14 reading was at that time 2547.

15 Q. And since this is a rental property and to my knowledge it was
16 vacant for six months and there was a tenant for a year prior to my being
17 there, it would make sense in my mind to know that we are starting from
18 an accurate place, you know, and there clearly was a problem with the
19 meter. I do not dispute that, but with what kind of surety do we know that
20 that number was correct, given that the gas was turned off and on multiple
21 times prior to us renting the house?

22 A. Again, I can only say that we drive by and take the readings as
23 it is electronically transmitted and these are the indexes that we use.

24 Q. And so do you agree that the old meter was bad or
25 miscalibrated?

1 A. It was found to be miscalibrated, not at that time, but at the
2 time when it was exchanged in July.

3 Q. And so that if it was miscalibrated and there was an error with
4 it in July of '07, doesn't it follow that it could have also been miscalibrated
5 and incorrect with the initial meter reading in April of '07?

6 A. It was discovered in July of '07, and that may have been a
7 possibility, yes.

8 Q. And so what you are saying is that it is possible that the initial
9 meter reading in April of '05 was incorrect?

10 A. I am saying that the meter reading was 2547 at the time that
11 we drove by to pick up the initial reading to place the account in your
12 name. The fact that we discovered that it was incorrect in July of '07
13 would not have been determined in April of '05.

14 Q. The tenants prior to us renting there also would have
15 encountered the same problem with the same faulty meter; is that correct?

16 A. I really can't speak on that but it is the same meter, yes.

17 Q. And so we are talking about a meter that is not reading
18 correctly and so again I need to go back to, how do we know that that
19 beginning number is correct because that beginning number is what you
20 are basing all of this on?

21 A. Let me say this. We have read the meter electronically. The
22 reading as of April 27, 2005 was 2547. That reading, as far as PGW is
23 concerned, was correct at the time. It was the only reading that we
24 obtained when we went to read the meter to put it in your name and so as
25 far as that reading is concerned, at that point in time it was correct and it

1 was an Actual AMR read.

2 Q. And so the reading has been incorrect since we started renting
3 there?

4 A. As discovered in July, you were being half-billed.

5 Q. And so I just want to state that there is a possibility that that
6 initial read was incorrect because we are talking about a meter that had a
7 problem?

8 A. After the fact, it was incorrect.

9 MR. FARINAS: Your Honor --

10 JUDGE JONES: Ms. Keating -

11 MS. KEATING: I am done.

12 JUDGE JONES: Let me try. Mr. Irizarry, did you agree that the
13 apparatus that read the meter on 1/27/2005 was a one-foot meter as
14 oppose to a two-foot meter drive?

15 THE WITNESS: Yes. At that time, yes.

16 JUDGE JONES: Do you also agree that the one-foot meter drive is
17 not the correct drive and that it should be a two-foot meter drive?

18 THE WITNESS: Correct.

19 JUDGE JONES: Do you also agree that that was discovered on July
20 30, 2007?

21 THE WITNESS: Correct.

22 JUDGE JONES: Do you see how I did that, Ms. Keating? Again, I
23 got him to agree with me.

24 MS. KEATING: I am at your mercy.

25 JUDGE JONES: Okay. Is there anything else that you wish to ask

1 Mr. Irizarry?

2 MS. KEATING: There is not. Thank you.

3 JUDGE JONES: Mr. Farinas, do you have any redirect?

4 MR. FARINAS: I have one or two questions, Your Honor.

5 JUDGE JONES: Go ahead.

6 REDIRECT EXAMINATION

7 BY MR. FARINAS:

8 Q. Mr. Irizarry, I am not sure of how the flavor of the answer that
9 you gave, you know, in agreeing with the Judge and the Complainant, but
10 you do agree that the meter reading on April 27, 2005, the index was
11 2547?

12 A. Yes.

13 Q. And as the Judge did ask you, it is likely that in 2007 when that
14 meter was discovered to be miscalibrating on half the drive, it was doing
15 the same thing on April 27, 2005; correct?

16 A. Yes.

17 Q. However, was Ms. Keating billed for any previous amounts for
18 the previous usage?

19 A. No.

20 Q. So for purposes of billing, where did Ms. Keating reading start?
21 What was the calibration?

22 A. 2547.

23 Q. And so the usage registering on the meter after that, as you
24 agreed, it was on the one-foot drive and only measured half?

25 A. Yes.

1 Q. And so when you say that it is possible that 2547 was incorrect,
2 does it make a difference with respect to what was measured on April 27th
3 or April 28th, the day after she began service in 2005? If 2547 wasn't
4 correct, what would have been the correct reading?

5 A. It should have been - after the discovery, it should have been
6 doubled the 2547.

7 Q. But on April 27, 2005, day one, was that zero for her?

8 A. Yes.

9 Q. And so any usage that was measured after that can be
10 ascertained or calculated if you have knowledge that there is a
11 miscalibration?

12 A. Yes

13 MR. FARINAS: I have nothing further.

14 JUDGE JONES: Ms. Keating, do you have any further questions?

15 MS. KEATING: No.

16 JUDGE JONES: Mr. Irizarry, thank you for your patience and you
17 are excused.

18 THE WITNESS: Thank you, Your Honor.

19 (Witness excused.)

20 MR. FARINAS: And I have no further witnesses, Your Honor. PGW
21 rests.

22 JUDGE JONES: Thank you. For purposes of you Ms. Keating, I am
23 going to let you know what happens after this. What we have done is, we
24 have taken your testimony, we have taken Mr. Irizarry's testimony and this
25 person here has recorded every word. We have taken your exhibits and

1 we have taken PGW's exhibits and only those exhibits that I admitted or
2 were given to her, that is what we call the record. That is what I will use
3 to write my decision.

4 I am given ninety days to write my decision but I have to have
5 what she has recorded because I don't have an oral memory to remember
6 everything that is said. I did take notes but it is not everything that is
7 said, so that 90 days starts when I get her transcript, which also has the
8 exhibits in it. So there will be time passing that you will not hear anything
9 because things are being worked on. I may decide to overachieve and do
10 things before 90 days but I have a requirement of 90 days, so your
11 expectation of hearing from me should be at least three months away from
12 now. I want you to understand that.

13 MS. KEATING: Okay.

14 JUDGE JONES: You will get my decision and it will be written.
15 There will be a cover letter with it to say that this is the decision from the
16 PUC and it will also give you some instructions. If you should not agree
17 with my decision, those instructions will be important. The instructions will
18 be, if you do not agree with the decision, you have twenty days to put in
19 writing that you do not agree and why you do not agree. It is call
20 exceptions.

21 It is possible that you agree with my decision but PGW doesn't
22 agree with my decision. PGW would then have twenty days to put in
23 writing that they do not agree with the decision and this is why in that
24 case, you would be happy to have my decision but if PGW is not happy with
25 it, they must provide in writing to you as well as to the Commission why

1 they do not agree. You then have ten days to respond to say that PGW
2 was wrong and this is why I agree with the decision. However, you only
3 have ten days to do that and so the person who does not agree has 20
4 days. The person who does agree and if there is an exception – only if
5 there is an exception. If there is no exception, then there is no reply
6 exception. Do you understand that, Ms. Keating?

7 MS. KEATING: I do.

8 JUDGE JONES: Now, the Commission may say we want to review
9 the decision. The Commission has the ability to do that and they may
10 change my decision, so that is also a possibility but they will let you know
11 in writing. Everything happens in writing, so that we have a record of it.
12 Now, we have gone through the scenario where if PGW does not agree,
13 they put something in writing. If you do agree, you respond to their
14 disagreement by reply exceptions and you must put that in writing. Now,
15 the Commission gets to review my decision why PGW doesn't agree and
16 why you do agree and you will know that my decision is not final. Then the
17 Commission, once they review my decision, PGW's disagreement and your
18 agreement, they will put in writing their final decision.

19 It is possible that you may not like that decision. If you do not like
20 that decision, you get to come to court – Commonwealth court and you
21 have to have an attorney. That is no longer in this agency's hands.
22 However, the agency will be represented by an attorney and you get to
23 fight in front of a Judge in the Commonwealth Court. Do you understand
24 that, Ms. Keating?

25 MS. KEATING: Yes. I have an administrative sort of question. I

1 hadn't realize that the decision was going to take long to hear back and I
2 am moving, so I don't know who needs to be notified.

3 JUDGE JONES: We do because otherwise, we will be sending the
4 information to your old address. You need to notify the Commission and
5 also Mr. Farinas and I believe I covered that in my pre-hearing order that if
6 you should change your address or telephone number, you should let us
7 know and the opposing side.

8 MS. KEATING: Okay, thank you.

9 JUDGE JONES: Is there anything else that you wish to ask,
10 Ms. Keating?

11 MS. KEATING: I don't think so. If I wanted to say something, is
12 there another opportunity for me to say that or am I done?

13 JUDGE JONES: It sounds like what you would like to do is what we
14 call a closing statement in reference to your case. Is that correct? You are
15 nodding and she can't record that.

16 MS. KEATING: Yes.

17 JUDGE JONES: Mr. Farinas. I assume that if I allow Ms. Keating to
18 do a closing statement, you would like to do a closing statement as well?

19 MR. FARINAS: Yes, Your Honor.

20 JUDGE JONES: Ms. Keating, because it has to appear that I am not
21 being biased for one side, if I allow you to do a closing statement, I have to
22 listen to a closing statement from Mr. Farinas and so with that
23 understanding you may proceed.

24 MS. KEATING: It is clear to me that there is a problem with the
25 meter and so it is entirely possible that there was misbilling and I am

1 leaving it up to you to make that decision. What it is important for me to
2 say is that this is a rental property and had I known that the gas was \$300
3 a month, I would have taken measures. I quite frankly would have moved
4 and so that the PUC was generous to take 20 percent off, that is nice but
5 the truth of the fact is, it is a rental property and I would have moved in a
6 year. I would have endured one winter and that's it.

7 I am being asked for this back-money when all I did was let you in
8 my house to fix the meter and then you are saying, oh no, you owe us all
9 this money. I don't know whether I am wrong but all I did was paid my
10 bill and all I did was try and get an understanding as to why my bills in
11 none-heating months are not doubled and they let me know that there was
12 a problem with the meter and I never got an answer to that. I don't know
13 why and so I am done. I leave it up to you.

14 JUDGE JONES: Mr. Farinas.

15 MR. FARINAS: Thank you, Your Honor. I am assuming that
16 Ms. Keating is expecting some other relief in addition to the \$288 that was
17 granted by the Bureau of Consumer Services. I don't have to inform Your
18 Honor that the Commission is not able to simply give compensation in that
19 form or in the form of damages or even compensation for inconvenience.

20 PGW has chosen in the BCS cases not to fight it, but occasionally
21 we do and in those cases we understand that there is an element of
22 inconvenience for the customer.

23 As to the merit of this case on a whole, I believe that the analysis
24 of the heating usage during the heating months clearly demonstrates the
25 one-foot dial calibration problem with the meter. Mr. Irizarry and I and I

1 am assuming other people at PGW, did try to explain that to Ms. Keating's
2 satisfaction that although the variabilities are different, that there could be
3 some change in usage during the none-heating months that accounts for
4 the usage not doubled as would be expected. However, the usage clearly
5 doubling during the heating months overrides that factor and does prove
6 that the meter - the bill was originally incorrect and the meter was actually
7 operating on a one-foot dial.

8 The subsequent corrections to the bills are correct and the bill as it
9 exists now and is owing by the Complainant to PGW is correct and should
10 be paid. Thank you, Your Honor.

11 JUDGE JONES: Thank you and we are off the record.

12 (Whereupon, at 12:27 p.m., the proceedings were concluded.)
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CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

BY: Georgette McEwan
Georgette McEwan

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SECRETARY'S BUREAU

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Findings Response to Formal Complaint

Date: 1/31/08

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SECRETARY'S BUREAU

RECEIVED

Name: DAWN FEINBERG
 Address: 1417 S PHILIP ST
 Account #: 0001 3841 2064
 Reported By: J. Trizarry CRU #310
 Formal Complaint #: C-02295534

CUSTOMER'S BILLING COMPARISON

UNDER NEW METER # 1731675				UNDER PREVIOUS METER # 1633290					
DATES	INDEX	2FT	DAYS	DATES	INDEX	1FT	DOUBLE USAGE	DAYS	DEGREE
1/18/08	2082			1/22/07	3098				
2/18/07	1965	117		12/18/06	3039	59			118
12/18/07	1965			12/18/06	3039				
11/16/07	1836	129		11/16/06	2996	43			86
11/16/07	1836			11/16/06	2996				
10/17/07	1792	44		10/17/06	2974	22			
		290	93			124	248	97	1770

F-02295534
 2-5-08
 RW EXHIBIT 1

Heat & Domestic

DATES		METER READINGS		NUMBER OF DAYS		USAGE IN CCF*		DOMESTIC USAGE CCF*		HEAT USAGE		NUMBER DEG. DAYS**		CFDD***	
FROM	TO	FROM	TO	FROM	TO	CCF*	CCF*	CCF*	CCF*	BTU	BTU	DEG. DAYS**	DEG. DAYS**	CFDD***	CFDD***
DAWN FEINBERG 1417 S PHILIP ST PHILA. PA 19147 BCS # 2295534 FORMAL # C. 02295534															
NON-HEATING DAILY USAGE 1.00 CCF PER DAY (non heating usage / number of days in period)															
ACCOUNT # 0001 3841 2064															
Analysis Under New Meter #1731675															
07/30/2007	01/18/2008	1766	2082	172	316	172	144	1998	7.2						
Analysis Based On Adjusting The Initial Turn On Read To The 21st Dial (Double 2547)															
04/27/2005	07/30/2007	5094	6683	824	1589	824	765	8767	8.7						
Analysis Based On Reads On The 1st Dial															
04/19/2007	07/30/2007	3299	6683	102	3384	102	3282	131	2505.3						
04/19/2006	04/19/2007	2898	3299	365	401	365	36	4454	0.8						
04/27/2005	04/19/2006	2547	2898	357	351	357	.6	4182	0.1						

* CCF = hundred Cubic feet
 ** DEGREE DAYS AN INDEX OF ENERGY CONSUMPTION FOR HEATING
 IT INDICATES THE NUMBER OF DEGREES THE AVERAGE TEMPERATURE DROPS BELOW 65°F
 ***CFDD EQUALS CUBIC FEET OF GAS USED PER DEGREE DAY

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 PGW EXHIBIT 2

Specific Service Agreement Statement of Account SA- 3636116864

Customer Name: DAWN FEINBERG From Date: 4/27/2005 To Date: 1/31/2008
 Service Address: 1417 S PHILIP ST PHIL, PA 191476018 Account Number: 138412064 SA Number: 3636116864
 Meter Number: 1731675 Rate: GS

STATEMENT

Transaction Date	Type	Reading	Reading Code	Reading # of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
06/17/2005	BILL	2668	R	49	21	0.43	99		07/13/2005	\$53.95	\$53.95	\$53.95
07/18/2005	LPC					0.00				\$0.80	\$54.75	\$54.75
07/18/2005	BILL	2680	R	30	12	0.40	0	Check	08/10/2005	\$30.08	\$84.83	\$84.83
07/21/2005	PAY					0.00				(\$53.95)	\$30.88	\$30.88
08/17/2005	LPC					0.00				\$0.46	\$31.34	\$31.34
08/17/2005	BILL	2692	R	32	12	0.38	0		09/12/2005	\$30.08	\$61.42	\$61.42
09/19/2005	LPC					0.00				\$0.91	\$62.33	\$62.33
09/19/2005	BILL	2604	R	31	12	0.39	0	Check	10/12/2005	\$30.57	\$92.90	\$92.90
09/23/2005	PAY					0.00				(\$61.42)	\$31.48	\$31.48
10/18/2005	LPC					0.00				\$0.47	\$31.95	\$31.95
10/18/2005	BILL	2616	R	31	12	0.39	48	Check	11/10/2005	\$32.47	\$64.42	\$64.42
10/19/2005	PAY					0.00				(\$30.57)	\$33.85	\$33.85
11/17/2005	LPC					0.00				\$0.50	\$34.35	\$34.35
11/17/2005	BILL	2630	R	30	14	0.47	329		12/13/2005	\$39.12	\$73.47	\$73.47
12/19/2005	LPC					0.00				\$1.09	\$74.56	\$74.56
12/19/2005	BILL	2693	R	30	63	2.10	847	Check	01/13/2006	\$129.42	\$203.98	\$203.98
01/06/2006	PAY					0.00				(\$203.98)	\$0.00	\$0.00
01/20/2006	LPC					1.85	871		02/14/2006	\$137.84	\$137.84	\$137.84
02/21/2006	BILL	2756	R	34	63	0.00	730		03/16/2006	\$2.06	\$139.90	\$139.90
02/21/2006	LPC					2.00				\$128.83	\$268.73	\$268.73
03/21/2006	BILL	2814	R	29	58	0.00	788		04/13/2006	\$4.00	\$272.73	\$272.73
03/21/2006	LPC					1.97				\$128.77	\$401.50	\$401.50

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 PGW EXHIBIT 3

Transaction Date	Type	Reading	Reading Code	Reading # of Days	CCF Usage	Average CCF/Day	Heating DDD	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
03/23/2006	PAY				0.00	0.00		Check		(\$200.00)	\$204.52	\$204.52
04/20/2006	LPC				0.77	0.77	372		05/15/2006	\$57.35	\$261.87	\$261.87
04/20/2006	BILL	2898	R	30	0.00	0.00		Check		(\$140.00)	\$121.87	\$121.87
04/26/2006	PAY				0.00	0.00				\$1.82	\$123.69	\$123.69
05/19/2006	LPC				0.45	0.45	140		06/14/2006	\$37.14	\$160.83	\$160.83
05/19/2006	BILL	2911	R	29	0.00	0.00		Check		(\$110.83)	\$50.00	\$50.00
06/09/2006	PAY				0.00	0.00				\$0.75	\$50.75	\$50.75
06/20/2006	LPC				0.41	0.41	31		07/14/2006	\$36.26	\$87.01	\$87.01
06/20/2006	BILL	2924	R	32	0.00	0.00				\$1.29	\$88.30	\$88.30
07/20/2006	LPC				0.43	0.43	0		08/14/2006	\$35.78	\$124.08	\$124.08
07/20/2006	BILL	2937	R	30	0.00	0.00				\$1.83	\$125.91	\$125.91
08/18/2006	LPC				0.38	0.38	0		09/13/2006	\$32.12	\$158.03	\$158.03
08/18/2006	BILL	2948	R	29	0.00	0.00		Check		(\$124.08)	\$33.95	\$33.95
08/23/2006	PAY				0.00	0.00				\$0.50	\$34.45	\$34.45
09/19/2006	LPC				0.41	0.41	7		10/12/2006	\$35.78	\$70.23	\$70.23
09/19/2006	BILL	2961	R	32	0.00	0.00		Check		(\$33.95)	\$36.28	\$36.28
09/21/2006	PAY				0.00	0.00				\$0.54	\$36.82	\$36.82
10/18/2006	LPC				0.45	0.45	130		11/10/2006	\$35.73	\$72.55	\$72.55
10/18/2006	BILL	2974	R	29	0.00	0.00		Check		(\$36.28)	\$36.27	\$36.27
10/26/2006	PAY				0.00	0.00				\$0.54	\$36.81	\$36.81
11/17/2006	LPC				0.73	0.73	350		12/12/2006	\$52.77	\$89.58	\$89.58
11/17/2006	BILL	2996	R	30	0.00	0.00		Check		(\$89.58)	\$0.00	\$0.00
12/11/2006	PAY				1.34	1.34	632		01/17/2007	\$91.20	\$91.20	\$91.20
12/19/2006	BILL	3039	R	32	0.00	0.00		Check		(\$91.20)	\$0.00	\$0.00
01/09/2007	PAY				1.69	1.69	788		02/15/2007	\$123.46	\$123.46	\$123.46
01/23/2007	BILL	3098	R	35	0.00	0.00		Check		(\$123.46)	\$0.00	\$0.00
02/21/2007	PAY				3.59	3.59	1113		03/16/2007	\$188.35	\$188.35	\$188.35
02/21/2007	BILL	3202	R	29	0.00	0.00		Check		(\$120.35)	\$68.00	\$68.00
03/20/2007	PAY				0.00	0.00				\$1.02	\$69.02	\$69.02
03/21/2007	LPC				2.21	2.21	749		04/16/2007	\$118.31	\$187.33	\$187.33
03/21/2007	BILL	3264	R	28	0.00	0.00		Credit Card		(\$150.00)	\$37.33	\$37.33

Transaction Date	Type	Reading	Code	# of Days	CCF Usage	Average CCF/Days	Heating DDS	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
04/20/2007	LPC					0.00				\$0.55	\$37.88	\$37.88
04/20/2007	BILL	3299	R	30	35	1.17	514	Check	05/15/2007	\$72.06	\$109.94	\$109.94
05/19/2007	PAY					0.00				(\$59.94)	\$50.00	\$50.00
05/21/2007	LPC					0.00				\$0.75	\$50.75	\$50.75
05/21/2007	BILL	3312	R	29	13	0.45	117	Check	06/14/2007	\$34.83	\$85.58	\$85.58
06/14/2007	PAY					0.00		Credit Card		(\$85.58)	\$0.00	\$0.00
06/14/2007	PAY					0.00				(\$85.58)	(\$85.58)	(\$85.58)
06/15/2007	CANP					0.00				\$0.00	\$0.00	\$0.00
06/15/2007	PAYCAN					0.00				\$0.00	\$0.00	\$0.00
06/20/2007	BILL	3325	R	32	13	0.41	14		07/16/2007	\$34.81	\$34.81	\$34.81
07/20/2007	LPC					0.00				\$0.51	\$35.32	\$35.32
07/20/2007	BILL	3337	R	30	12	0.40	0		08/14/2007	\$33.19	\$68.51	\$68.51
08/20/2007	LPC					0.00				\$1.00	\$69.51	\$69.51
08/20/2007	BILL	1771	R	29	3351	115.55	0	Check	09/13/2007	\$5,928.56	\$5,998.07	\$5,998.07
09/04/2007	PAY					0.00				(\$68.51)	\$5,929.56	\$5,929.56
09/04/2007	CANB					0.00				(\$5,928.56)	\$1.00	\$1.00
09/13/2007	BSEGCN					0.00				\$0.00	\$1.00	\$1.00
09/13/2007	LPCWVE					0.00				(\$1.00)	\$0.00	\$0.00
09/13/2007	CANB					0.00				(\$33.19)	(\$33.19)	(\$33.19)
09/13/2007	BSEGCN					0.00				(\$33.19)	(\$33.19)	(\$33.19)
09/13/2007	LPCWVE					0.00				\$0.00	(\$33.19)	(\$33.19)
09/13/2007	CANB					0.00				(\$0.51)	(\$33.70)	(\$33.70)
09/13/2007	BSEGCN					0.00				(\$34.81)	(\$68.51)	(\$68.51)
09/13/2007	LPCWVE					0.00				\$0.00	(\$68.51)	(\$68.51)
09/13/2007	CANB					0.00				(\$34.83)	(\$103.34)	(\$103.34)
09/13/2007	BSEGCN					0.00				\$0.00	(\$103.34)	(\$103.34)
09/13/2007	LPCWVE					0.00				(\$0.75)	(\$104.09)	(\$104.09)
09/13/2007	CANB					0.00				(\$72.06)	(\$176.15)	(\$176.15)
09/13/2007	BSEGCN					0.00				\$0.00	(\$176.15)	(\$176.15)
09/13/2007	LPCWVE					0.00				(\$0.55)	(\$176.70)	(\$176.70)
09/13/2007	CANB					0.00				(\$118.31)	(\$295.01)	(\$295.01)
09/13/2007	BSEGCN					0.00				\$0.00	(\$295.01)	(\$295.01)
09/13/2007	LPCWVE					0.00				(\$1.02)	(\$296.03)	(\$296.03)

Transaction Date	Type	Reading	Reading Code	# of Days	CGF Usage	Average CGF/Day	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
09/13/2007	CANB					0.00				(\$188.35)	(\$484.38)	(\$484.38)
09/13/2007	BSEGCN					0.00				50.00	(\$484.38)	(\$484.38)
09/13/2007	CANB					0.00				(\$123.46)	(\$607.84)	(\$607.84)
09/13/2007	BSEGCN					0.00				\$0.00	(\$607.84)	(\$607.84)
09/13/2007	CANB					0.00				(\$91.20)	(\$699.04)	(\$699.04)
09/13/2007	BSEGCN					0.00				50.00	(\$699.04)	(\$699.04)
09/13/2007	CANB					0.00				(\$52.77)	(\$751.81)	(\$751.81)
09/13/2007	BSEGCN					0.00				50.00	(\$751.81)	(\$751.81)
09/13/2007	LPCWVE					0.00				(\$0.54)	(\$752.35)	(\$752.35)
09/13/2007	CANB					0.00				(\$35.73)	(\$788.08)	(\$788.08)
09/13/2007	BSEGCN					0.00				50.00	(\$788.08)	(\$788.08)
09/13/2007	LPCWVE					0.00				(\$0.54)	(\$788.62)	(\$788.62)
09/13/2007	CANB					0.00				(\$35.78)	(\$824.40)	(\$824.40)
09/13/2007	BSEGCN					0.00				50.00	(\$824.40)	(\$824.40)
09/13/2007	LPCWVE					0.00				(\$0.50)	(\$824.90)	(\$824.90)
09/13/2007	CANB					0.00				(\$32.12)	(\$857.02)	(\$857.02)
09/13/2007	BSEGCN					0.00				\$0.00	(\$857.02)	(\$857.02)
09/13/2007	LPCWVE					0.00				(\$1.83)	(\$858.85)	(\$858.85)
09/13/2007	CANB					0.00				(\$35.78)	(\$894.63)	(\$894.63)
09/13/2007	BSEGCN					0.00				\$0.00	(\$894.63)	(\$894.63)
09/13/2007	LPCWVE					0.00				(\$1.29)	(\$895.92)	(\$895.92)
09/13/2007	CANB					0.00				(\$35.26)	(\$932.18)	(\$932.18)
09/13/2007	BSEGCN					0.00				50.00	(\$932.18)	(\$932.18)
09/13/2007	LPCWVE					0.00				(\$0.75)	(\$932.93)	(\$932.93)
09/13/2007	CANB					0.00				(\$37.14)	(\$970.07)	(\$970.07)
09/13/2007	BSEGCN					0.00				\$0.00	(\$970.07)	(\$970.07)
09/13/2007	LPCWVE					0.00				(\$1.82)	(\$971.89)	(\$971.89)
09/13/2007	CANB					0.00				(\$57.35)	(\$1,029.24)	(\$1,029.24)
09/13/2007	BSEGCN					0.00				\$0.00	(\$1,029.24)	(\$1,029.24)
09/13/2007	LPCWVE					0.00				(\$3.02)	(\$1,032.26)	(\$1,032.26)
09/13/2007	CANB					0.00				(\$128.77)	(\$1,161.03)	(\$1,161.03)
09/13/2007	BSEGCN					0.00				\$0.00	(\$1,161.03)	(\$1,161.03)

Transaction Date	Type	Reading	Reading Code	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
09/13/2007	LP CWVE				0.00	0.00				(\$4.00)	(\$1,165.03)	(\$1,165.03)
09/13/2007	CANB				0.00	0.00				(\$128.83)	(\$1,293.86)	(\$1,293.86)
09/13/2007	BSEGCN				0.00	0.00				\$0.00	(\$1,293.86)	(\$1,293.86)
09/13/2007	LP CWVE				0.00	0.00				(\$2.06)	(\$1,295.92)	(\$1,295.92)
09/13/2007	CANB				0.00	0.00				(\$137.84)	(\$1,433.76)	(\$1,433.76)
09/13/2007	BSEGCN				0.00	0.00				\$0.00	(\$1,433.76)	(\$1,433.76)
09/13/2007	CANB				0.00	0.00				(\$129.42)	(\$1,563.18)	(\$1,563.18)
09/13/2007	BSEGCN				0.00	0.00				\$0.00	(\$1,563.18)	(\$1,563.18)
09/13/2007	LP CWVE				0.00	0.00				(\$1.09)	(\$1,564.27)	(\$1,564.27)
09/13/2007	CANB				0.00	0.00				(\$39.12)	(\$1,603.39)	(\$1,603.39)
09/13/2007	BSEGCN				0.00	0.00				\$0.00	(\$1,603.39)	(\$1,603.39)
09/13/2007	LP CWVE				0.00	0.00				(\$0.50)	(\$1,603.89)	(\$1,603.89)
09/13/2007	CANB				0.00	0.00				(\$32.47)	(\$1,636.36)	(\$1,636.36)
09/13/2007	BSEGCN				0.00	0.00				\$0.00	(\$1,636.36)	(\$1,636.36)
09/13/2007	LP CWVE				0.00	0.00				(\$0.47)	(\$1,636.83)	(\$1,636.83)
09/13/2007	CANB				0.00	0.00				(\$30.57)	(\$1,667.40)	(\$1,667.40)
09/13/2007	BSEGCN				0.00	0.00				\$0.00	(\$1,667.40)	(\$1,667.40)
09/13/2007	LP CWVE				0.00	0.00				(\$0.91)	(\$1,668.31)	(\$1,668.31)
09/13/2007	CANB				0.00	0.00				(\$30.08)	(\$1,698.39)	(\$1,698.39)
09/13/2007	BSEGCN				0.00	0.00				\$0.00	(\$1,698.39)	(\$1,698.39)
09/13/2007	LP CWVE				0.00	0.00				(\$0.46)	(\$1,698.85)	(\$1,698.85)
09/13/2007	CANB				0.00	0.00				(\$30.08)	(\$1,728.93)	(\$1,728.93)
09/13/2007	BSEGCN				0.00	0.00				\$0.00	(\$1,728.93)	(\$1,728.93)
09/13/2007	LP CWVE				0.00	0.00				(\$0.80)	(\$1,729.73)	(\$1,729.73)
09/13/2007	CANB				0.00	0.00				(\$53.95)	(\$1,783.68)	(\$1,783.68)
09/13/2007	BSEGCN				0.00	0.00				\$0.00	(\$1,783.68)	(\$1,783.68)
09/13/2007	BILL	5095	E	365	1	0.00	4239		10/08/2007	\$145.74	(\$1,637.94)	(\$1,637.94)
09/13/2007	BILL	5096	E	385	1	0.00	4441		10/08/2007	\$145.79	(\$1,492.15)	(\$1,492.15)
09/13/2007	BILL	1771	R	112	1592	14.21	87		10/08/2007	\$2,934.10	\$1,441.95	\$1,441.95
09/19/2007	BILL	1782	R	32	11	0.34	19		10/12/2007	\$30.81	\$1,472.76	\$1,472.76
09/27/2007	REVA DJ					0.00				(\$288.00)	\$1,184.76	\$1,184.76
10/18/2007	BILL	1792	R	29	10	0.34	38		11/13/2007	\$28.66	\$1,213.42	\$1,213.42

Transaction Date	Type	Reading	Code	# of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
11/19/2007	BILL	1836	R	30	44	1.47	360	Check	12/13/2007	\$90.15	\$1,303.57	\$1,303.57
11/29/2007	PAY					0.00				(\$148.00)	\$1,155.57	\$1,155.57
12/19/2007	BILL	1965	R	32	129	4.03	812		01/16/2008	\$235.42	\$1,390.99	\$1,390.99
01/22/2008	BILL	2082	R	31	117	3.77	769		02/14/2008	\$232.73	\$1,623.72	\$1,623.72

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 - <Customer>
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 <Resolution>DECISION: STATEMENT OF COMPLAINT: THE CUSTOMER STATES SHE RECEIVED A BILL FOR \$6,000 FOLLOWED BY A LETTER WITH THE CORRECTED AMOUNT OF \$1,441.00. THE LETTER STATES THE CUSTOMER WAS INCORRECTLY BILLED FOR A PERIOD OF 3 YEARS DUE TO A BAD METER. THE CUSTOMER HAD BEEN UNABLE TO CONTACT THE COMPANY AND RECEIVE INFORMATION ABOUT THE LETTER. INVESTIGATION BY THE PUC FOUND: ON 4/27/05 THE CUSTOMER ESTABLISHED SERVICE TO THE PROPERTY. THE AMR READING WAS 2547. ON 7/30/07 THE COMPANY COMPLETED A METER EXCHANGE AT THE PROPERTY WHICH WAS PROMPTED BY THE METER EXCHANGE PROGRAM. ON 8/3/07 AN INQUIRY OF THE DIFFERENCE BETWEEN THE READING FROM THE MANUAL INDEX COMPARED TO THE AMR AUTO READING PROMPTED A METER SHOP INVESTIGATION, THE INVESTIGATION VERIFIED THAT THE METER (#1633290) WAS REMOVED AT AN INDEX OF 6683 AND THE AMR INDEX WAS AT 3341.91; THE AMR WAS SET TO THE ONE FOOT DRIVE AS OPPOSED TO THE REQUIRED TWO FOOT DRIVE SETTING. ON 8/20/07 THE CUSTOMER WAS BILLED FOR \$5,928.56. THE BILL REPRESENTED BILLING FROM THE AMR INDEX OF 3337 ON 7/19/07 TO THE ACTUAL REMOVE INDEX OF 6683 ON THE OLD METER AND USAGE (INDEX 1766 TO 1771) ON THE NEW METER. ON 9/14/07 A HIGH BILL DISPUTE WAS COMPLETED BY THE COMPANY. AS A RESULT THE ACCOUNT WAS REBILLED FROM THE 4/27/05 ADJUSTED TURN ON INDEX TO 8/17/07 FOR \$3,225.63. ALL LATE PAYMENT CHARGES WERE WAIVED. AFTER CONSIDERING PAYMENTS PREVIOUSLY POSTED TO THE ACCOUNT THE ACCOUNT BALANCE : WAS \$1441.95. AS OF 9/25/07 THE CUSTOMER'S ACCOUNT BALANCE IS IN THE AMOUNT OF \$1472.76. TITLE 52 PA CODE, CHAPTER 56, SECTION 56.12 (5) (II) STATES THAT WHEN AN ACTUAL READING ESTABLISHES THAT THE CUSTOMER WAS UNDERBILLED DUE TO AN ERROR IN THE REGISTRATION OF THE REMOTE READING DEVICE, THE UTILITY MAY RENDER A BILL FOR THE UNCOLLECTED AMOUNT. SECTION 56.14 STATES IN PART THAT WHEN A UTILITY RENDERS A MAKE-UP BILL FOR PREVIOUSLY UNBILLED UTILITY SERVICE THE UTILITY SHALL REVIEW THE BILL WITH THE RATEPAYER AND MAKE A REASONABLE ATTEMPT TO ENTER INTO A PAYMENT AGREEMENT FOR

PLW Exc
 F-02295534
 2/5/08
 gm

A PERIOD AT LEAST AS LONG AS THE PERIOD DURING WHICH THE EXCESS AMOUNT ACCRUED. BASED ON THESE FINDINGS, WE CONCLUDE: AS A RESULT OF THE AMR BEING SET ON THE WRONG FOOT DRIVE ALL BILLS ISSUED WERE BASED ON HALF OF THE ACTUAL READING OF THE METER. BECAUSE OF THIS THE CUSTOMER COULD NOT JUDICIOUSLY MANAGE GAS CONSUMPTION AND EXERCISE CONSERVATION MEASURES, AS NECESSARY. THE CUSTOMER THEREFORE IS ENTITLED TO A REDUCTION IN THE REBILLED ACCOUNT BALANCE OF \$288.00. THEREFORE IT IS DECIDED: THE INFORMAL COMPLAINT OF DAWN FEINBERG-KEATING IS HEREBY DISMISSED. PGW MUST CREDIT THE CUSTOMER'S ACCOUNT IN THE AMOUNT OF \$288.00. THE COMPANY HAS OFFERED THE CUSTOMER A NO MONEY DOWN PAYMENT ARRANGEMENT FOR 28 MONTHS WHICH IS BETTER THAN WHAT THE BCS COULD OFFER. THE CUSTOMER IS ADVISED TO CONTACT THE COMPANY AND ACCEPT THE AGREEMENT IF NEEDED. </Resolution>

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