

PLEASE DOCKET

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Robert D. Hines

v.

Philadelphia Gas Works

F-01011801

**DOCKETED**  
OCT 21 2003

DOCUMENT  
FOLDER

PREHEARING ORDER

On June 9, 2003, Robert D. Hines (Hines, Complainant or Customer) filed this formal complaint against Philadelphia Gas Works (PGW or Company).

On July 8, 2003, the Company filed a timely Answer denying the material allegations of the complaint.

On October 3, 2003, a hearing notice was issued scheduling an initial telephone hearing to be held on this case on Tuesday, February 3, 2004 at 10:00 am. The case has been assigned to ALJ Turner for hearing and initial decision.

The purpose of this order is to bring to the attention of all parties certain procedural rules, observance of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa. Code §1.2(a). The parties are directed to comply with the following requirements:

1. Proceedings before the Commission are governed by, inter alia, 52 Pa. Code §1.15, which provides:

§1.15. Extensions of time.

....

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown, will requests for continuance be considered. The requests should be submitted at least 5 days prior to the hearing date. (Emphasis added.)

In accordance with the foregoing, absent a timely request for continuance for good cause (i.e., no later than 5 days before the scheduled hearing on February 3, 2004), all parties to this proceeding shall be prepared to participate in the scheduled hearing.

2. If for any reason any party cannot appear at this initial hearing as scheduled, that party should request a continuance. **If you do not appear at the hearing, and you have not obtained a continuance, the hearing may be held without you and you may lose this case.** Continuances are only granted if good cause is presented. Any request for a change of the scheduled date for the initial hearing must be sent to the Office of Administrative Law Judge Scheduling Staff, to the office of the presiding officer, and to the opposing party or parties. The mailing address for the Scheduling Staff is: PA PUC, P.O. Box 3265, Harrisburg, PA 17105-3265, and the phone number is (717) 787-1399. The scheduling officer for your case is Judy W. Springer. The mailing address for the Philadelphia Administrative Law Judges is: PA PUC, Room 1302 Philadelphia State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. The phone number for this office is (215) 560-2105. The presiding officer on your case is Administrative Law Judge Allison K. Turner.

3. **COMPLAINANT:** Please be aware that you have the burden of proof in this proceeding, and must show by a preponderance of the evidence that respondent has violated the Public Utility Code or a regulation or order of the Commission, and that you are entitled to

the relief requested in the Complaint. If this burden is not satisfied, the Complaint must be denied as a matter of law. Pursuant to 52 Pa. Code §§1.21 and 1.22, if you are an individual, you may be represented by an attorney or you may represent yourself. **If this is an adversarial proceeding and you are a partnership, corporation, trust, association or governmental agency or subdivision, you must be represented by an attorney.**

4. You must arrange to have those who intend to testify as witnesses on your behalf present with you at the time set for the hearing.

5. If you wish to offer into evidence at the hearing material in the form of documents (letters, bills, cancelled checks and the like), you must send the required number of copies (an original and two copies for the Commission, one copy for every other party in the case, and a copy for yourself) by first class mail. 52 Pa. Code §5.409. These must be received one week before the hearing. If Hines is claiming he cannot afford to pay the bill, he must fill out and submit the attached form so that it will be received one week before the hearing.

6. PLEASE BE AWARE THAT ALTHOUGH THIS HEARING IS BEING CONDUCTED TELEPHONICALLY FOR THE CONVENIENCE OF THE PARTIES, IT IS A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.

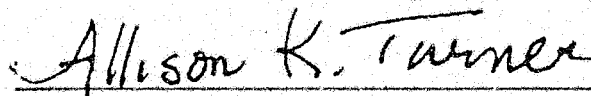
7. Please be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents you file in this proceeding.

8. If the parties intend to conduct discovery, please note that 52 Pa. Code §5.331(b) provides, inter alia, that "[p]articipants shall endeavor to initial discovery as early in the proceedings as reasonably possible," and 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements which require the presiding officer's participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.

9. Commission policy is to encourage settlements. 52 Pa. Code §5 231(a). Therefore, the parties are urged to discuss informally between themselves the possible settlement of this case at least one week before the hearing, and to notify the ALJ and or the Scheduling Office by January 29, 2004 if an agreement is reached, and the hearing is not necessary. If you are unable to completely settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

ORDER

The parties shall comply with procedural rules and regulations discussed herein.



Allison K. Turner  
Administrative Law Judge

Date: October 14, 2003

**MONTHLY BUDGET INFORMATION**

Customer's Name: Robert D. Hines Date: October 15, 2003

Name of Utility: Philadelphia Gas Works

P.U.C. Docket No.: F-01011801

Hearing Date: February 3, 2004

Administrative Law Judge: Allison K. Turner

<u>Monthly Household Income</u> <i>(Include gross income from all persons living in your home.)</i>	<u>Amount</u>
Salaries, wages & tips	\$ _____
Public Assistance	_____
Social Security or SSI	_____
Alimony	_____
Child support	_____
Pension	_____
Retirement benefits	_____
Unemployment compensation	_____
Worker's compensation	_____
Food stamps	_____
Other income (List source and amount):	_____
_____	_____
_____	_____
_____	_____
Total:	\$ _____

<u>Monthly Household Expenses</u>	<u>Amount</u>
Rent/mortgage	\$ _____
Electric	_____
Gas	_____
Telephone	_____
Water	_____
Sewage	_____
Trash pickup	_____
Food (other than food stamps)	_____
Total:	\$ _____

Philadelphia Gas Works



800 West Montgomery Avenue, Philadelphia, PA 19122

Laureto A. Farinas, Senior Attorney

Legal Department

Direct Dial: 215-684-6982

FAX: 215-684-6798

E-mail: laureto.farinas@pgworks.com

January 27, 2004

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

ORIGINAL

Re: Robert D. Hines v. PGW, Docket No. F - 01011801

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaint has been satisfied and the Complainant acknowledges that the Complaint has been satisfied. PGW and the Complainant have discussed the Complainant's concerns with his account. With this discussion the Complainant has indicated he is satisfied with the resolution of this complaint.

Therefore, the telephonic hearing scheduled for Tuesday, February 3, 2003 will not be necessary.

By copy of this letter, I am notifying the Complainant of his right to object to any part of this settlement, in writing to the Public Utility Commission within ten (10) days of the date of this letter.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,

DOCKETED  
FEB 03 2004

Laureto A. Farinas  
SB.

cc: Robert D. Hines  
Administrative Law Judge Allison K. Turner (via FAX)  
Judy Weaver Springer (via FAX)  
Annmarie Nagle

JAN 28 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

DOCUMENT  
FOLDER

67

# OALJ Hearing Report

*Please Check Those Blocks Which Apply*

Docket No.:	F-01011801		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Robert D. Hines v. Philadelphia Gas Works	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:	- 0 -	
Date:	February 3, 2004	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Allison K. Turner	DATE:	2/6/04	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	Certificate of Satisfaction filed	

DOCUMENT  
FOLDER

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

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

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

\_\_\_\_\_  
Reporter's Signature **RJD**

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

COMMONWEALTH OF  
PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

DATE: February 4, 2004

SUBJECT: Certification of Satisfaction Filed  
F-01011801 Robert D. Hines v. Philadelphia Gas Works

TO: Wanda Zeiders,  
Docket Management

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

On January 30, 2004, a Certificate of Satisfaction was filed in the above-captioned proceeding by Laureto A. Farinas, Esquire. If no objection is filed to this certificate within 10 days of service, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Allison K. Turner  
Elzy Ditzler  
Beth Plantz  
Case File

**DOCKETED**  
FEB 13 2004

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COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge  
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

February 4, 2004

In Re: F-01011801

(See letter dated 10/3/04)

Robert D. Hines v. Philadelphia Gas Works

Billing dispute.

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial telephone hearing  
Date: Tuesday, February 3, 2004  
Time: 10:00 a.m.  
Location: Philadelphia, Pennsylvania  
Presiding: Administrative Law Judge Allison K. Turner

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Please mark your records accordingly.

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

DOCKETED  
MAR 04 2004