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JUN 06 2003

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joseph A. Simiriglio, Jr.

:

BTL

: Docket Number

v

:

: F-01008937

Philadelphia Gas Works

:

PREHEARING ORDER

On May 23, 2003, I was assigned to preside over this case. 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 August 13, 2003), all parties to this proceeding shall be prepared to participate in the scheduled hearing.

2. Unless you are a corporation, it is not required that you be represented by an attorney, although you may choose to be represented by an attorney. **If you are a corporation, you must be represented by an attorney.**

3. If you wish to offer into evidence at the hearing material in the form of documents (letters, bills, canceled checks and the like), you must bring with you 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) 52 Pa. Code §5.409.

4. 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.

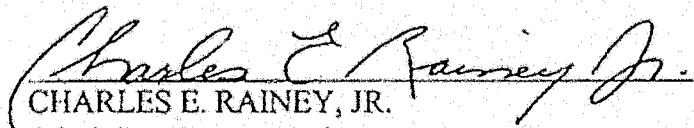
5. Finally, I would also like to bring to your attention 52 Pa. Code §5.331(b) which provides, inter alia, that "[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible," and 52 Pa. Code §5.322 which encourages participants to exchange information on an 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, 5.371-5.572.

6. The parties are encouraged to informally discuss any of the matters involved in this case prior to the scheduled hearing.

ORDER

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

Date: May 28, 2003


CHARLES E. RAINEY, JR.
Administrative Law Judge

Joseph A. Simiriglio, Jr. v. Philadelphia Gas Works
Docket Number F-01008937

SERVICE LIST

Joseph A. Simiriglio, Jr.
117 Mt. Vernon Court
Deptford, NJ 08096

Laureto A. Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KJR

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

IN REPLY PLEASE
REFER TO OUR FILE

August 4, 2003

In Re: F-01008937

(See letter dated 05/23/03)

Joseph A. Simiriglio, Jr. v. Philadelphia Gas Works
Disputing the Decision of Bureau of Consumer Services.

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial hearing on the above-captioned case previously scheduled for Wednesday, August 13, 2003 at 10:00 a.m. has been canceled.

The hearing has been rescheduled as follows:

Type: Initial hearing
Date: Tuesday, November 4, 2003
Time: 10:00 a.m.
Location: In an available hearing room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania
Presiding: Administrative Law Judge Charles E. Rainey, Jr.
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

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AUG 07 2003

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

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

Philadelphia Gas Works



800 West Montgomery Avenue, Philadelphia, PA 19122

Laureto A. Farnas, Senior Attorney

Legal Department

Direct Dial 215-684-6982

FAX: 215-684-6798

E-mail: laureto.farnas@pgworks.com

(VIA Overnight Mail)

September 17, 2003

Charles E. Rainey, Jr.
Administrative Law Judge
1302 Philadelphia State Office Building
Pennsylvania Public Utility Commission
1400 Spring Garden Street
Philadelphia, PA 19130

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SEP 17 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Joseph A. Simiriglio v. PGW, Complaint Docket No. F - 01008937

Dear Judge Rainey:

Pursuant to 52 Pa. Code §5.342, please find enclosed an original and three copies of the Philadelphia Gas Works' objections to the Data Requests propounded by the Complainant in the above captioned matter

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

Sincerely,

cc: Joseph A. Simiriglio, Jr.
James McNulty, Secretary
Linda Pereira

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joseph A. Simiriglio, Jr.

v.

Philadelphia Gas Works

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Docket No. F - 010008937

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Objections of the Philadelphia Gas Works to
Data Requests Propounded by the Complainant

Pursuant to 52 Pa. Code §5.342, the Philadelphia Gas Works ("PGW") hereby objects to the Complainant's data requests dated September 7, 2003 and propounded and served by upon PGW on or about September 9, 2003 in the above captioned matter. A copy of the correspondence containing the data requests is attached hereto as Exhibit "A". In support of its objections PGW, states the following.

Facts

This matter involves the Complainant's dispute of the balance owed on his account due to an error in accounting or metering. The Complainant also alleges that his requests for information were ignored by PGW.

The Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") under BCS Complainant No. 01008937. A BCS decision in that matter dated September 23, 2002, found that the Complainant's billing was correct as rendered. The BCS ordered the removal of late payment charges that accrued on the account in the amount of \$290.73. The Complainant's final billing was reduced to \$1364.56.

Grounds for Objection

Generally, PGW objects to each data request listed below on the grounds that each is beyond the scope of the Complainant's appeal of the BCS decision concerning the make up bill he received. Pursuant to 52 Pa. Code §5.321, the data requests are not relevant to the pending action.

The data requests seek information concerning the management issues surrounding the selection of PGW's billing and collection systems. These have no relevance to the accuracy of the bill that was rendered to the Complainant. In informal

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discovery, PGW has provided the Complainant with information and an explanation of the actions taken on this account for the disputed period. The data requests are beyond the scope of this matter as they seek information on billing, metering and collection matters that are currently under investigation of Bureau of Consumer Services by order of the Commission. The data requests seek information in support of some other claim than that of the Complainant's disputed bill.

PGW further objects to the data requests as they are very broad and would result in an excessively time consuming investigation for documents and that would require the reproduction of voluminous amounts of documents. This would be a waste of resources, particularly when the broad topics of bill estimation and meter reading practices are under the investigation of the BCS and have been the subject of the management audit conducted by this Commission.

Interrogatories To Which PGW Objects.

- (3) Please provide the supplier of your Automated Meter Reader Units
- (6) Who is the provider of PGW's Customer Billing software?
- (7) Who is the manufacturer of PGW's Customer Billing Software?
- (8) Which Operating System does PGW use for it's Customer Billing Software?
- (9) Who services PGW's Customer Billing Software?
- (10) Please list the All Dates and Years the Billing software has failed to operate as the manufacture claimed.
- (11) Please list all dates and years the Billing software interrupted billing to customers and created billing errors to all customers.
- (12) Please provide the quantity of billing errors for each year the Billing software has been in operation?
- (13) Please provide the solutions used to correct the errors in customer billing and on customer's actual bills.

- (14) How does PGW notify a customer who has been billed incorrectly?
- (15) What are the protocols used in correcting a customers bill?
- (16) What is the management structure and procedure used to correct a billing error?
- (17) How many billing corrections are performed in a single day?
- (18) How many billing disputes with non-business consumers are in litigation?
- (19) How many billing disputes with corporate entities are in litigation?
- (20) How many billing disputes with condo owners are currently being reviewed by your department?
- (21) How many billing disputes with consumers and non-consumers involve meter reading errors caused by PGW meter readers?
- (22) How many EZ READER meters have failed since their inception?
- (23) How many digital meter readers are currently installed as of June 1,2003?
- (24) How many traditional gas meters need repair or replacement due to defective meter reading errors each year?
- (27) How many errors have been caused by onsite Meter Reader Employees? Can physical errors be determined?
- (28) Are all Meter Readers employed by PGW or a Contractor?
- (29) If a Contractor, Who is/are the contractor(s)?
- (30) Have any elected officials requested you investigate my billing situation? If yes Who?
- (34) What is the amount read by your EZ READER?
- (42) Did Senator Vince Fumo request an investigation into my Utility Bill history? If so, What was his reason for such as request!
- (58) Did Councilman Frank DiCicco request at any time a copy of my PGW gas bill history? Please provide Year, Date & Time.
- (59) Did any elected official request a copy of my PGW gas bill?

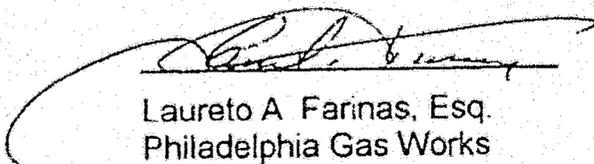
(60) If yes to question (58), please provide the name of the official and the date and time of the request?

(61) Did any Political Party or Union Official request a copy of my PGW Gas Bill? Please provide, Name, Date & Time of request and to whom the request was made too.

Wherefore, PGW respectfully requests that this Commission strike the attached data requests in this matter.

Respectfully submitted,

September 17, 2003



Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

EXHIBIT A

Joseph A. Simiriglio Jr.
117 Mt. Vernon Court
Deptford, NJ 08096
September 7, 2003

Mr. Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

RE: Joseph A. Simiriglio Jr v. Philadelphia Gas Works (F-01008937)

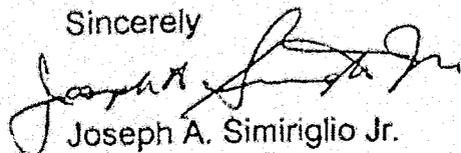
Dear Mr. Farinas:

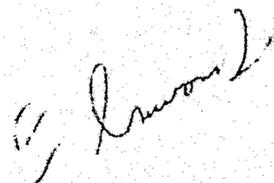
I have enclosed on the pages following this letter "Interrogatories" for PGW.

I request the Interrogatories and Materials requested within the Interrogatories provided be dated and returned to me via U.S. Mail No later than **October 7, 2003**, or within Thirty days prior to our "Initial Hearing" scheduled for November 4, 2003.

All correspondence from this day forward please do so in writing to my attention.

Sincerely


Joseph A. Simiriglio Jr.



INTERROGATORIES

Please provide each answer on a separate page using the corresponding number located to the left of the question. Thank You.

- (1) Please provide the alleged balance due?
- (2) Please provide a month to month history of "How the balance due was determined in the following format below:"

Example:

MONTH	GAS USED	AMT OF BILL	AMT OF PAYMENT RECEIVED	BALANCE DUE
JAN	50	\$25.00	\$25.00	0
FEB	75	\$37.50	\$30.00	\$7.50

- (3) Please provide the supplier of your Automated Meter Reader Units.
- (4) Please provide all repair records 90 days before and up to 90 after November 4, 2002 pertaining to 2301 S. 10th Street
- (5) Please provide all account numbers under the name Joseph A. Simiriglio Jr., pertaining to 2301 S. 10th Street.
- (6) Who is the provider of PGW's Customer Billing software?
- (7) Who is the manufacturer of PGW's Customer Billing Software?
- (8) Which Operating System does PGW use for it's Customer Billing Software?
- (9) Who services PGW's Customer Billing Software?
- (10) Please list the All Dates and Years the Billing software has failed to operate as the manufacture claimed.
- (11) Please list all dates and years the Billing software interrupted billing to customers and created billing errors to all customers.
- (12) Please provide the quantity of billing errors for each year the Billing software has been in operation?

PAGE #2

- (13) Please provide the solutions used to correct the errors in customer billing and on customer's actual bills.
- (14) How does PGW notify a customer who has been billed incorrectly?
- (15) What are the protocols used in correcting a customers bill?
- (16) What is the management structure and procedure used to correct a billing error?
- (17) How many billing corrections are performed in a single day?
- (18) How many billing disputes with non-business consumers are in litigation?
- (19) How many billing disputes with corporate entities are in litigation?
- (20) How many billing disputes with condo owners are currently being reviewed by your department?
- (21) How many billing disputes with consumers and non-consumers involve meter reading errors caused by PGW meter readers?
- (22) How many EZ READER meters have failed since their inception?
- (23) How many digital meter readers are currently installed as of June 1,2003?
- (24) How many traditional gas meters need repair or replacement due to defective meter reading errors each year?
- (25) Who is/are the manufacturer(s) of the traditional gas meters?
- (26) Who installs the traditional and EZ readers in Homes, businesses, Apartment complexes and Condo's?
- (27) How many errors have been caused by onsite Meter Reader Employees? Can physical errors be determined?

PAGE #3

- (28) Are all Meter Readers employed by PGW or a Contractor?
- (29) If a Contractor, Who is/are the contractor(s)?
- (30) Have any elected officials requested you investigate my billing situation? If yes Who?
- (31) If the alleged Outstanding bill was recorded electronically, please provide proof.
- (32) Provide all account numbers and any transfers of Outstanding balances which concern the current Outstanding Bill.
- (33) What is the amount of the bill as of November 4, 2002?
- (34) What is the amount read by your EZ READER?
- (35) On the PGW Statements, Please explain the purpose of "Adjustments."
- (36) Who filed the Judgement by Default against me?
- (37) I was never notified, Why?
- (38) Please send me a copy of the Judgement?
- (39) Who authorized the Judgement?
- (40) Why wasn't this individual informed that my case was in negotiation?
- (41) Why wasn't the City of Philadelphia informed I filed a grievance with the Public Utility Commission?
- (42) Did Senator Vince Fumo request an investigation into my Utility Bill history? If so, What was is reason for such as request!
- (43) Can the billing system distinguish between a payment made in person at a PGW office or via the US Mail?
- (44) How is each payment posted?
- (45) How long does PGW take to post a payment when a check, money order or cash is received?

PAGE #4

- (46) Are the payments (bills) posted manually or automated?
- (47) How long are billing records stored in the PGW system?
- (48) When do individual accounts get purged from the system?
- (49) What is the accuracy rate of the EZ READER System?
- (50) Please provide third party proof of the accuracy of the EZ READER System.
- (51) Is it possible the input of the meter reading to my bill were input erroneously by the computer operator?
- (52) Is it possible the individual reading my meter physically recorded the usage erroneously, therefore causing the excess gas bill?
- (53) Is it possible the EZ READER Malfunctioned?
- (54) Is it possible that the EZ READER DEVICE can fail to read the gas usage accurately?
- (55) Does EZ READER have a self diagnostics program to insure 100% accuracy in its recording of customer usage?
- (56) How is PGW alerted to a defective EZ READER DEVICE?
- (57) How sure ___% are you about the amount I may owe?
- (58) Did Councilman Frank DiCicco request at any time a copy of my PGW gas bill history? Please provide Year, Date & Time.
- (59) Did any elected official request a copy of my PGW gas bill?
- (60) If yes to question (58), please provide the name of the official and the date and time of the request?
- (61) Did any Political Party or Union Official request a copy of my PGW Gas Bill? Please provide, Name, Date & Time of request and to whom the request was made too.

PAGE #5

- (62) Does PGW have a procedure in place to notify the Legal Department of the City of Philadelphia when individuals like myself file a grievance with the PUC or any other dispute, in order to avoid the hassle and embarrassment caused by the Municipal Court judgement against me?
- (63) Who is the individual who filed the judgement against me?
- (64) How accurate is the EZ READER device?
- (65) How accurate are the Meter Readers Employees?
- (66) When the Gas meter is read by an employee of PGW, is the information considered accurate?
- (67) Are the input devices used by the Individual Meter Reader error proof?
- (68) Are the input devices audited for accuracy?
- (69) Who is manufacturer of the input devices used by the PGW employees and where is this company located?
- (70) Can you provide a Data book on the handheld input device?
- (71) If so, please mail it to me with your answers to this Interrogatory.
- (72) What percentage of accuracy + or -, is allowed on Onsite and EZ READER gas meter reading?
- (73) Many consumers take it for granted that the Gas Meter monthly reading is performed accurately and pay the bill accordingly, Is their ever an Audit of the Billing Department to assure accurate meter reading and accurate bills?
- (74) If an error occurs in the system, How are bills corrected to reflect an accurate gas usage reading? How is the account credited for being overbilled?
- (75) What procedures are in place to insure accurate month to month gas usage charges?

Joseph A. Simiriglio Jr.
117 Mt. Vernon Court
Deptford, NJ 08096
September 7, 2003

Judge Charles E. Rainey, Jr.
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130

Dear Judge Rainey:

Please find enclosed 2-copies of Interrogatories for you as presiding officer.

You will notice questions concerning two political figure, a major political party and a Union question within my Discovery questions. The questions are very relevant due to my political activity within the City of Philadelphia, The State of Pennsylvania and The Nation.

Sincerely,

Joseph A. Simiriglio Jr.

CERTIFICATE OF SERVICE

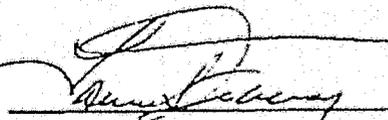
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Joseph A. Simirigilo, Jr.
117 Mt. Vernon Court
Deptford, NJ 08096

September 17, 2003



Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122



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

October 28, 2003

In Re: F-01008937

(See letter dated 08/04/03)

Joseph A. Simiriglio, Jr. v. Philadelphia Gas Works
Disputing the Decision of Bureau of Consumer Services.

Changed Hearing Notice

This is to inform you that before the hearing on the above-captioned case there will be an Initial prehearing Conference preceded by the Initial hearing as shown below:

Type: Initial prehearing conference into an Initial hearing.

Date: Tuesday, November 4, 2003

Time: 10:00 a.m.

Location: In an available hearing room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania

Presiding: Administrative Law Judge Charles E. Rainey, Jr.
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

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Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

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If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

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

OALJ Hearing Report

Please Those Blocks Which Apply

Docket No:	F-01008937		YES	NO
Case Name:	Joseph A. Simiriglio, Jr. v. Philadelphia Gas Works	Prehearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Works:		Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	November 4, 2003	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Charles E. Rainey, Jr.	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:	12-4-03	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<div style="text-align: center;"> <p>RECEIVED</p> <p>NOV 19 2003</p> <p>PARSONS BRINCKERHOFF</p> <p>LEGAL DEPARTMENT</p> </div>		REMARKS: <i>Complainant failed to appear. Record to close on 12-4-03 to allow time for receipt of transcript.</i>		
		PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.		

Name and Telephone Number	Address	Who are you representing?
Laureto Farinas Telephone: 215-684-6982	800 W. Montgomery Ave. Phila Pa. 19122 City State Zip E-mail Address: laureto.farinas@pgworks.com	Phila Gas Works Fax Number: 215-684-6798
	City State Zip	
	City State Zip	
	City State Zip	

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

Georgette McEwan
 Reporter's Signature

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