

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 03/22/06
8. DOCKET NO: F-02020967	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: GOLDSBY, WILLIAM

RESPONDENT/APPLICANT: PHILADELPHIA GAS WORKS

COME/APP COUNTY: PHILADELPHIA

UTILITY CODE: 125042

ALLEGATION OR SUBJECT

COMPLAINANT STATES HE WOULD LIKE A PAYMENT AGREEMENT.

DOCUMENT
FOLDER

DOCKETED

MAR 28 2006

March 23, 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION

125042

Formal Complaint Form

ORIGINAL

Please print or type.

F-02020967

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name William Goldsby

Street/P.O. Box 3329 N. Uber St. Apt # _____

City Philadelphia State PA Zip 19140

County Philadelphia

Area Code/HOME Phone 215-227-6977

Area Code/WORK Phone _____

Utility Account Number 9122164256
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Phila. Gas Works

RECEIVED

MAR 22 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE

(local, long distance)

4. COMPLAINT (check one)

A. In general, what is your complaint?

I want to oppose the company's proposed rate increase.

There are incorrect charges on my bill.

There is a reliability, safety or quality problem with my utility service.

I received a notice that my utility service is being terminated.

I would like a payment agreement.

Other.
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

See attached sheet

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

see attached sheet

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company **AND** your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES
(includes appeals of BCS determinations)



NO



If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I William Goldsby, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

x William Goldsby
(Signature)

3/9/06
(Date)

9. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name William R. McLaughlin / Legal Clinic for the Disabled.

Street 1513 Race St., ste. 221

City Philadelphia State PA Zip 19102

Area Code/Phone Number 215-587-3179

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary
Pennsylvania Public Utility
Commission
P.O. Box 3265
Harrisburg, PA 17105

Secretary
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building, 2nd
Floor Harrisburg, Pennsylvania 17120

Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

WILLIAM GOLDSBY V. PHILADELPHIA GAS WORKS

BCS number 2020967
Account number 9122164256

By: William R. McLaughlin, Esq., # 93875
Legal Clinic for the Disabled
1513 Race St., Ste. 221
Philadelphia, PA 19102
215-587-3179

Facts

William Goldsby is the co-owner of 3329 N. Uber St. in Philadelphia, Pa.¹ He lives alone at the house, and is solely responsible for the bills. He assumes liability for the amount owed to Philadelphia Gas Works for service at this property.

Mr. Goldsby is legally blind. In 2005, he applied for Social Security Disability benefits because he was losing his sight. He was approved for SSDI in October 2005 in the amount of \$871 per month. His SSDI benefit for 2006 is \$931 per month.

Mr. Goldsby also has a small additional income from a rental property he co-owns at 1808 W. Tioga Street.² This amount varies, but is generally between \$200 to \$300 per month. Mr. Goldsby's approximate gross income ranges between \$1,100 and \$1,200 per month.

The Bureau of Consumer Services issued a decision dated February 9, 2006, which required Mr. Goldsby to pay \$982.18 to have service restored at his home at 3329 N. Uber St. Mr. Goldsby made this payment, and his service was restored on February 16. The current outstanding balance is \$2,827.54.

¹ Mr. Goldsby co-owns the property with Patrick Murray.

² 1808 W. Tioga St. is not the subject of this appeal. Mr. Goldsby co-owns 1808 W. Tioga St. with Mr. Murray, but Mr. Murray is primarily responsible for 1808 W. Tioga St. Mr. Goldsby, with the assistance of counsel, is currently in the process of taking title to 3329 N. Uber St. solely in his name, and giving full title of 1808 W. Tioga St. to Mr. Murray.

The BCS decision requires Mr. Goldsby to pay a special budget amount of \$859 per month: \$224 as a regular budget amount, and \$625 toward the account balance.

Mr. Goldsby, through his counsel, William R. McLaughlin, Esq., now brings this formal complaint.

Argument

1. Mr. Goldsby's gross monthly household income is below 150% of the 2006 Federal Poverty Guidelines, and therefore he should have up to five years to cure the arrears on his account

Mr. Goldsby should be allowed up to five years to cure the arrears on his account, because his gross monthly household income is less than 150 percent of the 2006 Federal Poverty Guidelines. Chapter 14 of the Public Utility Code provides that:

"The length of time for a customer to resolve an unpaid balance on an account that is subject to a payment agreement that is investigated by the commission and is entered into by a public utility and a customer shall not extend beyond: (1) Five years for customers with a gross monthly household income level not exceeding 150% of the Federal poverty level . . ."

66 PA. CONS. STAT. ANN. § 1405 (b) (West 2005). One-hundred fifty percent of the 2006 Federal poverty level is \$1,225 per month. U.S. Dep't of Health & Human Servs.,

Poverty Guidelines, Research, and Measurement, available at

<http://aspe.os.dhhs.gov/poverty/index.shtml> (last visited March 22, 2006). In this case,

Mr. Goldsby's income varies, but it is generally between \$1,100 and \$1,200 per month, which puts him below the \$1,225 threshold. Therefore, under Chapter 14 of the Public Utility Code, he should be allowed five years, or sixty months, to pay his back balance.

II. Mr. Goldsby's monthly payment should be between \$157.13 and \$167.13 per month

The Commission should order a payment plan whereby Mr. Goldsby's gas bill would be between \$157.13 and \$167.13 per month: \$110 to \$120 as a current budget amount, and \$47.13 in arrears.³ "Every rate made, demanded, or received by any public utility . . . shall be just and reasonable . . ." 66 PA. CONS. STAT. ANN. § 1301 (West 2000). The current budget amount of \$859 per month is neither just nor reasonable, because it represents over two-thirds of Mr. Goldsby's gross monthly income and leaves him without sufficient resources to pay his other bills and living expenses. A budget amount between \$157.13 and \$167.13 per month would be just and reasonable because it would leave Mr. Goldsby with sufficient resources to pay his other monthly bills, and it would ensure that PGW is repaid within the five-year time period required by Chapter 14.

A. Current budget amount

Under PGW's Customer Responsibility Plan, a customer whose monthly gross household income is between 101 and 150 percent of the Federal Poverty Guidelines is eligible for a CRP budget agreement in the amount of ten percent of their monthly income. For Mr. Goldsby, whose monthly income is approximately \$1,100 to \$1,200, this is approximately \$110 to \$120 per month.

B. Payment toward arrears

As outlined in Section I, *supra*, Mr. Goldsby should have five years, or sixty months, to repay the arrears on his account. The current balance on his account is \$2,827.54. One-sixtieth of that equals \$47.13; amortized over sixty months, this equals \$2827.80, which would cure the arrears.

³ Under this plan, the arrears would be erased in five years, in conformity with 66 PA. CONS. STAT. ANN. § 1405 (b) (1).



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

February 9, 2006

BCS No: 2020967

WILLIAM GOLDSBY
3329 N UBER STREET
PHILADELPHIA PA 19140

The Bureau of Consumer Services (BCS) has completed its investigation into your informal complaint. Attached is the decision resulting from that investigation. A copy of this decision has also been sent to your utility company. This decision is binding on all parties, and unless it is appealed will become final 20 days after the date of this letter.

If you do not agree with any part of this decision you may appeal it by filing a formal complaint. You can do this by completing the attached Request for Formal Complaint Forms. Return this form to the Public Utility Commission, and the formal complaint forms will be mailed to you. If you wish to appeal, you must return this form to the Public Utility Commission by the date shown on the form. Your complaint will be assigned to an Administrative Law Judge, and a hearing date will be assigned.

You do not need a lawyer to file an appeal.

You must make all of the payments required by this decision. If you do not make these payments the utility company is permitted to terminate your utility service.

If you have any questions about the terms and conditions of this decision or about the Public Utility Commission's appeal procedures you may call me toll free at 1-800-782-1110, or you may call me directly at 717-787-8681.

Sincerely,

Lisa Jenkins
Utility Complaint Investigator

Enclosure

WILLIAM GOLDSBY
3329 N UBER STREET v.
PHILADELPHIA PA 19140

PHILADELPHIA GAS WORKS

Case Number: 2020967

Account Number: 9122164256

Decision On Informal Complaint By The Bureau Of Consumer Services:

Statement Of Complaint:

A summary of the customer's complaint is as follows.

The customer is trying to get service restored at 3329 N. Uber Street. The account was in the name of Patrick Murray but he no longer resides at the property. The company is requesting payment of the balance owing on Mr. Murray's account as well as an account that the customer has in his name for service at 1808 W. Tioga Street.

Investigation By Staff Of The Bureau Of Consumer Services Revealed:

1. That service was terminated at 3329 N. Uber Street for nonpayment on May 5, 2005.
2. That William Goldsby and Patrick Murray have been co-owners of 3329 N. Uber Street since September 1, 1998.
3. That service was in Patrick Murray's name at 3329 N. Uber Street until May 5, 2005 when the service was terminated for nonpayment.
4. That on 12/20/05 William Goldsby requested service in his name at 3329 N. Uber Street.
5. That the total balance owing for service at 3329 N. Uber Street is \$3,809.72.

Based On These Findings, The Bureau Of Consumer Services Concludes:

1. That William Goldsby and Patrick Murray are jointly responsible for the balance owing in the amount of \$3,809.72 for service at 3329 N. Uber Street

Therefore It Is Decided:

1. That in order to have service restored in his name, William Goldsby must pay \$982.18. This amount includes a payment towards the balance owing for service at 3329 N. Uber Street, a reconnection fee and a portion of a security deposit
2. Once service is restored, the customer must pay a special budget amount of \$859.00 per month beginning with the first bill received. This amount may change depending on any change in the amount of service used.
3. This special budget amount includes a regular budget amount of \$224.00 per month, which is based on monthly usage, plus \$635.00 that will be paid towards the account balance.
4. The customer must make all payments by the due date of each month's bill and continue making the payments until the account is paid in full.
5. The company will bill the remaining security deposit in two installments of \$112.00 each.

February 9, 2006

Date

Signature

Lisa Jenkins

Utility Complaint Investigator

Bureau of Consumer Services

PA Public Utility Commission

NOTIFICATION OF INTENT TO APPEAL
(Request For Formal Complaint Forms)

Notice to Customer:

If you sign and return this form you are notifying the Public Utility Commission that you intend to appeal this informal complaint decision. Do not return this form unless you want to appeal this decision.

If you want to appeal this decision, you must return this Notification of Intent to Appeal form within twenty days of this date: February 9, 2006. The Commission will send you formal complaint forms.

You must comply with the terms of this decision until the Public Utility Commission completes the formal complaint process. You must make all of the required payments, or the utility company may pursue the termination of your service.

Thank You.
Pennsylvania Public Utility Commission

Yes, I want to appeal the decision of the Bureau of Consumer Services. Please send formal complaint forms to me at the following address:

Customer name and address:
(Please correct any mistakes.)

WILLIAM GOLDSBY
3329 N UBER STREET
PHILADELPHIA PA 19140

215-227-6977
(Area Code) Telephone Number

X William Goldsby
Signature

Mail this completed form to:

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

FOR OFFICE USE ONLY

BCS Number: 2020967

Date of mailing: FEBRUARY 9, 2006

Company: PHILADELPHIA GAS WORKS

REVISED 1/04

RECEIVED

FEB 28 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

IN REPLY PLEASE
REFER TO OUR FILE

March 3, 2006

BCS 2020967

WILLIAM GOLDSBY
3329 N UBER STREET
PHILADELPHIA PA 19140

Dear Sir/Madam:

We have received your request to appeal the decision of the Bureau of Consumer Services.

We have enclosed one complaint form for you to complete. Please read carefully the instructions to help you complete the form.

**** Please make sure you sign the form. We must receive your original signature in order for us to process your complaint. Your form will be returned to you if an original signature is not received.**

Return the form to us on or before March 23, 2006 to the address listed below:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

While you wait for us to reach a decision on your complaint, you must pay all undisputed bills (ones that are not a part of your complaint). As long as you pay all undisputed bills and return these formal complaint forms to us on time, the company is not permitted to terminate your service.

Commission Procedures for Formal Complaints

- We send a copy of this letter to the company so they know you are appealing the Bureau of Consumer Services' decision;
- We also send the company a copy of your completed formal complaint forms. Once they receive it, they have 20 days to send us an answer to your complaint. The company will send you a copy of their answer.

- Once we receive all the paperwork, we usually will schedule your hearing before an Administrative Law Judge.
- We will notify both you and the company by mail when the hearing date is set.
- If you cannot travel to your hearing, you can request that the hearing be held by phone. This is called a telephonic hearing. If we can, we will schedule a telephonic hearing for you.
- We will most likely schedule your hearing sometime within three months after you file your complaint forms. If you know of certain dates when you will not be available for a hearing, let us know when you file your forms. We will try to work around your schedule.
- If you cannot attend the hearing on the scheduled date, you must request a different time or date. You should request the change at least 5 days before your hearing by writing to:

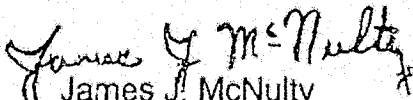
Office of Administrative Law Judge
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

YOU SHOULD INCLUDE YOUR DAYTIME TELEPHONE NUMBER IN YOUR LETTER. DEPENDING ON YOUR REASON FOR NOT BEING ABLE TO ATTEND THE SCHEDULED HEARING, YOUR REQUEST TO CHANGE THE HEARING MAY OR MAY NOT BE APPROVED. WE WILL LET YOU KNOW OUR DECISION ON YOUR REQUEST FOR CHANGING THE HEARING DATE BEFORE THE DATE OF THE HEARING.

YOU MUST ATTEND SCHEDULED HEARINGS IN PERSON OR BY PHONE. IF YOU DO NOT ATTEND, YOUR COMPLAINT MAY BE DISMISSED (THROWN OUT).

If you have any questions about the complaint process, please call the Bureau of Consumer Services, toll free, at 1-800-782-1110.

Very truly yours,


James J. McNulty
Secretary

nvl

cc PHILADELPHIA GAS WORKS

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: March 28, 2006

DOCUMENT
FOLDER

WILLIAM GOLDSBY
Complainant

v.

PHILADELPHIA GAS WORKS
Respondent

Complaint Docket
No: F-02020967

INDEXED
FILED

MAR 28 2006

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PHILADELPHIA GAS WORKS

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.

James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested



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

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: March 28, 2006

F-02020967

LAURETO FARINAS ESQUIRE
PHILADELPHIA GAS WORKS
800 W MONTGOMERY AVE
PHILADELPHIA PA 19122-2898

DOCUMENT
FOLDER

Dear Mr. Farinas:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by WILLIAM GOLDSBY. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

March 28, 2006

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

James J. McNulty
Secretary

ane

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

ORIGINAL

April 17, 2006

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APR 17 2006

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

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: William Goldsby v. PGW, Docket No. Docket No. F-02020967

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original and three (3) copies of its Answer to the Complaint in the above captioned matter.

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

Sincerely,

Laureto Farinas, Esq.

Enclosures

cc: Service List
Linda Pereira

DOCUMENT
FOLDER

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RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 17 2006

PA PUBLIC UTILITY COMMISSION
SECRETARIAT BUREAU

William Goldsby

v.

Philadelphia Gas Works

:
:
:
:
:

Docket No.: F - 02020967

DOCUMENT
FOLDER

Answer of the Philadelphia Gas Works

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby answers the Complaint filed in the above captioned matter. PGW hereby avers the following:

1. Admitted.
2. Admitted.
3. Admitted.

DOCKETED
APR 24 2006

4. (a) Admitted in part, denied in part. PGW admits that the Complainant wants a payment arrangement.

(b) Admitted in part, denied in part. It is admitted that Complainant owns and is responsible for payment of the gas bills for 3329 N. Uber Street, Philadelphia, PA. PGW has no knowledge of other parties who have an ownership interest in that address. PGW therefore denies the averment of co-ownership and strict proof thereof is demanded at a hearing of this matter.

PGW admits that the Complainant is legally blind.

PGW admits that the Bureau of Consumer Services ("BCS") issued a decision on February 9, 2006 that required the Complainant to pay \$982.18 to restore service at the Uber Street service address. PGW further admits that the Complainant paid the amount required and gas service has been restored.

By way of further answer, as the liability for payment of gas service at another service address, 1808 Tioga Street, the outstanding balance

owed by the Complainant is at issue in this matter. PGW denies that the balance owed is \$2,827.54.

PGW admits that the BCS required the Complainant to pay a special budge of \$865 per month, comprised of \$224 regular budget and \$625 toward arrears. The BCS decision dated February 9, 2006 is attached hereto as Exhibit "A."

Admitted in part, denied in part. PGW admits that if the Complainant's income is within 150% of the 2006 Federal Poverty Guidelines, the Complainant would have an extended period of time to pay the outstanding balance of his account. PGW denies that the extended period of time pertains to payment of the bills for gas service on the Tioga Street service address, as this property is considered an investment/rental property and is not the Complainant's primary residence. By way of further answer, if the income that the Complainant received may show that he is eligible for the Customer Responsibility Program ("CRP").

PGW denies that the Complainant's budget amount should be between \$157.13 and \$167.13. By way of further answer, the Complainant's budget should be calculated according to PGW Gas Tariff – Pa P.U.C. §4.5.B, the budget should be bills based upon an average of the usage of the most recent 12 months. The Complainant would also be expected to pay an amount toward arrears. PGW further denies the averment that the "budget" of \$859 is not reasonable as it includes the payment of an amount toward the arrears.

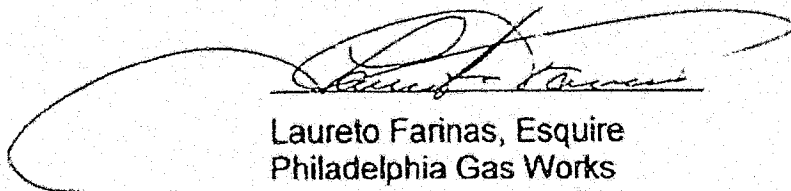
5. Denied. The averments in Paragraph 5 of the Complaint are requests for relief to which no response is required. PGW therefore denies the averments in this paragraph.
6. Admitted.
7. Admitted.

Wherefore, PGW respectfully requests that this Commission find against the Complainant, and affirm the decision of the BCS in this matter. PGW requests that, the Commission enter an Interim Order directing the Complainant

to make payment of the current bill during the pendency of the hearing in this matter. PGW further requests that the Interim Order directing payment authorize PGW to terminate service if the Complainant fails to comply with that Interim Order.

Respectfully submitted,

April 17, 2006

A handwritten signature in black ink, appearing to read 'Laureto Farinas', is written over a horizontal line. The signature is stylized and includes a large, sweeping flourish that extends to the left and then curves back under the line.

Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

RECEIVED

APR 17 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

EXHIBIT A

WILLIAM GOLDSBY
3329 N UBER STREET v.
PHILADELPHIA PA 19140

PHILADELPHIA GAS WORKS

Case Number: 2020967

Account Number: 9122164256

Decision On Informal Complaint By The Bureau Of Consumer Services:

Statement Of Complaint:

A summary of the customer's complaint is as follows:

The customer is trying to get service restored at 3329 N. Uber Street. The account was in the name of Patrick Murray but he no longer resides at the property. The company is requesting payment of the balance owing on Mr. Murray's account as well as an account that the customer has in his name for service at 1808 W. Tioga Street.

Investigation By Staff Of The Bureau Of Consumer Services Revealed:

1. That service was terminated at 3329 N. Uber Street for nonpayment on May 5, 2005.
2. That William Goldsby and Patrick Murray have been co-owners of 3329 N. Uber Street since September 1, 1998.
3. That service was in Patrick Murray's name at 3329 N. Uber Street until May 5, 2005 when the service was terminated for nonpayment.
4. That on 12/20/05 William Goldsby requested service in his name at 3329 N. Uber Street.
5. That the total balance owing for service at 3329 N Uber Street is \$3,809.72.

Based On These Findings, The Bureau Of Consumer Services Concludes:

1. That William Goldsby and Patrick Murray are jointly responsible for the balance owing in the amount of \$3,809.72 for service at 3329 N Uber Street.

Therefore It Is Decided:

1. That in order to have service restored in his name, William Goldsby must pay \$982.18. This amount includes a payment towards the balance owing for service at 3329 N. Uber Street, a reconnection fee and a portion of a security deposit.
2. Once service is restored, the customer must pay a special budget amount of \$859.00 per month beginning with the first bill received. This amount may change depending on any change in the amount of service used.
3. This special budget amount includes a regular budget amount of \$224.00 per month, which is based on monthly usage, plus \$635.00 that will be paid towards the account balance.
4. The customer must make all payments by the due date of each month's bill and continue making the payments until the account is paid in full.
5. The company will bill the remaining security deposit in two installments of \$112.00 each.

February 9, 2006

Date

Signature

Lisa Jenkins

Utility Complaint Investigator

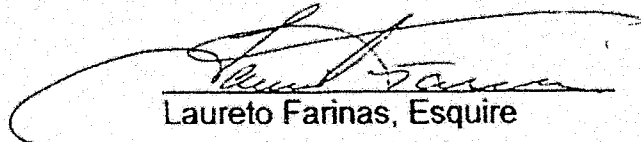
Bureau of Consumer Services

PA Public Utility Commission

VERIFICATION

I, Laureto Farinas, hereby declare that I am counsel to the Philadelphia Gas Works; that, as such, I am authorized to make this verification on its behalf: that the facts set forth in the foregoing Answer are true to the best of my knowledge, information and belief, and that I expect to be able to prove these at a hearing held in this matter. I make this verification subject to the penalties of 18. Pa. C.S. §4904, pertaining to false statements to authorities.

Date: April 17, 2006


Laureto Farinas, Esquire

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PA PUBLIC UTILITY COMMISSION
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APR 17 2006

CERTIFICATE OF SERVICE

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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 52 PA CODE
§1.54 (RELATING TO SERVICE BY A PARTICIPANT).

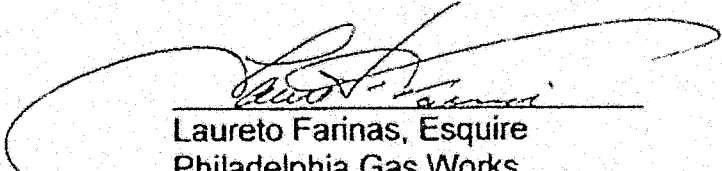
Service List:

For Complainant:

Mr. William Goldsby
3329 N. Uber Street
Philadelphia, PA 19140

William R. McLaughlin, Esq.
1513 Race Street, Suite 221
Philadelphia, PA 19102

April 17, 2006



Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
April 27, 2006

PLEASE DOCKET

IN REPLY PLEASE
REFER TO OUR FILE

In Re: F-02020967

(SEE ATTACHED LIST)

William Goldsby v. Philadelphia Gas Works

Requests payment arrangements.

**DOCUMENT
FOLDER**

Hearing Notice

This is to inform you that your case is scheduled for hearing at 9:30 a.m. in Hearing Room 1 in the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time in Hearing Room 1. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 9:15 a.m. and wait in the Hearing Room until the presiding Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all morning, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

Type: Initial Hearing
Date: Wednesday, June 14, 2006
Time: 9:30 a.m.
Location: Hearing Room 1
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania

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MAY 11 2006

2006 APR 28 AM 9:16
SECRETARY'S BUREAU
PUC

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

Attention: You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

If you intend to file exhibits, bring 4 copies with you to the hearing.

Individuals may represent themselves or be represented by an attorney. Individuals representing themselves do not need to be represented by an attorney. If you have an attorney representing you, your attorney 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 at least (2) two business days prior to your hearing:

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

pc: Judge Jones
Dawn Reitenbach
Beth Plantz
Docket Section
Calendar File