

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Russell Golden

v.

Philadelphia Gas Works

DOCKETED
JAN 10 2007

C-20067057

**DOCUMENT
FOLDER**

PREHEARING ORDER

On December 5, 2006, I was assigned as the presiding officer in this case. The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. An Initial Hearing in this case is scheduled for Thursday, February 8, 2007 at 1:30 p.m. in an available hearing room on the 13th floor of the Philadelphia State Office Building. PLEASE NOTE the correction! The hearing notice stated that the hearing is on February 2, 2007. Your case is one of several cases that have been scheduled at this time. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the hearing room no later than 1:15 p.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all afternoon, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

On November 3, 2006, the Complainant filed a formal complaint against the Philadelphia Gas Works ("PGW" or the Respondent) alleging the following: that the Respondent removed the Complainant from the Customer Responsibility Program; that the Complainant's CRP payment was \$122.60; that the Respondent increased the Complainant's payment to \$240.00 a month; that Devonne Golden, the Complainant's daughter, has power of attorney for the Complainant; that the Complainant has serious medical conditions; that his income is \$1,274.40 a month; that the Complainant's girlfriend, Christine Burton, lives in the

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house with the Complainant; and that Ms. Burton is not employed. It was alleged that Ms. Burton was living with the Complainant when he enrolled in CRP, that she left for a period of time and that she is currently living with the Complainant. Ms. Golden attached a copy of the power of attorney to the complaint.

On November 29, 2006, the Respondent, through its counsel, filed an Answer. The Respondent admitted that the Complainant was removed from the Customer Responsibility Program and that the Complainant's CRP payment was \$122.60. The Respondent averred that the Complainant enrolled in CRP on June 20, 2005. On July 28, 2006, the Complainant was removed from CRP because of the household size and the federal income guidelines. The Respondent referred to the Bureau of Consumer Services decision, dated August 4, 2006, which indicated that the Complainant was properly removed from CRP and placed him on a payment arrangement of \$240.00 which consists of a \$181.00 budget plus \$59.00 a month towards the arrearage. The Respondent stated that its records do not contain information about Christine Burton and therefore, the Respondent denied the allegations.

The parties are hereby directed to comply with the following requirements:

1. A request for a continuance of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa. Code §1.15(b). Requests for a change of hearing date must be sent to me and all parties of record. The correct address is:

Administrative Law Judge Cynthia Williams Fordham
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

Changes are granted only in rare situations where good cause exists.

2. The Commission's policy promotes settlements. 52 Pa. Code §5.231(a). The utility shall contact the Complainant at least one week before the scheduled hearing to discuss a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. §332(a).

4. The Pennsylvania Legislature has recently enacted the Responsible Utility Customer Protection Act. 66 Pa. C.S. §1401 *et seq.* This new law provides strict guidelines as to how the Commission must handle customer complaints. The application of this law may result in the issuance of a less favorable payment arrangement than a customer's current payment arrangement.

5. If the Complainant has not made the payments that the Bureau of Consumer Services ("BCS") directed him to make, he must explain why the payments were not made.

6. The customer must make monthly payments towards his/her utility bill while the complaint is pending. **FAILURE TO MAKE PAYMENTS MAY RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE. FAILURE TO MAKE PAYMENTS MAY RESULT IN THE UTILITY TERMINATING YOUR SERVICE.**

7. If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), you must bring four (4) copies (a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record). Please keep a copy for yourself. 52 Pa. Code §5.409.

8. During the hearing, the Complainant must be prepared to testify about the total gross monthly income of the household. A household includes all adults living at the

service address and benefiting from the utility service. The "total gross monthly household income" includes but is not limited to the following:

- (a) income from salaries, wages, tips or other compensation;
- (b) pension, retirement or social security benefits;
- (c) Supplemental Security Income (SSI)
- (d) unemployment compensation benefits;
- (e) workers' compensation benefits;
- (f) alimony;
- (g) support;
- (h) public assistance, and
- (i) any other source(s) of income.

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

- (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less;
- (b) a copy of the most recent Bureau of Consumer Services (BCS) decision; and,
- (c) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission.

10. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1.24(b).

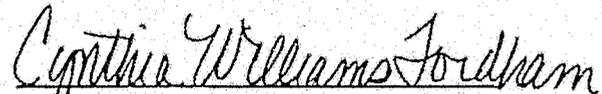
11. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena

and serve it. The written subpoena application must be submitted to the presiding officer, the Secretary of the Commission, opposing counsel and the person to be subpoenaed. 52 Pa. Code §5.421 (a, b).

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

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

Date: January 3, 2007


Cynthia Williams Fordham
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
January 18, 2007

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20067057

(SEE LETTER DATED 12/5/06)

Russell Golden v. Philadelphia Gas Works

Requests payment arrangements

**DOCUMENT
FOLDER**

Corrected Telephone Hearing Notice

This is to inform you that the notice dated December 5, 2006 on the above-captioned case contained incorrect information. The purpose of this notice is to correct that information. All corrections are double underlined.

Your case is scheduled for hearing at 1:30 p.m. in an available Hearing Room in the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time in the same hearing room. 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: Thursday, February 8, 2007
Time: 1:30 p.m.
Location: In an available Hearing Room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania

DOCKETED
JAN 30 2007

Presiding: Administrative Law Judge Cynthia W. Fordham
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 Fordham
Dawn Reitenbach
Beth Plantz
Docket Section
Calendar File

OALJ Hearing Report

Please check those blocks which apply

Docket No.:	C-20067057		YES	NO
Case Name:	Russell Golden v. Philadelphia Gas Works	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	February 8, 2007	Estimated Add'l Days:		
ALJ:	Herbert Smolen	RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:	3/2/07	
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
RECEIVED		REMARKS:	Record will close 3/2/07, date transcript is due.	
FEB 23 2007				

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Name and Telephone Number	Address	Who are you representing?
<i>Barreto Families</i>	900 W. Montgomery Ave. Phila PA 19122	Phila Gas Works
215-684-6980	barreto.families@ingwork.com	215-684-6798
Telephone:	E-mail Address:	Fax Number:
<i>Russell Golden</i>	21 NORTH 42 ND STREET	
215-386-0295	Philadelphia PA 19104-2202	
Telephone:	E-mail Address:	Fax Number:
Telephone:	E-mail Address:	Fax Number:

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

P.C. Brown

Reporter's Signature

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

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

February 27, 2007

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

RECEIVED

FEB 27 2007

RE: Russell Golden v. PGW, Docket No. C - 20067057

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaint has been satisfied. PGW and the Complainant have discussed the issues raised in the complaint and reached a settlement. With this discussion and settlement, the Complainant has indicated that he is satisfied with the resolution of this complaint.

Therefore, further Commission action in is matter is no longer 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,

A handwritten signature in black ink, appearing to read "Laureto Farinas", is written over a large, stylized, looping flourish that extends across the width of the signature area.

Laureto Farinas

**DOCUMENT
FOLDER**

cc: Russell Golden (Regular Mail)
DeVonne Golden (Regular Mail)
Administrative Law Judge Cynthia W. Fordham (via FAX)
Stacy Nolan, Hearing Scheduler (via FAX)
Linda Pereira (PGW Mail)
Anne Marie Cromley (PGW Mail)

DOCKETED
MAR 01 2007

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COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: March 1, 2007
SUBJECT: ~~C-20065057~~ C-20067057
Russell Golden v. Philadelphia Gas Works
TO: Wanda Zeiders
Docket Management
FROM: Janean Spiegel, ALJ Support Staff
Office of Administrative Law Judge

On March 1, 2007, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of the filing, 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 Cynthia W. Fordham
Beth Plantz
Case File

DOCUMENT
FOLDER

DOCKETED
MAR 02 2007

BTL



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

IN REPLY PLEASE
REFER TO OUR FILE

April 6, 2007

C-20067057

RUSSELL GOLDEN
21 NORTH 42ND STREET
PHILADELPHIA PA 19104

RUSSELL GOLDEN
v.
PHILADELPHIA GAS WORKS

DOCKETED
APR 03 2007

TO WHOM IT MAY CONCERN:

Please be advised that the Commission has marked closed the above-entitled proceeding.

Very truly yours,

James J. McNulty
Secretary

cc: All parties of Record

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