

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Primus Muganyizi

v.

Philadelphia Gas Works

F-02294765

PREHEARING ORDER

DOCUMENT  
FOLDER

On December 28, 2007, 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 7, 2008 at 9:30 a.m. in an available hearing room on the 13<sup>th</sup> floor of the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time. You must be available in the hearing room when the presiding Administrative Law Judge calls your case. You should arrive at the hearing room no later than 9:15 a.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 morning, if necessary. If you are not present and prepared to go forward with your case when it is called, the Administrative Law Judge will dismiss your case.

On November 26, 2007, the Complainant filed a formal complaint against the Philadelphia Gas Works ("PGW" or the Respondent) alleging, among other things: that he was charged for gas he did not use at 2548 S. Millick Street; that he purchased the Millick Street property on September 15, 2006; that he fixed up the property so that he could rent it, that he requested that service be turned on in April 2007; that the technician found that the gas meter at the Millick Street property had been destroyed; that the Complainant was told that someone at the property had been stealing gas; that the Respondent required the Complainant to pay \$1,783.62 before service could be turned on; and that the Complainant did not destroy the gas meter or use an illegal gas hookup. The Complainant wants a refund of \$1,783.62

On December 12, 2007, the Respondent, through its counsel, filed an Answer. The Respondent denied that the Complainant was charged for gas that he did not consume. The Respondent averred that the Complainant took possession of 8434 Fayette Street on September 13, 2006<sup>1</sup>. The Respondent stated that on April 24, 2007, during a visit to turn the gas service on, its technician discovered that the service was on and the Electronic Reading Transmitter (ERT) device was missing from the meter. The Respondent admitted that it rebilled the Complainant for the period from September 13, 2006 through April 24, 2007 in the amount of \$1,783.62 for gas service. The Respondent referred to the Bureau of Consumer Services ("BCS") decision, dated October 10, 2007, which indicated that the Complainant's gas bills were correct as rendered and that the Complainant was responsible for the rebill.

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,**

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<sup>1</sup> The Fayette Street property is the Complainant's home address. The service address is on Millick Street. It is assumed that the answer relates to the Millick Street property.

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. 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.

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

- (a) an account statement, showing the history of the account; and
- (b) a copy of the applicable Bureau of Consumer Services (BCS) decision(s).

8. 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

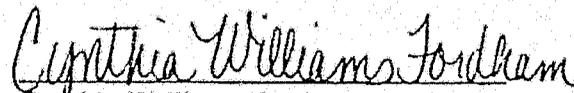
shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

9. 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).

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

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

Date: January 10, 2008

  
Cynthia Williams Fordham  
Administrative Law Judge

**Philadelphia Gas Works**



**DOCUMENT  
FOLDER**

800 West Montgomery Avenue, Philadelphia, PA 19122  
Laureto A. Farinas, Senior Attorney  
Legal Department  
Direct Dial: 215-684-8982  
FAX: 215-684-6798  
E-mail: laureto.farinas@pgworks.com

February 7, 2008

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

**ORIGINAL**

**RE: Primus Muganyizi v. Philadelphia Gas Works, Docket No. F - 02294765**

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 the complaint.

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 horizontal line. The signature is fluid and cursive.

Laureto Farinas

cc: Primus Muganyizi (Regular mail)  
Administrative Law Judge Cynthia W. Fordham (via FAX)  
Stacey Nolan, Scheduler (via FAX)  
Anne Marie Cromley (PGW mail)  
Linda Pereira (PGW mail)

**RECEIVED**

FEB 08 2008

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**BA**

13 #4522

# OALJ Hearing Report

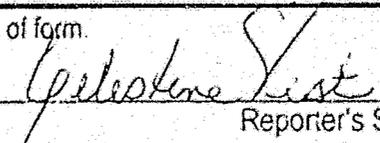
Please check Those Blocks Which Apply

Docket No. F-02294765	YES NO
Case Name Primus Muganyizi v. Philadelphia Gas Works	Prehearing Held: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Location Philadelphia, PA	Hearing Held: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Date February 7, 2008	Testimony Taken: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ALJ Cynthia W. Fordham	Transcript Due: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reporting Firm Commonwealth Reporting	Hearing Concluded: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<div style="font-size: 2em; font-weight: bold; margin-bottom: 10px;">DOCUMENT FOLDER</div> <div style="font-size: 3em; font-weight: bold; margin-bottom: 10px;">RECEIVED</div> <div style="font-size: 1.2em; margin-bottom: 10px;">FEB 13 2008</div> <div style="font-size: 0.8em;">PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU</div>	Further Hearing Needed: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	Estimated Add'l Days:
	RECORD CLOSED: <input type="checkbox"/> YES <input type="checkbox"/> NO
	DATE:
	Briefs to be Filed: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	DATE:
	Bench Decision: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	REMARKS: <i>Parties reached settlement. Certificate of satisfaction to be filed</i>

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

Name and Telephone Number	Address	Who are you representing?
PRIMUS MUGANYIZI 215-247-4305	8434 LAYETTE ST City: PHILADELPHIA State: PA Zip: 19150	SELF
Telephone: Laureto Farinas, Esq. 215-684-6982	E-mail Address: <a href="mailto:laureto.farinas@pqworks.com">laureto.farinas@pqworks.com</a> 800 W. Montgomery Avenue Philadelphia, PA 19122	Fax Number: PHILADELPHIA GAS WORKS FAX # 215-684-6798
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.

  
 Reporter's Signature

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