

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: 11/14/06
8. DOCKET NO: C-20067092	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: FUTURECARE ASSOCIATES, INC.

RESPONDENT/APPLICANT: EQUITABLE GAS CO.

COMP/APP COUNTY: ALLEGHENY

UTILITY CODE: 121100

ALLEGATION OR SUBJECT

COMPLAINANT STATES THAT THERE ARE INCORRECT CHARGES ON THEIR BILL.

DOCKETED  
NOV 21 2006

DOCUMENT  
FOLDER

**ORIGINAL**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

C-20067092

RECEIVED  
2006/01/14 11:09:02  
SECRETARY'S BUREAU

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

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

Name FUTURECARE Associates, Inc.

Street/P.O. Box 6 LOOP ST, SUITE 3 Apt # \_\_\_\_\_

City PITTSBURGH State PA Zip 15215

County Allegheny

Area Code/HOME Phone 412 7810711

Area Code/WORK Phone 412 7848440

Utility Account Number 4732038-222890  
(from your bill)

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

Name FUTURECARE Associates, Inc.

Street/P.O. Box 565 Allegheny Ave, SUITE 100

City DAK MONT State PA Zip 15139

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: EQUITABLE GAS

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 PUC LETTER DATED 10/24/2006 BCS: 209 2393 and ACCOUNT STATEMENT FROM EQUITABLE GAS.

I PROTEST THE \$912.77 charge for an alleged meter twist. \$56.14 does NOT AUTHORIZE A BACK CHARGE FOR THE CONSEQUENCES OF AN INCORRECTLY HOOKED UP METER. ALTERNATIVELY, I QUESTION THE USAGE ALLEGED, IN EFFECT, BY THE BACK-CHARGE, WE OCCUPIED THE FIRST FLOOR. THE COMPLAINING TENANT OCCUPIED THE 2ND FLOOR, THERE IS NO 3RD FLOOR. HEAT RISES. THAT TENANT SHOULD HAVE A HIGHER HEATING BILL BECAUSE OF HEAT LOSS ON 2 SIDES - CEILING AND WALLS. METERS WERE, IF MEMORY SERVES, BY EQUITABLE GAS. METEER READING CAPACITIES WERE CHANGED, DURING MY TENANCY, THE RELIEF Alleged twist, could have occurred at that time. ANY BACK CHARGE should run from that change. No back charge should, in any event, apply

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

AFTER 1/16/06

We respectfully request that the back charge should be entirely disallowed.

Alternatively, we request that Equitable Gas be required to prove affirmatively by the date on which the alleged twist occurred and that any back charge be allowed only after that date up to 1/16/06.

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 *NOT residential customer*

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: *Futurecare Associates, Inc*  
*1* *Thomas M Kelly, President*, 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).

*Futurecare Associates, Inc*  
*Thomas M Kelly, President* *11/8/2006*  
(Signature) (Date)

9. LEGAL REPRESENTATION (IF ANY) *None*

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

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

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, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
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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.**



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

IN REPLY  
PLEASE REFER  
TO OUR FILE

10/24/2006

BCS: 2092393

FUTURE CARE ASSOCIATES  
6 LOOP ST  
SUITE 3  
PITTSBURGH PA 15215 -

DEAR FUTURE CARE ASSOCIATES:

On 6/13/2006 you contacted the Public Utility Commission about a complaint with EQUITABLE GAS CO concerning a re-billing due to a meter twist for \$900.00 plus. (service address 565 Allegheny Avenue Suite 100 Oakmont PA 15139-2048)

The company advised that your account was discontinued effective 1/16/06. The company investigated the property on 4/12/06 and discovered that the meters for Suite 100 and the 2<sup>nd</sup> floor were twisted. The company issued a letter on 5/8/06 explaining the meter twist. The account was originally billed on meter #7743669718 for 47.9 mcf and should have been billed on meter #7740949446 for 110.4 mcf. The company corrected the bill back to 9/03 when an additional meter set occurred. The account was billed \$920.32 originally. The company back dated the final reading and an allowance of \$8.05 was given. The final account balance due to the meter twist was \$912.27.

Utilities are permitted to re-bill in accordance with 56.14 as follows:  
§ 56.14. Previously unbilled utility service.

When a utility renders a make-up bill for previously unbilled utility service resulting from utility billing error, meter failure, leakage that could not reasonably have been detected or loss of service, or four or more consecutive estimated bills and the make-up bill exceeds the otherwise normal estimated bill by at least 50% and at least \$50:

(1) The utility shall review the bill with the ratepayer and make a reasonable attempt to enter into a payment agreement.

(2) The period of the payment agreement may, at the option of the ratepayer, extend at least as long as:

(i) The period during which the excess amount accrued.

Attached are the formal complaint forms if you wish to pursue this issue. This informal case is closed as of the date of this letter.

Sincerely,  
JOAN GORENC  
Investigator

Account Statement



Acct No: 4732038-222890 Contract # 511795 Ref # 121154217253  
 Name FUTURECARE ASSOC

Address: 565 ALLEGHENY AV STE 100  
 OANMONT PA 15139

Service From	Service To	# Of Days	Rdp	Type	MCF	Deg Days	Billed Amt	Budget Amt	Amt Due	Due Date	Transaction Date	Transaction	Amount	Supplier Current Balance	Contract Current Balance	Check
07/09/2003	07/09/2003	25.8		Initial Actual	0.0		\$13.35		\$13.35	08/19/2003	08/27/2003	Payment	(\$13.35)	\$0.00	\$0.00	\$0.00
07/09/2003	07/31/2003	25.8		Actual/iron	0.0		\$13.35		\$13.35	08/19/2003	08/27/2003	Payment	(\$13.35)	\$0.00	\$0.00	\$13.35
07/31/2003	08/29/2003	29		Estimated	0.0		\$18.18		\$18.18	09/18/2003	09/18/2003	Payment	(\$18.18)	\$0.00	\$0.00	\$18.18
08/29/2003	09/27/2003	29		Actual/iron	0.0	41	\$18.18		\$18.18	10/17/2003	09/19/2003	Payment	(\$18.18)	\$0.00	\$0.00	\$18.18
09/27/2003	10/26/2003	31	27.3	Estimated	5.6	412	\$56.75		\$56.75	11/14/2003	10/10/2003	Payment	(\$56.75)	\$0.00	\$0.00	\$56.75
10/26/2003	11/26/2003	31	29.1	Actual/iron	1.0	626	\$60.60		\$60.60	12/18/2003	11/05/2003	Payment	(\$60.60)	\$0.00	\$0.00	\$60.60
11/26/2003	01/02/2004	34	31.6	Estimated	3.2	1071	\$67.66		\$67.66	01/21/2004	12/09/2003	Payment	(\$67.66)	\$0.00	\$0.00	\$67.66
01/02/2004	02/02/2004	31	30.4	Actual	7.0	1341	\$118.62		\$118.62	02/18/2004	01/12/2004	Payment	(\$118.62)	\$0.00	\$0.00	\$118.62
02/02/2004	03/03/2004	30	42.3	Estimated	2.8	652	\$66.08		\$66.08	03/22/2004	02/19/2004	Payment	(\$66.08)	\$0.00	\$0.00	\$66.08
03/03/2004	04/01/2004	29	45.9	Actual	3.6	641	\$64.84		\$64.84	04/20/2004	03/22/2004	PA Late Fee	\$0.84	\$0.84	\$0.84	\$0.84
04/01/2004	04/09/2004	29	41.1	Estimated	1.4	405	\$36.00		\$36.00	05/18/2004	04/16/2004	Payment	(\$36.00)	\$0.00	\$0.00	\$36.00
04/09/2004	05/07/2004	51	46.8	Actual	1.0	489	\$40.10		\$40.10	06/18/2004	05/17/2004	Payment	(\$40.10)	\$0.00	\$0.00	\$40.10
05/07/2004	06/06/2004	29	41.0	Estimated	0.1	31	\$19.47		\$19.47	07/18/2004	06/03/2004	Cancel/Rebill Credit	(\$36.00)	\$0.00	\$0.00	\$36.00
06/06/2004	06/30/2004	25	41.0	Estimated	0.1	31	\$19.47		\$19.47	07/18/2004	06/09/2004	Payment	(\$19.47)	\$0.00	\$0.00	\$19.47
06/30/2004	07/29/2004	29	41.0	Estimated	0.1	31	\$19.47		\$19.47	08/18/2004	06/09/2004	Payment	(\$19.47)	\$0.00	\$0.00	\$19.47



Account Statement



Acct No: 4732038-222893 Contract: 511795 Ref #: 121154717753  
 Name: FUTURECARE ASSOC

Address: 565 ALLEGHENY AV STE 100  
 OAKMONT PA 15139

Service From	Service To	# Of Days	Rtg	Type	MCF	Days	Supp	Billed Amt	Budget Amt	Due Date	Transaction Date	Transaction	Amount	Supplier Current Balance	Contract Current Balance	Check
05/07/2005	05/07/2005	30	62.4	Estimate	3.6	9.0		\$11.42		03/15/2005	Payment		(\$1.42)			\$0.30
04/03/2005	04/03/2005	28	64.4	Actual	4.7	8.0		\$17.76		04/21/2005					\$71.42	\$71.42
03/01/2005	03/01/2005	32	64.4	Estimate	1.3	21.3		\$36.83		05/18/2005	Payment		(\$27.76)			\$0.30
05/02/2005	05/02/2005	26	64.6	Actual	0.1	16.2		\$10.63		05/20/2005					\$27.76	\$27.76
04/01/2005	05/30/2005	30	64.5	Estimate	0.0	0		\$18.47		07/20/2005						\$0.30
05/30/2005	05/31/2005	32	64.5	Actual	3.0	0		\$18.49		08/18/2005						\$36.83
05/31/2005	06/30/2005	20	64.5	Estimate	0.0	0		\$18.48		09/16/2005						\$36.83
06/01/2005	06/26/2005	179	64.6	Actual	0.4	466		\$14.86		10/16/2005						\$36.83
06/26/2005	06/27/2005	1	64.6	Actual	1.0	0		\$15.55		09/28/2005	Cancel/Rebill Credit		(\$11.03)			\$0.30
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
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05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
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05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
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05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/2005	05/12/2005									05/12/2005	Payment		(\$36.83)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Applied to Balance		(\$86.02)			(\$33.87)
05/06/2005	05/06/2005									05/06/2005	Deposit Interest		(\$3.88)			(\$33.87)
05/12/200																

Account Statement



Act No 4737039-22289C Contract - 511795 Ref # 1211542172763  
 Name: FUTURECARE ASSOC

Address: 565 ALLEGHENY AV STE 100  
 OAKMONT PA 15139

Service From	Service To	# Of Days	Rdg.	Type	MCF	Deg Days	Bill C	Edggs	Art	Due	Due	Transac	Date	Transac	Amount	Supplier Current Balance	Contract Current Balance	Check	
09/28/2005	10/27/2005	31	63.5	Remese	0.3	227	\$33.36			\$7.83			11/15/2005					(\$15.56)	\$7.83
11/09/2005	11/30/2005	31	66.8	Remese	0.0	584	\$71.58			\$71.58			11/09/2005	Palmer:	(\$7.83)		\$7.83	(\$0.00)	\$7.83
11/30/2005	01/03/2006	34	72.7	Remese	6.9	1207	\$133.48			\$133.48			12/19/2005	Payment	(\$71.58)			(\$0.00)	\$123.48
01/03/2006	02/01/2006	29	75.0	Remese	2.3	721	\$50.42			\$50.42			01/24/2006	Payment	\$123.48			(\$0.00)	\$123.48
02/21/2006	02/21/2006			Altw Adjust Meter Charges									02/21/2006	Cancel/Rebu Credit	(\$9.63)			(\$9.63)	\$50.42
02/21/2006	02/21/2006			Sales Tax Adjustment									02/21/2006	Sales Tax Adjustment	(\$80.42)			(\$80.42)	\$50.42
03/10/2006	03/10/2006			Final Estimate	1.0	345	\$26.26			\$26.26			03/10/2006		(\$9.67)			(\$10.30)	\$26.26
03/06/2006	03/06/2006			Payment									03/06/2006	Payment	(\$76.26)			(\$76.26)	\$26.26
05/05/2006	05/05/2006			Cancel/Rebu Credit									05/05/2006	Cancel/Rebu Credit	(\$1,184.58)			(\$1,184.58)	\$26.26
05/24/2006	05/24/2006			Final Estimate	110.4	25195	\$7,104.90			\$970.32			05/24/2006					(\$970.32)	\$970.32
05/16/2006	05/16/2006			Allow Adjust Gas General									05/16/2006	Allow Adjust Gas General	(\$8.05)			(\$8.05)	\$970.32
																			\$912.27



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

IN REPLY PLEASE  
REFER TO OUR FILE

DATE SERVED: NOVEMBER 22, 2006

C-20067092

EQUITABLE GAS COMPANY  
ATTN DAN FRUTCHEY  
225 NORTH SHORE DRIVE  
3<sup>RD</sup> FLOOR  
PITTSBURGH PA 15212

DOCUMENT  
FOLDER

Dear Mr. Frutchev:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by FUTURECARE ASSOCIATES, INC.. 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.

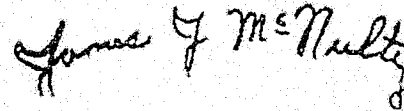
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

NOVEMBER 22, 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,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the printed name.

James J. McNulty  
Secretary

jih

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: NOVEMBER 22, 2006

FUTURECARE ASSOCIATES, INC.  
Complainant

v.

EQUITABLE GAS COMPANY  
Respondent

Complaint Docket  
No: C-20067092

DOCUMENT  
FOLDER

---

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: EQUITABLE GAS COMPANY

DOCKETED  
NOV 21 2006

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).

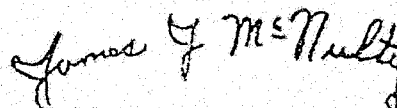
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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

**YUKEVICH, MARCHETTI, LIEKAR & ZANGRILLI, P.C.**

ATTORNEYS AT LAW

11 STANWIX STREET

SUITE 1024

PITTSBURGH, PENNSYLVANIA 15222-1324

TELEPHONE 412/261-8777

FAX 412/261-6789

ORIGINAL

December 12, 2006

*Via Federal Express No. 8596 7837 8849*

James J. McNulty  
Secretary of the Commission  
Pennsylvania Public Utility Commission  
2<sup>nd</sup> Floor, Keystone Building  
400 North Street  
Harrisburg, PA 17105

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DEC 12 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**RE: Futurecare Associates, Inc. v. Equitable Gas Company  
No. C-20067092**

- Documents to be filed:
1. Praecipe for Entry of Appearance of John P. Liekar, Jr., Esquire, Thomas S. Anderson, Esquire, Lori Nolan Lindey, Esquire on Behalf of Equitable Gas Company
  2. Answer and New Matter to Complaint

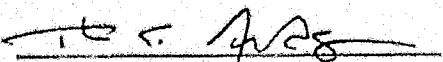
Dear Mr. McNulty:

Enclosed are the originals and three (3) copies of the above noted documents to be filed, together with six (6) copies of this letter and one extra copy of each cover sheet.

Please file the originals and then time-stamp and return the extra cover sheets to the undersigned in the enclosed self-addressed envelope as proof of filing. Thank you for your courtesy.

Yours truly,

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By:   
Thomas S. Anderson, Esquire

TSA/nwj  
Enclosures

cc: Thomas M. Lilly (w/enc) via Regular Mail  
Denice Claudon (w/enc) via Regular Mail  
Daniel L. Frutchey, Esquire (w/enc) via Regular Mail

DOCUMENT  
FOLDER

BTL

36

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**RECEIVED**

Futurecare Associates, Inc.,

Complainant,

vs.

Equitable Gas Company,

Respondent.

) Complaint Docket

)

) No. C-20067092

)

) Type of Pleading:

)

) **ANSWER AND NEW MATTER  
TO COMPLAINT**

)

) Filed on behalf of:

)

) **Equitable Gas Company, Respondent**

)

) Counsel of record for this party:

)

) John P. Liekar, Jr. Esq.

) PA ID No.: 23161

)

) Thomas S. Anderson, Esq.

) PA ID No. 91016

)

) Lori Nolan Lindey, Esq.

) PA ID No. 66803

)

) **YUKEVICH, MARCHETTI, LIEKAR  
& ZANGRILLI, P.C.**

) Firm I. D. No. 891

) 11 Stanwix St., Tenth Fl., Suite 1024

) Pittsburgh, PA 15222-1324

) Phone: (412) 261-6777

) Fax: (412) 261-6789

) E-Mail: [jliekar@ynulz.com](mailto:jliekar@ynulz.com)

)

DEC 13 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Futurecare Associates, Inc., )  
 )  
 Complainant, ) Complaint Docket  
 ) No. C-20067092  
 vs. )  
 )  
 Equitable Gas Company, )  
 )  
 Respondent. )

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

ANSWER and NEW MATTER TO COMPLAINT

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

AND NOW, comes the Respondent, Equitable Gas Company (Equitable) by its attorneys Yukevich, Marchetti, Liekar & Zangrilli, P.C. and the undersigned counsel and files this Answer and New Matter to the Complainant's Formal Complaint filed in the above captioned case:

1. The allegations of Paragraph 1 of the Complaint are admitted.
2. The allegations of Paragraph 2 of the Complaint are admitted.
3. The allegations of Paragraph 3 of the Complaint are admitted.
4. The allegations of Paragraph 4 of the Complaint are admitted in part and denied in part. It is specifically denied that there are incorrect charges on the Complainant's bill. It is admitted that the Complainant, Futurecare Associates, Inc. ("Futurecare"), had an issue regarding a meter twist or meter mis-assignment. It is denied that the problems regarding Futurecare's account establish any liability or violation of the Public Utility Code. In the alternative, Equitable has remedied any such violations or has at least attempted to do so as of

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DEC 1 4 2006

the date of this Answer and New Matter. The allegation regarding the applicability of § 56.14 is a conclusion of law to which no further response is required.

By way of further answer, Futurecare was the commercial ratepayer of record at 565 Allegheny Avenue, Suite 100, Oakmont, PA 15139 from July 9, 2003 to January 16, 2006. At the request of the second floor customer in this same building, Equitable undertook an investigation on April 12, 2006. Equitable's service representative discovered that the meters for Suite 100 and the second floor were "twisted" or "mis-assigned" thereby billing Futurecare for the gas registered by meter #7743669718. This meter was assigned to the account on the second floor. Upon information and belief, Equitable states that the meters were twisted or mis-assigned on or about September 5, 2003. Futurecare was originally billed on meter #7743669718 for 47.9 MCF of gas between September 27, 2003 and January 16, 2006. Futurecare should have been billed on meter #7740949446 for 110.4 MCF of gas for this same time period.

Equitable has corrected the meter twist or mis-assignment and corrected Futurecare's billing. Accordingly, Equitable believes that the outstanding final account balance of \$912.27 is correct, accurate and due from Futurecare.

5. The allegations of Paragraph 5 of the Complaint contain a prayer for relief to which no response is required. To the extent that a response is required and/or deemed necessary, it is Respondent's position that the Complainant is fully responsible for the outstanding balance on this account since it accepted and benefited from the natural gas products and services provided by Equitable.

6. Equitable is without sufficient information or knowledge to form a belief as to the truth of the allegation contained in Paragraph 6 of the Complaint.

7. The allegations of Paragraph 7 of the Complaint are admitted.

WHEREFORE, the Respondent, Equitable Gas Company, respectfully requests that the subject Complaint be dismissed with prejudice.

NEW MATTER

8. Paragraphs 1 through 7 of Respondent's Answer are incorporated herein as though set forth more fully at length.

9. The Complaint fails to allege a violation of any particular provision of the Public Utility Code and/or its implementing regulations and/or the regulations and procedures of the Public Utility Commission.

10. The PUC-approved rates charged the Complainant were fair and reasonable and not in violation of any PUC regulation or order or any statutory provision of the Public Utility Code.

11. The Complainant (a) requested natural gas service pursuant to Respondent's tariff, (b) accepted the tariff rates for which it was invoiced and (c) made payments on its account in the PUC-approved rates charged by Respondent.

12. The account at issue in this formal proceeding is a commercial account representing gas used by a corporate entity.

13. All persons, other than individuals, are required to be represented before the Pennsylvania Public Utility Commission by an attorney licensed to practice law by the Commonwealth of Pennsylvania.

14. The final account balance of \$912.27 represents gas actually used and consumed by Futurecare Associates, Inc.

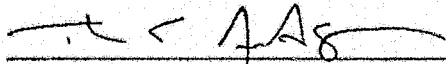
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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

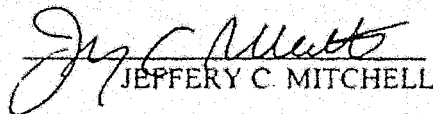
WHEREFORE, the Respondent, Equitable Gas Company, respectfully requests that the subject Complaint be dismissed with prejudice.

Yukevich, Marchetti, Tiekar & Zangrilli, P.C.

By:   
Thomas S. Anderson, Esquire  
Attorney for Respondent Equitable Gas Company

VERIFICATION

I, JEFFERY C. MITCHELL, hereby state that I am authorized to make this verification on behalf of Equitable Gas Company, a division of Equitable Resources, Inc., being the holder of the office of Director Billing, Collections and Compliance, and 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 falsifications to authorities).

  
JEFFERY C. MITCHELL

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DEC 12 2006

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached document was served as follows:

ATTACHED DOCUMENT: RESPONDENT'S ANSWER and NEW MATTER TO COMPLAINT

DATE OF SERVICE: December 12, 2006

BY: FIRST-CLASS U S. MAIL

TO: Thomas M. Lilly, President  
Futurecare Associates, Inc.  
6 Loop Street, Suite 3  
Pittsburgh, PA 15215

BY: FEDERAL EXPRESS

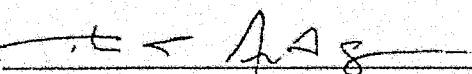
TO: James J. McNulty  
Secretary of the Commission  
Pennsylvania Public Utility Commission  
2<sup>nd</sup> Floor, Keystone Building  
400 North Street  
Harrisburg, PA 17105

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DEC 12 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By:   
Thomas S. Anderson, Esquire  
Attorney for Equitable Gas Company

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Futurecare Associates, Inc.,

Complainant,

vs.

Equitable Gas Company,

Respondent.

) Complaint Docket

)

) No. C-20067092

)

) Type of Pleading:

)

) **PRAECIPE FOR ENTRY OF**

) **APPEARANCE OF JOHN P. LIEKAR,**

) **JR., ESQ., THOMAS S. ANDERSON,**

) **ESQUIRE AND LORI NOLAN**

) **LINDEY, ESQUIRE**

)

) Filed on behalf of:

)

) **Equitable Gas Company, Respondent**

)

) Counsel of record for this party:

)

) John P. Liekar, Jr. Esq.

) PA ID No.: 23161

)

) Thomas S. Anderson, Esq.

) PA ID No. 91016

)

) Lori Nolan Lindey, Esq.

) PA ID No. 66803

)

) **YUKEVICH, MARCHETTI, LIEKAR**

) **& ZANGRILLI, P.C.**

) Firm I. D. No. 891

) 11 Stanwix St., Tenth Fl., Suite 1024

) Pittsburgh, PA 15222-1324

) Phone: (412) 261-6777

) Fax: (412) 261-6789

) E-Mail: [jliekar@ymfz.com](mailto:jliekar@ymfz.com)

)

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**DEC 12 2006**

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Futurecare Associates, Inc., )  
)  
Complainant, ) Complaint Docket  
) No. C-20067092  
vs. )  
)  
Equitable Gas Company, )  
)  
Respondent. )

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DEC 12 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

PRAECIPE FOR ENTRY OF APPEARANCE

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Please enter an appearance for Yukevich, Marchetti, Liekar & Zangrilli, P.C., John P. Liekar, Jr., Esquire, Thomas S. Anderson, Esquire and Lori Nolan Lindey, Esquire on behalf of Equitable Gas Company, Respondent. I am authorized to accept service on behalf of said participant in this matter.

On the basis of this notice, I request a copy of each document hereafter issued by the Commission in this matter.

I am already receiving or have access to a copy of each document issued by the Commission in this matter (alone, or in a consolidated proceeding) and do not on the basis of this notice require an additional copy.

DOCUMENT  
FOLDER

December 12, 2006

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By: Thomas S. Anderson  
Thomas S. Anderson, Esquire  
Attorney for Equitable Gas Company  
11 Stanwix Street, Tenth Floor, Suite 1024  
Pittsburgh, PA 15222-1324  
(412) 261-6779 FAX 261-6789

DOCKETED  
DEC 14 2006

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached document was served as follows:

ATTACHED DOCUMENT: PRAECIPE FOR ENTRY OF APPEARANCE OF JOHN P. LIEKAR, JR., ESQUIRE, THOMAS S. ANDERSON, ESQUIRE AND LORI NOLAN LINDEY, ESQUIRE ON BEHALF OF EQUITABLE GAS COMPANY

DATE OF SERVICE: December 12, 2006

BY: FIRST-CLASS U.S. MAIL

TO: Thomas M. Lilly, President  
Futurecare Associates, Inc.  
6 Loop Street, Suite 3  
Pittsburgh, PA 15215

BY: FEDERAL EXPRESS

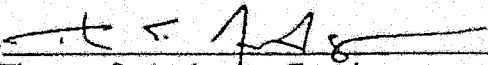
TO: James J. McNulty  
Secretary of the Commission  
Pennsylvania Public Utility Commission  
2<sup>nd</sup> Floor, Keystone Building  
400 North Street  
Harrisburg, PA 17105

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DEC 13 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By:   
Thomas S. Anderson, Esquire  
Attorney for Equitable Gas Company