

This 26.4 CFDD is lower following installation of the AMR and, according to the PGW witness, is attributable to Complainant's new water heater, the upgrading of Complainant's heating system pipes and weather conditions.

Finally, the implausibility of Complainant's position and computations contained in Complainant's Exhibit No. 1 is bolstered by the fact that on page 2 of Complainant's Exhibit No. 1 the usage for the period from 4/3/00 to 9/29/00 indicates a zero (0) CCF gas usage when admittedly gas for hot water was used and gas for heating was used at least in September 2000.

By reason of all of the foregoing, it is clear that Complainant was not overcharged on the make-up bill for prior underestimated bills before the installation of the AMR, as he contends. An appropriate Order will be entered.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter in this proceeding.
2. Complainant has failed to meet his burden of proving that he was overcharged on the make-up bill for prior underestimated bills before the installation of an automatic reading device on May 4, 2001.

2002
SECRETARY'S OFFICE

Case Identification:

F-01002223; Henry Lipski v.
Philadelphia Gas Works

Initial Decision By:

ALJ Herbert Smolen

Deadline for Return to OSA:

August 7, 2002

This decision has not been reviewed by OSA.

RECEIVED

AUG 05 2002

* * * * *

OFFICE OF SPECIAL ASSISTANTS

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Glen Thomas
Commissioner

August 2, 2002
Date

DOCUMENT **DOCKETED**
FOLDER AUG 09 2002

Act 294

Case Identification: F-01002223; Henry Lipski v.
Philadelphia Gas Works

Initial Decision By: ALJ Herbert Smolen

Deadline for Return to OSA: August 7, 2002

This decision has not been reviewed by OSA.

RECEIVED

AUG 06 2002

* * * * *

OFFICE OF SPECIAL ASSISTANTS

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Robert K. Bloom / rk
Commissioner

8-5-02
Date

Act 294

Case Identification: F-01002223; Henry Lipski v. Philadelphia Gas Works

Initial Decision By: ALJ Herbert Smolen

Deadline for Return to OSA: August 7, 2002

This decision has not been reviewed by OSA.

RECEIVED

AUG 02 2002

* * * * *

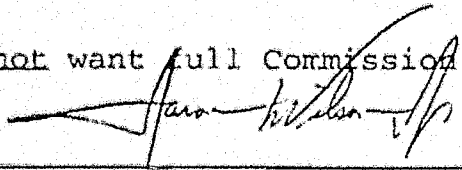
OFFICE OF SPECIAL ASSISTANTS

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.



Commissioner

8/2/02 *mc*

Date

Act 294

Case Identification: F-01002223; Henry Lipski v.
Philadelphia Gas Works

Initial Decision By: ALJ Herbert Smolen

Deadline for Return to OSA: August 7, 2002

This decision has not been reviewed by OSA.

RECEIVED

AUG 08 2002

* * * * *

OFFICE OF SPECIAL ASSISTANTS

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Terrance J. Fitzgerald
Commissioner

8-8-02
Date

Act 294

Case Identification: F-01002223; Henry Lipski v.
Philadelphia Gas Works

Initial Decision By: ALJ Herbert Smolen

Deadline for Return to OSA: August 7, 2002

This decision has not been reviewed by OSA.

RECEIVED

AUG 07 2002

* * * * *

OFFICE OF SPECIAL ASSISTANTS

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Kim Fitzgibbon

Commissioner

8/7/02

Date

Henry Lipski
4528 Aubrey Ave
Phila. PA 19114

Issued: August 12, 2002 SRB

Pennsylvania Public Utility Com.
To: Secretary of The Commission 2nd FL.
Keystone Building 400 North Str.
Harrisburg PA 17105-3265

Certified Mail
Receipt Requested

Exceptions to Initial Decision - for reconsideration

RE: Docket No. F-01002223
Hearing date: 06.25.02

DOCKETED

RECEIVED

AUG 15 2002

AUG 12 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

Finding of Facts

RE: (5) The old meter reading of 6950 ccf of removal on 05.04.01 recorded by PGW as actual reading does not represent true and valid actual reading and should not be used as such.

- The old meter was too old, out of calibration and was reported as malfunctioning long before 05.04.01
- Test 3.30.01 to 4.26.01 proved abnormal meter readings as it was promptly reported to PGW (records exist)
On 3.30.01 I shut the gas valve at the house heating system and left only 1 year old, still on manufacture warranty hot water boiler running with 3 people living in house
old digital meter registered 100 ccf usage on 4.26.01 (27 days)
- Since the new gas meter was installed on 05.04.01 we are using only about 17 ccf/month with same hot water boiler running (see actual reading for summer month period 05.04.01 - 10.02.01 - Henry Lipski Exhibit # 1, pg. 2)
- PGW refused to submit the old meter to independent licensed & certified company to perform inspection and test immediately after removal from 4528 Aubrey Ave on 05.04.01 despite prior Henry Lipski request (record exists).
- (PGW test was performed 06.07.01 (PGW exhibit 5) by PGW alone - 1 mo after.
- No certificate of valid initial and final quality control and Engineering inspections exists. It was not performed by PGW, as stated by PGW representative on hearing 06.25.02.

The PGW exhibit #5 does not provide necessary information to identify the old meter. No serial number on cover - no identification for internal components, no manufacturer date of meter production & SN. No repair and no calibration certification record was provided by PGW from the time the meter was installed at 4528 Aubrey to the time it was removed 05.04.01, as authorized by judge Herbert Smolen during hearing on 06.25.02.

ORIGINAL

DOCUMENT

Finding of Facts

RE: (7) • The gas consumption of 1928 ccf (6950 less 5022 = 1928) does not represent actual valid measured gas consumption for period 02.22.00 to 05.02.01 (15^{consecutive} month-less 20 days)

The reading of 6950 recorded by PGN after the old meter was removed on 05.04.01 does not represent true, valid, approved actual reading. The 6950 should not be used in calculation of actual measured gas consumption.

• The actual measured gas consumption for period 05.04.01 to 07.31.02 (15^{consecutive} month less 4 days) with PGN calibrated meter and accurate monthly readings (record taken from PGN bills - Henry Lipski Exhibit #1 - copy enclosed) was 1132 ccf.

• In beginning of February of 2000, prior to 2.22.00 new hot water boiler was installed (receipt enclosed) and entire house heating system was upgraded - rated to use around 50% less of gas, comparing to previous years.

• The gas usage for the entire period starting from 02.22.00 (reading 5022) until 05.04.01 (15 consecutive month less 20 days) - should be closely compatible with the period 05.04.01 (reading 00) until 07.31.02 (reading 1132) (15 consecutive month less 4 days - Henry Lipski Exhibit #1)

• The PGN request for payment for usage of 1928 ccf period 02.22.00 to 05.04.01 amounts to over 70 percent higher comparing to period 05.04.01 - to 07.31.02. The actual measured with calibrated, new PGN meter monthly readings are the only accurate record period 05.04.01 to 07.31.02 since the entire house installation was upgraded prior to 02/22/2000 (Henry Lipski Exhibit #1).

Finding OF Facts

RE: (18) The old meter was removed from 4528 Aubrey Ave on 05.04.01 by PG&N.

- The old meter was tested by PG&N alone on 06.07.01 (PG&N exhibit #5) over one month after removed.
- PG&N refused to submit the old meter to independent licensed & certified company to perform inspection and test immediately after removal as requested by H. Lipiski.
- No meter identification was established by PG&N.
- The PG&N exhibit #5 does not provide necessary information to identify the old meter & confirm final reading.
- No quality control and Engineering inspection was performed / documented prior to PG&N test & after test.
- The PG&N test ran for few minutes without final quality and engineering inspections. Review of repair records, records of calibration, data review and final former certifications were not performed by PG&N as stated by PG&N representative on hearing 06.25.02.
- The test I ran on old meter period 3.30.01 to 4.26.01 proved abnormal meter readings as it was promptly reported to PG&N. (documented in letter to Bureau of Consumer Services Informal complaint unit P.O. Box 3265 Harrisburg PA 17105-1110 dated 08.12.01.) Test - briefly described on previous pg. 1 -
- The PG&N few minutes long-meter test is not comprehensive enough and capable to detect all of the defective components, meter aging effects, inconsistent meter operation and other possibilities for meter malfunctions.
- The PG&N old meter test was biased. It does not represent reputable, reliable standards. It should not be used as evidence in this case.
- The final old meter reading does not represent actual valid & certified reading.

Finding of Facts

RE: (20) cubic feet of gas used per degree day (CCDD) for periods of time prior to 02.22.00 (period 7.31.97 to 2.3.99 to 2.22.00 ... used by PG&E exhibit # 4 is not applicable and should not be used in this comparison.

The PG&E study of gas usage for period 7.31.97 to 2.3.99 to 2.22.00 represents amount of gas that was used with old hot water heater and old house heating system in place prior to replacement in beginning of February 2000.

Very few PG&E actual meter readings exist for period 7.31.97 to 2.3.99 to 2.22.00

The PG&E study of gas usage: above period is very inaccurate

The PG&E payment request for usage of 1928 ccf of gas for period 02.22.00 to 05.04.01 based on study of gas usage for previous periods (7.31.97 to 2.3.99 to 2.22.00 PG&E exhibit #4) is totally not applicable. Consumption of gas for the period prior to 2.22.00, was significantly higher due to old ~~more~~ efficient hot water heater & entire old house heating system in place.

The actual monthly readings total for the period 05.04.01 to 07.31.02 (15 consecutive month - 1132 CCF less 4 days - is

The gas usage for closely compatible period of previous 15 consecutive month less 20 days - period 02.22.00 to 05.04.02 should closely match readings of new certified meter and not be over 10 percent higher (1928 - less 1132 = 796 CCF.

All present monthly meter readings closely follow and are totally in line with all previous once starting 05.04.01. All monthly meter readings should be in line starting 02.22.00.

Finding of Facts

RE: (21) The Lower CCOD was achieved due to installation of new, more efficient hot water heater and upgrading of the heating systems pipes and weather conditions. All above was completed in beginning of February of 2000 - prior to 02.22.2000. The new hot water heater & entire house heating system was upgraded approximately 15 months prior to 05.04.01 when new P&N gas meter was installed (see presented on hearing hot water heater receipt dated 01.31.00 - H. Lipski Exhibit #2).

However no actual meter readings exists during period 02.22.00 (actual reading 5022 P&N exhibit #1) and 05.04.01 when the old meter was removed after prior complaints of meter malfunctions/abnormal readings prior to 05.04.01

The actual new meter reading period 05.04.01 to 07.31.02 (15 consecutive month) is 1132 CCF.

It is significantly lower comparing to previous years gas usage (7.31.97 to 2.3.98 to 2.22.00 - P&N exhibit #4)

The actual gas usage of 1132 CCF in 15 consecutive month proves that the installation of new hot water heater and upgrading of entire house heating system performed prior to 02.22.2000 resulted significant reductions & savings in amount of gas usage starting 02.22.00.

It should be reflected as significantly lower gas usage around 50 percent less & lower bills since 02.22.00 to present time.

Discussion

In this matter the relevant record evidence discloses that Henry Lipski was overcharged by PGW for 998 ccf of gas usage period 02.22.00 (actual reading 5022) to 05.04.01 (reading 6950) total amount of \$ 818.27.

6950 less 5022 = 1928 ccf

1928 less 930 (was paid) = 998 ccf in dispute

The old meter reading of 6950 ccf at the time of removal on 05.04.01 recorded by PGW as actual reading does not represent true, valid & approved actual reading and should not be used as such.

The old meter was too old, out of calibration and was reported as malfunctioning, producing abnormal readings long before 05.04.01

PGW refused to submit the old meter to independent licensed & certified company for inspection & test immediately after removal as requested by H. Lipski

The test performed by PGW on old meter was biased.

The PGW test does not represent reliable standards.

The final old meter reading does not represent certified reading.

For other details - see Finding of Facts pg 1 to 5.

In beginning of february of 2000 prior to 02.22.00 the new hot water heater was installed (more efficient) and entire house heating system was upgraded rated to use around 50 percent less of gas.

No actual meter reading exists during period 02.22.00 (actual reading 5022 - PGW exhibit #1) and 05.04.01 when the old meter was removed - after prior complaints of meter malfunctions & abnormal readings prior to 05.04.01 (see results of test & other details - pages 1 to 5 - Finding of Facts).

The only accurate actual meter readings recorded by calibrated PGW meter exist for period 05.04.01 to 07.31.02 - 15 consecutive month less 4 days (Henry Lipski Exhibit #1) & is total 1132 ccf.

Discussion

The gas usage for immediately previous period 02.22.00 to 05.04.01 - 15 consecutive month less 20 days should closely match the gas usage period 05.04.01 to 07.31.02.

It should not be over 70 percent higher (1928 ccf - less 1132 ccf = 796 ccf) as claimed by PGW.

All meter readings period 02.22.00 to 05.04.01 should be closely in line & compatible to corresponding monthly periods with the actual monthly readings recorded by PGW for period 05.04.01 to 07.31.02 - H. Lipski Exhibit #1. pg.1. pg.2. pg.3.

The actual gas usage of 1132 ccf in 15 consecutive month proves that the installation of new more efficient hot water heater and upgrading of entire house heating system performed prior to 02.22.2000 resulted significant reduction (about 50 percent) in amount of gas usage starting on 02.22.00 & continuing until now.

During the hearing on 06.25.02 PGW representative stated:

- ① The PGW calibration certifies that the gas meter is guarantee to perform according to manufacture's specifications, free of errors for period of 15 years from the date of calibration.
- ② The PGW gas meters are good & certified by manufacture to function according to manufacture's specification free of errors for period of 30 years from the date of production.

I requested above statements in writing from PGW. The judge H. Smolen authorized my request. I am still waiting for above statements in writing from PGW.

August 12, 2002
date

Henry Lipski
Henry Lipski

(A) - Actual

PG&N.
 - Period (05.04.01 - 05.01.02) - 12 consecutive month
 • Total usage CCF 1070 CCF
 • Total amount paid 1,228 dollars.

Year	2002											
From:	05.04	06.01	07.03	08.02	08.31	10.02	10.31	11.30	01.02	01.31	03.01	04.02
To :	06.01	07.03	08.02	08.31	10.02	10.31	11.30	01.02	01.31	03.01	04.02	05.01
Meter start	(A) 000	(A) 015	(A) 035	(A) 050	(A) 065	(A) 082	(A) 113	(A) 212	(A) 438	(A) 663	(A) 859	(A) 1020
Meter stop	(A) 015	(A) 035	(A) 50	(A) 065	(A) 082	(A) 113	(A) 212	(A) 438	(A) 663	(A) 859	(A) 1020	(A) 1070
Usage CCF	(A) 15	(A) 20	(A) 15	(A) 15	(A) 17	(A) 31	(A) 99	(A) 226	(A) 225	(A) 196	(A) 161	(A) 50
Billed Amount	32.95	38.28	31.62	31.62	30.33	46.66	123.72	238.96	237.96	207.87	150.66	57.48
Due date	6.29.01	7.31	8.28	9.28	10.30	11.29	12.31	01.30	02.27	03.28	04.29	05.29
Price per 1-CCF	2.059	1.914	2.108	2.108	1.784	1.505	1.250	1.057	1.058	1.061	0.936	1.150
PG&N (cost) / (rate)												
• Paid \$		72.17	31.62	31.62	30.33	46.66	123.72	238.96	237.96	207.87	150.60	57.48
• Paid date		07.20	08.12	09.17	10.28	11.27	12.22	01.16.02	02.18	03.18	04.24	05.20
• check #												
• Agreement charges												
• Paid date										15	15	15
										03.18	04.24	05.20

Henry Lipski
 Exhibit #1 - pg-2

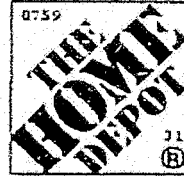
(E) - Estimated
 PGW Period - (02.22.00 - 03.02.01) - 12 consecutive months
 Total usage CCF 929
 Total amount paid \$ 1068 dollars
 Year 2000

From	02.22	04.03	05.02	06.01	06.30	08.01	08.30	09.29	10.31	11.30	01.02.01	01.31	03.02	03.04
To	04.03	05.02	06.01	06.30	08.01	08.30	09.29	10.31	11.30	01.02.01	01.31	03.02	03.04	
Meter Start	5127	5127	5127	5127	5127	5127	5127	5127	5191	5310	5477	5777	5955	5955
Meter Stop	5127	5127	5127	5127	5127	5127	5127	5191	5310	5577	5777	5955	6222	6350
Usage CCF	105	0	0	0	0	0	0	64	119	267	200	174	174	1000
Bill Amount	88.97	8.00	8.00	8.00	8.00	8.00	8.00	57.35	106.71	270.96	264.23	231.75	231.75	1304
Due date	5.01.00	5.30.00	6.28.00	7.31.00	8.28.00	9.27.00	10.27.00	11.29.00	12.28	01.30.01	02.28.01	3.29.01	5.30.01	5.30.01
Price per 1 CCF (PGW rate)	0.771	0.771	0.771	0.771	0.771	0.771	0.771	0.896	0.897	1.015	1.321	1.332	1.355	1.331
Paid \$	88.97	8.00	8.00	8.00	8.00	8.00	8.00	57.35	106.71	270.96	264.23	231.75	231.75	1304
Paid date	5.01.00	5.22.00	6.01.00	7.31.00	8.20	9.16.00	10.16.00	11.28.00	12.12.00	1.29.01	2.26.01	3.29.01	5.30.01	5.30.01
check #														

Henry Lipski
 Exhibit # 1-pg. 3

THE HOME DEPOT 4103
1336 BRISTOL PIKE BENSALEM PA 19020
STORE MANAGER-TONY FIERRO (215)638-3510

SALE 4103 00012 20029 01/31/00
11 825 07:27 PM



020352425146	WATER HEAT	159.00
039923038272	COPPER FIT	2.49
039923038272	COPPER FIT	2.49
	SUBTOTAL	163.98
163.98	TAX PA 6.000	9.84
	TOTAL	\$173.82
	CASH	180.00
	CHANGE DUE	6.18



4103 12 20029 01/31/00 6759

WE INSTALL GARAGE DOORS, OPENERS,
WATER HEATERS, CARPETS, STORM DOORS,
AND KITCHENS.

Henry Lipski
Exhibit # 2

LARGE METER
TEST RECORD

COMPANY NUMBER		SIZE			
REASON FOR REMOVAL		R-275			
AGE CHANGE					
ADDRESS					
4522 PURTNEY AV					
WORKMAN		DATE			
# 9221		6-7-2001			
TESTS		INDEX			
CWCE	100.00	CAPACITY	275	INDEX	6950
OPEN	100.00	FILUCT.	=	DATE	BADGE
S M		TESTED	=		1991
		BY			
STAMP HERE IF CONDEMNED			CHECK HERE IF STN. DIA.		

PGW Exhibit 5

Heat & Domestic

GAS USAGE ANALYSIS OF ACCOUNT											
NON-HEATING DAILY USAGE											
0.52 CCF PER DAY (not heating usage / number of days in period)											
ACCOUNT # 31-1153-2072											
Henry Lipski 4528 Aubrey Av Phila Pa 19114											
DATES		METER READINGS		NUMBER OF DAYS		USAGE IN CCF*		DOMESTIC USAGE CCF*		HEAT USAGE	
FROM	TO	FROM	TO	DAYS	CCF*	USAGE CCF*	USAGE CCF*	USAGE	DEG.DAYS**	NUMBER	CFDD**
7/31/97	2/3/99	1181	3435	552	2254	287	1967	6239	315		
2/3/99	2/22/00	3435	5022	384	1587	200	1387	4676	297		
2/22/00	5/2/01	5022	6949	435	1927	226	1701	5441	313		
5/4/01	1/31/02	0	663	272	663	141	522	1972	264		

* CCF = hundred Cubic feet

** DEGREE DAYS AN INDEX OF ENERGY CONSUMPTION FOR HEATING

IT INDICATES THE NUMBER OF DEGREES THE AVERAGE TEMPERATURE DROPS BELOW 65° F.

***CFDD EQUALS CUBIC FEET OF GAS USED PER DEGREE DAY

PGW Exhibit 4

Certificate of service

I hereby certify that I have this day served a true copy of the foregoing document upon participants listed below in accordance with the requirements of § 1.54 (relating to service by a participant).

Service List

For:

Laureto A Farinas Esq.
Philadelphia Gas Works
800 N. Montgomery Ave
Philadelphia PA 19122

August 12, 2002

Henry Lipski
4528 Aubrey Ave
Phila, PA 19124

Henry Lipski

DATE: August 28, 2002

SUBJECT: F-01002223

TO: Cheryl W. Davis, Director
Office of Special Assistants

FROM: James J. McNulty
Secretary
nvl

DOCKETED
AUG 28 2002

DOCUMENT
FOLDER

HENRY LIPSKI
VS
PHILADELPHIA GAS WORKS

Copies of the Initial Decision have been served upon all parties of interest.

Exceptions have been filed by:

HENRY LIPSKI

Reply Exceptions have been received from:

cc: Susan Hoffner, ALJ



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

August 30, 2002

IN REPLY PLEASE
REFER TO OUR FILE

EP 01002223
C-20016127

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

DOCKETED
SEP 11 2002

Henry Lipski
v.
Philadelphia Gas Works

DOCUMENT

Dear Mr. Farinas:

The Commission on August 28, 2002 received your Replies to Exceptions in the above referenced proceeding. This was not within 10 days of the date Exceptions were due as prescribed in the cover letter to you, transmitting the Initial Decision of the Administrative Law Judge.

Accordingly, your Replies to Exceptions were not timely filed and will not be considered by the Commission.

Very truly yours,

James J. McNulty
Secretary

rnl

cc: All Parties of Record
Susan Hoffner, ALJ
Office Special Assistants
Office of Trial Staff
Law Bureau
Chairman
Commissioners

BTL



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

IN REPLY PLEASE
REFER TO OUR FILE

September 3, 2002

F-01002223

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

SRB

DOCKETED
SEP 05 2002

Henry Lipski
v.
Philadelphia Gas Works

DOCUMENT

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Very truly yours,

James J. McNulty
Secretary

nvl

cc: All Parties of Record
Susan Hofferer, ALJ
Office Special Assistant
Office of Trial Staff
Law Bureau
Chairman
Commissioners