

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Evan Higgins

v.

Philadelphia Gas Works

:
:
:
:
:
:

F-2016-2575980

PREHEARING ORDER

By Telephonic Hearing Notice dated January 24, 2017, the Pennsylvania Public Utility Commission (Commission) scheduled an Initial Telephonic Hearing for this matter for Friday, February 17, 2017 at 10:00 a.m. and assigned me as the Presiding Officer. I will initiate the Hearing by calling the parties at the telephone numbers included on the Notice at 10:00 a.m.

You must be available when I call you or you may lose this case. If you will be at a telephone number that is different than the number on the hearing notice, you must notify me of that telephone number at least seven (7) days before the hearing. In addition, the parties shall comply with the following requirements:

1. Commission policy promotes settlements. 52 Pa. Code §5.231(a). **The utility is directed to contact the complainant at least seven (7) days before the scheduled hearing to discuss possible settlement of this case.** Even if the parties are unable to settle this case, they may still resolve some of the questions or issues during their discussions. The parties are also reminded that the presiding officer may participate in settlement discussions upon agreement of all parties. 52 Pa.Code § 5.223(c); *see also*, 52 Pa.Code § 5.231(c). If the parties reach an agreement on all issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

2. A request for a change 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) days prior to the hearing. 52 Pa.Code §1.15(b). Requests for changes of hearing dates must be sent to me and all parties of record. My address is:

Joel H. Cheskis
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pa. 17105-3265
Telephone: (717) 787-1399
Fax: (717) 787-0481
Email: jcheskis@pa.gov

Changes are granted only in situations where good cause exists.

3. The Responsible Utility Customer Protection Act, 66 Pa. C.S. §§1401-1418, may apply to this case. This law provides specific details that the Commission must follow in handling certain customer complaints. **The application of this law may result in the issuance of less favorable payment terms than a customer's current payment arrangement.**

4. If the customer seeks a payment arrangement on any outstanding amount owed, the customer must be prepared to testify at the hearing 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) 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) child support; (h) public assistance; and (i) any other source(s) of income.

5. The utility must prepare and submit the following documents at least five business days before the hearing: (a) an account statement, showing the history of the account for a minimum of 48 months or the entire history of the account, whichever is less; (b) a copy of the most

recent BCS decision, if any; and (c) a brief summary of any payment arrangement(s) made between the utility and the customer.

6. If the customer is making a claim for a high bill, the customer must be prepared to testify about his or her billing history; any change in the number of occupants residing at the household; the potential for energy utilization; and any other relevant facts or circumstances that are brought that may impact usage.

7. If a party intends to present any documents or exhibits for consideration, it must provide one copy to the other parties and three (3) copies to me at least five days prior to the hearing. A party should properly pre-mark exhibits for identification purposes.

8. Although the hearing is being conducted telephonically for the convenience of the parties, the hearing is a formal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

9. Pursuant to 52 Pa. Code §§1.21 & 1.22, an individual is not required to have a lawyer present for the Formal complaint process before the Public Utility Commission. You may represent yourself. However, if you are interested in receiving legal representation and live in Dauphin, Cumberland, Perry, Juniata, Northumberland, Schuylkill, Lebanon, Lancaster or York County, you may contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, via email at lawclinicb@mail.widener.edu or by phone at 717-541-0320. For additional information see Widener Harrisburg's Civil Law Clinic's website:

<http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinic.aspx>.

Based on your income, legal representation may be available to you at no cost or a reduced fee.

10. If you are a partnership, corporation, trust, association, or governmental agency or subdivision, an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, must represent you in this proceeding.

11. Unless you are an attorney, you may not represent someone else. Attorneys shall enter their appearance in accordance with the provisions of 52 Pa. Code §1.24(b).

12. The Customer is responsible for payment of current bills pending the resolution of this complaint, if applicable. Failure to make payments may result in the termination of utility service.

13. Pursuant to 52 Pa Code § 1.24, parties must promptly report to the Commission and the other parties a change in address that occurs during the course of the proceeding.

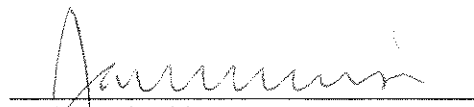
14. **If a party fails to participate in the hearing, the hearing may proceed without that party and a decision may be entered against that party.**

15. The Complainant bears the burden of proof and must demonstrate by a preponderance of the evidence that he is entitled to the relief requested in the complaint.

16. If you, or anyone you plan to call as a witness on your behalf, has a limited ability to speak or understand English or are deaf or hearing-impaired, a qualified interpreter can be provided upon your request. If you need an interpreter, please contact the scheduling office for the Office of Administrative Law Judge at (717) 787-1399 at least ten (10) days before the hearing to make your request. The AT&T Relay Service number for persons who are deaf or hearing-impaired is 1-800-654-5988.

17. That a finding of a violation of a Commission Order, regulation or statute may result in the imposition of a civil penalty consistent with 66 Pa. C.S. § 3301 or other provision of the Public Utility Code.

Date: January 26, 2017


Joel H. Cheskis
Administrative Law Judge

F-2016-2575980 - EVAN HIGGINS v. PHILADELPHIA GAS WORKS

EVAN HIGGINS
1501 NORTH 2ND STREET APARTMENT #3
PHILADELPHIA PA 19122
718.757.8390

LAURETO FARINAS ESQUIRE
PHILADELPHIA GAS WORKS
4TH FLOOR
800 W MONTGOMERY AVENUE
PHILADELPHIA PA 19122
215.684.6982
-ACCEPTS E-SERVICE-