

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Dolores Mitchell

v.

Philadelphia Gas Works

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F-2016-2548959

PREHEARING ORDER ON REMAND

On March 1, 2018, the Commission entered an Opinion and Order modifying and remanding my Initial Decision issued on January 5, 2017. The Commission determined in its Opinion that the Complainant attempted to continue the hearing a second time, and that although continuances are granted for good cause and are not automatically given, that the public interest would be best served if the Complainant received an opportunity to be heard. Thus, Complainant's Petition for Rescission was granted and the proceeding remanded, for such proceedings as may be necessary and the issuance of an Initial Decision on remand.

A Call-In Telephonic Hearing (on remand), in the above-captioned case, is scheduled for Tuesday, April 17, 2018 at 10:00 a.m. **All parties and witnesses must call into the telephonic hearing at the toll free number 1-855-750-1027 and enter PIN Number 995371. Complainant's failure to participate by phone using this method will result in the case being dismissed for failure to appear.**

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

1. 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) business days prior to the hearing. 52 Pa. Code §1.15(b). **Requests for changing a hearing date must be sent to me and all parties of record.** The correct address is:

Elizabeth H. Barnes, Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 787-3988
Fax: (717) 787-0481

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

2. **Commission policy promotes settlements.** 52 Pa. Code §5.231(a). Each utility shall contact you at least one week before the scheduled hearing to talk over 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. **THIS CASE WILL BE DISMISSED IF YOU DO NOT PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

4. The Responsible Utility Customer Protection Act, 66 Pa. C.S. §§1401, *et seq.*, became effective on December 14, 2004, and applies to this case. This law provides strict requirements that the Commission must follow in handling customer complaints. The application of this law may result in the issuance of less favorable payment terms than a customer's current payment arrangement.

5. The customer must make monthly payments for current usage on or before the billing due date while this complaint is pending. **FAILURE TO MAKE PAYMENTS MAY RESULT IN TERMINATION OF YOUR SERVICE.**

6. As the party seeking affirmative relief from the Commission, Complainant bears the burden of proof and must present evidence sufficient to demonstrate that the utility has violated the Public Utility Code, or a regulation or order of the Commission. 66 Pa. C.S. §332(a).

7. If you intend to present any documents or exhibits for my consideration, you must send one copy to the other party and three copies to me at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.

8. 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 24 months or the entire history of the account, whichever is less;
- (b) a copy of the most recent BCS decision, if any;

9. 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).

10. 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 days notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

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

Date: March 12, 2018

/s/
Elizabeth H. Barnes
Administrative Law Judge

F-2016-2548959 - DOLORES MITCHELL v. PHILADELPHIA GAS WORKS

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