



Via Electronic Filing Electronic Mail Delivery

November 30, 2020

Rosemary Chiavetta, Executive Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Docket Number C-2020-3016134
Jacquelyn N’Jai v. Peoples Natural Gas Company LLC

Dear Secretary Chiavetta:

On behalf of Peoples Natural Gas Company LLC (“Peoples”), please find enclosed for filing a Brief in the above-noted docket.

Please contact the undersigned at (412) 208-6834 should you have any questions or concerns regarding this matter.

Very truly yours,

Jennifer L. Petrisek
Senior Counsel

cc: All Parties listed on the Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JACQUELYN N’JAI)	
)	
V.)	DOCKET NO. C-2020-3016134
)	
PEOPLES NATURAL GAS COMPANY LLC)	

BRIEF OF PEOPLES NATURAL GAS COMPANY LLC

PROCEDURAL HISTORY

On January 11, 2020, Jacquelyn N’Jai (the “Complainant”) filed a formal complaint against Peoples Natural Gas Company LLC (“Peoples” or the “Company”) which, among other things, averred that Peoples has improperly billed the Complainant due to incorrect meter readings at the Complainant’s residence located at 7801 Lloyd Avenue, Apartment #116 in Pittsburgh, Pennsylvania 15701. As relief, Complainant sought bill corrections, refunds, fine against the Company and assistance with locating a new natural gas distribution company. The formal complaint was served on Peoples on January 16, 2020.

On February 6, 2020, Peoples filed an Answer to the formal complaint denying the Complainant’s allegations.

On, or about, April 15, 2020, Complainant filed a Brief in Support of Complainant & Outline for Hearing.

On June 10, 2020, a telephonic hearing was held to address the formal complaint at which hearing both parties were present. Due to technical issues with viewing Complainant’s exhibits, the hearing was concluded early and a Further Telephone Hearing was held on October 5th, at which both parties were present. Complainant presented her own testimony and offered 11 exhibits, which were admitted into

evidence. Peoples was represented by Jennifer L. Petrisek, Esquire, who presented testimony of one (1) witness, Ms. Denice Claudon, and offered 9 exhibits, which were admitted into evidence. A transcript of the telephonic hearing was prepared consisting of 143 pages. At the conclusion of the telephonic hearing, Administrative Law Judge DeVoe granted Complainant's request to file a Post Hearing Brief.

On October 27, 2020, Administrative Law Judge DeVoe issued a Briefing Order setting forth the briefing parameters, which permitted, but did not require, Main Briefs by November 30th, 2020 (noting the initial due date was November 26th, however the Commission was closed on the 26th and 27th, followed by the weekend) and Reply Briefs would be permitted, but not required, due within fourteen (14) days of service a Main Brief by the other party.

On November 16th, Complainant filed a Main Brief.

In accordance with the Briefing Order, Peoples submits the following:

DISCUSSION

The central issues in this Formal Complaint pertain to whether (1) meter readings were properly obtained from the meter located at the Premise, (2) whether the meter readings were accurate and (3) whether Complainant was properly charged for natural gas service, specifically related/calculated by the actual consumption of natural gas within a billing period.

As in all Formal Complaint proceedings, the Complainant has the burden of proof to show that Peoples is responsible or accountable for the problem described in the complaint. Patterson v. Bell Telephone Co. of Pa., 72 Pa. PUC 196 (1990); Feinstein v. Philadelphia Suburban Water Co., 50 Pa. PUC 300 (1976). The Complainant must establish his case by a preponderance of the evidence. Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n, 578 A.2d 600 (Pa.Cmwlth. 1990), alloc. den., 602 A.2d 863 (Pa. 1992). To meet the burden of proof, the Complainant must present evidence more convincing, by even the smallest amount, than that presented by the Respondent. Se-Ling Hosiery v. Margulies, 70 A.2d 854 (Pa. 1950). In this case, the Complainant is unable to meet the burden as further discussed below.

(A) Meter Readings were Properly Obtained.

As evidenced on Peoples Exhibit F, for the period September 2012 to March 2019, Peoples obtained an actual meter reading from the meter located at Complainant's residence at 7801 Lloyd Avenue, Apartment 116 in Pittsburgh, Pennsylvania (the "Premise") on an every other month basis. Actual meter readings were obtained by an individual, either an employee or a contractor, visually observing the meter at the Premise, and recording said meter reading. On the months in which an actual meter reading was not obtained, the Company calculated an estimated meter reading, taking into account average temperatures and prior usage at the Premise. Section 56.12(2) of the Pennsylvania Code permits a utility that renders bills on a monthly basis to estimate usage on an every other month basis.

On or about, August 10, 2017, Peoples installed an encoder receiver transmitter ("ERT") onto Complainant's meter. The ERT allows the Company to obtain an actual meter reading by sending a signal from a handheld device to the ERT from a distance, such as from a vehicle driving by, and obtaining a response signal from the ERT with the actual meter reading at the time the signal is sent. Essentially, the ERT is automatic meter reading; it does not calculate or register gas usage, but instead transmits the data from the meter. ERTs have proven to have a very high accuracy rating. When the ERT was installed, the meter dials shown on the meter were correlated with the ERT such that the ERT would register and transmit the information on the dials – essentially, the actual meter reading. For the period August 2017 to February 2019, even though the ERT was installed, the Company continued to obtain actual meter readings and provide bimonthly estimated readings. Once all of the meters on the meter route on which Complainant is located, were installed, Peoples began using the ERT for a monthly actual reading. This occurred for Complainant's March 2019 meter reading.

(B) The Meter Readings were Accurate.

When the ERT was installed by Peoples on August 10, 2017, the technician recorded an actual meter reading of 597.9. The ERT was set to correlate to said actual meter readings. Commencing on March, 2019, the ERT was utilized for monthly readings. In December, 2019, Complainant viewed her meter and felt that the reading obtained by the Company was inaccurate. She contacted the Company and provided what she believed was the accurate meter reading; Complainant's reading was 610.7. The Company's Customer Service Center noted the customer meter reading and requested a Company technician be sent to the Premise to read the meter and investigate the meter reading discrepancy. On December 13, 2019, a Company technician visited the Premise and recorded a meter reading of 711.5,

which was consistent with the ERT reading obtained on December 4, 2019 of 708.4. As such, the customer meter read was not utilized as it was apparent that the customer meter read was incorrect. On January 22, 2020, a Company technician again visited the Premise and recorded a reading of 724.2, which was consistent with the ERT reading obtained on January 3, 2020 of 717.9.

Complainant continued to dispute the Company's meter readings and recorded her own readings, which she submitted into evidence. Complainant's contention is that she has been overbilled an excessive amount as the far-left dial (the million hand) on her meter should be read as a Six (6) and not as a Seven (7), the number used by the Company in the meter readings. In reviewing Exhibit F, if Complainant's argument was true, that would mean that Complainant has not utilized any gas since late 2017, when the far left meter dial (the million hand) rolled over from the Five (5) mark to the Six (6) mark. It is simply unrealistic to expect, despite warmer winters, that Complainant utilized no gas for heating, cooking or heating water since 2017.

As Ms. Claudon explained in her testimony, the far left meter dial (the million hand), was lagging slightly and although in some photographs it appears that the dial mark is just below the Seven (7), the fact that the other dials have rotated with usage and the dial immediately to the right of the dial in question (the hundred thousand dial), has passed over the Zero (0) mark, the reading of the far left dial (the million dial) as a Seven (7) is accurate.

(C) Complainant was not overbilled for gas usage.

Each month, the Company billed Complainant for gas usage at the Premise based upon the meter readings – either actual or estimated. Complainant contends her bills are too high and there must be a mistake in her usage. As evidenced on Exhibit F, the Complainant's usage at the Premise is fairly consistent from year to year, taking into account weather (which is indicated by the DDD "Degree Day Deficiency" column on Exhibit F). As Ms. Claudon testified, since July, 2012, the yearly gas usage at the Premise has been between 41.6 MCF to 51.2 MCF and Complainant's annual average usage is about 47.0 MCF.

And again, if Complainant's assertions about her usage being far too high and the far-left meter dial (the million dial) being incorrectly recorded as a Seven (7) and not a Six (6) was taken as true, that would result in Complainant not using any gas at the Premise since late 2017, which is wholly unrealistic.

CONCLUSION

As the meter located at Complainant's Premise has been read on a regular basis, the meter readings have been verified with Technican re-reads and prior usage comparison, and as Complainant has only been billed for usage utilized at the Premise, Peoples Natural Gas Company LLC, based upon the foregoing and Complainant's failure to carry the burden of proof, respectfully requests that the complaint of Jacquelyn N'Jai against Peoples Natural Gas Company LLC at Docket No. C-2020-3016134 be dismissed.

Respectfully submitted,



Jennifer L. Petrisek
Counsel for
Peoples Natural Gas Company LLC

Dated: November 30, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have on this 30th day of November, 2020 served a true copy of Peoples Natural Gas Company LLC's Brief upon the individuals listed below in the manner stated:

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Jennifer L. Petrisek

Dated this 30th day of November, 2020

