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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG, PA. 17105-3265

Public Meeting held March 13, 1997

Commissioners Present:

- John M. Quain, Chairman
- Lisa Crutchfield, Vice Chairman
- John Hanger
- David W. Rolka
- Robert K. Bloon

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Dwight C. Dudley

v.

The Peoples Natural Gas Company

Docket No.
C-00967991

OPINION AND ORDER

BY THE COMMISSION:

Before the Commission for disposition are the Petition to Reopen the Record and Waive Medical Certification filed on October 24, 1996, by The Peoples Natural Gas Company ("Peoples" or "Respondent") and the Exceptions of Dwight C. Dudley ("Dudley" or "Complainant") filed November 12, 1996, to the Initial Decision ("I.D.") of Administrative Law Judge ("ALJ") Fred R. Nane issued October 23, 1996.

History of the Proceeding

1. On May 5, 1996, the Complainant filed a formal Complaint with the Commission which alleged an inability to pay.

bills and sought a more favorable payment arrangement with Peoples. Dudley also alleged that he was being discriminated against because he had filed a Petition for Relief pursuant to Chapter 13 of the United States Bankruptcy Code, 11 U.S.C. §§1301-1330.¹ The Complaint was filed after an initial determination dated May 1, 1996, was issued by the Commission's Bureau of Consumer Services ("BCS") at BCS No. S.T. No. 0312553. That initial determination provided that the Complainant pay \$468 within 20 days, then, beginning in June of 1996, Dudley was to pay his regular budget amount of \$148 plus \$100 per month toward his balance due of \$1007.52.

2. Peoples filed an Answer which denied that Dudley had an inability to pay bills. The Answer also described Dudley's history of non-payment and denied that Peoples discriminated against Dudley due to his status as a Wage Earner Debtor under the Bankruptcy Code.

3. On July 2, 1996, a scheduling notice was issued which advised the parties that a telephonic hearing was scheduled for August 20, 1996. The scheduling notice provided information regarding the presiding officer and the identity and telephone number of the Commission employee who could be contacted with questions regarding scheduling of the hearing.

4. On July 3, 1996, the ALJ issued a Prehearing Order that described the elements which the Complainant would be expected to address at the hearing (such as income and expenses), set forth the procedures to be used and advised the Complainant that he must pay amounts not in dispute while his Complaint was under review.

¹ Dudley completely failed to address the issue of discrimination in his case before the ALJ. In addition, Dudley did not file any exceptions relating to that allegation.

5. By Notice issued on August 1, 1996, the hearing scheduled for August 20, 1996, was rescheduled for September 9, 1996. That scheduling notice again advised the parties of the name and telephone number of the Commission employee who could be contacted with questions regarding the hearing as well as the telephone number of the presiding ALJ.

6. On September 9, 1996, a telephonic hearing was held in this matter. The Complainant appeared pro se and testified on his own behalf. The Complainant introduced no exhibits. The Respondent appeared by counsel. No briefs were filed.

7. On October 23, 1996, the ALJ's Initial Decision was issued. The ALJ determined that the Complainant had failed to meet his burden of proof, directed that the Complainant pay a lump sum of \$731.29 within 20 days of the Commission's Opinion and Order and pay current bills plus \$100 towards any arrearage due.

8. On October 24, 1996, Respondent filed a Motion to Reopen the Record to permit the filing of a Petition for Waiver of Medical Certification. The Motion relates to a medical certificate provided pursuant to our regulations at 52 Pa. Code §56.111-118. The date of the medical certificate is November 21, 1996. That Motion remains outstanding.

9. On November 12, 1996, Dudley filed Exceptions. Due to Dudley's failure to serve the Exceptions on Peoples, the Exceptions were served by Secretarial Letter on December 26, 1996. No reply has been received.

Discussion

The Initial Decision

In his Initial Decision, the ALJ made 21 Findings of Fact. To aid in the discussion of this matter, we shall quote several of them here:

* * * * *

9. A new account for the Complainant was opened with the Respondent on October 30, 1995.
10. ~~No payments~~ were made on the Complainant's new account for the first six months and in April 1996 the Respondent notified the Complainant that it was going to terminate service.
11. In April 1996 the Complainant filed an informal complaint with BCS effectively halting termination of service.
12. On May 1, 1996 at S.T. No. 0312553 the BCS directed Mr. Dudley to pay \$468.00 within 20 days and then, beginning June 1996, to pay the regular budget amount of \$148.00 plus \$100 monthly toward the balance due of \$1007.52.
13. The Complainant paid the \$468.00 as directed but made no further payment until August 8, 1996.

* * * * *

15. At the time of the hearing on September 9, 1996, the Complainant was in arrears to the Respondent in the amount of \$731.29.

* * * * *

17. The Complainant testified that he earns \$41,000 per year as a technologist for Westinghouse Corporation. In the prior case (Z-00247824, December 13, 1995) the Commission determined his gross income to be \$46,000.
18. The Complainant testified that his take home pay is \$2,700 per month, and that he resides with his wife, two daughters (ages 15 and 23) and grandson (age 3) none of whom have income.
19. The Complainant also testified that \$1,584 is taken directly from his pay each month as payment to Bankruptcy Court, leaving him \$1300 in ~~take home pay~~.
20. The Complainant testified that the payment to Bankruptcy Court pays his mortgage and car payments.
21. The Complainant testified to the following monthly expenses (not including bills from The Peoples Natural Gas Company):

Water	\$ 157.00
Sewage	45.75
Electricity	174.00
Telephone	70.00
Food	500.00
Cable TV	40.00
Car insurance	91.44
Tuition	155.00
Homeowner's Insurance	15.00
Medical Bills	50.00
Prescriptions	70.00
Visa Card	30.00
Sears	115.00
Refrigerator Rental	20.00
Real Estate Taxes	141.00
Trash	<u>8.00</u>
TOTAL	\$1,682.19

(I.D., pp. 2-5).

In his discussion, the ALJ noted that Dudley had filed, on average, one complaint per year for the past eight years involving his Peoples' account. The ALJ also discussed our most recent Order involving the Complainant and Peoples. That Opinion and Order was entered December 13, 1995, at Docket No. Z-00247824 and prohibited Dudley from filing any more complaints regarding payment arrangements for gas service from Peoples. The ALJ noted that Dudley had failed to satisfy any of the prior payment arrangements which led to the prohibition against additional complaints. (I.D., p. 5).

The ALJ ~~acknowledged~~ the Complainant's Chapter 13 Bankruptcy filing in October, 1995, which effectively erased his prior arrearage with the Respondent and required that the Respondent open a new account for Dudley. The ALJ also determined that an additional effect of the bankruptcy filing was to permit the filing of the Complaint in this proceeding despite our December, 1995, Opinion and Order to the contrary. Accordingly, the ALJ discussed the merits of Dudley's Complaint. (*Id.*).

The ALJ determined that there was no merit to Dudley's Complaint. The ALJ noted that the Complainant's bankruptcy filing gave him a fresh start, yet the Complainant had failed to make any payments whatsoever to Peoples for the first six months after that filing. The ALJ found that the only reason the Complainant made any payment for gas service was due to the threat of termination because of non-payment on the second account. Even then, the ALJ noted that after stopping termination proceedings, the Complainant again failed to pay for gas service and permitted his second account arrearage to grow to \$731.29. (I.D., p. 6).

The ALJ found that the record did not support a finding that the Complainant is unable to pay bills. The ALJ determined that the Complainant's testimony regarding expenses was not credible. The ALJ compared the expense figures provided by the

Complainant in this proceeding to those provided in the prior matter at Z-00247824 and found that there were unsubstantiated increases in those expenses. For example, the Complainant testified to a monthly water expense in 1995 of \$98, while that same expense in 1996 was represented to be \$157. (I.D., pp. 6-7).

Based upon his review of the record, the ALJ found that even if the Complainant's expenses were not inflated, the Complainant has sufficient income to pay for his gas service. The ALJ also found that based upon the entire record, it appeared that the Complainant abused the administrative process and had not acted in good faith in filing his Complaint. Accordingly, the ALJ directed the Complainant to pay all arrearages due at the time of the hearing in one lump sum and to pay current budget bills plus \$100 a month towards any arrearages which may have been accrued since the hearing was held. (I.D., p. 7).

The ALJ issued the following Conclusions of Law:

1. This Commission has jurisdiction over the parties to and the subject matter of this dispute.
2. As the party seeking affirmative relief from the Commission, the Complainant has the burden of proof.
3. The Complainant has not met his burden of proof.

(I.D., p. 7).

The ALJ issued the following Order:

1. The Complaint of Dwight C. Dudley v. The Peoples Natural Gas Company at Docket No. C-00967991 is dismissed with prejudice to the extent consistent with this Order.

2. The Complainant shall pay to The Peoples Natural Gas Company the arrearage of \$731.29 within 20 days of the Commission's final Order in this matter.
3. The Complainant shall pay to the Respondent current monthly budget bills when due plus \$100 monthly towards any arrearages that may have accrued prior to the date of this Order, said \$100 payment to be payable with the regular monthly bill.
4. That as long as the Complainant adheres to the terms of this Order, the Respondent shall not assess any late payment charges nor shall Respondent terminate service to the Complainant except for valid safety and/or emergency reasons, provided that the Respondent shall not be precluded from terminating service to the Complainant if the Complainant has not paid his/her budget bills when due prior to the issuance of a final Commission order.
5. That if the Complainant fails to adhere to the terms of this Order, the Respondent is authorized to terminate Complainant's service pursuant to the provisions of 52 Pa. Code Chapter 56.

(I.D., p. 8).

The Exceptions

The Complainant's Exceptions relate solely to the ALJ's findings regarding his expenses. Dudley notes that the increase in his water and electric expenses are the result of decisions of this Commission regarding arrearages for those services. Similarly, Dudley asserts that increases to his telephone bill are partly due to a past due charge. Finally, Dudley asserts that his income for 1995 was not \$46,000 but \$45,030.

Disposition

We hereby deny Dudley's Exceptions. Our decision is premised on the fact that Dudley has the burden of proof in this case. 66 Pa. Code §332(a). Each of the two scheduling notices issued in this proceeding contained identical language which we quote here:

At the above date and time, the Presiding Officer will contact the parties as follows:

Dwight C. Dudley
[Complainant's Telephone No. omitted]
Horace Payne, Jr., Esquire
[Counsel's Telephone No. omitted]

Attention: You may lose your case if you do not take part in this hearing and present facts on the issues raised.

If you have questions about this hearing, please call [name of Commission employee omitted], Scheduling Officer at (717) 787-4972 on or before August 13, 1996.

* * * * *

(Scheduling Notice dated July 2, 1996). (Emphasis in the original).

The second hearing notice issued on August 1, 1996, contained identical language, except the date for contacting the Scheduling Officer with questions was changed to September 3, 1996. Thus, the Complainant was advised on two occasions prior to the hearing in this matter who to contact in the event of questions regarding the hearing. Also, it is important to note that Dudley is no stranger to our administrative processes. See Dudley v. Peoples Natural Gas Company, Z-00247824 (Order entered December 13, 1995).

Our review of the record indicates that Dudley never sought a continuance of the hearing in this matter. Nor did he express any concerns regarding the date or time of the scheduled

hearing until the hearing was actually convened. In fact, the ALJ initially contacted the Complainant's home, only to be advised that Dudley was not there. Five minutes after the ALJ's call to the Complainant's home, Dudley returned the call from his place of employment. (Tr., pp. 9-10).²

Despite receiving the two scheduling notices and the Prehearing Order, the transcript in this matter reveals that Dudley was not prepared to present his case to the ALJ. In addition, Dudley only reluctantly responded to the attempts of the ALJ to elicit information relevant to Dudley's claim for relief. The following portions of the record are illustrative:

JUDGE NENE: Mr. Dudley, tell me about your complaint.

DUDLEY: I called the PUC for payment arrangements that had a lower rate. What they are asking is just too high of a rate. They kept mentioning my past record on my past account.

Your Honor, I wanted to continue this hearing because I am at work. Like I said before, I couldn't get off and I am sitting here at work with co-workers around. We have cubicles, so it's not private.

I wanted to do this from home, but I just couldn't get off work. It is very difficult to be here and do this. I am only separated by cubicles here.

² All references to the Transcript are to the Transcript taken from the telephonic hearing held September 9, 1996.

Also, I am not prepared to do this because I don't have any of the paperwork here with me today. I didn't think we were going to do this today, so I didn't bring any of it.

(Tr., p. 4).

Shortly thereafter, the ALJ attempted to obtain specific information from Dudley regarding his Complaint:

JUDGE NENE: All right. Do you have an outstanding gas bill with Peoples?

DUDLEY: I guess so.

JUDGE NENE: How much is that?

DUDLEY: Like I said, I'm at work, so I don't have any of that information with me.

JUDGE NENE: When was the last time you paid on your gas bill?

DUDLEY: I'm not sure, last month, I think.

JUDGE NENE: And how much was that?

DUDLEY: I'm not sure because I don't have anything here to look at.

(Tr., p. 5).

Eventually, after much effort on the part of the ALJ and Respondent's counsel, Dudley provided information regarding income and expenses as discussed in the Initial Decision. Recall that the Prehearing Order issued in this case expressly advised Dudley that not only did he have the burden of proof, but that he would be expected to address income and expense issues. However,

the above testimony reveals that the Complainant only reluctantly participated in his own Complaint action.

After the Complainant's reluctant participation, the ALJ was able to conclude that Dudley has an income in excess of \$45,000 per year. (Finding of Fact No. 17; I.D., p. 4). While the Complainant is currently participating in a plan under his Chapter 13 bankruptcy proceeding under which the sum of \$1,584 is taken from his pay, that amount is used towards the direct payment of his mortgage and car payments. (Findings of Fact Nos. 19 and 20; I.D., p. 4). The ALJ also found that the Complainant's expenses as delineated in his testimony in this proceeding were overstated when compared to Dudley's prior testimony in the action at Z-00247824. However, the ALJ concluded that even if Dudley's expense figures were used, the Complainant failed to satisfy his burden of proof. (I.D., p. 7).

As we noted above, Dudley's Exceptions relate solely to the ALJ's findings regarding his expense figures. However, the ALJ determined that even if Dudley's expense figures were used in this case, "it is obvious that the Complainant has sufficient income to pay for his gas service." (I.D., p. 7). Cases which present issues involving alleged inability to pay bills as they come due are governed by the analysis found in the cases of Mill v. Pennsylvania Public Utility Commission, 67 Pa. Commonwealth Ct. 597, 447 A.2d 1100 (1982) and Baum v. Duquesne Light Company, 56 Pa. P.U.C. 742 (1982). Mill does provide that the Commission may approve a payment plan which, temporarily, provides for payment of less than current billings, so long as an equitable arrangement for full payment is made. However, Baum explains that a Mill arrangement may be made when the record establishes that the customer had a good payment history, but, due to extenuating circumstances, the consumer will temporarily not be able to maintain that practice.

In this action, the record not only establishes that the Complainant does not have a good payment history on the second, new account, but the record firmly establishes that the Complainant is quite able to maintain payment of current bills and pay an amount towards his arrearage. Based upon our review of the entire record herein, we agree with the ALJ that the Complainant has utterly failed to satisfy his burden of proof in this matter.

The ALJ also determined that based upon the entire record in this case, the Complainant abused the administrative process and has not acted in good faith in pursuing this Complaint action. In this context, we note the specific information provided to the Complainant in the two hearing notices and the Prehearing Order. In addition, the Complainant is no stranger to this Commission. Since 1988, the Complainant has sought nine (9) payment arrangements regarding his gas bills and filed two (2) formal Complaints. Despite these factors, the Complainant only reluctantly presented evidence in support of the Complaint in this matter.

It is clear that Dudley had no intention of participating in the scheduled hearing in this action given that he was not present to receive the ALJ's scheduled telephone call at the telephone number he provided. The Complainant completely failed to take any steps to arrange an alternative hearing date or to advise the ALJ of his unavailability. At a minimum, we would expect Dudley to have contacted the ALJ that morning to discuss the problem. We agree with the ALJ and find that the Complainant has not acted in good faith in this action.

In Claypool v. T.W. Phillips Gas & Oil Company, Docket No. 2-00248730 (Order entered December 22, 1995), we directed that our regulations at 56 Pa. Code §§56.174(3) and 56.181 be enforced through mandated lump sum payments to recoup missed payments of undisputed amounts which had been directed by an

initial BCS determination. We will follow that here by directing that the Complainant pay the sum of \$731.29 to Peoples within 30 days of the date of entry of this Opinion and Order. We will also direct that Dudley pay any arrearage which may have accrued since the hearing in this matter, within 60 days from the date of entry of this Order.

We completely agree with the determination of the ALJ that Dudley has not acted in good faith in this proceeding. Dudley has failed to honor any payment arrangements which have resulted from the filing of his complaints. Since the initiation of his new account with Peoples, Dudley ignored his obligations on the Peoples' account during the Winter Moratorium (which limits terminations during the winter months pursuant to 52 Pa. Code §56.100) and only paid any amount at all when faced with immediate termination. This failure to pay, despite a clear ability to do so, must cease.

In order to be perfectly clear to Dudley in view of his lack of good faith and abuse of the administrative process, we will provide for the following in addition to the direction to satisfy arrearages. The late payment fees on his account shall not be waived. This Commission's Bureau of Consumer Services and our Prothonotary shall be directed to reject any inability to pay complaints from this Complainant. Finally, Dudley's account with Peoples shall be exempt from the provisions of 52 Pa. Code §56.100, relating to the Winter Moratorium. Peoples shall be authorized to terminate service if the Complainant becomes delinquent in his account so long as there is compliance with the remaining provisions of Chapter 56 of our Regulations in 52 Pa. Code.

On October 24, 1996, the Respondent filed a Motion to Reopen the Record in this matter. The basis of the Motion was to permit the Respondent to file a Petition under 52 Pa. Code §56.118(a)(3) to permit waiver of a medical certificate as set

forth in that section of our regulations. As related by the Respondent, a physician contacted the Respondent on October 17, 1996, and stated that Dudley's wife suffered from chronic back spasms which would be adversely affected by termination of gas utility service. A written certification was sent by the physician dated November 21, 1996 indicating that the Complainant's wife suffered from chronic back spasms, asthma and bronchitis which would be adversely affected by termination of utility gas service. The Complainant did not respond to the Respondent's Motion to Reopen the record.

We will ~~dismiss~~ the Respondent's Motion as moot. Our regulation at 52 Pa. Code §56.114 provides that a written certification may remain in force for no longer than thirty (30) days. There is no indication that a subsequent certification has been issued in this case. Accordingly, the certification which prompted the Respondent's Motion here has expired by virtue of our Section 56.114. In the event a new certification is issued, the Respondent may avail itself of the procedures provided in 52 Pa. Code §56.118.

Conclusion

Based upon our review of the record in this matter and the Exceptions filed by the Complainant, we will deny the Exceptions and adopt the Initial Decision of the ALJ as further modified by this Opinion and Order. Also, in view of the fact that the medical certificate issued in this matter has lapsed pursuant to 52 Pa. Code §56.114, we will dismiss the Respondent's Motion to Reopen the Record as moot; **THEREFORE,**

IT IS ORDERED:

1. That the Exceptions of Dwight C. Dudley filed on November 12, 1996 at C-00967991 to the Initial Decision of Administrative Law Judge Fred R. Nene are hereby denied.

2. That the Initial Decision of Fred R. Nene issued at C-00967991 on October 23, 1996, is hereby adopted, as further modified by this Opinion and Order.

3. That the Complaint of Dwight C. Dudley v. The Peoples Natural Gas Company at Docket No. C-00967991 is hereby dismissed with prejudice.

4. That Dwight C. Dudley shall pay to The Peoples Natural Gas Company the sum of \$731.29 within 30 days of the date this Opinion and Order is entered.

5. That any arrearage which may have accrued since the hearing in this matter held on September 9, 1996, shall be paid in full within 60 days from the date of entry of this Order.

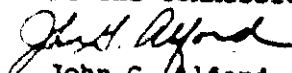
6. That late charges on the account of Dwight C. Dudley shall not be waived.

7. That the provisions of 52 Pa. Code §56.100 relating to a Winter Moratorium on service terminations during the winter months shall not apply to the account of Dwight C. Dudley provided that all other requirements of Chapter 56 are satisfied, consistent with this Opinion and Order. That if the Complainant fails to adhere to the terms of this Opinion and Order, The Peoples Natural Gas Company is authorized to terminate service pursuant to 52 Pa. Code §§56.1, et seq.

8. That the Bureau of Consumer Services and the Prothonotary are hereby directed not to accept any filings from Dwight C. Dudley, Sr. regarding the subject matter of this proceeding.

9. That the Motion to Reopen the Record filed October 24, 1996 by The Peoples Natural Gas Company in this matter be and hereby is dismissed as moot.

BY THE COMMISSION


John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: March 13, 1997

ORDER ENTERED: MAR 21 1997

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MAR 13 1997

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

DWIGHT C. DUDLEY, SR.
V.
THE PEOPLES NATURAL GAS COMPANY

PUBLIC MEETING
MARCH 13, 1997
MAR-97-OSA-82*
DOCKET NO. C-00967991

MOTION OF COMMISSIONER ROBERT K. BLOOM

Before us for consideration are the Exceptions of Dwight C. Dudley, Sr. ("Complainant") to the Initial Decision of Administrative Law Judge Fred R. Nene ("ALJ") which found that the Complainant failed to meet his burden of proof regarding his inability to pay his gas bill to Peoples Natural Gas Company ("Peoples"). The ALJ directed that the Complainant pay a lump sum of \$731.29 within 30 days and pay current bills plus \$100 towards any arrearage due.

The Complainant is not a stranger to this Commission, its administrative process, or refusing to pay for gas service. By Opinion and Order entered December 13, 1995, Docket No. Z-00247824, the Commission found, *inter alia*, that the Complainant had sufficient income to pay his gas bill and had avoided making any payment for gas service in two years.

The Complainant owed Peoples \$5,777.26 in December 1995. He filed for bankruptcy protection and a new account was opened on October 30, 1995. No payments were made on Complainant's new account for the first six months and in April 1996 Peoples notified the Complainant that it was going to terminate service.

In April 1996, the Complainant filed an informal complaint with the Bureau of Consumer Services ("BCS") effectively halting termination of service. On May 1, 1996, BCS ordered that the Complainant pay \$468.00 within 20 days and to pay the regular budget amount of \$148.00 plus \$100.00 monthly towards the balance due of \$1,007.52. The Complainant paid the \$468.00 but made no further payment until August 8, 1996. At the time of the hearing on September 9, 1996, the Complainant's arrearage was \$731.29.

The Office of Special Assistants ("OSA") recommends that the Initial Decision be affirmed and that late payment charges not be assessed so long as Complainant adheres to the payment arrangement.

Given the Complainant's abhorrent payment history I can not support the OSA recommendation. It is time for the Complainant to pay for his gas service. His lifestyle choices/expenses continue to include \$70.00 for phone service, \$40.00 for cable, and \$155.00 for his 15 year old daughter's private school tuition. He has filed a complaint every year for the last 8 years. He has not honored any of the payment arrangements reached as a result of the complaints.

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It is not appropriate to permit any payment arrangement on this account since he blatantly ignores the Commission's determination. The ratepayers of Peoples have been subsidizing his gas bill for eight years. Even after opening a new account in October 1995, the Complainant ignored his obligations during the Winter Moratorium and only paid when faced with termination. Enough is enough!

The Complainant shall pay the arrearage of \$731.00 within 30 days. However, any arrearage that has accrued since the September 9, 1996 hearing is due within 60 days of entry of the Order. Given his income of over \$40,000.00, late payment fees on the account shall not be waived.

BCS and the Prothonotary's Office are directed to no longer accept inability to pay complaints from the Complainant. His abuse of the administrative process warrants this result.

Finally, the Complainant's account is exempt from the provisions of the Winter Moratorium. Peoples is authorized to terminate service if the Complainant becomes delinquent in his account so long as there is compliance with the provisions of Chapter 56

THEREFORE, I MOVE THAT:

1. The arrearage as of September 9, 1996 owed to Peoples Natural Gas Company by Dwight C. Dudley, Sr. is due within 30 days from entry of this Order
2. Any subsequent arrearage since September 9, 1996 is due within 60 days from entry of this Order.
3. Late payment charges are not to be waived
4. The Bureau of Consumer Services and the Prothonotary is directed not to accept any filings from Dwight C. Dudley, Sr. regarding the subject matter of this proceeding.
5. Termination of this account is exempt from the Winter Moratorium provisions.
6. OSA shall prepare the appropriate Order for entry by March 21, 1997.

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reinstated
through

3-12-97
DATE

Robert K. Bloom
ROBERT K. BLOOM, COMMISSIONER