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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Donna M. Ragone

v.

PECO Energy Company

**DOCKETED**  
OCT 31 2005

C-20044905

20054905

**DOCUMENT  
FOLDER**

PREHEARING ORDER

On October 11, 2005, I was assigned as the presiding officer in this case. (This case was originally assigned to Administrative Law Judge Herbert Smolen.) The purpose of this order is to bring to the attention of the parties certain procedural rules that apply to the participants in this proceeding. An **Initial Hearing** in this case is scheduled for **Wednesday, November 9, 2005 at 1:30 p.m. in Hearing Room 2 on the 13<sup>th</sup> floor of the Philadelphia State Office Building.** Your case is one of several cases that have been scheduled at this time in Hearing Room 2. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 1:15 p.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all afternoon, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

On June 17, 2005, the Complainant filed a formal complaint against PECO Energy Company ("PECO" or the Respondent) alleging the following: that from November 2003 to October 2004, the Complainant was billed for her neighbor's electric usage; that she lives in a duplex; that when the Respondent sent a representative out to check the meters, the representative found that her meter and her neighbor's meter were labeled incorrectly; that she had been paying her neighbor's bill which was higher than her bill; that the Respondent initially

credited her account in the amount of \$768.00; and that the Respondent changed the credit to \$351.95. The Complainant wants the Commission to find out why her credit was reduced. She stated that she is entitled to the higher credit because she paid \$50.00 to \$80.00 a month more than her bill each month.

On September 8, 2005, the Respondent filed an Answer. The Respondent admitted that on August 3, 2004, its representative determined that there was a mix up between Apartment A and the Complainant's apartment, Apartment B. The Respondent's representative corrected the mix up on August 3, 2004. The Respondent averred that the Complainant was incorrectly given a \$768.06 credit. The Respondent stated that the correct credit was \$351.95. With the business credit of \$70.01, the Respondent gave the Complainant a total credit adjustment of \$421.96.

The Respondent referred to the Bureau of Consumer Services decision, dated May 10, 2005, which indicated that the revised credit was correct. The Complainant was ordered to pay \$258.00/month which includes a budget of \$197.00 plus \$61.00 on the outstanding balance beginning in June 2004. The Respondent stated that the Complainant's last payment was made in June 2004.

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

1. A request for a continuance 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 a change of hearing date must be sent to me and all parties of record. The correct address is:

Administrative Law Judge Cynthia Williams Fordham  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: (215) 560-2105  
Fax: (215) 560-3133

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

2. **The Commission's policy promotes settlements. 52 Pa. Code §5.231(a).** The utility shall contact the Complainant at least one week before the scheduled hearing to discuss 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. The Complainant has the burden of proving that the allegations in the complaint are true. Section 332(a) of the Public Utility Code, 66 Pa. C.S. §332(a).

4. The Pennsylvania Legislature has recently enacted the Responsible Utility Customer Protection Act. 66 Pa. C.S. §1401 *et seq.* This new law provides strict guidelines as to how the Commission must handle customer complaints. The application of this law may result in the issuance of a less favorable payment arrangement than a customer's current payment arrangement.

5. If the Complainant has not made the payments that the Bureau of Consumer Services ("BCS") directed her to make, she must explain why the payments were not made.

6. The customer must make monthly payments towards his/her utility bill while the complaint is pending. **FAILURE TO MAKE PAYMENTS MAY RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE. FAILURE TO MAKE PAYMENTS MAY RESULT IN THE UTILITY TERMINATING YOUR SERVICE.**

7. If you wish to offer documents into evidence during the hearing (i.e. letters, bills, canceled checks, receipts, account statements, etc.), you must bring four (4)

copies (a copy for the presiding officer, two (2) copies for the Court Reporter and a copy for each party of record). Please keep a copy for yourself. 52 Pa. Code §5.409.

8. If the Complainant is requesting a payment arrangement, during the hearing, the Complainant must be prepared to testify 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) income from 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) support;
- (h) public assistance, and
- (i) any other source(s) of income.

9. The utility must bring the following documents to 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 service usage comparison report for the same period as the account statement;
- (c) a copy of the most recent Bureau of Consumer Services (BCS) decision; and,
- (d) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission.

10. 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.

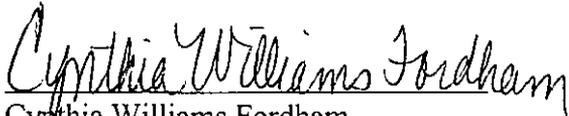
Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1.24(b).

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

12. **THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE IN SUPPORT OF THE COMPLAINT.**

13. This is a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Date: October 19, 2005

  
Cynthia Williams Fordham  
Administrative Law Judge

Donna M. Ragone v. PECO Energy Company  
Docket No. C-~~20044905~~ 20054905

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