

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

ORIGINAL

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Donna M. Ragone vs. PECO Energy Company.

Billing dispute.

Docket No.
C-20054905

Initial Hearing.

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Pages 1 through 9

Hearing Room 1301
State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania

DOCUMENT
FOLDER

Wednesday, November 9, 2005

Met, pursuant to notice, at 1:30 p.m.

BEFORE:

CYNTHIA WILLIAMS FORDHAM, Administrative Law Judge

APPEARANCES:

LISA LUTZ, Esquire
2301 Market Street
Philadelphia, Pennsylvania, 19101
(For PECO Energy Company)

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WITNESS INDEX

WITNESSES

DIRECT CROSS REDIRECT RECROSS

Teresa Ferrier
(By Ms. Lutz)

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FORM 1

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EXHIBIT INDEX

NUMBER

FOR IDENTIFICATION

IN EVIDENCE

(None)

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FORM 1

P R O C E E D I N G S

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2 ADMINISTRATIVE LAW JUDGE CYNTHIA W. FORDHAM: Good
3 afternoon. I am Administrative Law Judge Cynthia Williams Fordham and
4 this is the time and place for a hearing in the matter of Donna M. Ragone
5 versus PECO Energy Company at Docket No. C-20054905.

6 This is the only Call of the Docket case left for this afternoon. The
7 other two have been settled. It is now 1:35 p.m., and the Complainant has
8 neither contacted the Company to request a continuance or call to say that
9 she would be unable to attend today's hearing. I will also note for the
10 record that the Respondent's attorney, Lisa Lutz, is present with her
11 witness, Teresa Ferrier.

12 There were a number of documents that were sent to the parties,
13 which had the time, date, and location of today's hearing. The first
14 document is dated October 5, 2005. This is the initial hearing notice
15 indicating that the hearing would be held today, Wednesday, November 9th
16 at 1:30 p.m. The Judge assigned at that time was Administrative Law
17 Judge Herbert Smolen. On October 11, 2005, another hearing notice was
18 sent out indicating that the case was transferred to me. That was also sent
19 to the parties.

20 By pre-hearing Order dated October 19, 2005, I instructed the
21 parties on various aspects of today's hearing and my pre-hearing order did
22 contain the time, date and location of today's hearing and in addition, it
23 says the case would be dismissed if the customer failed to participate in the
24 hearing and present evidence in support of the complaint. The Respondent
25 has also tried to get in touch with the Complainant and was unsuccessful.

1 Therefore, we will go forward with the hearing. Ms. Lutz.

2 MS. LUTZ: Thank you, Your Honor. I would like to present brief
3 testimony of Ms. Teresa M. Ferrier.

4 JUDGE FORDHAM: Okay. Ms. Ferrier, please raise your right hand.
5 Whereupon,

6 TERESA FERRIER

7 having been duly sworn, testified as follows:

8 JUDGE FORDHAM: Please state your name and business address
9 for the record and please spell your last name.

10 THE WITNESS: My name is Teresa Ferrier. That is T-E-R-E-S-A,
11 F-E-R-R-I-E-R. I work for PECO Energy Company at 2301 Market Street,
12 Philadelphia, Pennsylvania, 19101.

13 JUDGE FORDHAM: Thank you. Ms. Lutz, you may proceed.

14 MS. LUTZ: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MS. LUTZ:

17 Q. Ms. Ferrier, how long have you worked for PECO Energy
18 Company?

19 A. About 28 years.

20 Q. And what is your position with PECO Energy Company?

21 A. I am currently a Regulatory Assessor.

22 Q. And please describe your duties as a Regulatory Assessor with
23 PECO Energy Company?

24 A. I review and investigate formal complaints filed against PECO
25 Energy Company to the Pennsylvania Public Utility Commission.

1 Q. In the course of your employment, have you reviewed the
2 formal complaint filed by Ms. Donna Ragone?

3 A. Yes.

4 Q. And prior to the hearing and in preparation for this hearing, did
5 you contact the customer?

6 A. Yes, I did.

7 Q. Can you tell us about when was your first contact with the
8 customer?

9 A. I contacted her shortly after I received the hearing notice, so it
10 was around October 11th, and I did speak with her. I told her that I was
11 going to review the records just to make sure that any adjustments that
12 were warranted were posted, and I told her that I would call her back and
13 send her the information in the mail.

14 Q. And did you in fact followed her up and sent out an explanation
15 of her bill and any adjustments to her account?

16 A. Yes.

17 Q. Do you know about when you sent a letter to her?

18 A. The letter was dated November 2nd.

19 Q. In that letter, did you ask her to contact you if she was satisfied
20 with that information?

21 A. Yes.

22 Q. Did you also remind her of today's hearing?

23 A. Yes, I did.

24 Q. Okay. And did the customer contact you?

25 A. Yes, she did.

1 Q. And what was the result of that conversation?

2 A. I spoke with Ms. Ragone on Friday and we reviewed the bill
3 adjustments made on the account. She was happy to receive the
4 information. She understood the information and she had no questions
5 about the bill adjustments or any further adjustments that were warranted.
6 I was hoping to settle the case and it was a matter of payment
7 arrangements so I could - to give me a chance to have the CAP
8 representative contact her to determine her CAP Rate eligibility and she
9 agreed. Unfortunately, we have been unable to speak to her. Neither the
10 CAP Rate representative or myself have been able to speak to her in regard
11 to the CAP Rate eligibility.

12 Q. After that conversation on Friday when it appeared that the bill
13 issue has been resolved and payment arrangements offered, you needed to
14 get back in touch with her. Did you call her back again since Friday?

15 A. Yes. I called and I left two messages yesterday and I left
16 messages again today.

17 Q. Do you know if the CAP Representative attempted to contact
18 her?

19 A. Yes. Two telephone calls were placed but we were
20 unsuccessful.

21 MS. LUTZ: Your Honor, I have no further questions at this time. I
22 would like to make a motion to dismiss for failure to prosecute.

23 JUDGE FORDHAM: Thank you. Your motion is granted. It is
24 unfortunate that you got that far and she didn't come through. She has
25 not appeared at today's hearing, so maybe that is her way of saying that

1 she doesn't want to pursue the billing dispute issue, because it seems that
2 you have already resolved that. With respect to the payment
3 arrangements, if she wants to make payment arrangements in the future, I
4 assume that you would still be amenable to see if she is eligible for the CAP
5 Rate?

6 THE WITNESS: Definitely. Yes.

7 JUDGE FORDHAM: Based on that, your motion to dismiss is
8 granted and I will write a decision which will be issued to both of the
9 parties from the Harrisburg office. If either party objects to my decision,
10 you can file exceptions and the full Commission will review it. If there are
11 no exceptions filed, my decision will become final by operation of law and
12 you will be notified of that. Thank you very much and this hearing is
13 adjourned.

14 MS. LUTZ: Thank you, Your Honor.

15 (Whereupon, at 1:43 p.m., the proceedings were concluded.)
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CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my directions; and this transcript is a true and accurate record to the best of my ability.

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Georgette McEwan

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FORM 1

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