

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Constance & Mike Smoker,
t/a Boris Properties

Docket No.: C-20055322

UGI Utilities, Inc.
Telephonic Hearing

Pages: 1-56

Public Utility Commission
Keystone Building
400 North Street
Harrisburg, PA 17120

**DOCUMENT
FOLDER**

Wednesday, January 18, 2006
Commencing at 10:03 a.m.

BEFORE:

LOUIS G. COCHERES, Administrative Law Judge

APPEARANCES:

CONSTANCE SMOKER, Pro Se
For the Complainant

RECEIVED

LARRY CRAYNE, Esquire
238 Johnston Road
Pittsburgh, PA 15241
For the Respondent

JAN 25 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

REPORTER: AIMEE L. ADAMS

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P R O C E E D I N G S

JUDGE LOUIS G. COCHERES:

Good morning, ladies and gentlemen. As you know by now, my name is Louis Cocheres, and I am the Administrative Law Judge assigned to hear the matter of Constance and Mike Smoker, trading as Boris Properties versus UGI Utilities, Incorporated, at Commission Docket number C-20055322. We're here today, basically by telephone, and I have Ms. Smoker on the line in her home in the Lititz area. And I have Mr. Crayne representing UGI and he's in Pittsburgh, and I have his witnesses, Mr. Sload and Ms. Williams with UGI --- I think probably in the Reading area. At any rate, Ms. Smoker, you are the reason we are here. You filed the complaint. I know you have been prepared to go forward, because I got at least one voice mail telling me that you had your witness lined up and everything else. So I'm going to swear you in as a witness and then I will identify you for the record.

CONSTANCE SMOKER, HAVING FIRST BEEN DULY SWORN,
TESTIFIED AS FOLLOWS:

1 JUDGE COCHERES:

2 For the record, tell me your name and
3 address, please?

4 MS. SMOKER:

5 My name is Constance Smoker, and my
6 address is 27 Phresher, P-H-R-E-S-H-E-R, Court in
7 Lititz, Pennsylvania.

8 JUDGE COCHERES:

9 Now, I've read your complaint, ma'am ---

10 MS. SMOKER:

11 Yes?

12 JUDGE COCHERES:

13 --- and I know what this case is about,
14 but we're here today to create a record, so I want you
15 to tell me what the problems were, and we'll go from
16 there.

17 MS. SMOKER:

18 Okay. Very good. My name is Connie
19 Smoker. My husband and I --- Mike and Connie, we own
20 property in Lancaster City. It's been vacant for at
21 least two years, maybe slightly longer than that. And
22 in the summer of 2004, I was starting to make
23 arrangements to make renovations on the building.
24 It's an apartment --- six-unit apartment house. And
25 in connection with those anticipated renovations, I

1 contacted UGI to have the service turned back on with
2 respect to the gas. And at that time, I talked to a
3 customer service representative. She told me that the
4 gas had been turned off, that the last payment for gas
5 had been made on 9/29/03. She said at that point in
6 time the account had been made current, but that
7 between 9/29/03 and April 26, '04 there had been no
8 payments made for the gas. So the gas had been shut
9 off on April 26, '04. I was also told --- they saw my
10 note, that during that period we had consumed
11 \$5,163.99 worth of gas, and at the time that seemed
12 like an exorbitant amount of gas to me, particularly
13 because it was a six-month period, and for much, if
14 not all of that period, the apartment building had
15 been vacant. I was also told that I needed to submit
16 that and a security deposit to have the gas turned on.
17 I was also told at that point in time that I could
18 contact PUC if I had any displeasure or complaints,
19 which I did, and it took a while to get the ball
20 rolling there, but that's kind of what brought us to
21 this point in time. Again, I was displeased because
22 the amount seems very, very high, given the fact that
23 the building had been vacant. I can absolutely
24 establish vacancy as of 1/04, because at that point in
25 time there had been water damage to the apartment

1 building. And clearly, nobody was in it after that
2 date. So January '04, I mean, absolutely, positively
3 there were no tenants in the building. And the damage
4 that we had affected the heating system. So I really
5 was confused as to why we were amassing all this gas
6 usage when the heating system for all intents and
7 purposes should have been incapacitated in addition to
8 the building being vacant. In any event, I sent
9 payment in the amount of \$7,573.07. That included an
10 amount for past bills and an amount for a security
11 deposit. In November '04 the gas service was resumed
12 and the building remains vacant at this time, and
13 looking at the monthly consumption, according to
14 Respondent's Exhibit One, the monthly consumption is
15 roughly about \$100 to \$150 a month.

16 (Respondent's Exhibit One marked for
17 identification.)

18 MS. SMOKER:

19 The building is vacant, the system is on,
20 and those numbers are so significantly different than
21 the month in question, i.e., January '04 'til April
22 '04, when again, the system should have been
23 incapacitated and the building was vacant. So, I'm a
24 little confused. That's kind of in a nutshell where I
25 am. But I can elaborate on anything else that anybody

1 wants to hear about.

2 JUDGE COCHERES:

3 All right. Let's get into a few
4 specifics here. What is the address of the building
5 that's in question here?

6 MS. SMOKER:

7 541 East Orange Street, Lancaster City,
8 Pennsylvania.

9 JUDGE COCHERES:

10 All right. And is gas used for heating
11 the whole building?

12 MS. SMOKER:

13 It's used for all the units and all the
14 common areas. Yes --- yes, it is.

15 JUDGE COCHERES:

16 Is it restricted to heating or do they
17 have gas stoves as well?

18 MS. SMOKER:

19 The gas stoves are meter separate, but I
20 have Charles Blymier here. He can elaborate on that
21 if you would like him to, because he's our current
22 property manager --- not the one who was managing the
23 property when we had all these problems. But there is
24 gas stoves in each of the units and those are meter
25 separate, allotted to each of the individual tenants.

1 The heat is on the main meter.

2 JUDGE COCHERES:

3 And that's for the whole building?

4 MS. SMOKER:

5 Yes.

6 JUDGE COCHERES:

7 And how is hot water made?

8 MS. SMOKER:

9 Can I defer to Charles on that? Would
10 that be all right?

11 JUDGE COCHERES:

12 Yes. That's fine. We'll talk to him
13 later.

14 MS. SMOKER:

15 Oh, okay.

16 JUDGE COCHERES:

17 All right. Are there individual
18 thermostats for each apartment unit?

19 MS. SMOKER:

20 I do not believe so, but I would defer to
21 Charles Blymier on that, but I believe there are not
22 individual thermostats.

23 JUDGE COCHERES:

24 Okay. What kind of renovations did you
25 do to the building?

1 MS. SMOKER:

2 Well, we're currently in the process of
3 renovating it. They're still not completed. And
4 again, Charles Blymier is overseeing that, and that's
5 why I have him here with us. But during the months in
6 question, there was nothing being done with respect to
7 renovations. The renovations have only started since
8 we had the gas turned back on in November of '04. The
9 renovations had begun shortly after that. And he can
10 elaborate on that as well.

11 JUDGE COCHERES:

12 And you say you had water damage to the
13 property?

14 MS. SMOKER:

15 Yes.

16 JUDGE COCHERES:

17 What kind of water --- did you have
18 flooding, did you have a roof leak --- what happened?

19 MS. SMOKER:

20 We had a roof leak. Again, I think I'm
21 going to have to defer to Charles Blymier on that; do
22 you mind?

23 JUDGE COCHERES:

24 No ma'am. I'm just trying to sketch
25 in what you told me, and, like I said, we'll get him

1 on the witness stand a little later.

2 MS. SMOKER:

3 And I think that makes the best sense.
4 That's why I have him with me.

5 JUDGE COCHERES:

6 Well, let's talk about the money that
7 you've paid.

8 MS. SMOKER:

9 Okay.

10 JUDGE COCHERES:

11 All right. Do you agree that the last
12 payment before shutoff was made in September of '03?

13 MS. SMOKER:

14 I have no evidence to the contrary.
15 So I believe it was made in 9/29/03. I'm going to
16 have to defer to the Exhibit, because I have
17 no evidence to the contrary.

18 JUDGE COCHERES:

19 Okay. And when the customer service
20 representative told you that your bill was \$5163.99,
21 was that amount changed at any point to get you to
22 \$7,500?

23 MS. SMOKER:

24 Yes. Yes, it was. I was told that that
25 was an estimate, and then, when I was making

1 arrangements to have the gas turned back on, I was
2 sent a final bill or amount. I was told that, in
3 fact, I owed --- and I don't have the cents here, but
4 \$6,447 and then I would need to submit a security
5 deposit of \$1,126 for the grand total of \$7573.07.
6 I'm looking at my husband's canceled check dated
7 11/20/04.

8 JUDGE COCHERES:

9 All right. And can I safely assume that
10 gas service was promptly restored after they got your
11 check?

12 MS. SMOKER:

13 I have no evidence to the contrary, so I
14 would say yes.

15 JUDGE COCHERES:

16 Fine. All right. And you said that
17 currently monthly consumption falls in the range of
18 \$100 to \$150; is that what you told me?

19 MS. SMOKER:

20 Well, I'm looking at a respondent's
21 Exhibit R-1, and looking at that, I'm able to kind of
22 chart or at least eyeball January 11th '05 through
23 12/08/05, which would have been the time period when
24 it was turned back on, and right after my husband's
25 check in November of '04, and when you look at that

1 you see it ranges between, you know, \$12 at the least
2 or \$11 at the least, and it goes up to \$150. And I'm
3 sure if you look at that Exhibit, it's kind of
4 probably the best outline of the current consumption.

5 JUDGE COCHERES:

6 All right. And did I also hear you tell
7 me that the building currently remains vacant?

8 MS. SMOKER:

9 It currently remains vacant.

10 JUDGE COCHERES:

11 Okay. And Mr. Crayne, do you have any
12 questions?

13 ATTORNEY CRAYNE:

14 I have a couple questions, Your Honor.

15 CROSS EXAMINATION

16 BY ATTORNEY CRAYNE:

17 Q. Ms. Smoker, the period of time about which you are
18 concerned is September 29, 2003 through April 26,
19 2004; correct?

20 A. Yes.

21 Q. Is that correct?

22 A. Yes, it's correct.

23 Q. Okay. Now, you just testified that there were no
24 tenants in the building during that period of time;
25 correct?

1 A. Well, I think that I can absolutely testify
2 without a doubt that there were no tenants from
3 January through April. So, even though I was
4 concerned initially, and I still remain concerned for
5 the period from September through April, I'm actually
6 almost willing to limit my claim here to those months
7 when I can actually tell you without a doubt there was
8 nobody in the building, because the building was
9 uninhabitable.

10 Q. That September to April?

11 A. That would be January '04 'til April '04. That's
12 a little bit less time period than I had originally
13 claimed. Quite honestly, I feel that that whole six-
14 month period seems outrageous to me. But I can
15 actually say without a doubt there was nobody in the
16 building as of January, so --- and the building was
17 uninhabitable. And the system was down as of 1/18/04,
18 there was no heat. So I would limit my claim, if it
19 facilitates this matter, from January '04 'til April
20 '04.

21 Q. Now, as of January 18, '04, there was no heat in
22 the building?

23 A. Yes, that's correct.

24 Q. How did you protect the building against freezing?

25 A. Well, I think that's the problem we had. That's

1 why we suffered the damage. There wasn't any
2 protection. That's why the building is in the state
3 that it turned out to be in.

4 Q. Now, you testified that the heating system during
5 those months should have been turned off. You didn't
6 say that it was turned off. You said should have been
7 turned off.

8 A. I said the building was vacant, and I said as of
9 1/18/04 when we suffered the damage, there should not
10 have been any heating ---.

11 Q. But there's a difference between should not have
12 and there was not.

13 A. Well, I can tell you that I had --- well ---.

14 Q. Are you unclear as to whether there was heat on in
15 the building during that period of time?

16 A. Well, I don't know how there could have been a
17 heating system that was working as of this date. But
18 I'm looking at our loss associated with the damage,
19 and he said that the pipes were frozen as of the date
20 of the loss, which was 1/18/04.

21 Q. Well, we've got a period of time there between
22 September 29, '03 and January '04. And consumption
23 could have been used; correct?

24 A. Yes, but you're not suggesting, Mr. Crayne, that
25 we used all of that \$5,163 in three months; are you?

1 Q. Well, we will get to that later. What I am
2 suggesting is that that was the measured consumption
3 during the period of September ---. During the period
4 of September '03 and April of '04, you received
5 estimated bills. When the meter was removed, an
6 actual reading was obtained, and you're issued an
7 additional bill. We will get into that later. But my
8 question to you is, do you really know whether there
9 was any heat in that building during that seven-month
10 period of time?

11 A. I was not in the building and I would ask you to
12 relay that question to Mr. Blymier when he testifies.
13 I was not in the building. The system and the state
14 that it was in --- I can't imagine how there could
15 have been heat after January 18th.

16 Q. Well, you just indicated that Mr. Blymier was not
17 employed by you during that period of time.

18 A. He was involved with the renovation as of that
19 time.

20 Q. So he was in the building infrequently?

21 A. Well, I would ask you to ask him that.

22 Q. Okay. You don't know then; correct?

23 A. That's right.

24 ATTORNEY CRAYNE:

25 I have no further questions, Your Honor.

1 A. Okay. May I make a comment?

2 JUDGE COCHERES:

3 All right. Ms. Smoker --- yes. I was
4 just going to ask, is there anything that Cross
5 Examination by Mr. Crayne has stimulated your memory
6 or you need to make a comment about?

7 MS. SMOKER:

8 I just would like to make one comment
9 that I think Mr. Crayne was seeming to suggest that
10 even if you assumed --- and I don't think he was
11 necessarily agreeing with me, but even if he were to
12 agree with me that the system was incapacitated in
13 January, he seems to imply that all of this
14 consumption may have actually taken place the earlier
15 part of the period in question, from September 'til
16 January. And I just think that when you look at
17 Respondent's Exhibit One, and you look at the
18 consumption month by month by month, that would be an
19 absolutely truly, truly phenomenal amount of
20 consumption of gas between September and January 18th.
21 So I just point that out. I mean, I think that was
22 the point that he was making with his Cross
23 Examination, and that's the only comment I have with
24 respect to that.

25 JUDGE COCHERES:

1 All right. Well, Mr. Crayne, do you have
2 any continued Cross Examination on those comments?

3 ATTORNEY CRAYNE:

4 No.

5 JUDGE COCHERES:

6 Fine. All right. Ms. Smoker, you are
7 excused as a witness, and I take it you want to call
8 Mr. Blymier?

9 MS. SMOKER:

10 Yes, I'd like to call Mr. Blymier and I
11 would also like to call with Mr. Blymier, I'd like to
12 call one of the Respondent's witnesses as well, so,
13 but I guess I'll start with Mr. Blymier.

14 JUDGE COCHERES:

15 All right. Mr. Blymier, will you please
16 raise your right hand.

17 -----
18 CHARLES BLYMIER, HAVING FIRST BEEN DULY SWORN,
19 TESTIFIED AS FOLLOWS:

20 -----
21 JUDGE COCHERES:

22 All right. Mr. Blymier, you're going to
23 have to move a lot closer to the speaker and speak up,
24 because although I heard you, my court reporter did
25 not, and she's only sitting across the table from me.

1 A. Okay.

2 JUDGE COCHERES:

3 That's better. All right, sir, would you
4 please spell your last name for us?

5 A. B-L-Y-M-I-E-R.

6 JUDGE COCHERES:

7 And your first name, sir?

8 A. Charles.

9 JUDGE COCHERES:

10 All right. Ms. Smoker, if you have
11 questions for Mr. Blymier, this is the time.

12 MS. SMOKER:

13 Okey doke.

14 DIRECT EXAMINATION

15 BY MS. SMOKER:

16 Q. I think somebody had asked about --- asked me
17 and I deferred to Mr. Blymier about the hot water.
18 That was a question, I think, Your Honor, you had
19 asked me? And I thought maybe he could start by
20 explaining how the water is heated.

21 A. That the system at 541 is a gas-fired hot water
22 system with the hot water for domestic side is heated
23 by an oil --- separate oil hot water. There is one
24 house meter that feeds the heating side. And then,
25 the rest of the units all have gas stoves --- cooking

1 stoves, that have their own meters and the tenants are
2 responsible for those.

3 Q. Okay. I would also like to ask Mr. Blymier about
4 the damage that occurred to the apartment building in
5 January of '04. Number One, I'd like to ask him if he
6 knows roughly or approximately, the date of that loss?

7 A. It was Sunday, after January 18th, 2004 that the
8 Smokers contacted myself to look at this property.
9 They had an insurance claim and it was filed on
10 January 18th, 2004, that the pipes froze in the
11 apartment building and the pipes that froze were for
12 the heating system --- for the hot water radiators,
13 which did take the boiler off line, due to the fact
14 that there was, I think, eight to ten radiators that
15 actually were cracked, besides, the piping to the
16 system was also cracked. Which --- the heat was
17 definitely off as of January 18th, 2004.

18 Q. My next question was, how did that affect the
19 heating system, but I think he answered that question.
20 There were a couple of other questions that were asked
21 of me and I apologize, I did not jot them down. I had
22 deferred to Mr. Blymier. If anyone is willing to
23 refresh my recollection about those questions, I would
24 appreciate that.

25 JUDGE COCHERES:

1 Don't worry about it, Ms. Smoker. If we
2 have questions for Mr. Blymier, we're perfectly
3 capable of asking them. We don't need to have you ask
4 them.

5 MS. SMOKER:

6 Okay. Very good. I appreciate that. I
7 didn't know what the procedures necessarily were.

8 BY MS. SMOKER:

9 Q. I just want to establish with Mr. Blymier that
10 clearly, as of January '04, the building was, in fact,
11 vacant; correct?

12 A. That would be correct.

13 Q. And at this time, the beginning of this year, '05
14 --- January '05, the building now is being renovated
15 and is also vacant; is that correct?

16 A. That's correct. Also, January 4th, '05, I
17 contracted Lancaster Plumbing and Heating --- it was
18 almost a year later, to come in to do the repairs to
19 get the boiler system back on line. And at that time,
20 they ended up removing the broken radiators, capped
21 off a bunch of piping in order to get the system back
22 on line, and to get the gas restored. So, from
23 January 18th, 2004 to January 4th, 2005 the heating
24 system was not running in this property. No gas usage
25 should have been recorded.

1 ATTORNEY CRAYNE:

2 What were those dates again? January 18,
3 '04 ---?

4 A. January 18th, '04 --- that's a copy of the proof
5 of loss statement ---

6 ATTORNEY CRAYNE:

7 Through?

8 A. --- for the insurance company.

9 BY MS. SMOKER:

10 Q. And he's asking through the date you had stated
11 the ---?

12 A. And then, with the heat --- we got the heat
13 restored on 1/4/05, looking at my invoice from
14 Lancaster Plumbing and Heating.

15 Q. But currently, the heat is on and the building is
16 vacant; that's correct, since January of this year; is
17 that correct?

18 A. Of '05.

19 Q. Of '05 of this year?

20 A. This is '06.

21 Q. I'm sorry. See, he's on the ball. Okay. So ---
22 but since then it's been on since January '05?

23 A. At marginal. Just to keep the building from ---.

24 Q. The building is vacant and the heat system is
25 working?

1 A. So, the three to four month period ---.

2 Q. We're looking now at Exhibit R-1 and we're
3 looking at 1/11/05 through 12/05. For that timeframe
4 the building would have been vacant, it's being
5 renovated, and the system is on; correct?

6 A. Correct.

7 Q. Okay.

8 Court Reporter:

9 Did he say correct?

10 BY MS. SMOKER:

11 Q. Yes, he did.

12 A. That is correct.

13 MS. SMOKER:

14 I really don't have any other questions
15 at this time for Mr. Blymier.

16 JUDGE COCHERES:

17 Fine. Mr. Blymier, this is Judge
18 Cocheres again. What kind of renovations are being
19 done to the building in addition to fixing the heating
20 system?

21 A. At this time, we are installing new kitchens,
22 carpeting, replacing some of the fixtures --- some of
23 the bath fixtures, painting and installing drop
24 ceilings.

25 JUDGE COCHERES:

1 Are there any heat conservation measures
2 that are being included in the construction? Things
3 like insulation, new windows, storm windows --- those
4 kinds of things?

5 A. We are --- there are some storm windows we're
6 adding. We are adding insulation. We're putting in
7 drop ceilings with insulation above.

8 JUDGE COCHERES:

9 All right. Mr. Crayne, do you have any
10 questions for Mr. Blymier?

11 ATTORNEY CRAYNE:

12 I have a couple of questions, Your Honor.

13 CROSS EXAMINATION

14 BY ATTORNEY CRAYNE:

15 Q. Mr. Blymier, when did you begin employment for Ms.
16 Smoker?

17 A. Probably second, third week of January.

18 Q. Of '04?

19 A. Of '04.

20 Q. Okay.

21 A. And I went in just to --- just to look at the
22 property.

23 Q. Were you in the property prior to January of '04?

24 A. Yes.

25 Q. I'm going to ask you a couple questions about the

1 property. How many unit apartment building is the
2 property?

3 A. It is a six unit.

4 Q. Is it a one-story building, two-story building?

5 A. It is a three-story building.

6 Q. Three stories. Now, you had testified that
7 because of the damage that had occurred in January ---
8 from January '04 until the heat was restored in
9 January of '05, that there was definitely no heat in
10 the building; correct?

11 A. That is correct.

12 Q. Were you in the building during the months of
13 September, October, November or December of '03?

14 A. I do not believe so, no.

15 Q. So you don't know whether there was heat in the
16 building during those four months or not?

17 A. I cannot --- no.

18 ATTORNEY CRAYNE:

19 I have no additional questions, Your
20 Honor.

21 JUDGE COCHERES:

22 All right. Ms. Smoker, do you have any
23 more questions for Mr. Blymier?

24 MS. SMOKER:

25 No, I do not.

1 JUDGE COCHERES:

2 All right, then. Mr. Blymier, you're
3 excused as well.

4 A. Okay. Thank you.

5 JUDGE COCHERES:

6 Ms. Smoker, do you have any more evidence
7 for me?

8 MS. SMOKER:

9 The only --- I don't know if this will be
10 considered evidence --- I would like to ask Ms.
11 Williams some questions. If she is not going to be
12 put on as a witness, or for Mr. Sload, whoever can
13 shed light on this ---.

14 ATTORNEY CRAYNE:

15 Your Honor, I don't plan on calling Ms.
16 Williams. I do plan on calling Mr. Sload and I
17 suspect Mr. Sload can answer the questions.

18 MS. SMOKER:

19 Okay. Then if you're planning on calling
20 them, then I'll ask those questions about Exhibit R-1
21 and R-2 of your list.

22 ATTORNEY CRAYNE:

23 Very good.

24 JUDGE COCHERES:

25 All right. In that case, Ms. Smoker, I'm

1 going to shift my focus and my attention to the
2 company side of the case. Counselor, I take it you
3 want to call Mr. Sload?

4 ATTORNEY CRAYNE:

5 Yes, I do, Your Honor.

6 JUDGE COCHERES:

7 Mr. Sload, would you raise your right
8 hand?

9 -----
10 THOMAS SLOAD, HAVING FIRST BEEN DULY SWORN, TESTIFIED
11 AS FOLLOWS:

12 -----
13 JUDGE COCHERES:

14 Counselor?

15 DIRECT EXAMINATION

16 BY ATTORNEY CRAYNE:

17 Q. Mr. Sload, please state your full name?

18 A. Thomas Sload.

19 Q. And by whom are you employed?

20 A. UGI Utilities.

21 Q. What is your position with UGI?

22 A. The supervisor of our central accounting
23 department.

24 Q. And how long have you been with UGI?

25 A. Eighteen (18) years.

1 Q. Are you familiar with the company's customer
2 billing computer and accounting systems?

3 A. Yes, I am.

4 Q. Have you reviewed the Complainant's payment and
5 billing history in this proceeding?

6 A. Yes, I have.

7 Q. And have you had prepared or prepared three
8 exhibits that illustrate the billing and payment
9 history?

10 A. Yes, I have.

11 Q. All right. I would like to direct your attention
12 to what has been marked Exhibit R-1.

13 (Respondent Exhibit One marked for
14 identification.)

15 BY ATTORNEY CRAYNE:

16 Q. What is Exhibit R-1?

17 A. R-1 would be the statement of the customer's
18 account showing usages, reading dates, bill amounts,
19 type of reading, the degree days during that time
20 period and payment amounts and the dates.

21 Q. Now, I note that there are several bills that are
22 based on estimates. Why are those bills estimated as
23 opposed to actual readings?

24 A. They were unable to obtain a reading.

25 Q. And why was that?

1 A. Do you mean during the entire period ---?

2 Q. You were unable to obtain a reading because you
3 were unable to obtain access to the building; correct?

4 A. Correct.

5 Q. And the meter is located inside the building;
6 correct?

7 JUDGE COCHERES:

8 We didn't hear him.

9 MS. SMOKER:

10 We didn't hear him, either.

11 BY ATTORNEY CRAYNE:

12 Q. The meter is located inside the building; correct?

13 A. That is correct.

14 Q. Okay. I would like to draw your attention to the
15 column headed Payment Adjustments, and ask you to
16 explain the adjustment dated 10/14/04?

17 A. When the meter was removed from the location on
18 September 30th of '04, the reading on the meter
19 indicated an additional 1,033 ccf of consumption that
20 was not billed as of the last bill that the customer
21 had received, which was April 8th of '04. The billing
22 adjustment was then put through to reflect the
23 additional 1,033 ccf shown on the meter.

24 Q. Okay. I'd like to direct your attention to
25 Exhibit R-2.

1 (Respondent Exhibit Two marked for
2 identification.)

3 A. Okay.

4 BY ATTORNEY CRAYNE:

5 Q. And would you please explain Exhibit R-2?

6 A. R-2 would be the meter test card. When a meter is
7 removed in the field and brought back to the central
8 meter shop located in Reading, the meters are tested
9 at that point and the card is filled out with the test
10 results and anything they found with the meter.

11 Q. And this is the test card for the meter that they
12 removed from Complainant's building on September 30,
13 '04; correct?

14 A. That is correct.

15 Q. And this is a record that is kept in the ordinary
16 course of business; correct?

17 A. That is correct.

18 Q. What does this Exhibit R-2 show in regard to the
19 accuracy of the meter that was removed from
20 Complainant's building?

21 A. It shows that it tests well within the PUC
22 guidelines.

23 Q. And the PUC guidelines are plus or minus two
24 percent; correct?

25 A. Correct.

1 Q. Okay. I'd like to direct your attention to
2 Exhibit R-3.

3 (Respondent Exhibit Three marked for
4 identification.)

5 BY ATTORNEY CRAYNE:

6 Q. Would you please identify that exhibit?

7 A. It's the PUC Complaint Processing System form.

8 Q. Pardon?

9 A. It's the PUC Complaint Processing System decision
10 for that.

11 Q. That's the BCS decision.

12 A. That's correct.

13 Q. Complaint; correct?

14 A. Yes.

15 Q. Very good.

16 MS. SMOKER:

17 Could you repeat --- could we just hear
18 what he said? It was really was fading in and out.

19 BY ATTORNEY CRAYNE:

20 A. BCS decision.

21 Q. Exhibit R-3 is the BCS decision regarding the
22 informal complaint filed by Ms. Smoker; correct?

23 A. That is correct.

24 ATTORNEY CRAYNE:

25 I have no additional questions, Your

1 Honor.

2 JUDGE COCHERES:

3 Mr. Sload?

4 A. Yes.

5 JUDGE COCHERES:

6 I want you to look at Exhibit R-1.

7 A. Okay.

8 JUDGE COCHERES:

9 All right. Now, look at the entry
10 starting on the left column for billings for September
11 8, '03 --- do you see that?

12 A. Yes.

13 JUDGE COCHERES:

14 All right. And that billing, according
15 to this record, is an actual reading of the meter;
16 isn't it?

17 A. Correct.

18 JUDGE COCHERES:

19 And look again at the November 06, '03
20 reading. Is that also an actual reading?

21 A. Yes, it is.

22 JUDGE COCHERES:

23 Okay. So, have you heard Ms. Smoker's
24 testimony earlier this morning?

25 A. Yes.

1 JUDGE COCHERES:

2 All right. Now, would I be correct, and
3 I do not want to put words in your mouth, but I just
4 want to be able to understand this --- that according
5 to the company billing system, the billing for that
6 period of time would be actually the sum from
7 September through November --- would be the sum of
8 those three numbers --- \$477, \$19 and \$40; right?

9 A. That would be correct.

10 JUDGE COCHERS:

11 All right. Now, given that you now ---
12 do you have any reason to doubt that the heating
13 system froze and was discovered at least on January
14 18th?

15 A. I think the issue I would have with that --- I
16 heard what they said as far as they were not getting
17 heat out of the system, but I would have no way of
18 knowing if the actual system was consuming the gas,
19 just not producing heat.

20 JUDGE COCHERES:

21 Okay. Well, here's my problem. All
22 right? To me, \$477, \$19 and \$40 is a real far cry
23 from \$5,000; right?

24 A. They were the warmer months, though, Your Honor.

25 JUDGE COCHERES:

1 Are you telling me that a house that had
2 a disabled heating system used over \$4,000 worth of
3 heat from December through April of that year?

4 A. When I'm looking at this, Your Honor, the
5 September reading that we had from '03 was actually,
6 primarily August consumption.

7 JUDGE COCHERES:

8 You're right.

9 A. The same thing goes --- the October reading was
10 primarily September usage and the November's primarily
11 October's usage. Three months that primarily are
12 generally not heating months as far as we're
13 concerned. So we wouldn't even, to me, the November
14 reading which was a non-heating month, still had
15 consumption of \$464, so --- and just looking at their
16 bills and, you know, in the prior year, the usages
17 don't look that light. Especially if there was a
18 problem with the furnace and maybe was over firing or
19 something of that nature, was consuming much more gas
20 than maybe it should have consumed.

21 JUDGE COCHERES:

22 Well, I'm having a little problem with
23 this; okay? She tells me that she paid over \$6,000
24 for gas used, and another \$1,000 and some dollars in
25 --- as a security deposit; is that right?

1 A. Correct.

2 JUDGE COCHERES:

3 All right. So, given that the last
4 payment you received, and it was a --- brought the
5 account current, was on September 29th of '03.

6 A. That was the last payment we had before the gas
7 was terminated for non-payment; that is correct.

8 JUDGE COCHERES:

9 Yeah. Okay. I'm having a real hard time
10 understanding how, if the furnace was broke, how she
11 could possibly have used \$6,000 worth of gas. Looking
12 at their billing and their degree day consumption
13 pattern, and conceding to you, sir, that as an
14 Administrative Law Judge for many years, I understand
15 what degree days means, I understand that usage
16 depends on the temperature outside the building, and I
17 understand that the dollar amounts vary by virtue of
18 how much the gas costs; all right? But even if you
19 look at usage, which is your second column there, I'm
20 having a real hard time getting to \$6,000. Now,
21 please explain to me what factually you know to be
22 true --- not what you guess, well, the furnace might
23 have been doing, but what you factually know is true.

24 A. What I have, Your Honor, would be the reading that
25 we had on November 6th, the index at that time which

1 was 4226. I then had --- the next index that we have
2 based on an actual reading would have been the index
3 of 8584, which was at the time of the remove, and at
4 that time the meter was tested --- the meter tested to
5 be accurate. So all I'm --- what I'm basing my
6 conclusion on are the index --- I have the starting
7 index of 4226. I have an ending index of 8584, with a
8 test that shows that that meter that registered those
9 indexes is an accurate meter.

10 JUDGE COCHERES:

11 All right. I understand your position
12 and, you know, I understand what you're telling me.
13 Incidentally, that final reading --- is that reflected
14 on Exhibit Two?

15 ATTORNEY CRAYNE:

16 Yes it is, Your Honor.

17 JUDGE COCHERES:

18 All right. Ms. Smoker, do you have some
19 questions for Mr. Sload?

20 MS. SMOKER:

21 Yeah, I think I would have a couple.

22 CROSS EXAMINATION

23 BY MS. SMOKER:

24 Q. Number one, you talked about, Mr. Sload, the
25 estimates because the access was denied to the

1 building. And I'm sure you're not suggesting that we
2 intentionally denied you access.

3 A. No, no, no. We just could not get in for some
4 reason. Maybe no one was there, doors were locked,
5 whatever the case may be.

6 Q. Sure, sure. And also I do want to look at Exhibit
7 R-1 that we've been looking at, based on the Judge's
8 questions. And I kind of want to look at months
9 1/09/04, January 09, '04 through 4/08/04. And I just
10 want to just eyeball those numbers, and I want to look
11 at the corresponding months for January 11th, '05
12 through April 11th, '05, roughly the same months, and
13 just want to ask you --- are the billing amount,
14 rather, it's an estimate, or they're estimates in all
15 cases, I just want to ask you if there's a significant
16 difference in the usage between those corresponding
17 months in '04 and '05?

18 A. There are.

19 Q. It's an articulate question, I'll admit.

20 A. Yes, there are.

21 Q. Yes, there are, and it's roughly about --- ranges
22 from six to one to ten to one differential?

23 A. That's correct.

24 Q. The higher amount being obviously in '04 versus
25 the corresponding months in '05?

1 A. That is correct.

2 Q. And let's see what else I wanted to ask you. Oh,
3 this is kind of just, you know, for my edification.
4 I'm looking now at the right hand column of Exhibit
5 R-1, and it shows my payment of 12/03/04, \$6,447.07,
6 which was the outstanding bill. And when we sent the
7 check, we also sent a security deposit. Where would
8 that be reflected in the payment?

9 A. That would actually be reflected on your current
10 account right now.

11 Q. Okay.

12 A. You see, that account --- if I look at that
13 account. You're actually also accumulating interest
14 on that account, Ms. ---.

15 Q. And that would not be reflected in a statement of
16 account? That is ---?

17 A. No. That's not going toward your gas payments or
18 gas bills. That might --- you'll actually --- that
19 money will come back to you at the end.

20 Q. Okay. And the purpose of that is?

21 A. Just security, in case an account goes delinquent
22 or did not pay their bills and is terminated for non-
23 payment, or had their gas shut off with an outstanding
24 balance, it's security for the company.

25 Q. And that amount that we were assessed is a

1 security deposit, which is based on our history, I
2 take it, or is that kind of a standard amount ---?

3 A. It would be based on your history, ma'am.

4 Q. Okay, very good. For my edification. Just give
5 me a second to look at some notes I took, if you
6 would.

7 I'm going to ask this question again. The
8 corresponding months --- the months that really are in
9 question, as far as I'm concerned, are January '04 to
10 April '04, and we've kind of compared them to the
11 corresponding months in '03 and '05. The fact that
12 the building is vacant now --- do you have any reason
13 to believe that --- assuming, just assuming, that the
14 building was, in fact, vacant and the system was
15 incapacitated as we've testified to, is there any
16 reason that you would not agree that the numbers we're
17 seeing for '05, the corresponding months in '05, would
18 be more indicative of what we should have seen as our
19 consumption in '04?

20 A. All I can relate basing my opinion on that case,
21 ma'am, is the actual indexes that we have. The index
22 from November, then followed up by the remove index
23 that we had in September. I really can't --- I can't
24 testify to what may have happened or what could have
25 happened --- I don't know. I know what the indexes

1 were showing on the meter before and what the indexes
2 were showing on the meter after it was removed.

3 Q. And certainly, you think that the number thing
4 generated in '05 would be accurate as well?

5 A. Well, if they're based on actual read, that would
6 be correct, ma'am, yes.

7 Q. And now I'm moving to Exhibit R-2. As I
8 understand, and again, I'm not an expert, but I was
9 following what you were saying, and it was very
10 helpful. If it's kind of like when you hear the word
11 calibration, is this what you do --- you calibrate the
12 meter when you take it? Is that what it means?

13 A. Not only calibrating it --- calibrating would
14 actually be making it perfect, what they're doing is
15 they're testing the meter itself to see is it actually
16 registering the proper amounts of gas usage.

17 Q. Is there kind of like, some kind of audit process
18 or some kind of insurance processes that are done ---
19 and I don't mean for insurance purposes --- but
20 assurance processes?

21 A. I know that the testing equipment itself is
22 calibrated. I know, I mean, all the test cards are
23 kept on file for, you know, audits or whatever the
24 case may be.

25 Q. And just out of curiosity, if you know the answer

1 to this question, how often do you find that a meter
2 is not accurate? Like, in one out of 100 --- do you
3 have percentage numbers, like, in the course of, I
4 don't know, as many tests that you do in a year out of
5 100, how many might not pass inspection; any?

6 A. What we find, ma'am, is that the average for meter
7 tests is at 98 percent accuracy.

8 Q. Okay. So two out of 100 might not be accurate,
9 based on your test processes and test checks?

10 Q. That would be correct, ma'am.

11 Q. And who does the test --- does UGI do them, or
12 does somebody else do them?

13 A. UGI does them. We have a central meter shop
14 located in Reading, Pennsylvania.

15 Q. Is that like an internal audit group or is there
16 an outside group that comes in to, you know, just kind
17 of keep a check on things?

18 A. It's actually done internally, ma'am. I don't
19 know. I know that there are other groups that come in
20 to calibrate the equipment to make sure they're
21 accurate. I don't know what the timeframes on that
22 would be, though.

23 Q. Okay. And just one other question on Exhibit R-2
24 --- oil in meter --- what does that mean?

25 A. I spoke to the supervisor in that department about

1 that. He said a lot of times we get meters that will
2 come in that will have dirt or oil or something in the
3 meter itself. They're putting that on there just for
4 their own documentation what happened. He said that's
5 absolutely no bearing or no impact on the meter
6 itself. It's sitting well below in like, the casing
7 of the meter, not inside the actual diaphragm.

8 Q. Okay. I guess I asked that question --- I really
9 and I'm not criticizing you, I don't really understand
10 the answer either, but I'm still confused, but ---.
11 That's no indication that there's a problem?

12 A. No, no. He said that we have no --- that would
13 have no bearing on the actual test results itself.

14 Q. And how old was the meter --- just out of
15 curiosity?

16 A. That meter was purchased in, I believe, 1981. If
17 you hold on one second, I can verify that for you,
18 though. It was purchased in 1980.

19 Q. And what is the depreciation on those meters ---
20 how long do you depreciate them for, like for
21 accounting purposes?

22 A. I don't know.

23 Q. And what's the life expectancy of the meter?

24 A. Again, they'll keep the meters in until the meter
25 fails, or they have a problem with it. We test on a

1 random test. We'll pull so many meters per year just
2 out of random, and test them, and as long as the
3 active results are coming where they should be, you
4 know, the meters will stay in place. Generally, what
5 you found --- if anything, for the most part, the
6 older meters tend to slow down, not get faster.

7 Q. So, you're saying that you get a better deal from
8 an older meter?

9 A. Most of the time that would be the case, yes.

10 Q. Thank God for small miracles; right? Okay. I
11 guess just let me look at my notes, if I can, for 30
12 more seconds, if I can have your indulgence.

13 The new meter that's in my building --- is it the
14 same meter?

15 A. No, it would be a different meter, ma'am.

16 Q. Where's the old meter?

17 A. The old meter was condemned because of its age.

18 Q. Are you kidding me?

19 A. No. It was --- the meter was over 25 years old.

20 Q. Well, let me ask you this. The meters are in
21 place and they're over 25 years old, do you go in and
22 take them out and put new ones in?

23 A. We may or may not. If there's a problem within a
24 reason to remove it, if an account's been sitting
25 inactive for awhile, they may pull the meter out, or

1 if we want to put a remote device on the meter to
2 allow us to read from the outside, they remove it at
3 that point in time.

4 q. So how would you know, though, if there was a
5 problem? You said if there was a problem, you may
6 remove it. How do you know if there's a problem?

7 A. Usually you see, you just drop off. Generally,
8 what they'll see is, you'll see months of the usage
9 has gradually dropped off more and more, when they
10 should be consuming more gas, which would alert us.
11 Or in a case where the customer may call us, and say,
12 I think my bills are too high. We'll go out and do an
13 investigation at that point, and if the meter does not
14 test properly or it's, you know, the results are very
15 high or so, they can condemn the meter at that point
16 as well.

17 Q. So if the meter usage seems to be gradually
18 showing less usage, you might go out and check on it.
19 If it's gradually showing more usage, do you go out
20 spontaneously and check on it?

21 A. Well, when I say gradually, it's more of a case
22 where you can see the meter drop off or jump up in
23 usage. Generally, you don't see them jump up in usage
24 because of a problem like that. If it jumps up in
25 usage, a lot of times it's an actual issue with the

1 dials on the meter, which would alert us to, yes, go
2 out and look at something. If we see a bill come in
3 that does not look right, we'll go out and
4 investigate it immediately.

5 Q. Okay. And one last question. When I was
6 screaming at customer service that they told me I had
7 amassed \$5,000 worth of usage, did anybody go up and
8 look at this meter?

9 A. No, because at the time of the usage, really,
10 compared to last year's, was not that out of line.

11 Q. Okay.

12 MS. SMOKER:

13 Okay, no more questions.

14 JUDGE COCHERES:

15 Mr. Crayne, do you have any redirect?

16 MS. SMOKER:

17 I'm sorry. I didn't hear what you said,

18 Judge?

19 JUDGE COCHERES:

20 I'm sorry. I asked Mr. Crayne if he had
21 any more redirect.

22 ATTORNEY CRAYNE:

23 I have no redirect.

24 JUDGE COCHERES:

25 Let me look at my notes for just a

1 minute. All right. Hearing no further questions for
2 the witness, the witness is excused. Mr. Crayne, do
3 you want to move your Exhibits?

4 ATTORNEY CRAYNE:

5 Yes. I would like to move Exhibits R1, 2
6 and 3 into the record.

7 JUDGE COCHERES:

8 They are admitted. Mr. Crayne, do you
9 have any other witnesses for me?

10 ATTORNEY CRAYNE:

11 No, I do not.

12 JUDGE COCHERES:

13 All right. Ms. Smoker, you get one more
14 bite at the apple. Is there any thing that you heard
15 in the Company's case that you would like to comment
16 on or request Mr. Blymier return to the witness stand
17 to testify about?

18 MS. SMOKER:

19 Can I confer with my witness for a few
20 seconds?

21 JUDGE COCHERES:

22 Yes. We'll be off the record. Tell me
23 when you're ready to go back on.

24 OFF RECORD DISCUSSION

25 JUDGE COCHERES:

1 Back on the record.

2 MS. SMOKER:

3 The only thing --- and I don't want to be
4 repetitive. I think you know what my concerns are
5 when I look at that accounting on R-1 --- Exhibit R-1,
6 looking at the comparative months. And I won't, you
7 know, bore everybody with repeating it. The only
8 thing that I did hear --- I think I heard it
9 correctly. The meter that was in my apartment is now
10 actually gone. Not only was I not able to see it when
11 they took the last reading, which I thought was odd,
12 but I understand that that apparently is the
13 procedure. But now it's been retired forever, and I'm
14 not accusing anybody of anything. I'm just saying I
15 couldn't even see the meter now if I wanted to. And
16 I'm sure there are a lot of procedures and a lot of
17 protections in place, but I would like to comment on
18 that. And I think that's even more disappointing than
19 I was when I heard the meter had been read and the
20 meter had been confiscated to protect against fraud.
21 You know, fraud I guess, that I would be thought to
22 commit. And now the meter's completely gone. But
23 that's my last point, and I guess my case is now in
24 your hands.

25 JUDGE COCHERES:

1 Well, not quite. First, Mr. Crayne gets
2 to ask you any questions that he wants.

3 MS. SMOKER:

4 Okay, good.

5 ATTORNEY CRAYNE:

6 I have no additional questions. I do
7 have a short closing statement at an appropriate time,
8 Your Honor.

9 JUDGE COCHERES:

10 Well, we're not quite there yet, Mr.
11 Crayne. Ms. Smoker, I actually have one more
12 question, but not for you.

13 MS. SMOKER:

14 Oh, okay.

15 JUDGE COCHERES:

16 It's for Mr. Blymier. Mr. Blymier, I'm
17 going to remind you that you are under oath. Mr.
18 Blymier, did you tell me earlier today that you had
19 --- were actually in the building in January ---
20 around January 18 of '04?

21 A. That would be correct.

22 JUDGE COCHERES:

23 And at that time, was the --- did you
24 examine the furnace?

25 A. I did.

1 JUDGE COCHERES:

2 And was it using any gas at all?

3 A. No, sir.

4 JUDGE COCHERES:

5 And why not?

6 A. The --- it's a hot water boiler system and the
7 radiators and some of the pipes were frozen, and the
8 water feeds for itself into the boiler were shut off
9 and it was out on its safeties.

10 JUDGE COCHERES:

11 Fine. Did you turn it back on?

12 A. No. I actually --- it's a 110 volt feed with a
13 screw and plug fuse. I actually unscrewed the plugged
14 fuse for the controlling of the boiler and turned the
15 disconnect off --- just to make sure that nobody could
16 reset it because of we didn't want additional water
17 damage.

18 JUDGE COCHERES:

19 And would that also have stopped the gas
20 from flowing into the boiler?

21 A. That would be correct.

22 JUDGE COCHERES:

23 Fine. Mr. Crayne, do you have any more
24 questions?

25 ATTORNEY CRAYNE:

1 No, I have no questions.

2 JUDGE COCHERES:

3 All right. Let me go off the record
4 here.

5 OFF RECORD DISCUSSION

6 JUDGE COCHERES:

7 Let's go back on the record. I have been
8 informed that the parties during my absence have come
9 to a settlement, and they have provided the terms of
10 the settlement to me. Those terms start with the idea
11 that there is a new account name that should be
12 associated with the building at 541 East Orange Avenue
13 in Lancaster. The new account will be Professional
14 Property Team Management. The address for that entity
15 is 660 Furnace Hills Pike, Lititz, Pennsylvania 17543.
16 The next step in the settlement is that the Company
17 has agreed to reimburse the new account owners \$3,000
18 based on settling this claim. And finally, the
19 Company has agreed to submit a Certificate of
20 Satisfaction, which will be the administrative way of
21 ending this case. Mr. Crayne, did I state the terms
22 correctly?

23 ATTORNEY CRAYNE:

24 I bet you did --- you did, Your Honor.
25 Is that correct Mr. Sload?

1 A. That's correct.

2 JUDGE COCHERES:

3 All right. And Mr. Crayne, do you agree
4 to abide by those terms on behalf of your Client?

5 ATTORNEY CRAYNE:

6 Yes.

7 JUDGE COCHERES:

8 All right. Ms. Smoker, did I state the
9 terms correctly?

10 MS. SMOKER:

11 I think so. I just --- did you say
12 \$3,000? I didn't hear it.

13 JUDGE COCHERES:

14 I sure hope I did, and there's nothing
15 wrong with repetition.

16 MS. SMOKER:

17 Okay. Well, then that's great, and I
18 agree with the terms.

19 JUDGE COCHERES:

20 Fine. Then for your benefit, Ms. Smoker,
21 because Mr. Crayne is a long time member of the
22 utility bar, what he will do --- the Company will do
23 what it says, and I probably ought to have some sort
24 of reasonable time limit here. Mr. Sload, can you cut
25 that check and change the name on the account in the

1 next seven days?

2 A. Yes.

3 JUDGE COCHERES:

4 Okay, fine. And Mr. Crayne, when all
5 those activities are done, can you submit a
6 Certificate of Satisfaction within 14 days?

7 ATTORNEY CRAYNE:

8 Yes, I can.

9 JUDGE COCHERES:

10 Okay.

11 ATTORNEY CRAYNE:

12 And I take it that you contemplate me
13 waiting until the check is in hand before I file the
14 Letter of Satisfaction?

15 JUDGE COCHERES:

16 Well, that's up to you, sir. You know, I
17 trust your Client ---

18 ATTORNEY CRAYNE:

19 Sometimes it creates confusion if you
20 don't.

21 JUDGE COCHERES:

22 Okay. Not a problem. I just wanted to
23 give you the opportunity to do that.

24 ATTORNEY CRAYNE:

25 Okay.

1 JUDGE COCHERES:

2 All right. So, Ms. Smoker, what's going
3 to happen now is that they will change the account
4 name and they will send you your check, and then
5 you'll get this piece of paper from Mr. Crayne that
6 will be addressed to the Public Utility Commission and
7 the secretary of the Commission, and it will have the
8 name of this complaint that I read at the beginning
9 --- the caption of the case and the case number. And
10 then it will simply say that the Company satisfied the
11 complaint.

12 MS. SMOKER:

13 Okay, good. We'll get the check and then
14 we'll sign the Satisfaction.

15 JUDGE COCHERES:

16 You don't even have to do that, because
17 it will also tell you that if you don't say anything
18 in 10 days this case will go away.

19 MS. SMOKER:

20 Okay, very good.

21 JUDGE COCHERES:

22 And then, ultimately, when I get that
23 same piece of paper, I will give it to our
24 administrators to process and you will get one last
25 piece of paper, and this is not done by my office.

1 And sometimes they're not real good about sending it
2 out promptly, but essentially, you'll get one last
3 piece of paper from the Commission that says this case
4 is closed.

5 MS. SMOKER:

6 Okay, very good. That sounds very
7 reasonable. I appreciate everybody's time.

8 JUDGE COCHERES:

9 And I do, too. I think there was good
10 cooperation and I think you've come to a very good
11 settlement.

12 MS. SMOKER:

13 Well, thank you to everyone, and I'm glad
14 everybody hung in there and glad I hung in there.

15 JUDGE COCHERES:

16 All right. Thank you. I'm going to
17 sever the line now. Does anybody want a copy of this
18 transcript?

19 MS. SMOKER:

20 I don't think so.

21 ATTORNEY CRAYNE:

22 No.

23 JUDGE COCHERES:

24 All right. Fine. We're off the record,
25 and we're adjourned.

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HEARING CONCLUDED AT 11:30 A.M.

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C E R T I F I C A T E

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 direction; and that this
transcript is a true and accurate record
to the best of my ability.

Amee K. Adams

Court Reporter

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