

COMPLAINANT

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Maurita G. Zercher,		
v.		Docket No.:
PPL Electric Utilities Corporation		2-01537584
PUC Hearing		

DOCKETED
DEC 15 2004

Keystone Building
400 North 3rd Street
Hearing Room 4
Harrisburg, PA 17101

Tuesday, September 14, 2004
Commencing at 9:58 a.m.

BEFORE:

SUSAN D. COLWELL, Administrative Law Judge

APPEARANCES:

NONE PRESENT
For the Complainant

KIMBERLY A. SPOTTS-KIMMEL, Esquire
Gross, McGinley, LaBarre & Eaton, LLP
33 South Seventy Street
P.O. Box 4060
Allentown, PA 18105-4060
For the Respondent

SEP 23 2004
PUBLIC UTILITY COMMISSION
HARRISBURG, PA

REPORTER: MELISSA BEAM

ORIGINAL

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INDEX TO WITNESSES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
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<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Diehl	8			

P R O C E E D I N G S

1
2 -----
3 JUDGE SUSAN D. COLWELL:

4 This is the time and the place set for a
5 hearing in the matter of Maurita G. Zercher versus PPL
6 Electric Utilities Corporation at PUC Docket Number Z-
7 01537584. I am Administrative Law Judge Susan D.
8 Colwell appointed by the Pennsylvania Public Utility
9 Commission to preside in this matter. I note for the
10 record the appearance of Attorney Spotts-Kimmel for
11 PPL Electric Utilities Corporation, that would be you,
12 ma'am?

13 ATTORNEY SPOTTS-KIMMEL:

14 Yes, Your Honor.

15 JUDGE COLWELL:

16 Good morning. And would you introduce me
17 to who you have with you today, please?

18 ATTORNEY SPOTTS-KIMMEL:

19 Yes, Your Honor. This is Sancy Allen.
20 She's a PPL Customer Contact Representative.

21 JUDGE COLWELL:

22 Okay.

23 ATTORNEY SPOTTS-KIMMEL:

24 And this is my other witness who is Kevin
25 Diehl.

1 MR. DIEHL:

2 Good morning.

3 JUDGE COLWELL:

4 Good morning. I notice that there isn't
5 anyone else here in the courtroom, so I have to assume
6 that the Maurita Zercher has not shown; is that
7 correct?

8 ATTORNEY SPOTTS-KIMMEL:

9 No, Your Honor. And if you would like, I
10 could call the hallway to see if anybody is outside in
11 the hallway just so we could be sure that she's not
12 here.

13 JUDGE COLWELL:

14 Were you here last week when we had a
15 problem with that?

16 ATTORNEY SPOTTS-KIMMEL:

17 Yes, Your Honor. Your Honor, two weeks
18 ago.

19 JUDGE COLWELL:

20 Yes. Why don't we do that? Thank you
21 for the offer.

22 SHORT BREAK TAKEN

23 ATTORNEY SPOTTS-KIMMEL:

24 Your Honor, I looked outside in the
25 hallways outside the courtroom and I see nobody that

1 seems to be waiting for a hearing.

2 JUDGE COLWELL:

3 Okay. Then for the record, I note that
4 the Complainant was sent a hearing notice on May the
5 24th, 2004, which indicated the time and place of the
6 hearing would be Wednesday, July 28th, 2004. In my
7 pre-hearing order, which was issued May 27th, 2004, I
8 explained to the Complainant that she would lose her
9 case if she did not participate. Then a hearing
10 cancellation/rescheduling notice was issued July 21,
11 2004, which canceled the July 28th hearing and
12 rescheduled it for Tuesday, September 14th, 2004,
13 which is today. It is presently shortly after 10:00.
14 There is no sign of the Complainant. I'm going to
15 take a ten minute recess and give the Complainant ten
16 minutes to show up. And if the Complainant does not
17 show up, we will proceed in the absence. We're off
18 the record.

19 ATTORNEY SPOTTS-KIMMEL:

20 Thank you.

21 SHORT BREAK TAKEN

22 JUDGE COLWELL:

23 Okay. The time is now almost 10:15. The
24 Complainant has not shown up. We're going to assume
25 that she does not intend to show up and continue with

1 the hearing in her absence. Ms. Spotts-Kimmel, would
2 you like to create a record?

3 ATTORNEY SPOTTS-KIMMEL:

4 Yes, Your Honor. At this time I would
5 like to make a motion to dismiss for failure to
6 prosecute, and I would ask that the complaint be
7 dismissed with prejudice. And my basis for that is
8 that the Complainant has the burden of proof. It was
9 her burden to appear here today, put evidence into the
10 record, to establish her complaint. She has not shown
11 up. There is Commission precedents that's if the
12 Complainant does not appear, the complaint can be
13 dismissed with prejudice when the other party has
14 appeared and traveled and put time and effort into the
15 case and has appeared at the hearing and is ready to
16 go. One of our witnesses has traveled an hour and a
17 half to be here and is here, ready to go and the
18 Complainant's not here. So we respectfully request
19 that the complaint be dismissed with prejudice.

20 JUDGE CCLWELL:

21 Well, unless the Complainant comes
22 forward between now and the time I write the decision,
23 your motion will be granted, and she will have to have
24 a very good reason. So is there anything else for the
25 record today?

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ATTORNEY SPOTTS-KIMMEL:

No, Your Honor, I have nothing further.

JUDGE COLWELL:

Okay. Then I have 25 days to issue my decision, and I will endeavor to meet that time limitation. That concludes today's hearing. Thank you very much for coming. I apologize for the lack of excitement. We're off the record.

ATTORNEY SPOTTS-KIMMEL:

Thank you, Your Honor.

OFF RECORD DISCUSSION

JUDGE COLWELL:

We're going back on the record here. We have some additional information that we'd like to have on the record.

KEVIN DIEHL, HAVING FIRST BEEN JULY SWORN, TESTIFIED AS FOLLOWS:

JUDGE COLWELL:

Thank you. Go ahead.

DIRECT EXAMINATION

BY ATTORNEY SPOTTS-KIMMEL:

Q. Please state and spell your name for the record.

A. My name is Kevin Diehl, K-E-V-I-N D-I-E-H-L.

1 Q. And what is your business address?

2 A. 827 Hausman Road, Allentown, Pennsylvania 18104.

3 Q. And with whom are you employed and in what
4 capacity?

5 A. By PPL Electric Utilities as a customer service
6 representative in the revenue collection department.

7 Q. And how long have you been employed in your
8 current capacity?

9 A. Approximately five years.

10 Q. And can you briefly explain your job duties in
11 your current position?

12 A. Yes. I discuss customers' accounts, mainly
13 regarding overdue balances and making payment
14 arrangements to pay back overdue balances owed.

15 Q. And are you familiar with the complaint that was
16 filed by Maurita Zercher in the matter that we're
17 presently here for today?

18 A. Yes, I am.

19 Q. And, Mr. Diehl, how did you first become familiar
20 with the issues in this case?

21 A. It was assigned to be handled by me.

22 Q. And Mr. Diehl, I'm going to show you what has been
23 marked as PPL Hearing Exhibit Number One.

24 (Exhibit Number One marked for
25 identification.

1 ATTORNEY SPOTTS-KIMMEL:

2 Your Honor, may I approach?

3 JUDGE COLWELL:

4 Certainly.

5 BY ATTORNEY SPOTTS-KIMMEL:

6 Q. Mr. Diehl, are you familiar with this document?

7 A. Yes, I am.

8 Q. Would you please describe it?

9 A. Yes. It's an Account Activity Statement for
10 Mauritia Zercher at 36 East Willow Street,
11 Elizabethtown, Pennsylvania 17022, account number
12 57621-06011.

13 Q. And is the information contained on PPL Exhibit
14 One true and correct to the best of your knowledge,
15 information and belief?

16 A. Yes, it is.

17 Q. And is the information contained on PPL Exhibit
18 One kept by PPL in the ordinary course of its
19 business?

20 A. Yes, it is.

21 Q. Have all charges showed on PPL Exhibit One been
22 made in accordance with PPL's tariff and the PUC
23 regulations?

24 A. Yes, they have.

25 Q. Approximately when was account number 57621-06011

1 established?

2 A. The account was established on May 10th, 2002.

3 Q. And is Ms. Zercher currently the ratepayer of
4 record with respect to this account?

5 A. With respect to this account, yes.

6 Q. Is she currently the ratepayer of record at 36
7 East Willow Street, Elizabethtown, Pennsylvania?

8 A. No, she currently is not.

9 Q. And that address is the address that is the
10 subject of her complaint; correct?

11 A. Yes, it is.

12 JUDGE COLWELL:

13 Could you speak up just a little bit,
14 it's hard to hear you?

15 ATTORNEY SPOTTS-KIMMEL:

16 Yes, Your Honor.

17 BY ATTORNEY SPOTTS-KIMMEL:

18 Q. According to PPL Exhibit One, what is the current
19 arrearage on this account?

20 A. The current arrearage on this account is \$503.52.

21 Q. And how many payments has Complainant made in the
22 year 2003?

23 A. She made eight payments in 2003.

24 Q. And when was the last payment received for her
25 account?

1 A. The last payment received was for \$56.34, and it
2 was received on November 25th, 2003.

3 Q. Has PPL attempted to work with Ms. Zercher on
4 payment arrangements?

5 A. Yes. There was one attempted payment arrangement
6 that was offered to Ms. Zercher on November 11th,
7 2003, but there was no agreement reached with that
8 arrangement.

9 Q. Did Ms. Zercher report income to PPL?

10 A. Yes. On that date, November 11, 2003, she did
11 report that she was the only adult residing in the
12 property and that there were no children residing
13 there, and that she had a gross monthly income of
14 \$1,800 per month.

15 Q. Based on Ms. Zercher's income, does she qualify
16 for any assistance programs?

17 A. No, she would not.

18 Q. And is her current account number 57621-06011 at
19 36 East Willow Street, Elizabethtown still active?

20 A. No, it's not.

21 Q. And was the account closed?

22 A. Yes. Service was disconnected on December 31st,
23 2003, per Ms. Zercher's request that she had made on
24 December 26th, 2003.

25 Q. And was service, in fact, disconnected in Ms.

1 Zercher's name at this premises effective December
2 31st, 2003?

3 A. Yes, it was.

4 Q. And is Ms. Zercher still the ratepayer of record
5 for 36 East Willow Street, Elizabethtown?

6 A. No, she is not.

7 Q. Did Ms. Zercher provide PPL a forwarding address?

8 A. No, she did not.

9 ATTORNEY SPOTTS-KIMMEL:

10 With that, Your Honor, that's all the
11 further questions that I have for Mr. Diehl. Based
12 upon that testimony, in addition to requesting that
13 the complaint be dismissed with prejudice, I would
14 also ask that Ms. Zercher be ordered to pay the total
15 account balance, which is \$503.52. And again, because
16 Ms. Zercher is not a current ratepayer of record with
17 respect to the subject electric service premises,
18 putting aside the fact that she did not appear, there
19 really is no authority to order a payment arrangement
20 in any event.

21 JUDGE COLWELL:

22 Can I ask Mr. Diehl a few questions?

23 ATTORNEY SPOTTS-KIMMEL:

24 Absolutely.

25 JUDGE COLWELL:

1 Mr. Diehl, are the bills that are being
2 sent from your company sent to her East Willow Street
3 address?

4 A. The last bill that was sent was sent to East
5 Willow Street. There are no further bills being sent
6 to her.

7 JUDGE CCLWELL:

8 Was the last bill returned to your
9 company?

10 A. No.

11 JUDGE CCLWELL:

12 Okay. All right. I have no further
13 questions.

14 ATTORNEY SPOTTS-KIMMEL:

15 Thank you, Your Honor.

16 JUDGE CCLWELL:

17 Anything else?

18 ATTORNEY SPOTTS-KIMMEL:

19 No, Your Honor, PPL rests.

20 JUDGE COLWELL:

21 Okay. Thank you. We're off the record.
22 This time we really are.

23 * * * * *

24 HEARING CONCLUDED AT 10:24 A.M.

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C E R T I F I C A T E

I hereby certify that the
foregoing proceeding 9-14-04 Colwell
was reported by me, that I have read this
transcript on 9-29-04, and I attest
that this transcript is a true and
accurate record of the proceeding.

Melissa Beam
Court Reporter

Account Activity Statement

Date: 09/08/04
Page: 1

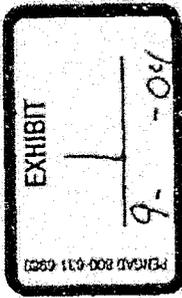
*** Account Information ***

Account Number: 53621-0491
Mauritia Zercher
36 E Willow St
Elizabethtown PA 17022

Requested By: MAURITIA ZERCHER
1717367-2463 Extension:

*** Current Account Status ***

Payment Agreement \$0.00 Balance: \$0.00
Instalment: \$0.00
Budget Bill Amortization Instalment: \$0.00 Balance: \$0.00
Current Rate: RS



Z-01537584

DATE	TRANSACTION TYPE	DUE DATE	TRANSACTION AMOUNT	BALANCE FORWARD	ACTUAL BILLED AMOUNT	DEFERRED BALANCE	REV DAY B/C	RNG. TYPE	DAYS USED	KWH	BILLED KWH
06/06/2002	ELECTRIC SERVICE Regular Bill	06/27	\$63.57		\$63.57		0123/0065	57506A	27	707	
06/25/2002	Payment		\$-63.57								
07/08/2002	ELECTRIC SERVICE Regular Bill	07/29	\$135.96		\$135.96		0004/0309	59212A	32	1706	
07/29/2002	Payment		\$-135.96								
08/05/2002	ELECTRIC SERVICE Regular Bill	08/26	\$134.76		\$134.76		0000/0393	60900A	28	1688	
08/05/2002	ELECTRIC SERVICE Regular Bill	08/26	\$134.76		\$134.76						
09/04/2002	ELECTRIC SERVICE Regular Bill	09/25	\$149.83		\$149.83		0003/0344	62796A	30	1896	
09/04/2002	Late Payment Charge		\$1.68		\$1.68						
09/04/2002	Regular Bill		\$286.27	\$134.76	\$151.51						
09/09/2002	Payment		\$-134.76								
10/01/2002	Payment		\$-151.51								
10/07/2002	ELECTRIC SERVICE Regular Bill	10/28	\$131.32		\$131.32		0027/0163	64435A	33	1639	
10/07/2002	Regular Bill		\$131.32		\$131.32						
11/04/2002	ELECTRIC SERVICE Regular Bill	11/25	\$69.97		\$69.97		0471/0000	00306A	28	788	
11/04/2002	Regular Bill		\$201.29	\$131.32	\$69.97						
11/05/2002	Late Payment Charge		\$1.64		\$1.64						
11/11/2002	Payment		\$-100.00								
12/03/2002	ELECTRIC SERVICE Regular Bill	12/26	\$60.69		\$60.69		0701/0000	00975A	29	669	
12/03/2002	Late Payment Charge		\$1.26		\$1.26						
12/03/2002	Regular Bill		\$164.88	\$101.29	\$63.59						
12/11/2002	Payment		\$-64.88								
01/02/2003	Late Payment Charge		\$1.22		\$1.22						
01/02/2003	Late Payment Charge		\$0.04		\$0.04						
01/03/2003	ELECTRIC SERVICE Regular Bill	01/27	\$76.45		\$76.45		1067/0000	01852A	31	877	
01/03/2003	Regular Bill		\$177.71	\$100.00	\$77.71						
02/03/2003	ELECTRIC SERVICE Regular Bill	02/24	\$63.68		\$63.68		1246/0000	02558A	31	706	
02/03/2003	Regular Bill		\$241.39	\$177.71	\$63.68						
02/04/2003	Late Payment Charge		\$2.18		\$2.18						
02/04/2003	Late Payment Charge		\$0.06		\$0.06						

DEC 13 2004
CREDIT

