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PUBLIC UTILITY COMMISSION

----- XDocket No.
Tidiani Diarra vs PECO Energy Company :Z-01162907
Billing dispute. Initial hearing. :
----- -x

Pages 1 through 11

Hearing Room Two
State Office Building
Philadelphia, Pennsylvania

DOCUMENT
FOLDER

Friday, April 4, 2003

Met, pursuant to notice, at 10:25 a.m.

BEFORE:

KY VAN NGUYEN, ADMINISTRATIVE LAW JUDGE

APPEARANCES:

DOCKETED

APR 21 2003

J.M.

SECRETARY'S BUREAU

03 APR 21 AM 9:28

RECEIVED

PRIYA SANKAR, ESQUIRE
PECO Energy Company
2301 Market Street
Suite S23-1
Philadelphia, Pennsylvania 19101
(Counsel for PECO)

ORIGINAL

Commonwealth Reporting Company, Inc.

700 Lisburn Road
Camp Hill, Pennsylvania 17011

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WITNESS INDEX

WITNESS DIRECT CROSS REDIRECT RECROSS

Rence Tarpley

By Ms. Sankar 5

EXHIBIT INDEX

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NUMBER	FOR IDENTIFICATION	IN EVIDENCE
<u>PECO</u>		
1/ (Account Statement)	5	10
2/ (BCS decision)	8	10

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1 P R O C E E D I N G S

2 ADMINISTRATIVE LAW JUDGE KY VAN NGUYEN: Good
3 morning everyone. We will open the record for a hearing on
4 the complaint of Tidiani Diarra against PECO Energy Company
5 at Docket Number Z-01162907. My name is Ky Van Nguyen.
6 I am Administrative Law Judge presiding at this hearing.

7 I would ask the parties to identify themselves for
8 the record. Ms. Sankar.

9 MS. SANKAR: Priya Sankar, Counsel for PECO Energy
10 Company.

11 JUDGE NGUYEN: Thank you. It is noted for the
12 record that this hearing was scheduled for today at ten a.m,
13 but the Complainant was not there at that time. I delayed the
14 hearing until 10:25 a.m. to allow for possible late arrival by
15 the Complainant. She did not arrive either. So I will conduct
16 the hearing without her.

17 Ms. Sankar.

18 MS. SANKAR: Yes, Your Honor. I call Renee
19 Tarpley. Can I move to dismiss the case?

20 JUDGE NGUYEN: I will consider the motion.

21 MS. SANKAR: Thank you.

22 JUDGE NGUYEN: Can you raise your right hand
23 please?

24 PENELE TARPLEY,
25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MS. SANKAR:

3 Q. Ms. Tarpley, could you state and spell your name for the
4 record?

5 A. Renee Tarpley, T-A-R-P-L-E-Y.

6 Q. Who is your current employer?

7 A. PECO Energy.

8 Q. What is your current position?

9 A. Regulatory assessor.

10 Q. Were you responsible for the investigation related to
11 this complaint?

12 A. Yes.

13 (Whereupon, Account Statement marked PECO Exhibit
14 One for identification.)

15 BY MS. SANKAR:

16 Q. Ms. Tarpley, could you look at PECO Exhibit One. Did you
17 prepare PECO Exhibit Number One?

18 A. Yes.

19 Q. Was it prepared in PECO Energy's ordinary course of
20 business?

21 A. Yes.

22 Q. Does it relate to Complainant's account?

23 A. Yes.

24 Q. Could you explain what PECO Exhibit Number One is?

25 A. PECO Exhibit 1 is a billing statement for the customer at

1 7200 Merion Terrace, Apartment B-210 in Upper Darby,
2 Pennsylvania. It covers the billing period from June 2000 to
3 the current bill that was just issued March 7th of 2003. It
4 gives you the number of days, the amount the customer was
5 billed, and any payments that were reflected on the customer's
6 account.

7 Q. Was the customer ever given a termination -- was PECO's
8 termination process ever applied to this account?

9 A. Yes. The account was terminated for nonpayment on June
10 four, 2002.

11 Q. Can you explain the Account Statement entry for June 7,
12 2002?

13 A. If you look at the fourth column from the end this is
14 indicating that the customer paid \$223 to get the services
15 restored. Of that amount \$110 was the required security
16 deposit. And the \$60 was the reconnection fee to have the
17 services restored. The balance of the 223 was applied toward
18 the electric bill.

19 Q. What was the past due balance for the termination?

20 A. The account was shut off for \$53.81. With the additional
21 security deposit and reconnection fee that was required the
22 amount required was \$223.81.

23 Q. How was this payment made?

24 A. The customer went to a bypass location and made the
25 payment.

1 Q. When the customer makes a payment for termination how is
2 it applied toward the account?

3 A. If the customer makes a payment at a bypass location,
4 because the location does not have the capability of making
5 specific receipts for the deposit and reconnection, it is first
6 transmitted to the company as one whole payment. Once that
7 payment is posted to our records we would then debit non-energy
8 charges. In this case it's the deposit as well as reconnection
9 from the account. And that's what occurred here.

10 In some cases it would look like the customer paid
11 in full the amount toward their bill. But then they don't see
12 the second transaction where it's taken off of their account and
13 applied to appropriate financial fills.

14 Q. In this case what did the Complainant believe was
15 happening?

16 A. The Complainant believed that the full \$223 was being
17 applied toward the electric bill. That is not the case when
18 you're paying at the bypass location. The deposit and
19 reconnection is then debited from the electric account and
20 applied to appropriate fills, meaning deposit area as well as
21 reconnection fee.

22 Q. Was an informal complaint filed in this case?

23 A. Yes.

24 Q. Was a decision rendered on this issue?

25 A. Yes.

1 (Whereupon, BCS decision marked for identification
2 as PECC Exhibit Two.)

3 BY MR. SANKAR:

4 Q. Ms. Tarpley, can you look at PECC Exhibit Number Two?

5 A. Yes.

6 Q. Could you explain the information that is contained in
7 this decision?

8 A. The decision was issued September 26, 2002, and according
9 to the Bureau of Consumer Services decision beginning October
10 2002 the customer was to pay \$61 budget in addition to \$100
11 installment amount towards the arrears.

12 Q. What was the balance at the time of the decision?

13 A. At the time it was \$314.76.

14 MS. SANKAR: Your Honor, I have no other questions.

15 JUDGE NGUYEN: I have a few questions for you.

16 Tell me about the Complainant's service being disconnected.

17 THE WITNESS: The customer did not pay the bill.

18 JUDGE NGUYEN: When was that?

19 THE WITNESS: June four, 2002.

20 JUDGE NGUYEN: How did you proceed to go about
21 disconnecting her service? Did you give notice?

22 THE WITNESS: Yes, we gave notice to the customer.

23 JUDGE NGUYEN: When did you give notice?

24 THE WITNESS: May 13th, 2002 a ten-day notice was
25 mailed to the customer for the past due amount of \$53.81 with a

1 termination date on or after May 28th. May 16th, 2002 we made a
2 first telephone attempt at 6:17 p.m. There was no contact. May
3 17th, 2002 we again tried to make contact via telephone at 9:20
4 a.m. and a message was left on the answering machine.

5 These two attempts satisfied the 72-hour notice.
6 May 28th we made our first field attempt at 10:10 in the
7 morning. There was no contact. We left a 48-hour notice at the
8 property. June four, 2002, a second attempt at the property was
9 made at 10:02 a.m. We did not, the payment was still not made
10 but we made contact with the Complainant at the property. And
11 the service was terminated for \$53.81. The required amount to
12 get services restored, the amount \$53.81, plus \$60 reconnection
13 charge as well as security deposit of \$110.

14 JUDGE NGJYEN: When was the connection made, the
15 reconnection made?

16 THE WITNESS: The customer made the payment on
17 June four and on, excuse me, yes, June five, 2002 at 9:20 a.m.
18 we restored services at the property.

19 JUDGE NGJYEN: After that did she pay according to
20 the BCS decision?

21 THE WITNESS: No.

22 JUDGE NGJYEN: She make no payment?

23 THE WITNESS: She made payments, but did not pay
24 according to bills that were rendered.

25 JUDGE NGUYEN: So catchup bill is what?

1 THE WITNESS: Customer has to pay \$499.36 to bring
2 the account current.

3 JUDGE NGJYEN: That's it. Thank you very much.

4 THE WITNESS: You're welcome.

5 JUDGE NGJYEN: Ms. Sankar, do you wish to move in
6 your exhibits?

7 MS. SANKAR: I would move for the two exhibits.

8 JUDGE NGJYEN: PECO Exhibits One and Two are
9 admitted into the record.

10 (Whereupon, the documents marked as PECO
11 Exhibits Nos. 1 and 2 were received in evidence.)

12 MS. SANKAR: Thank you.

13 JUDGE NGJYEN: We are adjourned.

14 (Whereupon, at 11:50 a.m. the hearing was
15 adjourned.)

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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.

COMMONWEALTH REPORTING COMPANY, INC.

Pamela Fox

PAMELA FOX
REGISTERED PROFESSIONAL REPORTER
NOTARY PUBLIC

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SECRETARY'S BUREAU

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Account Statement
Customer Name
Address

Tichiani Diarra
7200 Merion Tr B-210
Upper Darby Pa 19082-1719

Prepared by: Regulatory Performance
Format Puc
Docket #Z-01162907

Account Number 50-05-09-81-559

Rates Residential Electric

Bill Period	D A Y S	Meter Reading -Type	U S A G E	D'y Avg Use	Peco Bill Amt /Budget + Agmt.	Supp Chg.	Sales Tax	Amount Reqstd	Due Date	Late Chg	Payment	Date Pymt Rec'd	Balance	Comment
06/07/00	30	63635 - A	259	8.6	26.31			28.68	07/03/00	0.37			28.68	
07/10/00	33	64*55 - A	520	15.7	52.31			81.35	08/01/00	0.36			81.35	
08/07/00	28	64616 - A	461	16.4	46.40			108.52	08/30/00	0.77	20.00	08/07/00	108.52	
8/20/01 Meter Change. Removed Meter #6-1218198 index 64771 : Installed Meter #9G-3072239 : index 00000														
09/08/00	32	343 - A	498	15.5	49.72			159.59	10/02/00	1.35			159.59	
10/09/00	31	726 - A	383	12.3	39.41			140.24	10/31/00	1.24	20.00 40.00	10/09/00 10/04/00	140.24	
11/07/00	29	972 - A	246	8.4	27.15			169.13	11/29/00	1.74			169.13	
12/08/00	31	1167 - A	195	6.2	22.57			151.70	01/02/01		40.00	11/20/00	151.70	
01/08/01	31	1392 - A	225	7.2	25.26			139.39	01/31/01		37.57	01/08/01	139.39	
02/07/01	30	1595 - R	203	6.7	24.42			123.81	03/05/01		40.00	01/30/01	123.81	
03/08/01	29	1768 - R	173	5.9	21.57			105.70	04/02/01		39.68	03/12/01	105.70	
04/06/01	29	1950 - R	182	6.2	22.43			128.59	05/01/01				128.59	
05/08/01	32	2295 - R	345	10.7	49.44			178.96	05/31/01	0.93			178.96	
06/07/01	30	2594 - R	289	9.9	43.51			183.72	07/02/01	1.25	40.00	05/22/01	183.72	
07/09/01	32	3287 - R	693	21.6	97.67			283.37	08/01/01	1.98			283.37	BM 04
08/07/01	29	3981 - R	694	23.9	97.80			384.56	08/30/01	3.39			384.56	BM 04

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APR 21 2003

SECRETARY'S BUREAU
J.D.C.
APR 21 12 48 PM '03

2-01162907
PECO Exhibit 1
4-4-03 PF Phila

Bill Period	D A Y S	Meter Reading -Type	U S A G E	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg	Sales Tax	Amo:rl Reqstd	Due Date	Late Chg	Payment	Date Pymt Rec'd	Balance	Comment
09/07/01	31	4925 - R	944	30.4	134.49 + 15.00			149.49	10/02/01				519.05	BM 00 PA \$15 + C6
10/08/01	31	5364 - R	439	14.1	61.51 + 15.00			227.79	10/31/01	1.79			582.35	BM 03
11/06/01	29	5554 - R	190	6.5	29.52 + 15.00			173.91	11/29/01	1.60	100.00	10/22/01	513.47	BM 03
12/06/01	30	5806 - R	252	8.4	37.49 + 15.00			175.92	12/31/01	1.52	52.00	11/13/01	500.48	BM 03
01/08/02	33	5998 - R	192	5.8	29.78 + 15.00			172.27	01/31/02	1.57	50.00	12/11/01	481.83	BM 03
02/06/02	29	6189 - R	191	6.5	29.77 + 15.00			158.44	03/04/02	1.40	60.00	01/18/02	453.00	BM 03
03/07/02	29	6360 - R	171	5.8	27.19 + 15.00			151.99	04/01/02	1.36	50.00	02/20/02	431.55	BM 03
04/08/02	32	6616 - R	256	8.0	38.15 + 15.00			105.79	05/01/02	0.65	100.00	03/19/02	370.35	BM 03
05/08/02	30	6957 - R	341	11.3	49.10 + 15.00			117.91	06/03/02	0.66	52.64	04/25/02	367.47	BM 03
06/07/02	30	7253 - R	296	9.8	43.29 + 15.00			228.29	07/02/02		*110.00- *60.00- 223.00	06/06/02 06/06/02 06/05/02	357.76	* Deposit/ Reconnection Fee
07/09/02	32	7844 - A	591	18.4	82.92 + 15.00			285.53	08/01/02	2.32	43.00	06/24/02	400.00	BM 07
08/07/02	29	8433 - A	589	20.3	82.83 + 15.00			323.16	09/03/02		60.00	07/29/02	422.63	BM 00
09/06/02	30	8950 - A	517	17.2	72.15 + 15.00			385.31	10/01/02		25.00	09/10/02	469.78	BM 00
10/07/02	31	9292 - A	342	11.0	49.27 + 15.00			449.58	10/30/02				519.05	BM 00
11/06/02	30	9491 - A	199	6.6	30.84 /61.00 + 100.00			297.00	12/02/02		25.00	10/30/02	524.89	BM 00 BCS Decision \$100 + Bdg
12/06/02	30	9689 - A	198	6.6	30.72 /61.00 + 100.00			368.00	12/31/02		40.00 50.00	12/03/02 11/14/02	465.61	BM 52
01/08/03	33	9899 - A	210	6.3	32.27 + 100.00			409.83	02/03/03		30.00	01/02/03	467.88	BM 00

Bill Period	D A Y S	Meter Reading -Type	U S A G E	Dly Avg Use	Pecc Bill Amt /Budget + Agmt	Supp Chg	Sales Tax	Amount Reqstd	Due Date	Late Chg	Payment	Date Pymt Rec'd	Balance	Comment
02/06/03	29	10075 - A	176	60	27.85 + 58.05			465.73	03/03/03		30.00	01/21/03	465.73	BM 00
03/07/03	29	10296 - A	221	76	33.63			499.36	04/01/03				499.36	BM 00

Reading Type Codes: A - Actual E - Estimated C - Customer R - Remote

DEFINITIONS

The attached Account Statement gives the details of each bill you received. Below are brief explanations of the information provided on the Account Statement.

Bill Period: The period of time the bill covers from the date of last month's meter reading to the date of the current month's metering reading.

Days: The total number of days in the billing period.

Meter Reading-Type:

A meter reading is normally taken from the meter each month. The Company may also estimate the meter reading, use the reading you provide, or use a remote reading if you have an Automatic Meter Reading device. This section of the Account Statement will indicate what the reading was and how it was obtained.

Usage: The amount of kilowatt-hours of electricity or 100 cubic feet of gas used during the billing period.

Daily Avg Use:

Daily Average Use - This indicates the average amount of kilowatt-hours of electricity or 100 cubic feet of gas used on a daily basis during the billing period.

PECO Bill Amt/Budget/Agmt:

The amount of the PECO charges for the billing period or the budget amount if the account is on the Budget Plan. This section may also reflect a payment agreement installment amount. The installment amount will only appear if the account is on a monthly payment agreement.

Supp Chg.: The charges that the generation supplier has asked PECO to include on the bill. The charges will be for the current month (if the generation supplier sent them) and/or past charges if any charges were previously delayed. The statement will not reflect any generation supplier charges if the account is not signed up with a generation supplier.

Sales Tax: The amount of Pennsylvania sales tax applied to the bill. This will not appear if you are a residential customer or a commercial customer who is exempt from sales tax.

Amount Reqstd:

Amount Requested - The amount you were requested to pay, which may include a total of current charges, past due charges, and monthly payment arrangement installment amounts. Past due charges are already considered delinquent and due immediately.

Due Date: The date by which you must pay your current charges to avoid being considered past due.

Late Chg.: The amount of any late payment charges applied when a previous unpaid balance is carried over to the next billing period.

Payment: This section lists all payments made since the last bill was issued.

Date Pymt Rec'd:

The date that each payment was credited to your account.

Balance: The total amount of money owed PECO as of the day the bill was mailed.

Comments: The specific messages that were on the bill. It will also provide an explanation of anything that is out of the ordinary from a regular monthly bill.

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Balance: The total amount of money owed PECO as of the day the bill was mailed.

Comments: The specific messages that were on the bill. It will also provide an explanation of anything that is out of the ordinary from a regular monthly bill.

PA. PUBLIC UTILITY COMMISSION
BUREAU OF CONSUMER SERVICES
DECISION DATA

9/26/2002

BCS CASE NUMBER: 1162907 BCS UTILITY CODE: 0011

CUSTOMER NAME: TIDIANI DIARRA
ADDRESS: 7200 MERION TERRACE APT B-210
UPPER DARBY, PA 19082

DATE CASE CLOSED: 9/26/2002

TOTAL/FINAL ACCOUNT BALANCE: \$314.76

DATE OF ACCOUNT BALANCE: 7/3/2002

NO.2'S (OFFS)
TO HAVE SERVICE RESTORED PAY: \$0.00

NO.3'S (REMEDS)
TO KEEP SERVICE ON PAY THIS AMOUNT \$0.00 BY

TERMS: BEGINNING: OCTOBER 02

SPECIAL BUDGET OR OPTIONAL PAYMENT AMOUNT: \$161.00

REGULAR BUDGET AMOUNT: \$61.00
PLUS PAYMENT TOWARD ARREARS: \$100.00

FINAL BILL MONTHLY PAYMENT: \$0.00

CURRENT BILL MONTHLY PAYMENT: \$0.00

END OF MONTH PAYMENT: \$0.00

10 DAY PAYMENT OR RECONNECT AMOUNT: \$0.00

BEGINNING WITH THE BILL DATED:

CUSTOMER WILL PAY CB PLUS: \$0.00

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SECRETARY'S BUREAU

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INVESTIGATOR - LIONEL GONZALEZ

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APR 21 2003

2-01162907
PEO Exhibit 2
P/F 4-21-03 Phila

CSS03101

PA. PUBLIC UTILITY COMMISSION
BUREAU OF CONSUMER SERVICES
CLOSING DATA

9/26/02

BCS CASE NUMBER: 1162907

DATE CASE OPENED: 6/5/02

CUSTOMER NAME: TIDIANI DIARRA
SVC. ADDRESS: 7200 MERION TERRACE APT B-210
UPPER DARBY, PA 19082

COMPANY NAME: PECO ENERGY

ACCOUNT #: 500509811559

INCOME LEVEL: 3
TOTAL BALANCE/BASIC: \$314.76
PRIOR CASE NO:

RESOLUTION:

1

AMOUNT MONEY SAVED: \$88,888.88

COMPLIANCE
VIOLATION (ALLEGED, ACTUAL, NO): NO
CHAP 56/64/OTHER: SECTION/RULE:

DECISION ISSUED: Y ORAL/Written: W
INVESTIGATOR: GONZALEZ LIONEL
CLOSING DATE: 9/26/02

9 6 2002
132