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

2 ADMINISTRATIVE LAW JUDGE ALLISON TURNER:

3 Good afternoon. Let's go on the record. This is the second
4 session for me of the call of the docket cases. My name is
5 Allison Turner, I am the Administrative Law Judge assigned to
6 hear these cases. There are four cases assigned to me this
7 afternoon. Two of them have settled. Wanda Costello settled
8 before the hearing and Tamara Staton settled just before the
9 hearing today, and the cases I have left are Abram Jordan versus
10 PECO Energy and Angela Gerace versus PECO Energy Company.

11 Now, Mr. Jordan since you just arrived here, you
12 have not had a chance to talk to PECC, at least I assume you
13 have not. Would the parties like to have a chance to discuss
14 settlement or shall we proceed with the hearing?

15 MS. HOPPER: Would you like to discuss a possible
16 settlement, Mr. Jordan?

17 MR. JORDAN: I am open for anything.

18 JUDGE TURNER: Why don't we go off the record
19 then, and allow you to talk to Mr. Costello and Ms. Hopper. You
20 might want to go sit over there. I will come back in about 15
21 minutes unless you come and get me earlier.

22 (Whereupon, a recess was taken.)

23 JUDGE TURNER: Let's go on the record. My name is
24 Allison Turner. I am the Administrative Law Judge assigned to
25 hear this case, along with several other cases this afternoon.

1 This is the case of Abram Jordan versus PECO Energy Company
2 docketed at Z-01657232.

3 Mr. Jordan, did you receive a prehearing order
4 from the Commission?

5 MR. JORDAN: Yes.

6 JUDGE TURNER: Setting out the procedures for this
7 case?

8 MR. JORDAN: Yes.

9 JUDGE TURNER: So you understand the procedures?
10 Would you like to ask some questions?

11 MR. JORDAN: Procedures, talking about paperwork
12 that you sent me, this paperwork?

13 JUDGE TURNER: That paperwork doesn't look like
14 the paperwork I was referring to. It's more like a packet, like
15 this. Well let me explain to you what is important to know.
16 As the Complainant you have the burden of proof. You must
17 support your complaint with factual evidence, and so you must
18 support the relief you want, which is you want to pay \$40 a
19 month.

20 That is what I have in the complaint. And the
21 Complainant states:He's on fixed income, his monthly income
22 does not allow him to afford the monthly payment on the past due
23 amount of \$800.He would like to pay \$40 a month." Is that
24 accurate?

25 MR. JORDAN: Yes.

1 JUDGE TURNER: So we need to start by taking
2 factual testimony from you to support that. We need to have
3 evidence of your income expenses. There probably was a form
4 attached to this packet which has them listed, but we will
5 go over them here. I may have some questions to ask you.
6 Ms. Hopper may have some questions to ask you. Then you can
7 speak again if you think there is any correcting that needs to
8 be done. Then we would ask you to step down and we would hear
9 from Mr. Costello, PECO's witness, and then you can ask him
10 questions as well as I may, and then Ms. Hopper can ask him what
11 we call redirect. At the end you get to give closing factual
12 testimony because you have the burden of proof.

13 MR. JORDAN: Okay, Your Honor.

14 JUDGE TURNER: If you have any questions, you can
15 ask them as we go along. I have sworn you in?

16 MR. JORDAN: No, not yet.

17 JUDGE TURNER: Would you raise your right hand.

18 ABRAM JORDAN,
19 having been duly sworn, testified as follows:

20 MR. JORDAN: I do.

21 JUDGE TURNER: Please be seated. First of all,
22 would you state your name, and spell it for the record.

23 DIRECT TESTIMONY

24 MR. JORDAN: My name is Abram, A-B-R-A-M, middle
25 initial A, Jordan J-O-R-D-A-N.

1 JUDGE TURNER: What is your address?

2 MR. JORDAN: 1533 West F-L-O-R-A, Philadelphia
3 Pennsylvania 19121.

4 JUDGE TURNER: Have you been living there during
5 the time that you have accumulated this arrearage, is it the
6 same address?

7 MR. JORDAN: Yes, Your Honor.

8 JUDGE TURNER: Are you a customer of PECO Energy?

9 MR. JORDAN: Yes, Your Honor.

10 JUDGE TURNER: Do you have electric heat?

11 MR. JORDAN: Yes, Your Honor.

12 JUDGE TURNER: Okay.

13 MR. JORDAN: I have electric and gas.

14 JUDGE TURNER: You don't get your gas from PECO,
15 you get it from PGW?

16 MR. JORDAN: Yes.

17 JUDGE TURNER: As you go on we can discover what
18 other appliances you have that are either gas consuming or
19 electric consuming. Are you a CAP rate customer?

20 MR. JORDAN: Yes.

21 JUDGE TURNER: You can tell us more about that,
22 too. Would you please tell us what your income and expenses are
23 so that you can't afford to pay this amount?

24 MR. JORDAN: Yes, Your Honor. My income is
25 disability money that I receive from the federal government,

1 which last month was \$591, and since that time I received a
2 letter this month stating that it will be reduced to \$579, and
3 any balance of that I would have to receive from my Welfare card
4 to make up the additional supplementary \$27 that was added to
5 disability SSI money, I would have to go to another account,
6 which is an EPE account, to get the \$27.

7 JUDGE TURNER: EPE account?

8 MR. JORDAN: I believe it's EPE.

9 JUDGE TURNER: Are you on Welfare now?

10 MR. JORDAN: The only Welfare I receive are food
11 stamps, and that's it.

12 JUDGE TURNER: No medical coverage?

13 MR. JORDAN: Yes, I have medical coverage.

14 JUDGE TURNER: From Welfare?

15 MR. JORDAN: From Welfare. I get grants through
16 the Welfare, I get grants through Welfare Department for LIHEAP
17 and other grants that I can apply for.

18 JUDGE TURNER: Okay.

19 MR. JORDAN: Since that time I called up about it
20 they said if you have a direct deposit account it wouldn't have
21 that much affect on the money that the Federal Government sends
22 me which is the SSI money, but I still would have to get the
23 additional \$27 from the EPE Welfare card.

24 JUDGE TURNER: Who are you saying you called?

25 MR. JORDAN: I called Social Security.

1 JUDGE TURNER: When you got this letter?

2 MR. JORDAN: Yes.

3 JUDGE TURNER: They said it wouldn't make that
4 much difference?

5 MR. JORDAN: Yes, because my money would still go
6 direct deposit to the bank. But it wouldn't be the additional
7 money that they awarded us for a raise, that I would have to see
8 about \$27, that additional that they give us through EPE Welfare
9 card that I get my food stamps from.

10 JUDGE TURNER: So you already have the card and
11 you use it for food stamps?

12 MR. JORDAN: Yes.

13 JUDGE TURNER: You would use that to get money
14 from the Department of Welfare?

15 MR. JORDAN: If I would get it, it would be \$27.

16 JUDGE TURNER: You have to apply separately for
17 that?

18 MR. JORDAN: Yes.

19 JUDGE TURNER: Okay.

20 MR. JORDAN: With the money that I receive,
21 Your Honor, I try to pay my bills, which is very difficult. It
22 became very difficult here lately because of upkeep and prices
23 raising and things I need to do with the house as far as getting
24 it insulated, getting roof coated to try to keep heat in.
25 My gas bill payment is under a program as well. I pay like --

1 it's supposed to be \$55 per month, but I'm paying 52 on the gas
2 bill, but the gas bill is now up to 600 and some odd dollars.

3 JUDGE TURNER: Arrearage?

4 MR. JORDAN: Yes. Which I have the new bill which
5 came just today, it states, that's my gas bill, give me a minute
6 Your Honor I will tell you exactly what it is. My gas bill is
7 \$618.31.

8 JUDGE TURNER: They want you to pay?

9 MR. JORDAN: They would like for me to pay. It's
10 due by June fifth, which I don't have that type of money but my
11 payments --

12 JUDGE TURNER: You got the bill today to pay by
13 June fifth?

14 MR. JORDAN: Yes, Your Honor. The bill is right
15 here. But my current budget charge is 55.11 per month. So, as
16 I stated to PECO, I applied for different grants, and certain
17 grants they let me apply to the gas company or electric company,
18 and mostly the gas company wants you to sign a agreement stating
19 that you would send all of your grants to them. When I tell them
20 where I have radiator heat in my house I have to also pay the
21 water bill as well as the electric bill, that I have for space
22 heater that I have in the house, I have to heat my upstairs. I
23 have a two-story house. So, with all of the bills that I have
24 -- my phone bill is \$65.

25 JUDGE TURNER: Per month, or is that an arrearage?

1 MR. JORLAN: It's an arrearage.

2 JUDGE TURNER: The arrearage amount is \$65?

3 MR. JORDAN: That's for last month. The
4 arrearage is \$164.

5 JUDGE TURNER: The bill they wanted you to pay
6 last month was \$65?

7 MR. JORDAN: The bill they want me to pay this
8 month is 65. They asked me to pay the arrearage, which is 164.

9 JUDGE TURNER: Then you would be completely paid
10 off?

11 MR. JORDAN: On the phone bill.

12 JUDGE TURNER: Thank you.

13 MR. JORDAN: Also I have credit cards that I have
14 to pay on as well, which is Household Bank Card, which I have to
15 pay \$30 every month on a Sears card, I have from different
16 things I purchased from Sears, which is \$56 per month. Capital
17 One credit card, which is \$56 per month.

18 JUDGE TURNER: \$56 per month?

19 MR. JORDAN: Yes.

20 JUDGE TURNER: Thank you.

21 MR. JORDAN: Another Capital One card which is 15
22 per month that I am paying bills I have had and accumulated
23 interest. I also have another one that actually need to pay
24 them 200 and--

25 JUDGE TURNER: Another credit card?

1 MR. JORDAN: Yes.

2 JUDGE TURNER: What is the name of that?

3 MR. JORDAN: Capital One.

4 JUDGE TURNER: You have three Capital One credit
5 cards?

6 MR. JORDAN: Yes, two was for 300, and a lot of
7 times when I did not have the money I would take and borrow the
8 money from the cards to pay some of the bills I have to keep me
9 from going in arrearage.

10 JUDGE TURNER: How much do you owe on the third
11 card?

12 MR. JORDAN: \$201 they want me to send them.

13 JUDGE TURNER: Then will you be paid off?

14 MR. JORDAN: No, it's just a payment.

15 JUDGE TURNER: Can you tell me how much you owe on
16 the first Capital One card?

17 MR. JORDAN: One is \$303. Another one is \$380.
18 I believe the last one is one thousand.

19 JUDGE TURNER: Okay.

20 MR. JORDAN: If I am correct. I thought I had
21 the bill with me. I must have left it.

22 JUDGE TURNER: What bill are you talking about?

23 MR. JORDAN: Capital One bill.

24 JUDGE TURNER: If you don't have the bill with you
25 we will take your best estimate of it.

1 MR. JORDAN: I do. One bill is \$356.94, total
2 Capital One. The other bill \$303.84 Capital One. And the
3 Master Card is \$1,141.13.

4 JUDGE TURNER: So you have two Capital One cards
5 and a master card, is that correct?

6 MR. JORDAN: Yes, Your Honor. I also have another
7 account that I cancelled. I went to court with them because it
8 seemed like every time you pay on the bill they charge you, if
9 you're late charge you a late fee. The late fee makes the money
10 go over the limit and they then begin to charge you over-limit
11 fee, which keeps building you up and up, and you never get
12 finished paying the bill.

13 So I took them to the State Attorney General's
14 Office and the State Attorney General's Office got in touch with
15 them and made them lower my payments, and took off all of the
16 over fees that they were charging me and brought it down to \$26
17 per month. I closed that account, which was Providian.

18 JUDGE TURNER: I'm sorry?

19 MR. JORDAN: P-R-O-V-I-D-I-A-N.

20 JUDGE TURNER: So you cancelled that, but you're
21 still paying \$28 a month?

22 MR. JORDAN: Yes.

23 JUDGE TURNER: Towards what amount?

24 MR. JORDAN: Towards 929.10.

25 JUDGE TURNER: Thank you.

1 MR. JORDAN: Other than that I have I believe two
2 creditors, Deer Park Spring Water.

3 JUDGE TURNER: Spring water?

4 MR. JORDAN: Yes, Your Honor.

5 JUDGE TURNER: You have it delivered?

6 MR. JORDAN: Well I did, but not anymore.

7 JUDGE TURNER: How much do you owe them?

8 MR. JORDAN: My first for that and cooler that
9 they sent me, has accumulated \$10 monthly fee up to \$202.75.

10 JUDGE TURNER: For the cooler and water delivery?

11 MR. JORDAN: Yes.

12 JUDGE TURNER: What is the other creditor?

13 MR. JORDAN: I have Nextel, cell phone, that's
14 supposed to be \$59 a month, but when they get finished it comes
15 to I would say about \$109 per month, when they finish adding
16 taxes and everything on it.

17 JUDGE TURNER: You have an arrearage?

18 MR. JORDAN: The only arrearage I believe is the
19 previous month's bill. Because I pay by the month. Right now
20 I owe them 174.82. They took something off and dropped down to
21 150.48.

22 JUDGE TURNER: Okay.

23 MR. JORDAN: That's it.

24 JUDGE TURNER: It seems to me in your complaint
25 you mentioned some other items like life insurance?

1 MR. JORDAN: I had to drop it.

2 JUDGE TURNER: You dropped life insurance?

3 MR. JORDAN: Yes.

4 JUDGE TURNER: It says homeowner's insurance?

5 MR. JORDAN: I had to drop that.

6 JUDGE TURNER: Property taxes?

7 MR. JORDAN: I just got the money up and paid it.

8 It was \$95.

9 JUDGE TURNER: You're paid up on property taxes?

10 MR. JORDAN: All but interest.

11 JUDGE TURNER: How much is the interest?

12 MR. JORDAN: Interest on six dollars.

13 JUDGE TURNER: Is that the amount you need to pay,
14 six dollars?

15 MR. JORDAN: It's six dollars interest. So I have
16 to pay whatever they say when I go down there, six dollars comes
17 up to in interest charges for the year.

18 JUDGE TURNER: But the basic bill is paid?

19 MR. JORDAN: Yes. I just received a new bill
20 for next year, which is 95, I just received a hospital bill
21 for 500.

22 JUDGE TURNER: A hospital bill?

23 MR. JORDAN: For 500. From leaning on a police
24 car talking to a police officer, a guy come down the street, hit
25 the police car, and knocks me against the pole.

1 JUDGE TURNER: I thought you said Welfare covers
2 medical expenses for you?

3 MR. JORDAN: I gave them the information, but they
4 sent me the bill back saying that they want me to get in touch
5 with the insurance company that the guy had for that.

6 JUDGE TURNER: Who sent you that?

7 MR. JORDAN: The hospital. Hahnemann Hospital.
8 My taxes are 94.25 per year. If I pay it, past due before it's
9 95.20, before March 31st, 2005.

10 JUDGE TURNER: I think we have that figure, I hope
11 we do, \$95 a year for taxes. This is property taxes?

12 MR. JORDAN: Yes.

13 JUDGE TURNER: \$500 bill from Hahnemann Hospital?
14 They told you to contact someone's insurance?

15 MR. JORDAN: Yes.

16 JUDGE TURNER: Does that mean Welfare won't pay
17 it?

18 MR. JORDAN: Welfare may pay it. They sent me the
19 letter. The letter says--

20 JUDGE TURNER: Who is they?

21 MR. JORDAN: Hahnemann Hospital.

22 JUDGE TURNER: Okay.

23 MR. JORDAN: It says the account, they give me
24 the balance, \$503. They want information, I gather, from the
25 insurance company from the guy that hit the cop car that hit me.

1 JUDGE TURNER: Do you have that insurance
2 information?

3 MR. JORDAN: Yes, I should be able to get that
4 information from 48.

5 JUDGE TURNER: Do you have any other expenses you
6 want to list?

7 MR. JORDAN: That's all I see.

8 JUDGE TURNER: Can I ask you some questions
9 please?

10 MR. JORDAN: Yes.

11 JUDGE TURNER: You say that you own your house?

12 MR. JORDAN: Yes.

13 JUDGE TURNER: Do you have a mortgage payment?

14 MR. JORDAN: I did, I borrowed money on it, I paid
15 the money back. I don't have a mortgage payment anymore because
16 I purchased the house for my mother and reinherited the property
17 upon her passing. So I don't have any mortgage. The only thing
18 I have to pay are taxes.

19 JUDGE TURNER: No more mortgage, just taxes. What
20 is your disability, sir?

21 MR. JORDAN: Heart patient, Your Honor. I had a
22 double bypass five years ago.

23 JUDGE TURNER: Have you been on disability since
24 then?

25 MR. JORDAN: Yes, Your Honor.

1 JUDGE TURNER: All of those bills have been
2 covered by the Welfare Department?

3 MR. JORDAN: No, I had money, back-money they had
4 sent me.

5 JUDGE TURNER: Disability sent you?

6 MR. JORDAN: Yes, that I qualified for, and I paid
7 those bills at the time that I had it, it ran out.

8 JUDGE TURNER: You don't owe them any more money
9 for your heart operations?

10 MR. JORDAN: No.

11 JUDGE TURNER: Do you have any continuing
12 medicines that you have to buy or doctor's visits that's
13 not covered?

14 MR. JORDAN: No, Welfare covers it.

15 JUDGE TURNER: Do you get cable?

16 MR. JORDAN: No, I can't afford it.

17 JUDGE TURNER: What kind of a house do you have?
18 You say it's a two-story?

19 MR. JORDAN: I have a two-story house I received a
20 grant three years ago, I had fixed, money was put into the house
21 to better the heating and electrical condition and all that.
22 Because I had to get new wiring through the house, and the grant
23 help pay for that. It's a two-story row house.

24 JUDGE TURNER: Do you have a basement?

25 MR. JORDAN: Yes.

1 JUDGE TURNER: Do you have an attic?

2 MR. JORDAN: No, Your Honor.

3 JUDGE TURNER: In the basement do you have
4 appliances down there like a furnace and hot water heater?

5 MR. JORDAN: Yes, Your Honor.

6 JUDGE TURNER: I'm not clear on what you told me
7 in the beginning, is your furnace a gas furnace?

8 MR. JORDAN: It's a gas furnace, radiating heat.

9 JUDGE TURNER: You may have an electric ignition on
10 your furnace?

11 MR. JORDAN: Yes.

12 JUDGE TURNER: How about your hot water heater?

13 MR. JORDAN: That's gas also.

14 JUDGE TURNER: Do you have a refrigerator and a
15 freezer?

16 MR. JORDAN: I have a refrigerator, freezer. And
17 I have a T.V., two T.V.'s, one upstairs, one downstairs. I have
18 a washer and a dryer.

19 JUDGE TURNER: I think you said you had a space
20 heater?

21 MR. JORDAN: Yes, I keep that upstairs.

22 JUDGE TURNER: That's electric?

23 MR. JORDAN: Yes.

24 JUDGE TURNER: The washer and dryer, are they gas
25 or electric?

1 MR. JORDAN: They're electric.

2 JUDGE TURNER: How many people live there?

3 MR. JORDAN: Me, my two dogs and my cat.

4 Sometimes my grandkids come over and spend the weekend with me.

5 JUDGE TURNER: Basically your family is just you
6 the dogs and cat?

7 MR. JORDAN: Yes, Your Honor.

8 JUDGE TURNER: I may have left some questions out,
9 but I'm sure Ms. Hopper will correct me. We want to get as much
10 information on the record as possible. We may not need it all,
11 but we need as much information as possible for the Commission.

12 Do you have questions, Ms. Hopper?

13 MS. HOPPER: I probably have a few.

14 CROSS-EXAMINATION

15 BY MS. HOPPER:

16 Q. You stated you have your water bill. I don't believe I
17 have any information with respect to what that amount is or any
18 balance on that.

19 A. Any arrears of the water bill is \$3,000. That's when I
20 inherited the property, my brother and my niece were just living
21 there, I was at the time away incarcerated, and they accumulated
22 some bills along with my mother before her passing, which I
23 believe came to 3,000. So I made an agreement with the Water
24 Department to pay a set amount per month, which that is \$30 per
25 month.

1 JUDGE TURNER: What is the usage bill?

2 MR. JORDAN: I believe usage is about 30 to 32 per
3 month.

4 BY MS. HOPPER:

5 Q. You pay 32 per month on the usage, plus 30 on the gas
6 bill or do you pay 30 altogether?

7 A. I send 30 sometimes, sometimes 40. I keep it within that
8 range.

9 Q. When did you inherit -- take over ownership of the
10 property?

11 A. I believe '91 I inherited the property, when I came
12 home.

13 JUDGE TURNER: You came home in 1991?

14 MR. JORDAN: Yes.

15 JUDGE TURNER: Before that your brother and two
16 neices were living there?

17 MR. JORDAN: My brother, nieces and mother had
18 lived there. I purchased the house for her when I had money.
19 I had to go away, and upon me coming back my brother and my
20 nieces were there. Then I had to get a whole new electrical
21 system because my wires burned out on the outside.

22 JUDGE TURNER: Did your brother -- I'm sorry.

23 MR. JORDAN: We went to court about that. My
24 brother stated he would pay the arrears but didn't state a set
25 amount. The Commission told me I had to go back to court to get

1 the amount set so he could pay the arrears. So rather than go
2 through the whole process I did not take him back to court.

3 JUDGE TURNER: Is your brother paying anything on
4 the arrears?

5 MR. JORDAN: No.

6 JUDGE TURNER: It seems there might be another way
7 to get him to pay some other way, I don't know about taking him
8 back to court.

9 MR. JORDAN: I would like to but when I went back
10 to the Commission, down at 11th and Market, they said I would
11 have to take him back to court. I would have to file complaint
12 all over again and take him back to court. He would have to say
13 a set amount of money. All he stated in court was he would pay
14 whatever the water bill was.

15 JUDGE TURNER: I don't know what Commission is at
16 11th and Market other than the Gas Commission.

17 MR. JORDAN: Commission we went in front of was
18 the water bill Commission at first down on Arch and they -- he
19 came to court. He said he would pay, but he didn't say a set
20 amount. So when we left there, I had to take him to court, I
21 had to take him to 11th and Market courthouse to get him evicted
22 out of the building. At that time he brought up the reason why,
23 I guess he was suing me, I was suing him. But I had to get him
24 evicted out of the house in order to move into the house at the
25 time.

1 So, We went to court, and they said the only way
2 I could make him pay that money is to take him back to court
3 again, which took me two years for the hearing down here at Arch
4 Street, and he has to say a set amount, and if he don't say a
5 set amount they can't force him to pay it.

6 JUDGE TURNER: I can't speak for them, but there
7 are ways to get a judgement other than in that process. But the
8 fact is, when did you finish the eviction and actually move in?

9 MR. JORDAN: It was, i believe, '92.

10 JUDGE TURNER: '92?

11 MR. JORDAN: '92.

12 JUDGE TURNER: So you inherited the house in '91
13 and you moved in in '92?

14 MR. JORDAN: Yes.

15 JUDGE TURNER: Ms. Hopper, I'm sorry.

16 MS. HOPPER: That's okay.

17 BY MS. HOPPER:

18 Q. Mr. Jordan, do you have any transportation expenses?

19 Do you own a car?

20 A. Yes, I have a car.

21 Q. Do you make car payments?

22 A. Yes.

23 Q. And the monthly amount of your car payment?

24 A. I pay 267.

25 Q. Are you current on your car payment?

1 A. Car payment is just about almost paid up.

2 JUDGE TURNER: That didn't answer her question.

3 MR. JORDAN: Yes.

4 BY MS. HOPPER:

5 Q. Do you pay insurance?

6 A. Insurance is paid up.

7 Q. You don't have a monthly amount for car insurance?

8 A. Monthly amount would be 258.

9 Q. And you said that's paid?

10 A. That's paid all but a month.

11 Q. You listed a number of credit cards and creditors. Are
12 you making monthly payments to those creditors?

13 A. No, I'm behind.

14 Q. You receive no other source of income other than
15 disability?

16 A. I get disability. I have three sons. I lost a son last
17 year. I have two daughters. My daughters help and my sons help
18 me out when I need extra money.

19 JUDGE TURNER: I'm sorry for your loss.

20 MS. HOPPER: Me also.

21 BY MS. HOPPER:

22 Q. You did state that you have a space heater you use on a
23 regular basis?

24 A. Wintertime I have to because it's cold up there.

25 MS. HOPPER: I have no further questions.

1 MR. JORDAN: I would like to also add--

2 JUDGE TURNER: This would be the time for you to
3 add anything you think you omitted.

4 MR. JORDAN: I don't have a building on the left
5 side of me. It's just a vacant lot. I have a building on the
6 right side of me that has a garage that don't have any heat at
7 all in that building. So, I believe I'm heating not just my
8 house but the garage as well and the outside. I do need some
9 more work done to my house, which PHDC I would have to get the
10 grant or money or borrow the money to fix the rear of my house,
11 which I have a lot of air coming in because it's not cemented.
12 It's wood back there.

13 JUDGE TURNER: Could you tell us what PHDC is?

14 MR. JORDAN: Philadelphia Housing Development
15 Corporation.

16 JUDGE TURNER: Okay.

17 MR. JORDAN: Where you can apply for grants, which
18 they call homeowner's improvement grant, which they gave me a
19 homeowner's improvement grant. They put 47,000 in my house at
20 the time to put a whole front wall on the house and put a new
21 heater in, a new roof and electrical work, and some plumbing
22 work was done.

23 JUDGE TURNER: When was that?

24 MR. JORDAN: It's been about three or four and a
25 half years ago I got the grant and they did the work.

1 JUDGE TURNER: Did you buy the house from PHDC?

2 MR. JORDAN: No, I purchased the house from my
3 mother's landlord, Mrs. Helen Roper. When I did that I bought
4 it as a present to my mother, which the lawyer told me to have
5 it re-inherited in case something happened. When I went away my
6 mother passed away three months after I went away, my brother
7 and my niece were in the house, and that's how the water bill
8 accumulated. When I came back home I offered my brother the
9 chance to stay. He didn't want to stay. That's when I had to
10 go through the eviction process of getting him evicted and move
11 in there myself after I was permanently paroled.

12 JUDGE TURNER: Thank you.

13 MS. HOPPER: I have a follow-up.

14 JUDGE TURNER: Go ahead.

15 RECROSS EXAMINATION

16 BY MS. HOPPER:

17 Q. Mr. Jordan, at any point in time has there been any LIURP
18 Low Income Usage Reduction Program, where they came in and did a
19 review of your house and wrapped your hot water heater?

20 A. That wasn't LIHEAP.

21 Q. LIURP.

22 A. It wasn't called LIURP. It was called weatherization.

23 Q. Right, LIURP and weatherization.

24 A. Weatherization came through PHDC. They came in and did
25 that. I think they gave me a drop ceiling and a floor in my

1 bathroom. They never put on machine, a Doppler to see if you
2 have leakage in the house because at the time they finished the
3 work, you know, it felt pretty warm. So--

4 Q. Do you recall when that was?

5 A. About three and a half to four years. So maybe I need
6 that done again. But I have been trying to get whatever grants
7 or see if I'm eligible for anything to get more repairs done to
8 my house. I believe my rear is my biggest problem, where I do
9 lose heat.

10 MS. HOPPER: I have nothing further.

11 JUDGE TURNER: Mr. Jordan, do you have anything
12 further to say right now, because I am going to call PECO's
13 witness?

14 MR. JORDAN: No.

15 JUDGE TURNER: The witness will give testimony,
16 and you will be able to give final closing testimony, factual
17 testimony, as your part of burden of proof. Both you and PECO
18 can make closing arguments. But let's get through the factual
19 testimony first.

20 MS. HOPPER: I would like to call Anthony Costello.

21 JUDGE TURNER: Good afternoon, Mr. Costello.

22 MR. COSTELLO: Good afternoon.

23 ANTHONY COSTELLO,
24 having been duly sworn, testified as follows:

25 JUDGE TURNER: Please be seated.

1 DIRECT EXAMINATION

2 BY MS. HOPPER:

3 Q. Mr. Costello, could you please state and spell your name
4 for the record?

5 A. Anthony Costello, C-C-S-T-E-L-L-O.

6 Q. Please state your business address.

7 A. PECO Energy Company, 2301 Market Street, Philadelphia, PA
8 19103, Suite S15-1.

9 Q. You stated you are employed by PECO Energy?

10 A. Correct.

11 Q. What position do you have with PECO?

12 A. Regulatory assessor.

13 Q. How long have you been a regulatory assessor?

14 A. Just over five years.

15 Q. How long have you been employed with PECO?

16 A. Seventeen and a half years.

17 Q. Could you describe your duties as a regulatory assessor?

18 A. To respond to customer complaints to the Pennsylvania
19 Public Utility Commission at the informal and the formal level
20 for accurate and timely response, as well as to appear at
21 formal hearings as custodian of records.22 Q. In the course of your employment with PECO have you had
23 the opportunity to review and become familiar with the account
24 of Mr. Jordan?

25 A. Yes, I have.

1 MS. HOPPER: At this point I have a series of
2 exhibits that I would like to hand up to Your Honor, previously
3 marked PECO Exhibits One, Two, Three.

4 JUDGE TURNER: Thank you.

5 MS. HOPPER: I have two copies for the court
6 reporter, and I have provided one to Mr. Jordan.

7 (Whereupon, the documents were premarked as PECO
8 Exhibits 1, 2 and 3 for identification.)

9 BY MS. HOPPER:

10 Q. Mr. Costello, I would like to call your attention to what
11 has been marked PECO Exhibit One, and ask if you can describe
12 and identify this document?

13 A. PECO Exhibit One is a two-page document, and it's an
14 Account Statement I prepared for Mr. Jordan's account, 1533
15 West Flora Street, Philadelphia, PA 19121, PECO Account Number
16 24-20-10-200739, covers the period of time the bill rendered
17 December 31st, 2002 until the most recent bill rendered,
18 November 30, 2004. It contains all of the pertinent information
19 that would appear on a customer's monthly bill, including the
20 day the meter was secured, when the bill was rendered, and the
21 number of days in the billing period, the meter reading itself,
22 usage, usage for the month, daily average usage, billed revenue,
23 amount requested and appropriate due date, as well as any late
24 charges assessed and payments received, dates they are received
25 and a running balance for each month.

1 Q. What type of services does Mr. Jordan receive from PECO?

2 A. Residential electric billed at the CAP rate.

3 Q. Which particular CAP rate does he receive?

4 A. It's a CAP Rate D, 50 percent discount on the first 500
5 kilowatt hours used each month.

6 Q. Referring to PECO Exhibit One, could you please state the
7 balance that's due on the account?

8 A. Balance represented on the second page, \$843.92.

9 Q. Calling your attention to the payment column, when was
10 the last payment received?

11 A. Last payment received from the customer was \$67 received
12 February 17, 2004.

13 Q. What was the last credit on the account?

14 A. LIHEAP cash grant applied November 16, 2004 for \$286.

15 Q. I call your attention to the first page of PECO Exhibit
16 One, referring to I guess payment date of January 24 of '03, and
17 ask if you could describe these entries?

18 A. On the first page of PECO Exhibit One January 24, 2003,
19 \$400 CAP two charge off.

20 JUDGE TURNER: Wait a minute. I see it as being
21 February 24, 2003, \$400. Am I wrong?

22 THE WITNESS: January 24.

23 JUDGE TURNER: The square above says 1 27 or am I
24 looking at the wrong column?

25 MS. HOPPER: You're looking at the wrong column.

1 No offense, but it's on the date payment received column.

2 JUDGE TURNER: I'm with you now. Thank you.

3 THE WITNESS: Second row a \$400 credit for January
4 24, 2003, that's a CAP two charge-off. What a CAP charge-off
5 is, there's money set aside when a customer enrolls into the
6 program, if they're keeping all of the CAP guidelines, is
7 eligible for some level of forgiveness.

8 In that particular case the adjustment was a \$400
9 credit applied to Mr. Jordan's account.

10 BY MS. HOPPER:

11 Q. How many times is the customer eligible to receive this
12 type of payment arrearage forgiveness?

13 A. Just once.

14 Q. Could you state what is the calculated monthly budget
15 amount?

16 A. Budget would be \$84 a month.

17 Q. How is that budget arrived at?

18 A. It's calculated by 12 months of billed usage divided by
19 11. It's adjusted every four months. It's reviewed every four
20 months to keep in line with the customer's pattern of use. If
21 there is an adjustment necessary they would receive a
22 notification prior to the bill coming up. If no adjustment is
23 necessary it's continued to be billed at the same budget figure.

24 Q. What is the average bill on this account?

25 A. \$76.

1 Q. What is the difference between the average bill and the
2 budget amount?

3 A. Average bill is strictly 12 months of service divided by
4 12. Budget figure would be 12 months of service divided by 11,
5 to keep the bill more stable for the customer as they go through
6 the year.

7 Q. In reviewing the Account Statement for Mr. Jordan, how
8 does his usage affect the budget that he has at the time?

9 JUDGE TURNER: When you say usage you mean
10 consumption?

11 MS. HOPPER: That's correct.

12 THE WITNESS: Basically his consumption is fairly
13 regular through the year with the exception of the winter months.
14 If you look at PECO Exhibit One, first row, December 31st, 2002
15 bill, you can see that the billed usage for consumption, even
16 with the CAP rate discount is \$151.72. The following month,
17 January 30, 2003, \$218.12. The following month, February 27,
18 2003, 196.57, and March 28, 2003, \$120.36. April 29th, 2003,
19 usage is \$98.08.

20 The same pattern is repeated the following year,
21 2003, 2004 for the winter period. Although the rest of the
22 months are considerably low, those four to five winter months
23 because they're so extremely high is causing the budget to be
24 calculated at \$84 a month.

25 Q. Now, based on the testimony you heard from Mr. Jordan,

1 is there a particular appliance that would be attributable to
2 that high increase?

3 A. It would be the space heater in the winter months.

4 Q. At this time, Mr. Costello, I would ask you to refer to
5 what has been previously marked as PECO Exhibit Two, and ask if
6 you can describe the exhibit?

7 A. PECO Two is a one-page document. It's a representation of
8 payment arrangements that have been negotiated on Mr. Jordan's
9 account in recent history. In this case we've numbered two
10 agreements. The one that's numbered one was negotiated on July
11 23, 2003 on a balance of \$173.45 for a \$15 installment over the
12 monthly charges. The one that's numbered number two would be
13 the agreement that would be issued upon the decision of the
14 Bureau of Consumer Services on May 13, 2004 for the \$15
15 installment over the budget on a balance at that time of
16 799.06.

17 Q. There are other entries on PECO Exhibit Two, but they
18 don't represent payment arrangements?

19 A. Correct.

20 Q. I will call your attention to PECO Exhibit Three and ask
21 if you can identify and describe the exhibit?

22 A. PECO Exhibit Three is a also one-page document. It's a
23 representation of a decision as issued by the Bureau of Consumer
24 Services for an informal complaint. And basically what it is
25 requesting is that Mr. Jordan, beginning June 2004, pay a \$89

1 monthly budget, plus an additional \$15 installment.

2 Q. Has Mr. Jordan maintained payment arrangements that were
3 negotiated by the company or issued by the Bureau of Consumer
4 Services?

5 A. No.

6 Q. For the record could you please state what the Stammel
7 catchup amount would be?

8 A. \$325.

9 Q. Could you please tell us how arrived at that?

10 A. That was calculated on a budget amount. The Bureau of
11 Consumer Services decision requested an \$89 a month budget. We
12 used \$89 for June, July, August, September. And then the budget
13 would have been reviewed at the time and reduced to \$85. So we
14 used \$85 budget for October, November, December. When you add
15 those up \$89 for June, July, August, September is \$356. And for
16 October, November and December would be \$255, which is equal to
17 \$611, less the LIHEAP payment of \$286, which brings the Stammel
18 catchup amount to \$325.

19 Q. Mr. Costello, you heard Mr. Jordan testify he recently
20 received notification that his disability income would be
21 reduced by \$27. In taking into consideration that change in
22 income would that alter the CAP rate discount he would receive?

23 A. No, he would stay at the same rate, 50 percent discount
24 for the first 500 kilowatt hours per month.

25 Q. What is PECO's position with respect to complainant's

1 account and payment of bills and arrears that are due?

2 A. PECO's position is to affirm the Bureau of Consumer
3 Services decision and receive a \$325 payment within two weeks,
4 and beginning with the January current budget, which is an \$84
5 budget right now plus \$15 installment on arrearage.

6 JUDGE TURNER: I need you to say that over again.
7 I need you to be a little slower. Affirm the BCS decision?

8 THE WITNESS: To be affirmed.

9 JUDGE TURNER: \$89?

10 THE WITNESS: Actually \$84, plus \$15 installment.
11 We're requesting the Stammel catchup amount of \$325 to be
12 received in two weeks.

13 JUDGE TURNER: Then you would continue on
14 reviewing the budget and adjusting it if necessary?

15 THE WITNESS: Correct.

16 BY MS. HCPPER:

17 Q. Mr. Costello, if Mr. Jordan receives additional grants
18 throughout the period of time he is a customer that amount would
19 be applied to his arrears?

20 A. That's correct.

21 Q. Potentially reduce the period of time that he has to pay
22 the installment amount?

23 A. That's correct.

24 Q. Could you state the date that Mr. Jordan became a PECO
25 customer at his address?

1 A. August first, 1991.

2 Q. Account is in his name?

3 A. Yes.

4 MS. HOPPER: I have no further questions,
5 Your Honor.

6 JUDGE TURNER: Would you like to ask some
7 questions?

8 MR. JORDAN: Yes.

9 JUDGE TURNER: Go ahead.

10 CROSS-EXAMINATION

11 BY MR. JORDAN:

12 Q. You said that -- you stated that my PECO bill was up to
13 \$87 plus, I believe \$87 plus arrearage of \$15 for arrears?

14 A. You were billed on a budget for \$87, on budget, plus a
15 \$15 installment.

16 Q. You also stated I have not kept the agreement. Are you
17 saying you haven't received any payment?

18 A. I testified you're not keeping the most recent agreement
19 issued by the Bureau of Consumer Services, that was issued May
20 2004, for you to begin to pay \$89 plus 15 to begin June 2004.

21 If you look at page two of PECC Exhibit One, we hadn't received
22 a payment, since that time, a payment from you since that time.

23 Q. You haven't received a payment since I've been on that
24 budget?

25 A. Since the last agreement.

1 Q. Of 151.72?

2 A. Correct.

3 Q. I seem to remember sending a check for that.

4 JUDGE TURNER: You can testify to that later. Now
5 is the time to ask questions.

6 MR. JORDAN: That will be all.

7 JUDGE TURNER: All right. I have a few questions
8 for Mr. Costello. On the first page, last column, it says
9 budget settlement. Is that amount of \$643.45 a budget
10 settlement?

11 THE WITNESS: 643.45 would have been the account
12 balance at that time. The budget settlement actually refers to
13 on the same row, under column labeled PECO bill, amount slash
14 budget plus agreement, that we're requesting 156.63 for the
15 budget settlement for that year as opposed to one normal monthly
16 budget amount.

17 JUDGE TURNER: So he owed you money at the end of
18 the budget year?

19 THE WITNESS: Correct.

20 JUDGE TURNER: Did that get figured into the
21 arrearage?

22 THE WITNESS: Would have been figured into the
23 budget at that time. Then with the following month with the CAP
24 charge-off as well as \$121 payment he just started with the new
25 budget of \$87 flat.

1 JUDGE TURNER: It appears to me for the year
2 beginning 12-31-2002 until November 26, 2003 Mr. Jordan was
3 making fairly regular payments. He made a double payment one
4 month, and that his arrearage was relatively low at the time, or
5 balance was 247.02. But then beginning December 2003 he only
6 made one payment and he got a LIHEAP payment, is that correct?

7 THE WITNESS: That's correct.

8 JUDGE TURNER: Had Mr. Jordan been in touch with
9 PECO about assistance of any sort or do you have any note
10 screens showing contacts of any sort?

11 THE WITNESS: Our records show his CAP
12 recertification December fourth, 2003. At the time, November,
13 December 2003 he would have been in touch with the CAP office to
14 complete re-certification, which showed him at 50 percent
15 discount.

16 JUDGE TURNER: I think I understand everything
17 else. Thank you, Mr. Costello. Do you have more questions?

18 MR. JORDAN: No.

19 JUDGE TURNER: Do you have any redirect?

20 MS. HOPPER: I do not.

21 JUDGE TURNER: Thank you, Mr. Costello.

22 THE WITNESS: Thank you.

23 MS. HOPPER: I would ask that PECO Exhibits One
24 through Three be admitted into the record.

25 JUDGE TURNER: Do you have any objection to these

1 exhibits?

2 MR. JORDAN: Which exhibits?

3 JUDGE TURNER: One, two, and three, Account
4 Statement, listing of agreements and a copy of the BCS decision.

5 MR. JORDAN: No.

6 JUDGE TURNER: They are admitted.

7 (Whereupon, the documents marked as PECO Exhibits,
8 1, 2 and 3 were received in evidence.)

9 JUDGE TURNER: Now would be the time for you
10 to give additional factual testimony. Do you have any more
11 testimony to give?

12 MR. JORDAN: During the time that electrical work
13 was done to the house and the shortage where the electric
14 company had to come out and cut electricity off, would it have
15 made a difference in my bill as far as adding onto my bill or
16 any shortages in the house?

17 JUDGE TURNER: I am not sure I understand.

18 MS. HOPPER: It's my understanding -- Mr. Jordan
19 is not represented by counsel, but I would object as being
20 outside the scope of the complaint. It's a payment arrangement
21 complaint with respect to payment of his current bill.

22 JUDGE TURNER: Well it's outside the scope of
23 Mr. Costello's direct but not outside the scope of his direct
24 testimony. He did testify of a short, having electrical work
25 done.

1 MS. HOPPER: That's correct.

2 JUDGE TURNER: Mr. Costello didn't testify, and
3 what he's asking is hypothetically would it have an affect on
4 consumption. Do you think you could allow Mr. Costello to
5 answer that?

6 MS. HOPPER: I would allow Mr. Costello to
7 answer hypothetically if it would possibly have an affect on
8 consumption, if in fact it happened three or four years ago.

9 JUDGE TURNER: Okay.

10 THE WITNESS: If you have electrical work that's
11 not done properly it could affect your consumption. However,
12 that would all be internal wiring and wouldn't be the
13 responsibility of PECO Energy. But if you had an appliance that
14 is not working properly, it could be drawing more service than
15 necessary. But if it's beyond the meter and it's your appliance
16 that would be your responsibility.

17 MR. JORDAN: The reason I'm asking, I came home
18 and my wires were--

19 JUDGE TURNER: Hold on a minute. This is your
20 time for testimony. You had time for cross-examination. It's
21 usually in reverse, people start asking questions and then they
22 start giving testimony. Now you're supposed to give testimony
23 and you're asking questions. What is it that you want to give
24 testimony about?

25 MR. JORDAN: Some work was done on my house,

1 electrical work that could have had some type of affect on usage
2 of power or service and that I still need some more work done to
3 electrical wiring to the house that could have some affect on
4 usage that I do use. That's what I wanted to testify to.

5 JUDGE TURNER: When did you have electrical work
6 done?

7 MR. JORDAN: Electrical work was done about three
8 years ago by the Philadelphia Housing Development Corporation.

9 JUDGE TURNER: Did you have any additional
10 testimony that you wanted to give?

11 MR. JORDAN: I guess that's it.

12 JUDGE TURNER: I need to ask you, because judges
13 are supposed to ask this, why you didn't keep your BCS directed
14 payment plan? PECO Exhibit Three, which we admitted, said that
15 you were to pay \$89 plus 15, and that was to be by the June due
16 date 2004. Is that right?

17 MS. HOPPER: That's correct.

18 JUDGE TURNER: Since that time you have made no
19 payments. Is there some reason for that? Is there some reason
20 you essentially stopped paying your bills?

21 MR. JORDAN: The reason for that I didn't have the
22 money when it came time for those bills to be paid at that time
23 of the month. What money I did have I tried to send in. That's
24 why I remember somewhere that I did send checks in for that, for
25 \$115, but I would have to check the checkbook.

1 JUDGE TURNER: That would be good.

2 MR. JORDAN: From what I saw on the checkbook,
3 before I came to the hearing I seem to remember a check where I
4 did pay. I'm not sure if I paid once or twice but I know it was
5 beyond my budget, it exceeded what I had left to pay some of the
6 other bills I had to split up. That's one of the reasons why I
7 applied for different grants to get help to pay the bills.

8 JUDGE TURNER: But the fact that this account
9 statement doesn't show any payments after February 17, 2004,
10 is that correct?

11 MS. HOPPER: That's correct.

12 JUDGE TURNER: You're saying here that you
13 remember maybe making a payment and you would like to review
14 your checkbook. If you do that you can contact either Ms.
15 Hopper or Mr. Costello after the hearing and see if there is any
16 additional payment that they can recognize. But since there is
17 nothing in evidence -- your memory, which seems to be pretty
18 vague, is not enough to overcome the evidence of this exhibit.
19 So I'm not going to find that you made any payments during that
20 time.

21 As I say, that's a question that Administrative
22 Law Judges are directed to ask, why you didn't make your
23 payments. Your answer was you didn't have enough money, and you
24 were using your money to pay other bills?

25 MR. JORDAN: I was trying to equal out all my bills.

1 I missed a month or so on some of the bills, but I tried to pay
2 bills. That's what happened.

3 JUDGE TURNER: It shows here you got a LIHEAP cash
4 grant. Do you make a policy of trying to apply for all of the
5 grants that you can?

6 MR. JORDAN: Yes.

7 JUDGE TURNER: So if you're eligible for a Crises
8 Grant please apply for it, and I think you can have it directed
9 to PECO. I don't know what your situation is with PGW.

10 MR. JORDAN: I applied for Crises, I applied for
11 LIHEAP. I received both of them. I have to split the bills up.
12 I sent one of the grants to PGW, and I sent one to the gas
13 company as well. I have one other grant that I can apply for
14 once I take proof of receiving other two grants from the agency,
15 that's USEF, which I am in the process--

16 JUDGE TURNER: That's U-S-E-F, all caps?

17 MR. JORDAN: Yes. So once you exhaust LIHEAP and
18 Crises you return back that payments were paid, then you can
19 apply for USEF, which I do qualify, I have to apply for USEF,
20 being that my electric bill is more than my gas bill, so far
21 I plan, and I think I explained to him--

22 MS. HOPPER: He did.

23 MR. JORDAN: I plan to apply for USEF and to apply
24 that to the bill.

25 JUDGE TURNER: One other question, have you

1 applied to Welfare for the \$27 gap payment, so to speak?

2 MR. JORDAN: No, I have not, I have to wait until
3 next month to see how they do it because Welfare when I spoke to
4 them, they don't know how the system is going to work. They
5 said we're waiting to see what results are coming out.

6 JUDGE TURNER: You will apply when that becomes
7 clear what you're supposed to do?

8 MR. JORDAN: Yes.

9 JUDGE TURNER: Is that the conclusion of your
10 testimony, your factual testimony?

11 MR. JORDAN: Yes.

12 JUDGE TURNER: Would you like to give a closing
13 statement.

14 MR. JORDAN: My closing statement, what I stated
15 in the letter

16 JUDGE TURNER: What letter?

17 MR. JORDAN: In the pre-letter that I sent you
18 back.

19 MS. HOPPER: The complaint.

20 JUDGE TURNER: The complaint?

21 MR. JORDAN: Yes.

22 JUDGE TURNER: I have that.

23 MR. JORDAN: What I see within the budget that I
24 can afford. But as I stated to them I will see if I can borrow
25 money from daughters and sons to make them a payment this month

1 toward me applying as well for USEF and seeking other grants or
2 help, you know, to help pay some of my utility bills. Because
3 every winter I have problems with bills because of the weather
4 conditions, they go up.

5 JUDGE TURNER: Because of your space heater,
6 according to Mr. Costello.

7 MR. JORDAN: Yes, because the house is an old
8 house. So I plan to try to pay when Mr. Costello stated they
9 have to have a certain amount 90 or 80 something dollars, it
10 takes me out of the realm. When I got the electrical bill I
11 wasn't paying nowhere near that amount for electricity. All of
12 a sudden it seemed like the electric company changed up on
13 everybody on the program. The bills became more and more and
14 more, less than a set amount of what people were paying, which
15 I'm sure not only me but everybody on the program totally out of
16 whack in paying the bills. I'm pretty sure Mr. Costello and his
17 attorney can state this took affect within the last four years.

18 JUDGE TURNER: They have a chance to make a
19 closing statement as well.

20 MR. JORDAN: Other than that, that's my closing
21 statement and argument. If the Court could find it in their
22 heart to help me out with this situation I would appreciate it.

23 JUDGE TURNER: I have to follow the rules set down
24 by the Commission, Mr. Jordan. I note the payments for 2002
25 were mostly \$87, your bills were around in that. I don't see

1 that you were ever paying \$40. I don't know when that time
2 was. It doesn't seem to me it has been recently. I will take
3 it into consideration that you think your payment has jumped.

4 I would also note when you're making your payment
5 of \$87 your actual bill is 196.57, that's what it was February
6 2003. So your payments, although they seem larger, are actually
7 less than consumption. Do you follow me?

8 MR. JORDAN: Yes, Your Honor.

9 JUDGE TURNER: Thank you. You may be excused.

10 Ms. Hopper, would you like to make a closing
11 statement.

12 MS. HOPPER: Just briefly Your Honor, with
13 respect to Mr. Jordan's complaint and his references within his
14 closing statement regarding what he may have paid on the
15 previous CAP program. Although it's outside the testimony, I
16 believe he would be referring to five or six years ago we had a
17 different CAP program. The CAP Rate Program, as Mr. Costello
18 has stated, is based on your income. You're given a discount on
19 the first 500 kilowatt hours based on your income. It's up to
20 the customer to manage their usage. If they use more than 500
21 kilowatt hours, they pay accordingly.

22 It has been approved by the Commission at least
23 twice in the past six years. Mr. Jordan has requested he pay
24 \$40 on electric bills. It's not something that PECO can accept,
25 as it's less than his current bill.

1 If Mr. Jordan has payments he believes have not
2 been properly credited on the account he can bring them to our
3 attention, and we will investigate. We would ask that he make
4 monthly payments pending the outcome of this or he will be
5 further in arrears.

6 JUDGE TURNER: It's true under recent Commission
7 decisions you must keep paying your current bills while the case
8 is pending. And that would be the current budget amount. I
9 gather that it's \$89?

10 THE WITNESS: It's \$84.

11 JUDGE TURNER: I apologize. You said that before.
12 \$84 a month. It's not paying on arrears, but we're telling you
13 to pay the current budget. If you don't pay that under the
14 Commission's recent decision they can terminate your service.

15 MR. JORDAN: Okay. May I ask one question?

16 JUDGE TURNER: Certainly.

17 MR. JORDAN: What they want me to pay \$84 per
18 month?

19 JUDGE TURNER: That's right.

20 MR. JORDAN: My bill is 800 and some dollars;
21 am I correct?

22 MS. HOPPER: \$843.92 is the current balance.

23 MR. JORDAN: If I apply for a grant like I stated,
24 that grant is given to you, say it brings my bill to 300 some
25 odd dollars I still must pay what you're agreeing upon now, \$84?

1 MS. HOPPER: If I may, the \$84 represents a budget
2 for your current consumption. If you pay \$84 going forward, then
3 your arrears will not build up. If you get a grant for 400 or
4 \$500, your balance comes down to \$300, and depending on what
5 the Commission's decision is, you will have to pay \$84 plus
6 something towards the balance of \$300.

7 So, it goes away and once it goes away, and once
8 the arrears go away you will have to pay your budget or current
9 consumption each month, which has raised in the past from \$81,
10 \$84 to \$87 per month. It's based on what you use. Taking into
11 consideration the discount that you get because you're on a CAP
12 Rate Program.

13 MR. JORDAN: I would still be required to pay a
14 set amount per month regardless of if my bill is taken care of?

15 MS. HOPPER: Once the balance is gone if you
16 choose to come off the budget and pay your current bill then in
17 December your current bill will be \$151, you pay \$151, but in
18 October if your bill is \$37 as it was in '03, you would only
19 have to pay \$37. You would have the option of going or coming
20 off the budget. It has been the Commission's rules if you're on
21 a payment arrangement, and the Commission has encouraged if
22 you're on a low income arrangement you have to be on a budget,
23 you have to pay a set amount.

24 But once you reduce your back bill and are current
25 with your bill it's up to you in your budgetary money management

1 decision if you want to pay for current usage, more in the
2 winter or less in the summer and stay on a budget.

3 JUDGE TURNER: The Commission has ruled and
4 encourages ALJ's to put people on a budget, because they feel
5 it's more likely to keep them from building up arrearages. That
6 is what I'm going to do here because I have to follow the
7 Commission's decisions and guidelines. I think I should point
8 out that a budget doesn't include payment on arrearage. So when
9 this decision comes out and the Commission makes a final order
10 it will be budget plus \$15 most likely. So it will go then to--

11 MS. HOPPER: 84 plus 15.99.

12 MR. JORDAN: It's the same figure that they have
13 been saying all along?

14 JUDGE TURNER: That's right.

15 MR. JORDAN: So no different?

16 JUDGE TURNER: That's right. If you could have
17 worked out a settlement, it would have been to your benefit.

18 MR. JORDAN: It's the same figure they worked out
19 to settlement.

20 JUDGE TURNER: Those are figures I'm directed to
21 work with. I certainly am not allowed to set payments below the
22 actual bill. I would certainly put you on a budget according to
23 the Commission. The Commission is my boss. So I do what they
24 say.

25 MR. JORDAN: They are not the Commission.

1 The Commission is your boss?

2 JUDGE TURNER: They are five individuals that sit
3 in Harrisburg most of the time. One is in Philadelphia, Wendell
4 Holland. I think there are four. They are not commissioners.
5 They are employees of the company. I'm an employee of the
6 Commission.

7 MR. JORDAN: I guess I will be with no electric if
8 I can't make the payment.

9 JUDGE TURNER: Let's go off the record.

10 (Whereupon, at 3:15 p.m. the hearing was
11 adjourned.)

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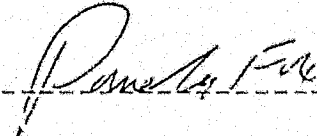
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C E R T I F I C A T E

I hereby certify, as the stencographic 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

REGISTERED PROFESSIONAL REPORTER

NOTARY PUBLIC

- 0 -

RECEIVED
JUN 11 1964

ACCOUNT STATEMENT

Prepared by: A J Costello

CUSTOMER NAME: Abraham Jordan

DOCKET NUMBER: Z-01657232

ADDRESS: 1533 W Flora St.

RATE: Residential Electric CAP Rate

Philadelphia, PA 19121

ACCOUNT NUMBER: 24-20-10-200739

Page 1

Bill Period	D a y s	Meter Reading - Type	Usage	Daily Avg Use	PECO Bill Amt / Budget + Agmt	Supp Chg.	Sales Tax	Amount Reqstd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Comments
12/31/02	34	10705 - A	1395	41.0	151.72 / 156.63		243.45	01/27/03			87.00	12/23/02	643.45	*Budget settlement BM 73
01/30/03	30	12815 - A	1910	63.6	218.12 / 87.00		209.45	02/24/03			*400.00 / 121.00	01/24/03 / 01/16/03	340.57	*CAP2 Charge Off BM 01
02/27/03	28	14360 - A	1745	62.3	196.57 / 87.00		86.45	03/25/03			210.00	02/18/03	327.14	BM 50
03/28/03	29	15513 - A	1153	39.7	120.36 / 87.00		86.45	04/23/03			87.00	03/18/03	360.50	BM 50
04/29/03	32	16493 - A	980	30.6	98.08 / 87.00		173.45	05/27/03					458.58	BM 52
05/29/03	30	17068 - A	575	19.1	45.95 / 87.00		86.45	06/24/03			87.00	05/12/03	330.53	
06/30/03	32	17733 - A	665	20.7	57.52 / 87.00		173.45	07/23/03			87.00	05/05/03	388.05	BM 52
07/30/03	30	18424 - A	691	23.0	60.88 / 87.00 + 15.00		316.50	08/25/03					448.93	BM 92
08/28/03	29	19246 - A	822	28.3	77.75 / 87.00 + 15.00		102.00	09/24/03			102.00	08/13/03	424.68	BM 50
09/29/03	32	19786 - A	540	16.8	41.43 / 87.00 + 15.00		102.00	10/23/03			102.00	09/23/03	364.11	BM 50
10/29/03	30	20296 - A	510	17.0	37.59 / 87.00 + 15.00		204.00	11/24/03					401.70	BM 52
11/26/03	28	20905 - A	609	21.7	50.32 / 87.00 + 15.00		102.00	12/23/03			205.00	11/19/03	247.02	

PAID

JAN 14 2005

PECO-1
PF 12-1-19-03
P 51-1-19-03

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

2-0165-7232

ACCOUNT STATEMENT

Prepared by: A J Costello

CUSTOMER NAME: Abraham Jordan
 ADDRESS: 1533 W Flora St.
 Philadelphia, PA 19121

DOCKET NUMBER: Z-01657232

RATE: Residential Electric CAP Rate

ACCOUNT NUMBER: 24-20-10-200739

Page 2

Bill Period	Days	Meter Reading - Type	Usage	Daily Avg Use	PECO Bill Amt / Budget + Agmt	Supp Chg.	Sales Tax	Amount Reqstd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Comments
12/30/03	34	22022 - A	1117	32.8	115.72 /87.00 + 15.00			204.00	01/26/04				362.74	BM 52
01/29/04	30	23741 - A	1719	57.3	193.22 + 15.00			274.73	02/24/04	0.82			556.78	BM 03
02/27/04	29	25313 - A	1572	54.2	175.79 + 15.00			401.12	03/23/04	2.60	67.00	02/17/04	688.17	BM 03
03/30/04	32	26095 - A	782	24.4	73.21 + 15.00			494.31	04/26/04	4.98			746.36	BM 04
04/29/04	30	26719 - A	624	20.8	52.70 + 15.00			562.01	05/25/04				799.06	
05/28/04	29	27190 - A	471	16.2	34.77 /89.00 + 15.00			104.00	06/23/04				833.83	
06/29/04	32	27720 - A	530	16.5	40.50 /89.00 + 15.00			208.00	07/26/04				874.33	BM 52
07/29/04	30	28281 - A	571	18.0	45.82 + 15.00			166.09	08/24/04				920.15	
08/30/04	32	28893 - A	602	18.8	49.84 + 15.00			230.93	09/23/04				969.99	
09/29/04	30	29475 - A	582	19.4	47.25 + 15.00			293.18	10/25/04				1,017.24	
10/29/04	30	30080 - A	605	20.1	50.24 + 15.00			358.42	11/23/04				1,067.48	
11/30/04	32	30779 - A	699	21.8	62.44 + 15.00			149.86	12/27/04		*286.00	11/16/04	843.92	*LIHEAP Cash Grant

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

2 of 2

ABRAHAM JORDAN

24-20-10-200739

12/09 PENDING AGMT 05/13/RMK

FUEL OTHER-CR CP2-PUC

1533 W FLORA ST

SP-AGR

PHILADELPHIA PA 19121

TEL-215-787-0515

***** CREDIT 3 ***** NEXT FORMAT CRED

ACTV	AGMT	TYPE	AGMT-PUC	DATE	OPN	05/13/04	AMOUNT	799.06	INST	15.00
TYPE	DATE	OPN	AMOUNT	INSTALL	EXT	DATE	DATE	CLD	DISPOSITION	
LEVEL 1A	07/23/03		173.45	15.00		09/14/04	09/14/04		NOT KEPT	
LEVEL 1	03/26/04		210.33				05/14/04		RENEGOTIATED	
LEVEL 1	02/09/04		66.51				04/12/04		UTL- PECO REF	
LEVEL 1A	12/03/02						03/25/04		UTL- PECO REF	
LEVEL 1A	11/26/01						12/04/02		FSMT INFO ONLY	
LEVEL 1A	11/26/01						11/26/01		FSMT INFO ONLY	
LEVEL 1A	01/06/01		31.83				01/23/01		UTL- PECO REF	
LEVEL 1A	11/22/00						11/22/00		FSMT INFO ONLY	
EXTN	02/25/00		47.93			03/07/00	03/07/00		KEPT	
LEVEL 1A	12/07/99		56.04	15.00			12/23/99		UTL- CUST REF	
EXTN-CMS	02/05/99		33.53			02/10/99	02/10/99		NOT KEPT	
LEVEL 1I	03/15/96		16.00	16.00			04/02/96		NOT KEPT	
LEVEL 1A	11/17/95						11/17/95		FSMT INFO ONLY	
LEVEL 1I	07/08/93		1156.30	1.00			01/05/94		CANCEL	
LEVEL 1I	01/13/93		902.93	1.00			07/09/93		RENEGOTIATED	
LEVEL 1I	05/26/93						05/27/93		FSMT INFO ONLY	

DOCUMENT

DOCKETED

JAN 14 2005

COLLECTION SYSTEM

Date: 12/9/04

PA. Public Utility Commission
Bureau Of Consumer Services
Inbound Closing Report

Case Number: 1657232
Customer Name: ABREM JORDAN
Address: 1533 W SLORA ST
PHILADELPHIA PA 19121-5107

Opened On: 5/4/04
Utility Type: Electric Distributor
Account Number: 242010200739
Company Name: PECO Energy

Prior Case: Total Balance: \$799.06 Balance Date: 5/7/04

Compliance Violation(Alleged, Actual, No): NO Chap 56/64/Other: Section/Rule:

Decision Issued: Y Oral Written: W
Investigator: GILSON, KATHY PUC Decision Issued Dt: 5/10/04 PUC Case Closed Dt: 5/10/04

Decision Recvd Dt: 5/10/04 10.25AM

Letter Description: CAP STRAIGHT DECISION

To Restore Service Pay: \$0.00 To Continue Service Pay: \$0.00 By:
Terms: JUNE DUE DATE
Special Budget Amount: \$104.00 Regular Budget Amount: \$89.00 Plus Arrears Payment: \$15.00
Final Bill Monthly Payment: \$0.00 Current Bill Monthly Payment: \$0.00
End Of Month Payment: \$0.00

Par Description:

YOU ARE ADVISED TO CONTACT THE DEPARTMENT OF PUBLIC WELFARE AND OTHER AVAILABLE SOCIAL AGENCIES FOR FINANCIAL ENERGY ASSISTANCE.

DOCUMENT

DOCKETED

JAN 14 2005

Resolution:

SEE CS17 FOR TERMS OF PAR. WAIVE

2-01657232
Philadelphia

PECO-3

10 of 1
PF 1213-04