

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

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Luis E. Capella v. PECO Energy Company: Docket No.
: F-01917452
-----x

Pages 1 through 82

1400 Spring Garden Street
State Office Building
Philadelphia, Pennsylvania

DOCUMENT
FOLDER

Tuesday, December 27, 2005

Met, pursuant to notice, at 9:17 a.m.

BEFORE:

ANGELA T. JONES, Administrative Law Judge

APPEARANCES:

LUIS E. CAPELLA
242 W. Stella Street
Philadelphia, Pennsylvania 19133
(Pro se)

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

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1 have to tell me as far as arriving at this
2 allegation?

3 THE WITNESS: Well, the first thing
4 is that my next building next to my house is an
5 abandoned building and it collapsed in the back
6 and all the wiring power wires are all laying on
7 the roof so I called them.

8 JUDGE JONES: Wait a minute, sir,
9 you are residing at what address?

10 THE WITNESS: 242 West Stella
11 Street.

12 JUDGE JONES: The building that
13 you're saying abandoned and collapsed do you have
14 the street address for that one?

15 THE WITNESS: That is 244 West
16 Stella Street.

17 JUDGE JONES: Is that a single
18 home, a row home, sir?

19 THE WITNESS: Yes.

20 JUDGE JONES: It is a row home?

21 THE WITNESS: Yes.

22 JUDGE JONES: It is connected on
23 what side to your home?

24 THE WITNESS: On my left side.

25 JUDGE JONES: On your left side.

1 When did that building collapse, sir?

2 THE WITNESS: Long time and we are
3 trying to get that building to be torn down.

4 JUDGE JONES: Long time, sir,
5 doesn't help me, this year?

6 THE WITNESS: Maybe three years.

7 JUDGE JONES: Three years ago so we
8 are talking 2002?

9 THE WITNESS: Yes, ma'am.

10 JUDGE JONES: Okay, it collapsed in
11 2002 in the spring, summer, fall?

12 THE WITNESS: In the spring.

13 JUDGE JONES: Is it still in that
14 state, sir?

15 THE WITNESS: Yes, your Honor.

16 JUDGE JONES: So in 2002 this
17 building collapsed which is 242 Stella Street it
18 is connected to your residents on the left side?

19 THE WITNESS: Yes, your Honor.

20 JUDGE JONES: Okay. You reported
21 the collapse?

22 THE WITNESS: Yes, your Honor.

23 JUDGE JONES: The service that you
24 are complaining about is electric service?

25 THE WITNESS: Yes.

1 JUDGE JONES: The electric service
2 wiring is connected to 242 Stella?

3 THE WITNESS: Yes, your Honor.

4 JUDGE JONES: Then it connects to
5 you how?

6 THE WITNESS: My house 242.

7 JUDGE JONES: It is connected to
8 your house as well, so the wiring from a pole to
9 Stella collapsed?

10 THE WITNESS: Yes, your Honor.

11 JUDGE JONES: That made the wiring
12 sag from the pole to 242?

13 THE WITNESS: On this area we don't
14 have no pole it is connected to the back of the
15 house.

16 JUDGE JONES: That's what I am
17 trying to get at, sir. There is wiring from the
18 street?

19 THE WITNESS: From the back of all
20 the houses.

21 JUDGE JONES: At some point it has
22 to not be at the back of the house because there
23 is a street or an intersection there is no house,
24 right?

25 THE WITNESS: Yes, your Honor.

1 JUDGE JONES: So there is wiring
2 connected to all of the back of the houses. Let's
3 say down a block.

4 THE WITNESS: Yes, your Honor.

5 JUDGE JONES: After the block where
6 does the wiring go, do you know?

7 THE WITNESS: I don't know.

8 JUDGE JONES: So all what you do
9 know is that 244 Stella property collapsed?

10 THE WITNESS: Yes, your Honor.

11 JUDGE JONES: Therefore the wiring
12 at that property also sagged let's say.

13 THE WITNESS: Yes, your Honor.

14 JUDGE JONES: The wiring to your
15 property was also affected?

16 THE WITNESS: Yes, your Honor.

17 JUDGE JONES: This happened in 2002
18 of the Spring?

19 THE WITNESS: Yes, your Honor.

20 JUDGE JONES: You called whom.

21 THE WITNESS: I called PECO Energy
22 Company.

23 JUDGE JONES: You called them
24 when?

25 THE WITNESS: Nine or eight

1 months.

2 JUDGE JONES: Nine or eight months
3 ago from today?

4 THE WITNESS: From 2004.

5 JUDGE JONES: Okay. You called
6 them nine months after 2004?

7 THE WITNESS: Yes, your Honor.

8 JUDGE JONES: So that is two years
9 after the building collapsed you realize that, Mr.
10 Capella?

11 THE WITNESS: Yes, your Honor.

12 JUDGE JONES: You called PECO in
13 2004 and you told them what?

14 THE WITNESS: That the wiring was
15 in my roof.

16 JUDGE JONES: The wiring was in
17 your roof?

18 THE WITNESS: And brackets that
19 hold the wires in vertical there wasn't no bracket
20 in my house. There was no brackets in the other
21 house they all have collapsed.

22 JUDGE JONES: Okay. You called
23 PECO in 2004 and told them that there was problems
24 with the wiring for your house?

25 THE WITNESS: Yes.

1 JUDGE JONES: What response did you
2 get?

3 THE WITNESS: I got this response
4 that my main wire from the outside was not the
5 right wire that I needed to do some adjustments
6 and some repairs and get an electrician to get
7 that wire fixed. I did so and they come back and
8 inspected the work and they passed it and they did
9 the inspection and everything was okay.

10 JUDGE JONES: Lets slow down a
11 little bit, Mr. Capella, because I have to
12 understand what you are saying. You're saying
13 that PECO told you that you needed to have some
14 professional electrical work done.

15 THE WITNESS: Yes, your Honor.

16 JUDGE JONES: So you got an
17 electrician and you had them do some work. Do you
18 have a receipt for that work?

19 THE WITNESS: No, ma'am.

20 JUDGE JONES: Was this electrician
21 certified?

22 THE WITNESS: Yes.

23 JUDGE JONES: Do you have any
24 evidence that this electrician was certified?

25 THE WITNESS: No.

1 JUDGE JONES: So this occurred
2 when?

3 THE WITNESS: This occurred about
4 nine months from this year.

5 JUDGE JONES: Okay. Around the
6 same time that you called PECO you immediately got
7 an electrician and you had some electrical work
8 done inside your home?

9 THE WITNESS: Outside the home.

10 JUDGE JONES: Outside your home?

11 THE WITNESS: Yes.

12 JUDGE JONES: It was outside your
13 home. Did it affect the collapsed residence on
14 244 Stella Street?

15 THE WITNESS: That was an abandoned
16 house.

17 JUDGE JONES: Okay. So it is
18 outside your home but it is not affecting 244
19 Stella Street.

20 THE WITNESS: I don't know

21 JUDGE JONES: I find that very
22 interesting, sir, because you're alleging that the
23 problem started because of the collapsed building
24 at 244 Stella Street.

25 THE WITNESS: Yes

1 JUDGE JONES: You're saying that's
2 on the left side and you said that you called PECO
3 to let them know about this condition and they
4 informed you to have an electrician come in, so it
5 sounds like the repairs should have been somehow
6 connected to the wiring with the collapsed
7 building. You're saying no because you don't own
8 that building. I understand that but what I am
9 having a problem understanding is how can a repair
10 outside of your home not affect the building that
11 caused the damage in the first place that is
12 collapsed. That's what I am having a problem
13 understanding, so can you give me some other
14 information about what was repaired outside of
15 your home?

16 THE WITNESS: The guy from PECO
17 came and told me.

18 JUDGE JONES: This was the
19 electrician.

20 THE WITNESS: The repair that he
21 did it was the main power. The wire is 100 amps.
22 My wire was weaker because I had space heaters and
23 they wasn't getting hot. Some of the PECO energy
24 guy told me that I needed 240 and I was only
25 receiving 120 that my meter was going too slow so

1 I needed to replace the wiring from the outside
2 244 from my house.

3 JUDGE JONES: Didn't you tell me
4 that all the wiring is connected down the block?

5 THE WITNESS: Right from the back
6 of the house all the wiring at this house 244 and
7 mine. The wiring coming with the other houses are
8 more thick than the wires that go from a couple
9 houses from my house through to those.

10 JUDGE JONES: You are saying that
11 there is a thick wiring that connects all of the
12 houses in the block and from that thick wire there
13 is another wire that goes from the thick wire
14 directly to your house, only your house?

15 THE WITNESS: My house and a couple
16 other houses.

17 JUDGE JONES: Your house and a
18 couple of other houses?

19 THE WITNESS: Yes.

20 JUDGE JONES: Now, would these
21 couple other houses involve 244 Stella Street?

22 THE WITNESS: No.

23 JUDGE JONES: It is a couple other
24 houses that are perhaps on the right side of your
25 house?

1 THE WITNESS: Yes.

2 JUDGE JONES: All right. So this
3 is the wire that your electrician repaired?

4 THE WITNESS: He repaired my wire
5 from my house the main wire.

6 JUDGE JONES: That wire is the wire
7 that goes directly from your house from the thick
8 wire and a couple other houses?

9 THE WITNESS: Yes, your Honor.

10 JUDGE JONES: This is the wire that
11 as far as your testimony is concerned the PECO
12 person told you that there was not enough power
13 coming from there. You had 120 and you needed
14 240?

15 THE WITNESS: Yes, your Honor.

16 JUDGE JONES: So that was why you
17 got that wire repaired?

18 THE WITNESS: Yes, your Honor.

19 JUDGE JONES: Now, when you got
20 that wire repaired did you get -- you said you
21 don't have a receipt from the electrician. You
22 don't have any proof that the electrician that did
23 the work was certified. However, you did say that
24 PECO inspected the work?

25 THE WITNESS: Yes, your Honor.

1 JUDGE JONES: Do you have anything
2 to show that PECO inspected the work and found it
3 satisfactory?

4 THE WITNESS: The only thing I got
5 is my last bill that was about --

6 JUDGE JONES: Mr. Capella, listen
7 to my question. You had the work done you said
8 about nine months ago. Is this bill from nine
9 months?

10 THE WITNESS: February.

11 JUDGE JONES: Is this bill saying,
12 is there anything on that bill that says someone
13 from PECO inspected the work that your electrician
14 did?

15 THE WITNESS: They just sent me the
16 letters.

17 JUDGE JONES: Then you do not have
18 any proof that someone from PECO inspected the
19 work and said it was satisfactory, correct?

20 THE WITNESS: Yes.

21 JUDGE JONES: All right. Where are
22 we now. Okay, it is your testimony that someone
23 from PECO inspected the work and said it was
24 satisfactory?

25 THE WITNESS: Yes, your Honor.

1 JUDGE JONES: So then did you
2 notice anything different in your electric
3 service?

4 THE WITNESS: The power was
5 beautiful. The heater was running fast and the
6 light was brighter.

7 JUDGE JONES: Then you noticed that
8 there was a difference in the speed of the meter
9 after you got electric work done?

10 THE WITNESS: Yes, your Honor.

11 JUDGE JONES: Now, you also
12 mentioned that you had space heaters.

13 THE WITNESS: Yes, your Honor.

14 JUDGE JONES: In your complaint you
15 say that you have baseboard heaters?

16 THE WITNESS: I replaced them
17 because I couldn't have them they wasn't getting
18 hot.

19 JUDGE JONES: Not only do you have
20 electric baseboards but now you are saying you
21 also have space heaters?

22 THE WITNESS: That is the only ones
23 I use the electric ones.

24 JUDGE JONES: Okay. Explain to me
25 how you're only using the electric heaters and not

1 the baseboard heaters?

2 THE WITNESS: By that time I had
3 taken them out because I had purchased them and a
4 week later I was noticing that they wasn't getting
5 hot so I took them off.

6 JUDGE JONES: You took the electric
7 baseboard heaters off you, yourself?

8 THE WITNESS: A friend of mine.

9 JUDGE JONES: A friend of yours?

10 THE WITNESS: He knows electric.

11 JUDGE JONES: Is he a certified
12 electrician?

13 THE WITNESS: No. Just a regular
14 guy.

15 JUDGE JONES: He disconnected the
16 baseboard heaters?

17 THE WITNESS: Yes.

18 JUDGE JONES: Okay, Mr. Capella.
19 Okay, so you did not reconnect the baseboard
20 heaters after you had this electrical work done?

21 THE WITNESS: Right.

22 JUDGE JONES: You were heating
23 solely by the space heaters that you had
24 purchased?

25 THE WITNESS: Yes

1 JUDGE JONES: This happened nine
2 months ago?

3 THE WITNESS: Yes.

4 JUDGE JONES: In 2005?

5 THE WITNESS: Yes, your Honor.

6 JUDGE JONES: All right. You are
7 saying that everything is beautiful you have power
8 those were your words?

9 THE WITNESS: Yes, my words.

10 JUDGE JONES: Your loving the heat
11 that you are receiving?

12 THE WITNESS: Yes, your Honor.

13 JUDGE JONES: Then what sir?

14 THE WITNESS: Well, then they send
15 me this letter stating that my meter box and the
16 meter is defective.

17 JUDGE JONES: Let me slow you down,
18 Mr. Capella, because I need to understand. I keep
19 telling you I need to understand. Okay, this
20 letter can I see the letter, sir? Do you have
21 copies of this letter you only have one copy?

22 THE WITNESS: Yes.

23 JUDGE JONES: Ms. Lutz, would you
24 like to see the letter?

25 MS. LUTZ: Yes. Any other

1 letters?

2 THE WITNESS: That is all they send
3 me.

4 JUDGE JONES: The letters that you
5 provided that I allowed opposing counsel to review
6 are letters that are standard for the complaint
7 that you filed, so the company in one letter is
8 responding to your complaint. The other letter
9 the Commission is responding to your complaint
10 telling you that we have received your complaint
11 and we will have a hearing, which is what we are
12 doing now.

13 However, the letter that you
14 described I thought was going to be a letter from
15 PECO. Now, I don't see that in the letters that
16 you provided for Ms. Lutz to review and for me to
17 review so I am going to ask you again, after you
18 said everything was beautiful with the power you
19 said that you received a letter from PECO. Do you
20 have a copy of this letter?

21 THE WITNESS: NO, ma'am, not with
22 me.

23 JUDGE JONES: All right. What
24 occurred that made you provide a complaint? Your
25 complaint was submitted September of this year so

1 it could not have been the collapse of 244
2 Stella. You told me, wait a minute Mr. Capella,
3 you told me that you called PECO about the
4 collapse in 2004 even though the collapse happened
5 in the Spring of 2002 but you didn't provide a
6 complaint until September of 2005 and you said
7 everything was beautiful about nine months ago
8 this year. My question to you, Mr. Capella, is
9 what happened so that you thought that you needed
10 to provide a complaint to the Commission?

11 THE WITNESS: What happened after I
12 did all the repairs.

13 JUDGE JONES: Wait a minute, you
14 did the repairs.

15 THE WITNESS: Not me I am just
16 saying they.

17 JUDGE JONES: After you handled the
18 repairs.

19 THE WITNESS: Yes.

20 JUDGE JONES: Okay When they did
21 the repair everything was okay. I am there with
22 you that is nine months. Let's say that was
23 February, March of 2005 but I am trying to find
24 out you said everything was beautiful February,
25 March of 2005 so what happened between February or

1 March of 2005?

2 THE WITNESS: They send me this
3 bill of \$16,000.

4 JUDGE JONES: There is something
5 that did occur.

6 THE WITNESS: Yes.

7 JUDGE JONES: There is a bill of an
8 amount that you don't think is an appropriate or
9 reasonable charge. Is that what you are saying?

10 THE WITNESS: Yes. My last bill,
11 this is my last bill and this is the previous bill
12 they sent me. My bill was \$68.00 and after the
13 repair they sent me this bill for \$16,000.

14 JUDGE JONES: Lets slow down a
15 minute. You have no copies of these bills that
16 you want me to see, correct?

17 THE WITNESS: No.

18 JUDGE JONES: How many bills are
19 there?

20 THE WITNESS: I got two bills.

21 JUDGE JONES: You have one prior to
22 the repair.

23 THE WITNESS: From February 23rd.

24 JUDGE JONES: And one after the
25 repairs?

1 THE WITNESS: October.

2 JUDGE JONES: So that is a
3 considerable time frame after the repairs, but it
4 is after October of 2005 and February of 2005.
5 Ms Lutz, would you like to see those bills?

6 MS. LUTZ: Yes, your Honor.

7 JUDGE JONES: For the record I have
8 a PECO bill that has PECO's logo billing date
9 February 2, 2005. We will refer to this as
10 Complainant Exhibit-1. It shows charges from
11 December 30, 2004 to January 31, 2005 PECO energy
12 charges zero. It has however a balance that was
13 due the last balance was \$222.05. However, the
14 payment was not for the total amount. The payment
15 that was received on January 26th was \$156.76
16 recognizing a balance of \$65.29, which was what
17 the amount due was for February 23, 2005.

18 I have Complainant Exhibit-2, which
19 is a PECO bill for Mr. Capella from August 31,
20 2005 to September 30, 2005. The billing date is
21 October 5, 2005. It has a balance billing of
22 \$16,681.57. It notes new PECO charges of \$133.75
23 for a total balance of \$16,815.32. We are
24 referring to this two-page bill as Complainant
25 Exhibit-2. The due date is October 26, 2005.

1 JUDGE JONES: Mr. Capella, I have
2 several questions in reference to these exhibits
3 that you have provided. One, it looks as if the
4 Complainant Exhibit-1 that you received a previous
5 bill that you did not pay a full amount. It looks
6 as if PECO was trying to make sure that you pay
7 the full amount. I find it very interesting on
8 this Complainant Exhibit-1 that there is no PECO
9 Energy charges for the time frame of December 30,
10 2004 to January 31, 2005. You never said that you
11 were not a PECO customer you just said that there
12 was a collapse of the building which affected the
13 wiring. I do note that I have read the company's
14 answer and it appears consistent with their answer
15 that they weren't aware because of the wiring that
16 they're alleging was an error that you were
17 getting service that they weren't charging you.
18 It appears as if this bill that you have submitted
19 is consistent with their answer.

20 The Complainant Exhibit-2 I find
21 somewhat curious Mr. Capella. One is that it was
22 dated October 5, 2005 yet your complaint is
23 September 9, 2005, so it seems as if there should
24 have been another bill that caused you to provide
25 the complaint to PECO not this particular bill.

1 This particular bill came to you after you filed
2 the complaint, but be that as it may, sir, the
3 balance that they have here it appears as if the
4 company is trying to bill you for actual usage,
5 which occurred between August 31st and September
6 30, 2005 for an amount over \$100 and then they
7 have a back balance that they are trying to bill
8 you and that is what has caused your bills to be
9 extreme in amount. I still based on your
10 testimony, sir, and having a problem in finding
11 out. I understand that you had a big bill, but I
12 am having a problem trying to find out what the
13 company did. Is it just that you just got a big
14 bill and that is what you are alleging.

15 THE WITNESS: Yes, your Honor.

16 JUDGE JONES: That is a little
17 different from what you have in your complaint.
18 Your complaint alleges reliability and safety
19 problems and not a billing issue, sir.

20 THE WITNESS: Your Honor, can I say
21 something?

22 JUDGE JONES: Go ahead.

23 THE WITNESS: In my neighborhood
24 all the residences all got digital meters. My
25 meter is an old fashioned meter they never changed

1 it. I gave complaints to put those main wires
2 outside which they never did. They just came to
3 tell me to replace the wire and that is it and
4 from there all these problems is happening. Right
5 now I don't have no heat.

6 JUDGE JONES: Mr. Capella, I am
7 trying to be patient with you, sir, you have to
8 make sure that you give me all the facts clearly.
9 It appears that in the little bit of time that I
10 have engaged you in conversation that your
11 changing facts.

12 THE WITNESS: I don't recall. I
13 just estimated the time.

14 JUDGE JONES: Okay. Now, you're
15 saying that your main complaint is that the bill
16 is too large and you don't believe that the bill
17 is reasonable for the service that you received?

18 THE WITNESS: No, your Honor.

19 JUDGE JONES: Okay. Are you saying
20 that you are no longer alleging that there is a
21 reliability, safety issue with your service or is
22 that in addition?

23 THE WITNESS: It is in addition.

24 JUDGE JONES: All right. The bills
25 that you have provided is this the only evidence

1 that you have sir?

2 THE WITNESS: For now.

3 JUDGE JONES: There is not going to
4 be another time, sir, this is the time and place.

5 THE WITNESS: I understand.

6 JUDGE JONES: All right. Is there
7 anything else that you wish -- in the last couple
8 of responses you have provided me with a lot more
9 information than you did initially. One was that
10 you have an old meter compared to the rest of your
11 neighbors and that you do not have a digital
12 meter. Did you request a meter change, sir?

13 THE WITNESS: No, your Honor.

14 JUDGE JONES: Did you provide
15 access to your home so that the company could
16 change your meter, sir?

17 THE WITNESS: If they come, yes.

18 JUDGE JONES: If they come, was the
19 company aware that you had an old meter?

20 THE WITNESS: Of course they took
21 it out and put it back.

22 JUDGE JONES: They changed it when,
23 sir?

24 THE WITNESS: The day they came to
25 inspect the job that the electrician did.

1 JUDGE JONES: They changed the
2 meter nine months ago this year, is that what you
3 are saying?

4 THE WITNESS: I am saying they took
5 it out and put it back.

6 JUDGE JONES: So they examined the
7 meter?

8 THE WITNESS: Yes.

9 JUDGE JONES: But they did not
10 change the meter?

11 THE WITNESS: Yes.

12 JUDGE JONES: So you still have
13 this old meter in your home?

14 THE WITNESS: Yes, your Honor.

15 JUDGE JONES: You also said
16 something that intrigued me you said you do not
17 have any heat?

18 THE WITNESS: Yes, your Honor.

19 JUDGE JONES: When did that occur,
20 sir?

21 THE WITNESS: About two years I
22 don't have no heat.

23 JUDGE JONES: You don't have any
24 heat for two years?

25 THE WITNESS: Just the electric

1 heaters that I got.

2 JUDGE JONES: Didn't you tell me
3 that you disconnected your baseboards?

4 THE WITNESS: I am talking about
5 electric heaters.

6 JUDGE JONES: Wait a minute.

7 THE WITNESS: Yes. I disconnected,
8 not me a friend of mine.

9 JUDGE JONES: You said that you
10 were only being heated by these space heaters,
11 right?

12 THE WITNESS: Yes, your Honor.

13 JUDGE JONES: Do the space heaters
14 still work?

15 THE WITNESS: Yes, your Honor.

16 JUDGE JONES: So you have heat,
17 sir?

18 THE WITNESS: In a couple rooms.

19 JUDGE JONES: That was due to you
20 under your control you disconnected baseboard
21 heaters in your home and you elected to just be
22 heated by these space heaters; is that correct,
23 Mr. Capella?

24 THE WITNESS: Yes, your Honor.

25 JUDGE JONES: Okay. All right. Is

1 it correct to say that you do have heat it is
2 through these space heaters, correct?

3 THE WITNESS: Yes, your Honor.

4 JUDGE JONES: All right. Is there
5 anything else that you wish to tell me, Mr.
6 Capella?

7 THE WITNESS: No, your Honor.

8 JUDGE JONES: Ms. Lutz, the witness
9 is available for cross.

10 CROSS-EXAMINATION

11 BY MS. LUTZ:

12 Q. Mr. Capella, let me address several issues
13 that you raised this morning. Are you currently
14 receiving service to your property from PECO
15 electricity?

16 A. Yes, sir.

17 Q. Is that service in your name?

18 A. Right now my wife changed it to her son.

19 Q. The service is not in your name it is in your
20 wife's sons name?

21 A. Yes. It suddenly came \$500 my wife did a
22 payment of \$200 and some dollars and the next bill
23 came \$700.

24 Q. If I can just interrupt you. When was
25 service taken out of your name and placed in your

1 wife's sons name?

2 A. It was never taken out. The service was
3 never turned off. They told me to make an
4 agreement of \$200 and some dollars plus my bill
5 that it was coming every month maybe of \$600,
6 which I couldn't pay it. Then I said I cannot pay
7 that bill lets see if anything wrong with the
8 electricity coming to my house and she changed it
9 to her son and the next bill was \$500. That is
10 ridiculous for a poor person to pay \$500 every
11 month.

12 Q. Why were the services changed to your wife's
13 sons name to see if the charges were different?

14 A. Yes. You could put it that way. To find out
15 what was the problem with the services. If it
16 were to come to my stepson maybe \$100 I would say
17 the service is all right. The bill kept raising
18 one month to a month and a half for \$700.

19 Q. Okay, sir, the service was in your name?

20 A. Yes, ma'am.

21 Q. You indicated that you believed that the bill
22 was too high?

23 A. Yes.

24 Q. So you voluntarily had it put in your wife's
25 sons name?

1 A. I didn't voluntary she did that on her own.
2 I was so stressed out that I didn't know what to
3 do.

4 Q. So you couldn't pay the bill so your wife had
5 her son's name placed on the account and your name
6 taken off the account?

7 A. Yes.

8 Q. About what time was that?

9 A. That was just a couple months not even two
10 months ago. I got the bills right here. I got
11 his bills.

12 Q. Right now the service is not in your name,
13 correct?

14 A. No.

15 Q. When you were answering the questions for the
16 Judge you indicated that back in about February
17 you had your service, you had the service
18 condition repaired, correct?

19 A. Yes.

20 Q. At that time after you had it repaired and
21 the PECO technician came to inspect ever since
22 then the service is beautiful, correct?

23 A. Yes.

24 Q. You indicated in your testimony this morning
25 that ever since that repair was made the service

1 is beautiful?

2 A. Yes.

3 Q. But in September you filed a complaint saying
4 that there was a problem with your service; is
5 that correct?

6 A. No, it is not correct. When I say it was
7 beautiful that is when they told me everything was
8 okay. I didn't have no complaint. My complaint
9 is the bill first it was \$21,000 now it is
10 \$16,000.

11 Q. You have no complaint about the service or
12 reliability you have a complaint only about the
13 bill?

14 A. Yes. That is the bill.

15 Q. Now, when you said that you first made the
16 repairs in February of '05 you said that a PECO
17 technician came and told you that the meter was
18 running slow?

19 A. Yes.

20 Q. What was the reason that a technician came to
21 your property and said that the meter was running
22 slow?

23 A. Like I told your Honor I called them because
24 I had some space heaters, baseboard heaters around
25 and they weren't getting hot. The technician came

1 and inspected, went to the basement, noticed that
2 the meter was running slow. He went outside on my
3 roof, checked my wire and he said that is the
4 problem you been having. I been in that house
5 long time ago and never had no problem. He told
6 me replace the wire, change the wire and you would
7 have good electricity I will come back and inspect
8 and you are okay. The guy came and did the repair
9 and the technician came. The meter was outside of
10 the panel I had to call them so they could inspect
11 and put it back.

12 Q. When you are indicating that the meter was
13 outside was it in the back of your property?

14 A. It is in the basement.

15 Q. You had to let them into the house?

16 A. He came in because I noticed him already, he
17 came in and they told me that the wire was not
18 good that I needed to replace it so I did. When I
19 did everything came out good the meter was running
20 good but they never changed my meter and then the
21 next bill. As a matter of fact I had a bill that
22 had zero balance I couldn't find it. I said this
23 is great I owe nothing because I paid my last
24 bill. Then that bill came of \$21,000. I have
25 been in my house paying my bills. I got bills

1 from water, your Honor, that I can show you. I
2 have bills from every utility that I pay.

3 Q. If I could just interrupt you let me try to
4 understand where we are at this point. A
5 technician came to your property and you called
6 and said your space heaters were not running
7 properly in February.

8 A. Yes.

9 Q. In February you indicated that someone came
10 out and said that the meter was running slow and
11 you had to make these repairs?

12 A. Yes.

13 Q. You made the repairs and a PECO technician
14 came back and said that the repairs were fine?

15 A. Yes.

16 Q. You said that you were using electric heaters
17 and your friend removed your baseboard heaters?

18 A. Yes.

19 Q. You testified to the Judges question about
20 the electric heaters that you were using them for
21 about two years?

22 A. Yes.

23 Q. Okay. So the baseboards were removed about
24 two years ago when you started using the electric
25 heaters?

1 A. Yes.

2 Q. You were using those electric heaters long
3 before the technician came out in February of '05?

4 A. They cut my light. It was winter and they
5 just cut it. I told them it is cold and they cut
6 my light, so I could do the repairs. They said I
7 cannot turn the light on so they cut it. I did
8 not have no job at that moment I had to borrow
9 some money to get the repairs done so they could
10 come and put my light back. That is when they
11 came and put it and checked everything,
12 inspected.

13 Q. You called and said your electric space
14 heaters were not working properly?

15 A. Right

16 Q. A technician came to your house and said you
17 must have your service changed?

18 A. Yes.

19 Q. You had your service changed and they came
20 back and they inspected it and it was okay?

21 A. Yes.

22 Q. Then the meter started running again?

23 A. Yes.

24 Q. At what point was your service turned off?

25 A. When I called to get the complaint about my

1 space heaters they wasn't getting hot that is when
2 they found out about the wire.

3 JUDGE JONES: Is it space heaters
4 or baseboard heaters?

5 THE WITNESS: I don't know how to
6 call them. The ones that go on the floor so I
7 told them I went up there. This is no good this
8 wire I been living in this house ever since and I
9 never had no problems that was the reason I
10 couldn't get no juice to the house that I needed
11 to replace it. I went to get the electricity they
12 replaced they came back went in my basement I
13 lifted it and I showed them outside. They did the
14 repairs professional they did it. He went
15 downstairs, took the meter, checked it was running
16 perfect everything is good and I even noticed the
17 meter started spinning more faster.

18 BY MS. LUTZ:

19 Q. It was not spinning prior to that time?

20 A. No.

21 Q. Okay.

22 JUDGE JONES: Wait a minute. What
23 was the answer to Ms. Lutz question when was your
24 service terminated?

25 THE WITNESS: When I called them.

1 JUDGE JONES: When you called them
2 about your baseboard heaters not getting hot.

3 THE WITNESS: Yes, your Honor.

4 BY MS. LUTZ:

5 Q. You called about your baseboard heaters not
6 getting hot?

7 A. Yes.

8 Q. Somebody came out although you said you were
9 using space heaters for two years?

10 A. It was baseboard heaters I had them on for
11 not too long. When I noticed they weren't getting
12 hot I was putting my hand and the other ones it is
13 no good, it is not getting hot. I said what can I
14 do I used to plug one thing and the light went out
15 so I called PECO Energy Company to come and
16 check. I told them look my baseboard heaters are
17 not getting hot. They said you are not receiving
18 240 like you should. He said you are not
19 receiving 240 you only receiving 120 and your
20 meter is not spinning like it is supposed to. I
21 said what should I do and he went back and
22 inspected the wire. I said this is the problem.
23 Since I moved to the house this wire been there I
24 never had a problem. That wire got to go you have
25 to replace it so you can have more electricity

1 coming to your house, so I got the electrician to
2 do the repairs. They came and inspected it.

3 Q. Mr. Capella, it is your testimony the first
4 time that the technician came to your property and
5 ever addressed the issue of the service being
6 improper was at what period of time?

7 A. The same day I called.

8 Q. When was that?

9 A. Around February when he cut my light.

10 Q. It is your testimony today that a technician
11 has not visited your property prior to that time
12 and told you that there's a problem with the
13 service?

14 A. There is a couple technicians came. First
15 came one then came another one. They sent me one
16 first to check. They sent another one to
17 inspect.

18 Q. When did the first one come to check?

19 A. I can't recall that.

20 Q. How many times was a technician at your
21 property?

22 A. About three times.

23 Q. That told you that there was a problem with
24 your service?

25 A. Yes.

1 Q. Three times?

2 A. Yes.

3 Q. Okay. It wasn't only in February; is that
4 correct?

5 A. It was in the same month that they came.

6 Q. It was the same month, not months before?

7 A. The same one two times in that month.

8 Q. Mr. Capella, do you recall getting any kind
9 of phone calls or letters from any representatives
10 from PECO asking for access to your meter in the
11 year 2004?

12 A. No.

13 Q. Do you recall calling the company after you
14 got a letter saying that your service would be
15 shut off if you don't call for access to the
16 meter?

17 A. Yes.

18 Q. You did get the letter asking for access to
19 the meter?

20 A. I didn't get no letter.

21 Q. You got a letter that told you your service
22 would be shut off?

23 A. Yes.

24 Q. Do you know when you got that letter?

25 A. No, I don't recall.

1 Q. So you got a letter saying if you don't
2 provided access to check the meter your service
3 would be shut off?

4 A. Yes.

5 Q. No time before that did you ever get any
6 notice for access to the meter?

7 A. As a matter of fact my light is still on.

8 Q. Your lights were still on?

9 A. Yes.

10 Q. You got a letter saying you have to provide
11 access into the meter?

12 A. I didn't receive no letter but I know that.

13 Q. You just said I did receive?

14 A. I didn't receive no letter. They state there
15 in the letter that they sent me that I need to
16 have access for them to come in. The problem is I
17 work and when they come I am working and nobody is
18 in the house. Some other houses outside they got
19 access to go and do it. If I am working and ain't
20 nobody in the house they can't go to the basement
21 because the meter is in the basement. Some other
22 people the meters are behind the houses or in
23 front of the houses. They don't need to go in
24 that is an issue that's been discussed for them to
25 have good access the meter was outside a lot of

1 houses they got the meter in the outside. Mine is
2 in the basement.

3 Q. Mr. Capella, I am a little confused at this
4 point. You said you called PECO that you got a
5 notice that your service was going to be
6 terminated for no access.

7 A. I got a notice of a bill I think \$258 which I
8 paid already and they never turned it off since
9 that day.

10 Q. On that bill there was some kind of
11 indication that you have to call PECO for access?

12 A. Yes. They gave me a paper saying that I need
13 to repair the wire in order for them to come and
14 turn the power back on.

15 Q. I think we are still a little confused here.
16 There was a point and time where PECO had to get
17 access to your service and they sent you some kind
18 of note whether it was on your bill or some kind
19 of written notice. You said that you have to call
20 PECO and let them access your meter or your
21 service would be turned off?

22 A. Yes.

23 Q. Did you call PECO?

24 A. Yes.

25 Q. Which technician came out one, two or three?

1 A. Two.

2 Q. Do you know when they came?

3 A. I didn't recall but I know they went and
4 raised the truck and went to my roof and cut my
5 light

6 Q. They came and cut your light?

7 A. Yes. I told them it is 10 below and you are
8 going to cut my light right now.

9 Q. Was that the time you said someone came in
10 February?

11 A. Yes.

12 Q. Someone came in February and cut your
13 service?

14 A. Yes.

15 Q. You said you got a notice that you have to
16 call PECO for them to access your meter?

17 A. Yes.

18 Q. You're saying now it is in February that you
19 called PECO?

20 A. Yes

21 Q. You don't recall when the other technicians
22 came to your property?

23 A. No.

24 Q. They did come to your property at some point?

25 A. I don't know. I wasn't there.

1 Q. You just said that there were three
2 technicians that came to your property.

3 A. The two guys that came that is when I was
4 there. The others they came but I wasn't in the
5 house.

6 Q. So they were at the property and you weren't
7 there?

8 A. I was working that day maybe.

9 Q. Maybe you were working?

10 A. Yes.

11 Q. Mr. Capella, when was your service shut off?

12 A. I don't recall. I think it was same time
13 February when I called them about this problem my
14 space heater wasn't getting hot. They turned it
15 off my power was on. When they came and inspected
16 it everything was okay. My power was still on.

17 Q. When they came and inspected your power was
18 on?

19 A. Yes.

20 Q. When did it go off?

21 A. It didn't go off. Since they did the repair
22 I got no problem. The power is there since that
23 time ain't no more problem the only problem is the
24 bill. That is the only problem I got the bill and
25 the brackets from the outside and the meter. My

1 power is still on since they came to inspect the
2 wire that the electrician did and all the work
3 that was supposed to be done the power is on.

4 Q. The power's on now but it is changed to your
5 wife's sons name?

6 A. Yes. I would like to bring that subject and
7 those bills. How is a new person in one month
8 going to spend \$500.

9 Q. Sir, that's not really what we are here for
10 today. You're saying that the technician came and
11 shut your service off and then you had the repairs
12 made; is that correct?

13 A. Yes.

14 Q. So there was a time that your service was
15 shut off?

16 A. Yes.

17 Q. You don't recall when that was?

18 A. No.

19 MS. LUTZ: Your Honor, at this time
20 I have no further questions. I am a little
21 confused

22 JUDGE JONES: You have a motion?

23 MS. LUTZ: Yes. At this time I
24 would like to make a motion to dismiss based on
25 his testimony.

1 JUDGE JONES: I will put that
2 motion under abeyance. I think that Mr. Capella
3 has provided confusing testimony at best. It does
4 appear that he has changed the scope of his
5 complaint in reading the paperwork prior to
6 hearing his testimony I was prepared for a
7 complaint about safety, reliability, quality of
8 service. It appears that he has more of a billing
9 issue. I do believe that you are able, Ms. Lutz,
10 to say, succinctly, to say that he no longer has a
11 safety, reliability complaint.

12 However, he also said something
13 about brackets which I am not sure whether that is
14 a safety issue or not. He has said something
15 about his meter, which I am sure the company was
16 prepared to address based on the company's
17 answer. I am aware that the company did not have
18 notice to the billing issue. However, as far as
19 the answer from the company it appears that they
20 had some notice to the meter issue. As far as the
21 brackets I am not sure whether the company had
22 notice on that. I am not sure whether that falls
23 in the reliability, safety, quality of service
24 catchall. I am not willing to dismiss the whole
25 complaint because of what we have elicited from

1 Mr. Capella. I understand why you provided the
2 motion, Ms. Lutz, but I think based on my
3 explanation I am going to have to decide it if you
4 should choose to raise it again after we have
5 elicited more testimony I will entertain that.
6 You say you're finished with your cross.

7 MS. LUTZ. If I may continue with
8 the cross and direct the answers to the focus of
9 the complaints, which is now the bracket issue.

10 JUDGE JONES: The brackets and the
11 meters.

12 MS. LUTZ: Okay.

13 BY MS. LUTZ:

14 Q. We have gotten to the point where we believe
15 your complaint involves changing the meter and the
16 brackets on the meter.

17 A. Yes.

18 Q. Your problem, could you explain more about
19 the problems with the brackets on the meter?

20 A. They don't assist

21 Q. They don't assist in what way?

22 A. Since the next door house from the back of
23 the house maybe turned off the wire some of these
24 wires are hanging everywhere. The brackets I
25 don't see no brackets in my house. Some of the

1 other houses have brackets holding the wire about
2 one feet away from the wall of the property and
3 each got two of them. One of each corner mine
4 don't have. That is why it is laying from the
5 next door house to my house in top of my son's
6 room and they been laying there. The only thing I
7 did was lift it up with a little wire because
8 every time it was raining my electricity or snow
9 whatever.

10 Q You are saying that the problems with the
11 brackets are inside your house on the meter?

12 A. No. The brackets from the outside that's for
13 the wires those are the ones outside the roof.
14 They are supposed to hold those wires sticking out
15 from the room. All the houses except the next
16 door mine don't have it either.

17 Q. Did you call PECO about the brackets?

18 A. I told them before when I was discussing the
19 wire. I told them but I didn't get no response.

20 Q When did you tell them?

21 A. The time that they came to inspect my wire.

22 Q. They inspected your wire?

23 A. That is what happened with the brackets that
24 is supposed to be taken those wires from my roof
25 nothing.

1 Q. Is it your testimony or allegation today that
2 because that bracket that should be out on your
3 roof you don't get proper service?

4 A. I didn't say that. I say it dangerous
5 because they were laying on top of my roof.

6 Q. The wire is laying on top of your roof?

7 A. Yes, that's right.

8 Q. The wire is laying on top of your roof?

9 A. Yes.

10 Q. Okay. Was the PECO technician out to inspect
11 that wire?

12 A. Yes.

13 Q. Did they say there was a safety problem with
14 it?

15 A. No.

16 Q. They didn't ask you to make any changes?

17 A. They told me to replace my wire. There was
18 no discussion about this is dangerous or that is
19 causing this, none of that.

20 Q. When you had your contractor at your property
21 to change your service wire did he look or make
22 any suggestions on this wire that you are
23 complaining on the roof?

24 A. No.

25 Q. Did you ask him to take a look at it?

1 A. No.

2 Q. Why do you think there is a problem, a safety
3 problem with it?

4 A. Well, because the connection is right there
5 between the other house and mine. When water goes
6 in those wires and sometimes the roof they hold
7 water like water on the roof there could be those
8 wires sitting in water.

9 Q. You don't have a problem with that do you?

10 A. I don't because I raised the wires up.

11 Q. You didn't ask the electrician to check that
12 for you?

12 A. He don't touch that. He just did the work
14 that I asked him.

15 Q. All right. If we can move back to access to
16 changing your meter. Do you recall PECO ever
17 contacting you to have access to change that
18 meter?

19 A. No.

20 Q. Do you recall why you got the notice saying
21 that if you don't provide access --

22 A. No.

23 Q. You did get a notice saying you had to call
24 PECO or your service would be terminated?

25 A. Yes.

1 Q. That you had to provide access.

2 A. No.

3 Q. Do you know if that was to change the meter
4 or not?

5 A. No.

6 MS. LUTZ: At this time I have no
7 further questions for him.

8 REDIRECT EXAMINATION

9 BY JUDGE JONES:

10 Q Mr. Capella, let me try to explain some
11 things to you. Your complaint, sir, addressed
12 reliability, safety and quality from PECO. It did
13 not address unreasonableness of your bill. The
14 company did not have notice that when they came
15 here today that they would be discussing your
16 bill. That is not fair to the company. We have a
17 dispute but we also have to do things fairly so
18 that we do not waste people's time. That part of
19 your complaint, sir, we will not be addressing
20 because the company is not prepared to go forward
21 with that complaint. If you would like to pursue
22 that, sir, you would have to file a complaint
23 succinctly stating that you have a billing
24 problem.

25 You have also stated in testimony

1 exchanged with Ms. Lutz that your stepson is the
2 responsible rate payer currently on the bill and
3 that occurred maybe two months ago. Anything
4 addressing your bill you would have to make sure
5 that your stepson is the person that provides the
6 complaint. Because your stepson is not here we
7 will not be addressing the bill.

8 A. I understand, your Honor.

9 Q. I am not sure but I am going to make sure on
10 the record that your stepson is residing at 242
11 Stella. He does have the same billing address?

12 A. Yes, your Honor.

13 Q. You have raised as far as your safety,
14 reliability and quality issue that fact that you
15 have an old meter and the fact that you have
16 brackets. These brackets were not addressed by
17 your electrician based on the testimony that you
18 have provided. Also, based on the testimony that
19 you have provided the wiring that has been sagging
20 on the roof existed at least two years because the
21 collapse of the property on the left side of your
22 residents at 244 Stella caused the collapse of the
23 wiring and that occurred in 2002. You did not
24 have someone come to look at it until February of
25 this year, so that is at least I am being very

1 liberal that is at least two and a half years that
2 this wiring has been in this state You allege
3 that this is a dangerous state to be in however
4 you have lived with it for two and a half years?

5 A. Yes.

6 Q. I am stating a summary of how I understand
7 your testimony.

8 A. I understand, your Honor.

9 Q. You have also stated that you did not have
10 your electrician address that state because you
11 had him address what you wanted him to address, so
12 you allowed him not to address this state.

13 A. Yes, your Honor.

14 Q. This is how I understand your testimony, Mr.
15 Capella.

16 A. Yes.

17 Q. Just so we are clear we are addressing your
18 meter issue, which is an old meter and appears as
19 if we are have an access issue to also address in
20 conjunction with the meter issue and these
21 brackets that hold the wiring to your house and
22 that's outside of your house not inside of your
23 house. Do we all understand?

24 MS. LUTZ: Yes, your Honor.

25 JUDGE JONES: At this time, Mr.

1 Capella, I am going to allow the company to
2 provide their side of the story. They will
3 present witnesses and you will be allowed to ask
4 questions of their witnesses. However, when they
5 are providing testimony just as they did not
6 interrupt you when I was asking questions you are
7 not to interrupt them until I allow you to ask
8 questions. Do you understand that, sir?

9 THE WITNESS: Yes, your Honor.

10 JUDGE JONES: Ms. Lutz, I am ready
11 for the presentation of your case.

12 MS. LUTZ: Thank you, your Honor.
13 I will call Ms. Renee Tarpley.

14 JUDGE JONES: Ms. Tarpley, I will
15 allow you to stay there. Would you raise your
16 right hand, ma'am.

17 Whereupon,

18 RENEE TARPLEY

19 having been duly sworn, testified as follows:

20 JUDGE JONES: State your full name
21 spelling your last name.

22 THE WITNESS: Renee Tarpley,
23 T-A-R-P-L-E-Y.

24 JUDGE JONES: Whom are you employed
25 by?

1 THE WITNESS: PECO Energy.

2 JUDGE JONES: In what capacity?

3 THE WITNESS: I am a regulatory
4 assessor.

5 JUDGE JONES: Ms. Lutz, you may
6 continue with your witness.

7 MS. LUTZ: Thank you, your Honor.

8 DIRECT EXAMINATION

9 BY MS. LUTZ:

10 Q. Ms. Tarpley, how long have you been employed
11 by PECO?

12 A. Approximately 20 years.

13 Q. Would you please describe your duties as a
14 regulatory assessor?

15 A. I am responsible for reviewing informal and
16 formal complaints filed with the Bureau of
17 Consumer Services.

18 Q. In the course of your employment have you had
19 the opportunity to review and become familiar with
20 the account of Mr. Luis Capella?

21 A. Yes.

22 Q. Ms. Tarpley, we are now focusing on the issue
23 of access to this meter. Can you please confirm
24 for us after review of the records the meter at
25 this property have the readings been estimated or

1 actual?

2 A. The readings were estimated for a time prior
3 to I believe it was March of 2005.

4 Q. Do your records indicate that PECO attempted
5 to gain access to this property?

6 A. Yes.

7 Q. What was the purpose of gaining access?

8 A. The purpose was to check the meter at the
9 property.

10 Q. Was PECO also going to install or change the
11 meter at that property?

12 A. We were going to install a meter at the
13 property as well as do maintenance.

14 Q. Okay. Now, how does PECO notify the customer
15 that they need access to the property?

16 A. There are several ways that we attempt to
17 notify the customer. It is either via letter and
18 also telephone attempts.

19 Q. Do your records indicate that there were any
20 telephone attempts made to the property or letters
21 sent to the property requesting access?

22 A. Yes. Company records are noted that
23 telephone and a letter was sent to the customer
24 April 13, 2004. A representative attempted to
25 contact the customer April 16, 2004 and at that

1 time they were able to schedule a maintenance
2 appointment on April 23, 2004. April 23, 2004 a
3 field technician did go to the customer's property
4 at that time and found the customer was not
5 getting full 240 volts of service and recommended
6 that the customer get a contractor at that time.

7 Q. Were there, you said that an appointment was
8 made was the meter changed at that time?

9 A. No. There was no access to the meter.

10 Q. Okay. There was no access to change the
11 meter to an automated meter reading unit?

12 A. There was no access to the meter at that
13 time.

14 Q. Was there any further attempts made to get
15 access for this meter maintenance?

16 A. May 10, 2004 a representative did contact Mr.
17 Capella and another meter reading appointment was
18 scheduled for June 4, 2004. At that arrival on
19 June 4, 2004 there was no answer or access to the
20 meter and they left a card for the customer to
21 contact the company.

22 Q. Were there any further attempts?

23 A. June 15, 2004 and at that time the telephone
24 number listed had been disconnected. On June 17,
25 2004 the phone was still disconnected and we

1 attempted to contact the customer at the work
2 number and the individual indicated that the
3 customer was no longer employed at that number.
4 July 14, 2004 another letter was sent to the
5 customer for meter maintenance. July 19th Mr.
6 Capella agreed to an appointment for July 26, 2004
7 between 7 and 12 p.m.

8 Q. Is that 7 a.m. to 12 p.m. so that was a
9 morning appointment made?

10 A. Yes.

11 Q. Was that appointment successful?

12 A. No. The company contacted Mr. Capella and
13 informed we had to reschedule that appointment for
14 August 16, 2004. On August 14th that appointment
15 was rescheduled because Mrs. Capella stated she
16 would be off of work on that date. They had to
17 reschedule that appointment.

18 JUDGE JONES: Excuse me, Ms.

19 Tarpley, the rescheduled appointment for the 26th
20 of July the company had to reschedule that. Then
21 there was an appointment for August 16th. Then
22 you said August 14th that Mrs. Capella had to
23 reschedule. Now, I am a little confused because
24 there is two days in place August 16th and August
25 14th. Why was Ms. Capella calling about August

1 14th if the schedule was for August 16th?

2 THE WITNESS: The customer called
3 and let us know they would not be available August
4 16th because no one would be there to give us
5 access. They said they would be available on
6 August 18, 2004.

7 JUDGE JONES: Let me make sure I
8 understand your testimony. The scheduled
9 appointment was for August 16th. On August 14th
10 Ms. Capella called to say she would not be
11 available for August 15th so there was a meeting
12 of the minds to reschedule August 18th.

13 THE WITNESS: That is correct.

14 JUDGE JONES: You may continue.

15 BY MS LUTZ:

16 Q. Ms. Taibley, that access provided on the
17 reschedule date of August 18, 2004?

18 A. There is no indication of the results of the
19 appointment for August 18, 2004.

20 Q. Okay. Do you have any records that the meter
21 was changed on August 18, 2004?

22 A. There is no record of a meter change
23 occurring on that date.

24 Q. Do you have further records that there were
25 attempts but no permission for access?

1 A. August 24, 2004 a technician went to the
2 property. He was checking a stop meter but there
3 was no access so a card was left for a customer to
4 contact the company.

5 Q Did the customer contact the company?

6 A No. There was no record of a customer
7 contacting the company.

8 Q. When did PECO further attempt to get access
9 to that property for meter maintenance or meter
10 changes?

11 A. September 7, 2004 a telephone attempt was
12 made but message received was that the telephone
13 number was not in service. October 30, 2004 we
14 again made a telephone attempt and service was not
15 available telephone was not available. November
16 12, 2004 we did leave a ten day termination notice
17 for an effective date of November 22, 2004.

18 Q. If I can stop you there. Could you please
19 explain what is a termination notice?

20 A Termination notice is notifying the customer
21 of the possibilities that services may be
22 discontinued for whatever reason for delinquency.
23 In this particular case we were in a no access no
24 read situation where we are obligated to read the
25 customer's meter. If not we have to move forward

1 at least try to get readings or if not it is a
2 possibility that service would be discontinued.

3 Q. Your testimony is on November 12, 2004 there
4 was a notice of impending termination possibility
5 because of no access for at least a six month
6 period, correct?

7 A. That is correct.

8 Q. Did the customer contact the company?

9 A. No.

10 Q. What further contact do you have?

11 A. The company then if the company initiated an
12 appointment for November 19, 2004 to secure a
13 meter reading or leave a 72 hour notice.

14 Q. When you say company initiated are you
15 indicating that the company visited the property
16 on that date?

17 A. No. What I am stating is that the company is
18 scheduling an appointment for that date to either
19 secure a meter reading or leave a 72 hour notice.

20 Q. There was an appointment made at that time?

21 A. Yes.

22 Q. Could you tell us about that appointment?

23 A. November 19, 2004 a technician did go to the
24 property. He discovered an illegal hook up at the
25 property. He indicated that the electric meter

1 was not spinning and a customer hit a service line
2 going over his roof next door with two wires
3 connecting to the PECO lines in back of the
4 house. He also indicated that the meter board in
5 the basement had exposed wires at the top of the
6 box.

7 Q. What happened at that time?

8 A. They referred it to the Revenue Protection
9 Department for further investigation.

10 Q. You are indicating the Revenue Protection
11 Department investigates irregular meter
12 conditions?

13 A. That is correct.

14 Q. After they became aware of it what happens
15 next?

16 A. They first will make an attempt to contact
17 the customer and try to explain why they need to
18 get into investigate the situation or evaluate the
19 situation.

20 Q. Okay. Did in fact Revenue Protection contact
21 Mr. Capella?

22 A. They did on November 23, 2004 they contacted
23 the customer. An appointment was scheduled for
24 November 29, 2004 in the afternoon.

25 Q. Okay. Let me see, were there any visits to

1 the property before December or what visits to the
2 property do you have in December?

3 A. December 15, 2004 Mr. Capella telephoned the
4 company and he reported that he had no lights at
5 the property.

6 Q. Okay Did someone from PECO respond to the
7 property at that time?

8 A. Yes. That was on December 15, 2004.

9 Q. What do your records indicate about that
10 visit?

11 A. The technician went out to the property. He
12 went for the no light situation and found
13 defective wiring and therefore he cut for safety
14 condition and referred the customer for a
15 contract.

16 MS. LUTZ: I would like to reserve
17 further to Mr. Colon who was the person who
18 actually visited the property and is here today.

19 JUDGE JONES: Very well.

20 BY MS. LUTZ:

21 Q. After that visit, Ms. Tarpley, do your
22 records indicate that there was any kind of notice
23 left at the property?

24 A. Yes. January 10th another technician went
25 out to the property to verify the illegal hook up

1 situation and see if it still existed. There was
2 no access to the rear of the property, so we
3 needed a bucket truck to check the connections at
4 the rear of the property. On January 12th a 30
5 day repair notice was left at the property so the
6 customer was informed to replace the damage
7 service entrance cable at the property.

8 Q. Do your records indicate when the repairs
9 were verified at this property?

10 A February 7th our records indicate that the
11 Revenue Protection field technicians indicated
12 that the repairs were made at the property.

13 Q. Was there meter maintenance done at that
14 time?

15 A. Yes. He made sure that the meter was safe
16 and he obtained a reading at the property.

17 Q. There was an actual reading obtained at that
18 time?

19 A. Yes.

20 Q. Ms. Tarpley, is there any where in your
21 records where the customer complained about any
22 brackets or issues with the brackets at his
23 property?

24 A. No bracket issues. It was no light
25 situation.

1 MS. LUTZ: I have no further
2 questions for Ms. Tarpley.

3 JUDGE JONES: Mr. Capella, do you
4 have questions for Ms. Tarpley.

5 MR. CAPELLA: No, ma'am.

6 CROSS-EXAMINATION

7 BY JUDGE JONES:

8 Q. In your testimony I want you to go back to
9 November 23, 2004.

10 A. Yes.

11 Q. You said that there was a contact with the
12 customer and an appointment was scheduled for
13 November 29, 2004?

14 A. That is correct.

15 Q. However, you never said what occurred on
16 November 29, 2004. Your attorney took you to
17 testimony in December, so I would like to know
18 what occurred on November 29, 2004?

19 A. The field technician made an attempt at the
20 property there was no answer or access. At that
21 time he left a 48 hour termination notice and a
22 card for the customer to contact us.

23 Q. Okay. I have a question I believe it is
24 about the policy of PECO and I hope that you are
25 the right person to ask this question. It appears

1 from your testimony that there was a time that you
2 discovered the telephone number for this customer
3 was not accurate or did not work for this
4 particular residents as well as the telephone
5 number from where he was employed. The testimony
6 said that you called and they said he was no
7 longer employed there. However, it appears as if
8 the company continued to try to contact the
9 customer by telephone at residents as opposed to
10 mailing a letter at the residents to gain contact
11 with the customer.

12 My question is that the policy of
13 the company to continue to contact through the
14 telephone once the company has noticed that the
15 telephone number is no longer active?

16 A. It all depends. If we are given a wrong
17 number or if it is disconnected. In this
18 particular case his line was disconnected they
19 made the two telephone attempts because he might
20 get the service turned back on. That is what
21 happened in June of 2004 and so it was
22 disconnected for the first two attempts and they
23 sent a letter thereafter. Now, the next time in
24 September it said it was not in service so they
25 made the two telephone attempts and then they sent

1 the 10 day termination notice.

2 Q. My other question is, was the customer
3 receiving bills at that address all during the
4 time that the company was trying to contact the
5 customer?

6 A. We have records that the customer was
7 receiving bills. We have no record that any mail
8 was returned via the U.S. Postal Service.

9 Q. Was the customer providing payment for bills
10 over that time frame since there is no record that
11 bills sent out were returned?

12 A. Customers were making sporadic payments
13 during that time period.

14 Q. So you have no record that any of the
15 information that was sent by mail be it bills or
16 notice was returned to the company?

17 A. That is correct.

18 Q. You have record that the customer was
19 responding at least to bills with sporadic
20 payment?

21 A. That is correct.

22 JUDGE JONES: I believe I am
23 finished with questions from Ms. Tarpley. Mr.
24 Capella, do you have any questions in reference to
25 the questions that I asked her?

1 MR. CAPELLA: No, your Honor.

2 JUDGE JONES: Ms. Lutz, do you have
3 any questions in reference to the questions that I
4 had asked.

5 MS. LUTZ: No, I don't.

6 JUDGE JONES: I assume that you are
7 finished with this witness.

8 MS. LUTZ: Yes, I am.

9 JUDGE JONES: Ms. Tarpley, you are
10 excused.

11 THE WITNESS: Thank you.

12 JUDGE JONES: Ms. Lutz, did you
13 reserve the right to call Ms. Tarpley or are you
14 reserving the right to finish this issue through a
15 different witness

16 MS. LUTZ: That is correct, your
17 Honor.

18 JUDGE JONES: I am ready for our
19 next witness.

20 MS. LUTZ: At this time I would
21 like to call Mr. Raphael Colon.

22 JUDGE JONES: Mr. Colon, you may
23 stay there, sir, but I need for you to raise your
24 right hand to swear you in.

25 Whereupon,

1 electricity, energy, gas emergencies also
2 restoration of service.

3 Q. Is that service response and your technician
4 responsibilities in regard to electric, gas or
5 both services by PECO?

6 A. Both services by PECO.

7 Q. In the course of your employment have you had
8 the opportunity to review the records of the
9 complaint today by Mr. Luis Capella?

10 A. Yes, I have.

11 Q. Did you have an opportunity to visit this
12 property at 242 West Stella Street in
13 Philadelphia?

14 A. Yes, I did.

15 Q. Tell us when you visited the property?

16 A. I visited the property on December 15, 2004.

17 Q. Why did you visit this property?

18 A. I received an order in reference to a turn
19 off.

20 Q. When you received an order is that a service
21 work order?

22 A. Service order.

23 Q. Where did you receive that from?

24 A. It originated from the call center and it
25 comes to us.

1 Q. You received a service order and why were you
2 scheduled to go out to that property?

3 A. To turn on the service for the new customer
4 that we have on record.

5 Q Okay. So you went to the property on
6 December 15, 2004?

7 A. Correct.

8 Q. To turn service on. What did you find when
9 you arrived at that property?

10 A. When I arrived at the property I noticed that
11 the service wasn't disconnected. I noticed that
12 the only way to energize the service we would need
13 access to the connection from the rooftop and I
14 called for assistance with the bucket truck.
15 While I was there I met up with the customer and
16 while we were scoping the job, it was late at
17 night probably around 6 o'clock in the evening
18 dark, cold. It was very cold and I noticed the
19 service entrance cable or so-called service
20 entrance cable, which was not the appropriate size
21 for a normal residential property.

22 Q. When you went to this property to restore
23 service do you know why the electricity was off at
24 the property?

25 A. At that time I was having a difficult time

1 trying to find out what was the reason why I was
2 terminated. The more that I spoke with the
3 dispatchers so they could check the record it
4 seems like it was shut off for a defective cable.

5 Q. So you went to the property and did you get
6 access to the rooftop?

7 A. No. Once I noticed the cable there was no
8 need to go to the rooftop.

9 Q. Okay. What did you do at that time?

10 A. I explained to Mr. Capella the size of the
11 cable that he had was not the appropriate size.
12 He was using what we call a Number 10 wire and
13 Number 10 wire is the size wire that you would use
14 to run a 240 volt that could be an electric dryer,
15 electric range, electric water heater, baseboard
16 heat and so forth. Not to run an entire single
17 home.

18 Q. Mr. Colon, who would have installed this
19 cable, this service entrance cable, is that
20 customer equipment?

21 A. That is definitely customer equipment.

22 Q. At that point could you restore service?

23 A. No.

24 Q. Did you, in fact, restore service?

25 A. No.

1 Q. You explained that to Mr. Capella directly?

2 A. Yes.

3 Q. Did you recall on that visit did he make any
4 complaints about the outside brackets?

5 A. Not at all.

6 Q. Okay. But he did understand that he had to
7 replace the service entrance capable?

8 A. I made sure that he understood exactly what I
9 was telling him.

10 Q. Did you inform him on what he had to do when
11 those repairs were made?

12 A. Correct.

13 Q. What did you tell him he had to do?

14 A. I explained to him that he definitely needs
15 100 amps service entrance capable. Also I
16 informed him that he is discussing the matter with
17 me he should be saving that energy to talk to an
18 electrician. There is nothing I could do at that
19 present time. If I am not mistaken I left him a
20 notice of the hazardous conditions that was there.

21 Q. Did you define this as a hazardous condition
22 that you could not restore service?

23 A. Correct.

24 MS. LUTZ: No further questions for
25 Mr. Colon.

1 JUDGE JONES: Very well. Mr
2 Capella, do you have any questions for Mr.
3 Capella?

4 MR. CAPELLA: No.

5 JUDGE JONES: Mr. Colon, I have a
6 couple questions for you.

7 CROSS-EXAMINATION

8 BY JUDGE JONES:

9 Q. On December 15th you came to 242 West Stella
10 there was an appointment that was made so Mr.
11 Capella was there?

12 A. Yes.

13 Q. You did state that you arrived at 6 p.m.

14 A. Around that time.

15 Q. I wanted to make sure that it was p.m. but 6
16 a.m. is dark too.

17 A. In the evening.

18 Q. It is possible that's why Mr. Capella was
19 home because he may have been off from work at
20 that time; is that correct, sir?

21 A. It is a possibility.

22 Q. You did not investigate anything as far as
23 the meter because you saw this hazardous condition
24 with the cable?

25 A. Correct.

1 Q. Once you saw the hazardous condition with the
2 cable you did not investigate any further with the
3 property. correct?

4 A. That is correct.

5 Q. You are emphatic about the wiring that's the
6 only thing that you addressed you did not address
7 any bracket?

8 A. That is correct. The order was just for a
9 turn on for the new customer on record now.

10 Q. Okay.

11 JUDGE JONES: Mr. Capella, do you
12 have any questions based on the questions that I
13 asked Mr. Colon?

14 MR. CAPELLA: No, your Honor.

15 JUDGE JONES: Ms. Lutz, do you have
16 any questions based on the questions that I asked
17 Mr. Colon?

18 MS. LUTZ: No, I do not.

19 JUDGE JONES: Ms. Lutz, may I
20 assume that you are finished with Mr. Colon.

21 MS. LUTZ: Yes.

22 JUDGE JONES: Mr. Colon, you are
23 excused, sir, thank you. Mr. Capella, we have now
24 come to the time where we have elicited all
25 testimony from all the parties.

1 Ms. Lutz, do you have any further
2 witnesses for me to hear before I make that
3 assumption that we have elicited testimony from
4 all parties?

5 MS. LUTZ: I have no further
6 witnesses.

7 JUDGE JONES: Mr. Capella, we have
8 heard from all witnesses regarding your
9 complaint. Sir, I am going to return to you your
10 bills that you have submitted. We had marked them
11 as Complainant-1 and Complainant Exhibit-2.
12 However, we did not admit them into evidence. The
13 reason we did not admit them we are not addressing
14 your bill issue. As I explained to you earlier
15 the company had no notice of your billing issue so
16 you may need if you want to further pursue that
17 but we are not admitting them into evidence
18 today. Do you understand that, sir?

19 MR. CAPELLA: Yes, your Honor.

20 JUDGE JONES: At this time I will
21 hear a summary of everything that you would like
22 for me to understand in reference to your
23 complaint.

24 MR. CAPELLA: Yes, your Honor. I'd
25 just like to state that I wish this could be over

1 because it is stressing me out. I can't afford to
2 pay that amount of money. I would like to do
3 something that I could turn the table to see if I
4 could fix this problem. Its been in my head ever
5 since \$16,000 I don't make that much money.

6 JUDGE JONES: Let me stop you
7 there, sir. As i tried to explain to you we are
8 not addressing the bill, which means we are not
9 addressing the \$16,000. What I need for you to
10 address is the meter issue, access to the meter.

11 MR. CAPELLA: They will have access
12 to the meter.

13 JUDGE JONES: And also the bracket
14 issue that is what you raised. If you would like
15 to hear anything in reference to those issues I
16 will

17 MR. CAPELLA: No, your Honor.

18 JUDGE JONES: If you decide to
19 provide me with more information about the
20 \$16,000, sir, I will have to stop you.

21 MR. CAPELLA: I understand.

22 JUDGE JONES: Do you have anything
23 further?

24 MR. CAPELLA: No, your Honor.

25 JUDGE JONES: Ms. Lutz, do you have

1 anything further?

2 MS. LUTZ: I would briefly restate
3 that testimony presented this morning was that
4 there was no complaints about the brackets at the
5 property. PECO attempted many, many appointments
6 for access for meter maintenance at this property
7 and was not successful in those attempts with the
8 customer. They certainly did make multiple
9 attempts and made the visits as scheduled and
10 there was no cooperation by the customer.

11 JUDGE JONES: Thank you, Ms. Lutz.
12 Mr. Capella, at this time I take the time to make
13 sure that you understand what the process is after
14 we leave here. I have heard your testimony and I
15 have heard the testimony of the company. What I
16 then do is I take everything that I have heard.
17 We have a court reporter that is sitting in front
18 of me who is providing a transcript of everything
19 that was said. I will refer to the transcript in
20 writing my decision. I will write a decision and
21 my decision is due 90 days after I close the
22 record. Normally, I close the record after we
23 finish the hearing. It will probably be sometime
24 in March that I will have a decision written.
25 However, if I get rather ambitious it could be

1 before March.

2 Once that decision is issued the
3 Commission has several options. The Commission
4 can choose to review that decision and in that
5 instance there will be a way that you are notified
6 that the Commission will review that decision.
7 You will be notified that the decision is out. If
8 you should disagree with the decision you can file
9 your disagreement. It is called exceptions. The
10 cover letter for the decision will have
11 instructions as to how you should proceed to file
12 exceptions. It is normally 20 days from the date
13 that you receive that decision that you must tell
14 the Commission that you do not agree with my
15 decision. You can't just say you don't agree.
16 You have to say why you don't agree and it has to
17 be submitted in writing. The company is also
18 afforded with the opportunity to say they don't
19 agree with my decision. They should if they
20 decide they don't agree with my decision also are
21 given 20 days to file why they don't agree and it
22 has to be in writing. They have to provide that
23 to you as well as to the Commission. If you
24 should say you don't agree you have to provide
25 that to the company as well as to the Commission.

1 If someone should say they don't agree than the
2 other person is allowed to say why they think that
3 the person doesn't agree is all wrong and I am
4 right. They will then be given 10 days to file
5 what is called reply exceptions and they have to
6 send that to the parties that filed exceptions as
7 well as to the Commission.

8 Then the Commission takes
9 everything my decision, the transcript, the
10 exceptions, the reply exceptions and they review
11 all of it as well as your complaint and the
12 company's answer. They will then decide what they
13 think the final resolution should be to this
14 dispute. That can take a lot of days. I cannot
15 tell you the date that will occur. However, the
16 Commission like you are very concerned that they
17 resolve everything and that they put this behind
18 them so you have your day in court. They will be
19 diligent about looking through everything and
20 providing a decision. As I want to make sure that
21 you had your day in court that we have come to a
22 fair and reasonable decision and that we can move
23 on. I don't expect for you to remember all of
24 this, but do you have any questions for what I
25 have told you thus far?

1 MR. CAPELLA: No, your Honor.

2 JUDGE JONES: There is the
3 opportunity for you to also receive the transcript
4 so that if you want to make sure that I am
5 accurate in writing my decision and what I found
6 in the transcript that you can do that. There is
7 a charge for the transcript if you should want to
8 have the transcript you need to talk to the court
9 reporter off the record and she will make sure
10 once she has secured the correct amount for the
11 transcript that you have it sent to you. You have
12 to do that on your own. Do you understand that?

13 MR. CAPELLA: Yes, your Honor.

14 JUDGE JONES: There is also the
15 possibility that you could come to a resolution
16 through what they call a settlement. I did not
17 provide that at the beginning of the hearing. To
18 check with the parties to see if you had in fact
19 talked with the company to settle this matter
20 prior to this matter, prior to hearing. If you
21 wish to do that now, sir, we can go off the record
22 and you can talk to the company to see if they
23 will settle this matter. Do you wish to do that
24 now?

25 MR. CAPELLA: Yes.

1 (Whereupon, a discussion was held
2 off the record.)

3 JUDGE JONES: Back on the record it
4 is my understanding that you were unable to come
5 to a settlement. Is that your understanding, sir?

6 MR. CAPELLA: Yes, your Honor.

7 JUDGE JONES: We will await my
8 decision. Is there any questions that you have
9 for me, Mr. Capella?

10 MR. CAPELLA: No, your Honor.

11 JUDGE JONES: Ms. Lutz?

12 MS. LUTZ: Nothing further, your
13 Honor.

14 JUDGE JONES: Thank you. We are
15 adjourned.

16 (Whereupon, at 11 o'clock a.m., the
17 hearing was adjourned.)

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.

By: *Souenda S. Taylor*
Souenda S. Taylor

SECRETARY'S BUREAU
2005 JUN 11 - 9 AM 9:59