

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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Marcia Lutter v. PECO Energy Company. :  
 Requests payment arrangements/Billing :  
 dispute. : Docket No.  
 : F-01916806  
 :  
 Initial Hearing. :  
 :  
 -----X

Pages 1 through 6

Hearing Room 1301  
State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania

**DOCKETED**  
MAR 16 2006

Tuesday, February 28, 2006

Met, pursuant to notice, at 9:30 a.m.

BEFORE:

MARLANE R. CHESTNUT, Administrative Law Judge

*J.M.*

APPEARANCES:

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

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WITNESSES

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EXHIBIT INDEX

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P R O C E E D I N G S

1  
2 ADMINISTRATIVE LAW JUDGE MARLANE R. CHESTNUT: This is the  
3 hearing scheduled at Docket F-01916806. Marcia Lutter versus PECO  
4 Energy Company. For the record, let me state that I am Administrative  
5 Law Judge, Marlane R. Chestnut and I will note the following appearance  
6 for the record. Lisa Lutz representing PECO Energy Company.

7 Let me state that yesterday I did receive a fax from our Harrisburg  
8 office, a letter from Ms. Lutz asking for a continuance and I am denying  
9 that request. Why I am not sympathetic is because this is her second one  
10 and she doesn't indicate that she is in any position to prosecute this  
11 complaint in the near future. Do you have anything to say Ms. Lutz?

12 MS. LUTZ: Your Honor, we appreciate you denying that  
13 continuance request as it was certainly not timely and we had not even  
14 received a copy of the letter.

15 JUDGE CHESTNUT: Yes. I faxed it to you.

16 MS. LUTZ : Yes, but she had failed to send us a copy.

17 JUDGE CHESTNUT: Yes. It also kind of indicates that she wouldn't  
18 show up anyway because she says that the hearing is not going to change  
19 her financial situation. Have you attempted to contact her?

20 MS. LUTZ: Yes, Your Honor. Mr. Costello actually spoke to her  
21 recently and she never indicated that she would be requesting a  
22 continuance.

23 JUDGE CHESTNUT: Were they able to work it out?

24 MS. LUTZ: No. They were not able to reach the payment  
25 agreement that she requested.

1 JUDGE CHESTNUT: Okay. Well, that's a shame for her, I guess,  
2 but I would urge you to continue to see if you can work it out, just because  
3 she is a customer.

4 MS. LUTZ: Certainly.

5 JUDGE CHESTNUT: On the other hand, are you going to make a  
6 motion to dismiss for failure to prosecute?

7 MS. LUTZ: Yes, Your Honor. I would like to make a motion to  
8 dismiss for failure to prosecute.

9 JUDGE CHESTNUT: Obviously your motion is granted. Anything  
10 further?

11 MS. LUTZ: No, Your Honor.

12 JUDGE CHESTNUT: Then this hearing is adjourned.

13 MS. LUTZ: Thank you, Your Honor.

14 (Whereupon, at 9:35 a.m., the proceedings were concluded.)  
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CERTIFICATE

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: Georgette McEwan

Georgette McEwan

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