

PLEASE DOCKET

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Estelle Jones

v.

PECO Energy Company

**DOCKETED**  
DEC 21 2004

Z-01580275

Estelle Jones

v.

PECO Energy Company

**DOCUMENT  
FOLDER**

C-20043158

ORDER CONSOLIDATING PROCEEDINGS

On March 5, 2004, Estelle Jones (Complainant) filed a formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (Respondent), at Docket Number Z-01580275.

On June 4, 2004, Estelle V. Jones (Complainant) filed a formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (Respondent), at Docket Number C-20043158.

Both Complaints alleged that Complainant was unable to make payments according to a previously established payment arrangement. Each Complaint lists the same service address and telephone number.

On April 28, 2004, Respondent filed an Answer (Answer) to the Complaint at Docket No. Z-01580275. On August 5, 2004, the Respondent filed an Answer to the Complaint at Docket No. C-20043158

By separate Telephone Hearing Notices, these cases were assigned to me pursuant to 56 Pa. Code §56.174.

The Commission's regulation pertaining to consolidation appear at 52 Pa. Code §5.81, and states, in relevant part:

**§5.81. Consolidation.**

(a) The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

The question of consolidation is clearly left to the sound discretion of the Commission or presiding officer.

Cases have been consolidated for adjudication; Re Middletown Taxi Company, 50 Pa. PUC 263 (1976), for hearing; City of York v. York Telephone and Telegraph Co., 43 Pa. PUC 240 (1967), for briefing; Clepper Farms, Inc. v. Grantham Water Co., 41 Pa. PUC 749 (1965), and have been refused consolidation for any purpose; Dopp v. Williamsburg Borough Dept. of Water and Sewer, 59 Pa. PUC 25 (1984).

In considering the consolidation of cases, the first criteria (set forth in the Commission's regulations) is that the proceedings must involve "a common question of law or fact". An examination of Commission precedent in such cases as Applications of Philadelphia Electric Co., 43 Pa. PUC 781 (1968), Pa. Public Utility Comm'n v. Bell Telephone Co. of Pennsylvania, 46 Pa. PUC 568 (1973), and Pa. Public Utility Comm'n v. Butler Twp. Water Co., 52 Pa. PUC 442 (1978), as well as those cited above, establishes that considerations in addition to the presence of common questions of law or fact must also be evaluated in ruling on a consolidation. These other considerations are:

1. Will the presence of additional issues cloud a determination of the common issues?
2. Will consolidation result in reduced costs of litigation and decision-making for the parties and the Commission?
3. Do issues in one proceeding go to the heart of an issue in the other proceeding?
4. Will consolidation unduly protract the hearing, or produce a disorderly and unwieldy record?
5. Will different statutory and legal issues be involved?
6. Does the party with the burden of proof differ in the proceedings?
7. Will consolidation unduly delay the resolution of one of the proceedings?
8. Will supporting data in both proceedings be repetitive?

No single consideration, nor group of these considerations, is dispositive of a consolidation, any more so than the presence of a common question of law or fact. Rather, the evaluation of all of them and a balancing of those favoring and disfavoring consolidation is required.

In these cases, on balance, consolidation would be advantageous to the proceedings and in the public interest.

In these cases, the Complaints are nearly identical and clearly, involve common questions of both law and fact.<sup>1</sup> There are no "additional issues" to cloud the determination of the common issues.

The same Complainant will appear in both cases. The same Respondent, represented by the same attorney, will also appear in both cases therefore, consolidation will result in reduced costs of litigation and decision making for one of the parties (without increasing costs to the other party) and the Commission.

As previously mentioned, the issues in each case are identical, therefore, going to the heart of each respective case.

The witnesses and evidence will be the same in both cases, so that the hearing will not be lengthened at all by consolidation. Nor will consolidation make the record disorderly or unwieldy.

The same legal issue(s) will be decided in both cases.

The same party in both cases, i.e., the Complainant, bears the burden of proving that Respondent did or omitted to do any act or thing in violation of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission.

Consolidation of these cases will not unduly delay the resolution of either one of them. They will be heard and decided together.

Because the Complaints are identical, the supporting data will be heard once and there is no need for repetition.

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<sup>1</sup> A Motion to Strike the Complaint at Docket Number C-20043158 on the basis of the doctrine of *lis pendens* would have been appropriate in this situation. *Cf.* James W. and Toni Ash v. West Penn Power Company d/b/a Allegheny Power, Docket Number C-20030352, Initial Decision dated August 5, 2003, Final Order entered October 3, 2003.

These two cases meet all the criteria for consolidation.

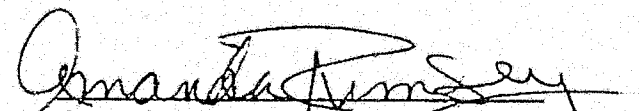
For all of the stated reasons, a consolidation for hearing and adjudication is warranted and in the public interest.

**THEREFORE,**

**IT IS ORDERED:**

1. That the above-captioned cases, bearing Docket Numbers Z-01468782 and C-20042695 are consolidated for hearing and adjudication.

Date: November 19, 2004

  
Amanda N. Rumsey  
Special Agent

# Chapter 56 Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	Z-01580275 & C-20043158		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name	Estelle Jones v PECO Energy Company	Hearing Held	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taped:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Harrisburg	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date	November 23, 2004			
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special Agent:	SA Amanda N. Rumsey	DATE:	11/23/04	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:		

2:22  
 BUREAU

DOCUMENT FOLDER

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?					
Estelle Jones	77 Kenny Ave.	Rose					
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 8px;">City</td> <td style="text-align: center; font-size: 8px;">State</td> <td style="text-align: center; font-size: 8px;">Zip</td> </tr> <tr> <td>Sharm Hill</td> <td>PA</td> <td>19079</td> </tr> </table>		City	State	Zip	Sharm Hill	PA
City	State	Zip					
Sharm Hill	PA	19079					
Telephone: 610-534-0844	E-mail Address:	Fax Number:					
Lisa Hutzi, Esq.	2301 Market St	PECO					
	P.O. BOX 8299						
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 8px;">City</td> <td style="text-align: center; font-size: 8px;">State</td> <td style="text-align: center; font-size: 8px;">Zip</td> </tr> <tr> <td>Phila</td> <td>PA</td> <td>19101</td> </tr> </table>	City	State	Zip	Phila	PA	19101
City	State	Zip					
Phila	PA	19101					
Telephone: 215-841-6841	E-mail Address:	Fax Number:					
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 8px;">City</td> <td style="text-align: center; font-size: 8px;">State</td> <td style="text-align: center; font-size: 8px;">Zip</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	City	State	Zip			
City	State	Zip					
Telephone:	E-mail Address:	Fax Number:					

Check this box if additional parties or attendees appear on back of form.

*Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.*

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

DATE: December 17, 2004

SUBJECT: Estelle Jones v. PECO Energy Company  
Docket No.: Z-01580275 and ~~Z-0043158~~

TO: Wanda Zeiders, Supervisor of Docket Management  
Docketing Section, Secretary's Bureau

FROM: Amanda N. Rumsey, Special Agent  
Office of Administrative Law Judge

*Consolidated  
by Order dated  
Nov. 19, 2004*

I have attached two copies of the following exhibits, which have been admitted,  
into evidence in the above-referenced case for a hearing held on November 23, 2004:

PECO Exhibits 1, 2 and 3

DOCUMENT

PLEASE HAVE THESE EXHIBITS DOCKETED AND PLACED IN THE RED  
DOCUMENT FOLDER.

If you have any questions about the exhibits, or this Memo, please contact me at  
(717) 787-4497.

Attachments

SECRETARY'S BUREAU  
NOV 19 2004

Account Statement  
 Customer Name  
 Address

Estelle Jones  
 77 Kenny Av  
 Sharon Hill Pa 19079-1421

Prepared by: Lou Dubois  
 Investigator PJC  
 Case Number: 20043158

Account Number: 50-19-16-729097 Rates: Electric, Residential-CAP, Electric Hot Water, Residential, & Gas, Residential-CAP

Bill Period	D A Y S	Meter Reading -Type	U S A G E	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg	Sales Tax	Amount Req'd	Due Date	Late Chg	Payment	Date Pymt Rec'd	Balance	Comments
07/14/03	13	7843-A	148	11.3	21.29			43.12	08/06/03				43.12	*Initial bill includes \$6.00 Transfer Fee
07/14/03	13	8563-A	108	8.3	7.64									
07/14/03	13	3107-A	5	0.3	8.19									
08/13/03	30	8194-A	351	11.7	27.03			361.17	09/08/03	3.76	*257.58-	07/21/03	361.17	*Former Address Transfer - Debit BM 03
08/13/03	30	8821-A	258	8.6	18.10									
08/13/03	30	3113-A	6	0.2	11.58									
09/12/03	30	3120-A	7	0.2	12.31			69.32	10/07/03				415.49	
09/12/03	30	8521-A	327	10.9	25.53									
09/12/03	30	9048-A	227	7.5	16.48									
09/12/03	30	3120-A	7	0.2	12.31									
09/12/03	30	3120-A	7	0.2	15.00									
10/14/03	32	8880-A	359	11.2	27.52			180.51	11/06/03	0.82			511.68	BM 03
10/14/03	32	9365-A	317	9.9	21.17									
10/14/03	32	3174-A	54	1.6	46.68									
10/14/03	32	3174-A	54	1.6	15.00									
11/11/03	28	9247-A	367	13.1	28.01			323.22	12/04/03	1.94	25.32	10/22/03	639.39	BM 04
11/11/03	28	9675-A	310	11.0	20.82									
11/11/03	28	3304-A	130	4.6	102.26									
11/11/03	28	3304-A	130	4.6	15.00									
12/11/03	30	9736-A	489	16.3	35.60			540.21	01/05/04	3.48	45.00	11/24/03	841.36	BM 04
12/11/03	30	10040-A	365	12.1	23.67									
12/11/03	30	3539-A	235	7.8	184.24									
12/11/03	30	3539-A	235	7.8	15.00									
01/13/04	33	10475-A	739	22.3	67.06			888.66	02/05/04	6.19	45.00	12/29/03	1,174.83	BM 04
01/13/04	33	10520-A	480	14.5	29.66									
01/13/04	33	3878-A	339	10.2	275.54									
01/13/04	33	3878-A	339	10.2	10.00									

DOCUMENT

RECEIVED  
 JAN 14 2005

PECO I  
 1073

2-01580275

Account Statement  
 Customer Name  
 Address

Estelle Jones  
 77 Kenny Av  
 Sharon Hill Pa 19079-1421

Prepared by Lou Dubois  
 Investigator PUC  
 Case Number: 20043158

Account Number: 50-19-16-729097 Rates: Electric Residential-CAP, Electric Hot Water, Residential, & Gas, Residential-CAP

Bill Period	D A Y S	Meter Reading -Type	U S A G E	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg	Sales Tax	Amount Reqstd	Due Date	Late Chg	Payment	Date Pymt Rec'd	Balance	Comments
02/12/04	30	11064 - A	589	19.6	+ 15.00 48.16			1,267.39	03/08/04		45.00	02/09/04	1,538.56	
02/12/04	30	11020 - A	500	16.6	31.27									
02/12/04	30	4285 - A	407	13.5	329.30 + 15.00									
03/12/04	29	11605 - A	541	18.6	41.93			373.66	04/06/04		200.00	03/16/04	1,156.01	*LIHEAP Cash Grant
03/12/04	29	11450 - A	430	14.8	27.55						121.00	03/11/04		
03/12/04	29	4508 - A	223	7.6	192.97 /160.00 + 15.00						100.00	03/08/04		
											**174.00	02/23/04		
												02/17/04		
04/13/04	32	12172 - A	567	17.7	45.31			348.66	05/10/04		200.00	03/18/04	1,207.63	BM 52
04/13/04	32	11953 - A	503	15.7	31.42									
04/13/04	32	4696 - A	188	5.8	174.89 /160.00 + 15.00									
05/13/04	30	12605 - A	433	14.4	32.40			656.86	06/07/04				1,306.76	
05/13/04	30	12347 - A	394	13.1	25.63									
05/13/04	30	4734 - A	38	1.2	41.10 + 15.00									
06/14/04	32	13068 - A	463	14.4	34.27			701.84	07/07/04		40.00	06/04/04	1,336.74	
06/14/04	32	12678 - A	331	10.3	22.27									
06/14/04	32	4741 - A	7	0.2	13.44 + 15.00									
07/14/04	30	13542 - A	474	15.8	34.96			736.71	08/09/04		50.00	07/12/04	1,356.61	
07/14/04	30	12994 - A	316	10.5	21.47									
07/14/04	30	4748 - A	7	0.2	13.44 + 15.00									
08/12/04	29	13952 - A	410	14.1	30.94			764.20	09/07/04		50.00	08/09/04	1,369.10	
08/12/04	29	13247 - A	253	8.7	18.11									
08/12/04	29	4755 - A	7	0.2	13.44 + 15.00									

PECC 1  
 2 of 3

Account Statement		Customer Name:			Address			Prepared by Lou Dubois Investigator PUC Case Number: 20043158			Rates:			Electric, Residential-CAP, Electric Hot Water, Residential, & Gas, Residential-CAP		
Bill Period	D A Y S	Meter Reading -Type	U S A G E	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg	Sales Tax	Amount Reqstd	Due Date	Late Chg	Payment	Date Pymt Rec'd	Balance	Comments		
09/14/04	33	14463 - A	511	15.4	38.03			852.04	10/07/04				1,441.94			
09/14/04	33	13561 - A	314	9.5	21.37											
09/14/04	33	4762 - A	7	0.2	13.44											
					+ 15.00											
10/14/04	30	14946 - A	483	16.1	35.53			905.72	11/08/04		45.00	09/20/04	1,480.62			
10/14/04	30	13891 - A	330	11.0	22.22											
10/14/04	30	4763 - A	21	0.7	25.93											
					+ 15.00											

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

PECO 1  
3 of 3

ESTELLE JONES

50-09-16-729097

11/10 PENDING AGMT 03/12/RMK  
OTHER-CR CP2-PUC

77 KENNY AV

SP-AGR

SHARON HILL PA

19079

TEL-610-534-0844

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

ACTV AGMT TYPE	AGMT-PUC	DATE OPN	AMOUNT	INSTALL	EXT DATE	DATE CLD	DISPOSITION
EXTN-CMS		03/12/04	398.66		03/18/04	03/18/04	KEPT
LEVEL 1I		08/19/03	304.46	15.00		03/12/04	RENEGOTIATED
LEVEL 1A		01/03/04	236.70			01/21/04	UTL- PECO REF
LEVEL???		12/12/03	112.13			12/30/03	UTL- REF FSMT
LEVEL 1I		11/05/03	44.82			11/21/03	UTL- PECO REF
LEVEL 1I		07/18/03				07/18/03	FSMT INFO ONLY

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JAN 14 2005

COLLECTION SYSTEM

**DOCUMENT**

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2-01580275

Date: 11/10/04

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

Case Number: 1580275  
Customer Name: ESTELLE JONES  
Address: 77 KENNY AVE  
SHARON HILL PA 19079-1421

Opened On: 1/26/04  
Utility Type: Electric Distributor  
Account Number: 500916729097  
Company Name: PECO Energy

Prior Case: Total Balance: \$1,314.56 Balance Date: 2/24/04

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

Decision Issued: Y Oral Written: W  
Investigator: SHINDLE, ROBERT PUC Decision Issued Dt: 2/27/04 PUC Case Closed Dt: 2/25/04

Decision Recvd Dt: 2/25/04 10:25AM

Letter Description: CAP PARTIAL CATCH-UP

To Restore Service Pay: \$0.00 To Continue Service Pay: \$619.66 By: 3/18/04  
Terms: APRIL 2004  
Special Budget Amount: \$175.00 Regular Budget Amount: \$160.00 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:

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JAN 14 2005

Resolution:  
SEE CS17 SCREEN FOR PMT ARR. WAIVE LPC'S

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DOCUMENT

2-01580275