

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Kamilah Nichols

v.

Duquesne Light Company

Z-01699804

05 FEB 11 PM 1:45
F.A.P.U.C.
SECRETARY'S BUREAU

FEB 24 2005

PREHEARING ORDER

An initial telephonic hearing in this case is scheduled for Thursday, March 3, 2005, at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you intend to present any documents or exhibits for my consideration, you must send one (1) copy to the other party and three (3) copies to me one week before the hearing.
2. If you or any proposed witness will be at a telephone number that is different than the number on the hearing notice, you must notify me of that telephone number at least one (1) week before the hearing.
3. If the Commission's Bureau of Consumer Services ("BCS") has directed the customer to make payments and those payments have not been made, the customer must be prepared to explain at the hearing why those payments have not been made. **FAILURE TO MAKE REGULAR PAYMENTS FOR CURRENT CONSUMPTION (SERVICE) BY THE DUE DATE EACH MONTH MAY RESULT IN THE TERMINATION OF THE CUSTOMER'S SERVICE BEFORE THE TIME SET FOR THE HEARING. FAILURE TO MAKE THESE PAYMENTS MAY ALSO SUBJECT THE CUSTOMER TO THE PAYMENT OF A LUMP SUM OF MONEY EQUAL TO ALL MISSED PAYMENTS**

FOR SERVICE FROM THE DATE OF THE BCS DECISION UNTIL THE DATE ON WHICH THE COMMISSION ENTERS ITS ORDER. 66 Pa. C.S. §§ 1405(f), 1406(a) & 1410(2).

4. At the hearing, the customer must be prepared to testify about and document the total gross monthly income of the household. A household includes all adults living in a residential household, who benefit from the utility service. The "total gross monthly income of the household" includes, but is not limited to, the following income received by every person residing in the customer's home: (a) the "before taxes or other deductions pay" from salaries, wages, tips or other compensation; (b) pension, retirement or social security benefits; (c) Supplemental Security Income ("SSI"); (d) unemployment compensation benefits; (e) workers' compensation benefits; (f) alimony; (g) support; (h) public assistance; and (i) any other source(s) of income. 66 Pa. C.S. § 1403.

5. The Pennsylvania Legislature added Chapter 14 to the Public Utility Code, 66 Pa. C.S. §§ 1401, *et seq.*, which became effective December 14, 2004. Chapter 14 applies to your case and may result in new payment terms, which may be less favorable than those you currently have.

a. For instance, the length of any payment agreement you had with the utility may change. Depending upon how your gross monthly household income and the number of people living in your household relate to the federal poverty level, the length of time you have to pay off the entire balance owed on your account may be anywhere from less than six (6) months to no more than sixty (60) months. 66 Pa. C.S. § 1405(b).

b. The Commission has no authority to negotiate or approve any payment agreement involving your participation in this utility's Customer Assistance Program ("CAP"). 66 Pa. C.S. § 1405(c).

c. Unless you have had a change in income, the Commission can not establish or direct the utility to establish a second or subsequent payment agreement, if you have failed to make all payments under an earlier payment agreement with the utility.

66 Pa. C.S. § 1405(d).

d. Depending upon the level of your gross monthly household income, it may be easier for the utility to terminate your service in the winter months. Regardless of your income level, the utility can terminate your service in the winter months if you used service that was not authorized, if you misrepresented your identity to obtain service, if you tampered with meters or other utility equipment or if you violated the utility's tariff to the extent that it endangered the safety of a person or the integrity of the utility's delivery system.

66 Pa. C.S. § 1406.

e. There also are stricter provisions regarding reconnection fees, security deposits and payments to restore service. 66 Pa. C.S. § 1407.

6. At the hearing, the customer must be prepared to testify about and document any change in income that would support establishing a second or subsequent payment agreement if the customer has missed a payment on a previous payment agreement or any significant change in circumstance that would support extending the time period for a payment plan. 66 Pa. C.S. § 1405(d) & (e).

7. The utility must prepare and submit the following documents at least one week before the hearing: (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less; (b) a service usage comparison report for the same period as the account statement; (c) a copy of the most recent BCS decision, if any; and (d) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission.

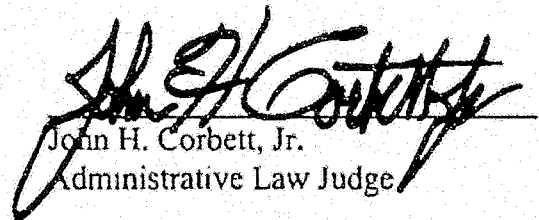
8. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code § 1.15(b). Requests for changes of initial hearings must be sent to the undersigned Administrative Law Judge, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222. Only the undersigned Administrative Law Judge or OALJ Scheduling Staff may grant a request for a change of an initial hearing. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent hearings, if any, should also be served directly on me.

9. **YOU MAY LOSE THIS CASE, IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.** 52 Pa. Code § 5.245.

10. **ALTHOUGH THIS HEARING IS BEING CONDUCTED TELEPHONICALLY FOR THE CONVENIENCE OF THE PARTIES, IT IS STILL A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.** 52 Pa. Code §§ 1.1, *et seq.*

11. Commission policy is to encourage settlements. 52 Pa. Code § 5.231(a). Therefore, you are urged to discuss informally between yourselves the possible settlement of this case at least one week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

Date: February 8, 2005


John H. Corbett, Jr.
Administrative Law Judge

SERVICE LIST: Z-01699804

Kamilah Nichols
319 South First Street, Apartment 1
Duquesne, PA 15110

Regina M. Sestak, Esq.
Duquesne Light Company
411 Seventh Avenue
Mail Drop 9-1
Pittsburgh, PA 15219

MEMORANDUM

COMMONWEALTH OF PENNSYLVANIA
PA Public Utility Commission

DATE: March 3, 2005

SUBJECT: Kamilah Nichols v. Duquesne Light Company
Docket No. Z-01699804

TO: Wanda Zeiders, Docket Management
PA Public Utility Commission

FROM: ALJ John H. Corbett, Jr. *JHC/aw*
Office of Administrative Law Judge, Pittsburgh

**DOCUMENT
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Please find enclosed Respondent's Exhibits 1 – 6 (original and one) relative to the above-captioned case. Please place these exhibits in the appropriate file folder. Thank you.

JHC:seo

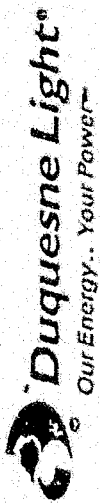
Enclosures (6)

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ACCOUNT STATEMENT

Date Requested By _____

Customer Name NICHOLAS, KAMILAH L
 Address 319 1ST ST APT 1
 DJQUESNE PA 15110-1184
 Account Number 2001279681001

Investigator _____ DLC Analyst _____
 Case Number _____ Mail Drop _____
 From 01/01/1990 To 02/23/2005

Date	Reading Date	Days	Meter Rdg(s)	Type	Cons	Avg Diy Cons	Degree Day Cool	Day Hg	Bill / Pymt / Adj Amount	Due Date	Ltr of Credit	Backout Amount	Balance	Cmts
11/25/2002	11/22/2002	10	2768	Actual	288	28.8		232	\$27.90	12/16/2002			\$27.90	
12/26/2002				Late Charge					\$0.35				\$28.25	
12/26/2002	12/24/2002	32	2858	Actual	1,080	33.8		1,080	\$103.08	01/16/2003			\$131.33	
01/08/2003				Payment					\$35.00 cr				\$96.33	
01/27/2003	01/24/2003	31	2945	Actual	1,044	33.7		1,250	\$99.38	02/18/2003			\$195.71	
01/30/2003				Payment					\$100.00 cr				\$95.71	
02/25/2003	02/24/2003	31	3009	Actual	768	24.8		1,236	\$74.71	03/18/2003			\$170.42	
03/26/2003				Late Charge					\$2.13				\$172.55	
03/26/2003	03/25/2003	29	3030	Actual	252	8.7		776	\$28.85	04/16/2003			\$201.40	
04/25/2003	04/24/2003	30	3049	Actual	228	7.6	6	420	\$26.73	05/19/2003			\$228.13	
05/06/2003				Payment					\$50.00 cr				\$168.13	
05/27/2003				Late Charge					\$2.10				\$170.23	
05/27/2003	05/23/2003	29	3065	Actual	192	6.6	9	186	\$23.53	06/17/2003			\$193.76	
06/25/2003	06/24/2003	32	3091	Actual	312	9.8	54	102	\$34.19	07/16/2003			\$227.95	
07/29/2003				Late Charge					\$2.82				\$230.77	
07/29/2003	07/28/2003	34	3131	Actual	480	14.1	218		\$49.11	08/19/2003			\$279.88	
08/27/2003	08/27/2003	30	3171	Actual	480	16.0	239		\$49.11	09/17/2003			\$328.99	
09/22/2003				Payment					\$51.00 cr				\$277.99	
09/23/2003				Adjustment					\$7.78 cr				\$270.21	
09/26/2003	09/26/2003	30	3195	Actual	288	9.6	71	50	\$32.05	10/20/2003			\$302.26	
10/22/2003				Payment					\$30.00 cr				\$272.26	
10/24/2003	10/23/2003	27	3219	Actual	288	10.7	1	357	\$32.05	11/17/2003			\$304.31	
11/07/2003				Payment					\$19.00 cr				\$285.31	

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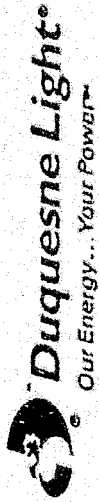
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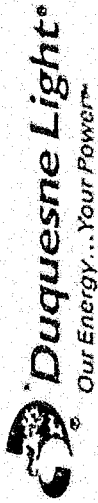
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 Address 319 1ST ST APT 1
 DUQUESNE PA 15110-1184
 Account Number 2001279681001

Investigator _____ DLC Analyst _____
 Case Number _____ Mail Drop _____
 From 01/01/1990 To 02/23/2005

Date	Reading Date	Days	Meter Rdg(s)	Type	Cons	Avg Dly Cons	Degree Day Cool Htg	Bill / Pymt / Adj Amount	Due Date	Ltr of Credit	Backout Amount	Balance	Cmts
11/20/2003				Payment				\$66.00 cr				\$219.31	
11/21/2003				Adjustment				\$7.78 cr				\$211.53	
11/25/2003	11/24/2003	32	3249	Actual	360	11.3	514	\$38.45	12/16/2003			\$249.98	
12/26/2003	12/24/2003	30	3282	Actual	396	13.2	961	\$41.64	01/20/2004			\$291.62	
01/16/2004				Payment				\$25.00 cr				\$266.62	
01/27/2004	01/26/2004	33	3341	Actual	708	21.5	1,277	\$69.36	02/17/2004			\$335.98	
02/10/2004				Payment				\$79.00 cr				\$256.98	
02/11/2004				Adjustment				\$7.78 cr				\$249.20	
02/25/2004	02/24/2004	29	3377	Actual	432	14.9	1,062	\$44.85	03/17/2004			\$294.05	
03/25/2004	03/24/2004	29	3415	Actual	456	15.7	753	\$46.98	04/15/2004			\$341.03	
04/06/2004				Payment				\$32.00 cr				\$309.03	
04/26/2004	04/23/2004	30	3445	Actual	360	12.0	425	\$38.45	05/17/2004			\$347.48	
05/14/2004				Payment				\$150.00 cr				\$197.48	
05/17/2004				Adjustment				\$7.78 cr				\$189.70	
05/21/2004				Ret Chk Amt				\$150.00				\$339.70	
05/21/2004				Adjustment				\$0.00				\$339.70	
05/21/2004				Adjustment				\$7.78				\$347.48	
05/26/2004	05/26/2004	33	3475	Actual	360	10.9	137	\$38.45	06/16/2004			\$365.93	
06/04/2004				Payment				\$175.00 cr				\$210.93	
06/07/2004				Adjustment				\$7.78 cr				\$203.15	
06/16/2004				Ret Chk Amt				\$175.00				\$378.15	
06/16/2004				Ret Chk Fee				\$20.00				\$398.15	
06/16/2004				Adjustment				\$0.00				\$398.15	



ACCOUNT STATEMENT

Date Requested By _____

Customer Name NICHOLAS, KAMILAH L
 Address 319 1ST ST APT 1
 DUQUESNE PA 15110-1184
 Account Number 2001279681001

Investigator _____ DLC Analyst _____
 Case Number _____ Mail Drop _____
 From 01/01/1990 To 02/23/2005

Date	Reading Date	Days	Meter Rdg(s)	Type	Cons	Avg Diy Cons	Degree Day Cool Htg	Bill / Pymt / Adj Amount	Due Date	Ltr of Credit	Backout Amount	Balance	Cmts
06/16/2004				Adjustment				\$7.78				\$405.93	
06/25/2004	06/25/2004	30	3506	Actual	372	12.4	115	\$39.51	07/19/2004			\$445.44	
07/26/2004				Payment				\$39.51 cr				\$405.93	
07/26/2004	07/23/2004	28	3536	Actual	360	12.9	162	\$38.45	08/16/2004			\$444.38	
07/27/2004				Adjustment				\$7.78 cr				\$436.60	
08/25/2004	08/23/2004	31	3562	Actual	312	10.1	122	\$34.19	09/15/2004			\$470.79	
09/24/2004	09/23/2004	31	3595	Actual	396	12.8	132	\$41.64	10/18/2004			\$512.43	
10/06/2004				Payment				\$40.00 cr				\$472.43	
10/07/2004				Adjustment				\$7.78 cr				\$464.65	
10/26/2004	10/26/2004	33	3623	Actual	336	10.2	5	\$36.31	11/16/2004			\$500.96	
11/26/2004	11/26/2004	31	3652	Actual	348	11.2	506	\$37.38	12/20/2004			\$538.34	
12/14/2004				Adjustment				\$0.58 cr				\$537.76	
12/27/2004	12/23/2004	27	3690	Actual	456	16.9	780	\$46.98	01/18/2005			\$584.74	
12/28/2004				Payment				\$38.00 cr				\$546.74	
01/26/2005	01/25/2005	33	3742	Actual	624	18.9	1,117	\$65.25	02/16/2005			\$611.99	

Usage Comparison Report

CONSTANT 12

ACCOUNT NUMBER 2001279681001
 SERVICE NAME Kamillah Nichols
 SERVICE STREET 319 S. 1st Street
 CITY STATE ZIP Duquesne, PA 15110

ACCOUNT STATUS Active
 RATE RESIDENTIAL
 PERIOD COVERED 1/24/03 to present

DATE	DAYS	READ	KWH	AVERAGE	DATE	DAYS	READ	KWH	AVERAGE	DATE	DAYS	READ	KWH	AVERAGE
1/24/03	31	2945	1044	33.7	1/26/04	33	3341	708	21.5	1/25/05	33	3742	624	18.9
2/24/03	31	3009	768	24.8	2/24/04	29	3377	432	14.9					
3/25/03	29	3030	252	8.7	3/24/04	29	3415	456	15.7					
4/24/03	30	3049	228	7.6	4/23/04	30	3445	360	12.0					
5/23/03	29	3065	192	6.6	5/26/04	33	3475	360	10.9					
6/24/03	32	3091	312	9.8	6/25/04	30	3506	372	12.4					
7/28/03	34	3131	480	14.1	7/23/04	28	3536	360	12.9					
8/27/03	30	3171	480	16.0	8/23/04	31	3562	312	10.1					
9/26/03	30	3195	288	9.6	9/23/04	31	3695	396	12.8					
10/23/03	27	3219	288	10.7	10/26/04	33	3623	336	10.2					
11/24/03	32	3249	360	11.3	11/26/04	31	3652	348	11.2					
12/24/03	30	3282	396	13.2	12/23/04	27	3690	456	16.9					
TOTAL	365		5088	13.9	TOTAL	365		4896	13.4	TOTAL	33		624	18.9

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DUQUESNE LIGHT COMPANY
CHRONOLOGICAL SUMMARY OF PUC ORDERS & PAYMENT ARRANGEMENTS

*Kamilah Nichols
319 S. 1st Street
Duquesne, PA 15110
2001279681001*

TYPE: BCS Decision # 1699804
DATE: 10/18/04
ACCOUNT BALANCE: \$464.65
TERMS: Pay \$320.00 CAP catch-up by 11/19/04 then pay \$45.00 per month until CAP is current.
COMPLIANCE: No

TYPE: Customer Assistance Program
DATE: 8/15/03
ACCOUNT BALANCE: \$279.88
TERMS: Pay 70% of budget each month.
COMPLIANCE: Defaulted for non-payment on 12/14/04.

TYPE: Payment Arrangement
DATE: 6/20/03
ACCOUNT BALANCE: \$193.76
TERMS: Pay budget bill + \$15.00 beginning with July due date.
COMPLIANCE: Enrolled in CAP in August 2003.

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Kamilah Nichols informal decision

Informal Complaint Report Form

Customer: NICHOLS, KAMILAH • DES #: 1179804 • ACCT #: 2001279601081

General Information
 Payment Information
 Final Agreements
 Final Report Information
 Department Employee Corrects Problems and Complaints
 Investigative Contacts
 Closing Information

Status: Proceed with PUC Process
 Date Sent: 07/23/04
 Date Closed: 07/16/04
 Closing Date Received: 07/16/04 11:46:05

Reason: Internal Latchup [No]
 Reason Justified: None not justified
 Employee Code: None

Date of Birth: 07/23/04
 Union: None
 Union Balance: \$445.14
 Balance Date: 07/23/04

Awarded: \$320.00
 Difference:
 Date Awarded: 07/19/04
 Service Restored: \$0.00

Budget Payment:
 Monthly Payment:
 Current: \$0.00
 End: \$0.00

Latchup Type: CAP PARTIAL LATCHUP
 Date: DECEMBER 2004

Problem: CU TO PAY 2015L2 + 2 CAP PYMTS] U-FRONT CAP PYMT OF 1179804 THE CAP AMT 30.15 TOWARDS CAP BAL BEG DECEMBER 2004 WAVE LPS

Start: 25745404 of Pos Gazette
 147 11/27/04 - A 113036
 James M Pool 1/06/04
 Document: Microsoft...
 11/27/04 11:56 AM

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2001279681001 CC 034 LST-BL 01 RD CYC 17 BL CYC 17 F> SERV START 11/12/02
 NICHOLAS KAMILAH L STATUS ACTIVE NOR FNA LAST-TRAN 01/26/05
 319 S 1ST ST APT 1 RT/RDR 010 000 DISPUTE EXP 01/12/05
 DUQUESNE PA 15110 1184 *NM* 412 466 1773 C&C RNTPROP NO
 ***** 01-28 CAP INQUIRY ***** 02/23/05 *** 1422 *

STATUS DEFAULT AGREEMENT NO 1 BILL MONTH NO. 0
 DATE CAP START 08/15/03 PROGRAM T - TRADITIONAL CAP NUM CONS PMNTS 0
 NUM YRLY PMNTS 0

CURRENT AMOUNTS		WRITE OFF AMOUNTS	
FZN ARG	279.88	FZN ARG	38.90
DEF BAL	1.29	BILL DEF	0.58
CAP BAL	295.49	BALANCE	240.98
PAY BAL	29.00	W/O DATE	12/14/04

BASE LINE	6570	SPECIAL CONDITION
CAP BILLED AMOUNT	29	
CAP BILLED PERCENTAGE	70	
DATE CAP DEFAULT	12/14/04	
DATE CAP END	12/14/04	FZN ARR O/R N
DATE CAP RECERTIFY		PART BILL DEF N
		BILL DEF O/R N

* * * ARE THERE MORE RECORDS NO * * *
 DSPLY 00 KEY TO NEW SS DSPLY KEY

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 Z-01699804

Chapter 56 Hearing Report

Please check Those Blocks Which Apply

Docket No.:	Z-01699804		YES	NO
Case Name:	Kamilah Nichols v. Duquesne Light Company	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		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"/>
Location:	Pittsburgh	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	March 3, 2005	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Special Agent:	ALJ John H. Corbett, Jr.	Estimated Add'l Days:		
<p>DOCUMENT FOLDER</p>		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		DATE:	3-3-05	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		REMARKS:		

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SECRETARY'S BUREAU

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

Name and Telephone Number	Address			Who are you representing?
Kamilah Nichols	319 South First, Apt. 1			Complainant
	City Duquesne	State PA	Zip 15110	
Telephone: 412-466-1819	E-mail Address:			Fax Number:
Regina M. Sestak, Esq.	411 7th Avenue, Mail Drop 9-1			Respondent
	City Pittsburgh	State PA	Zip 15219	
Telephone: 412-393-1546	E-mail Address:			Fax Number:
	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.