

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Charlene R. McVicker

v.

PECO Energy Company

:  
:  
:  
:  
:

C-20043878

DOCUMENT  
FOLDER

INTERIM PAYMENT ORDER

On October 1, 2004, Charlene R. McVicker (McVicker or Customer) filed this complaint against PECO Energy Company (PECO or Company) and other named companies, alleging theft of identity, changes in billing and payments, and misuse by companies. She wants the PUC to investigate the internal fraud and misuse of computer technology. The allegations against PECO were docketed separately at this docket number.

PECO filed a timely Answer to the complaint.

An in-person hearing was scheduled and held on April 28, 2005. PECO was represented by Lisa A. Lutz, Esq. She called one witness, Renee Tarpley, and submitted two exhibits which were admitted to the record PECO 1 (a residential account statement) and PECO 2 (an inbound closing report). McVicker appeared, and though she had recently retained an attorney, he was unable to attend. She testified and submitted eight (8) exhibits, McVicker B to I. PECO had come prepared to respond on McVicker's residential account, but not on the commercial accounts she raised in her testimony and exhibits, because they were not mentioned in the complaint. A transcript of 87 pages was created.

PECO agreed to restore service where accounts had been paid, but wanted to check its records before it took any action. PECO also requested a payment on McVicker's residential

**DOCKETED**  
JUL 25 2005

account, and McVicker requested a field visit to check her meter. McVicker offered to pay \$1,000.00 on her residential account by the end of the week.

In the event, PECO would not agree to restore any of the commercial service at issue because its records did not show sufficient payment had been made. McVicker hand delivered a letter to the ALJ protesting PECO's failure to reconnect certain accounts.

In the event PECO scheduled a field visit at McVicker's home, but she cancelled it. PECO has been unable to reschedule.

In the event, McVicker did not make the \$1,000.00 payment on her residential account.

PECO responded to McVicker's letter with a two page letter of its own stating the financial condition of the disputed commercial accounts. It requested to have this document admitted as a late-filed exhibit, and supported it with an affidavit. Counsel for McVicker demanded a hearing on the exhibit.

A hearing was scheduled for June 16, 2005 at 2:00 p.m. PECO received its copy of its notice late, and when it contacted counsel for McVicker, he had not received any copy of the notice. He did state that he could participate in the hearing on the afternoon of the 16<sup>th</sup>, so the hearing was not continued. The hearing was convened as scheduled. PECO appeared through Attorney Lutz, who was accompanied by her witness. Neither McVicker nor her counsel were present. However, an associate of counsel was present to speak on behalf of the absent parties. McVicker's letter was admitted as Exhibit J, and PECO's Late-Filed Exhibit 3 and its supporting affidavit were also admitted. Counsel were directed to select an immediate day when a hearing could be held for cross-examination of the exhibits and closing testimony.

In the meantime, the ALJ said she would direct McVicker to make the promised payment on her residential account. Counsel asked that she might have 30 days, but McVicker had previously offered to make this payment within a week, and the ALJ will use this time period

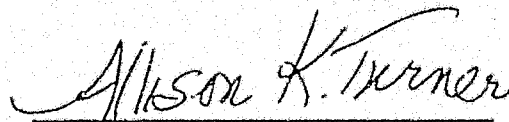
ORDER

THEREFORE,

IT IS ORDERED:

1. That Charlene R. McVicker shall pay \$1,000.00 to PECO on her residential account by one week of the date of this Order, or by next Friday, June 24, 2005.
2. Counsel for PECO and McVicker shall provide the ALJ with a list of days when they can participate in a hearing on this case next week.

Date: June 17, 2005



Allison K. Turner  
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
June 20, 2005

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20043878

(See attached list)

Charlene R. McVicker v. PECO Energy Company

Alleges fraud.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Further hearing

Date: Monday, June 27, 2005

Time: 1:00 p.m.

Location: In an available hearing room  
Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania

Presiding: Administrative Law Judge Allison K. Turner  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: (215) 560-2105  
Fax: (215) 560-3133

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JUN 27 2005

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc. Judge Turner  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File

**OALJ Hearing Report**

Please check those blocks which apply

Docket No:	C-20043878		YES	NO
Case Name:	Charlene R. McVicker v. PECO Energy	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Company:		Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	June 16, 2005	Estimated Add'l Days:		
ALJ:	Allison K. Turner	RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Precision Reporting, Inc	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p style="text-align: center;"><b>RECEIVED</b></p> <p style="text-align: center;">JUN 22 2005</p> <p style="text-align: center;">PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU</p> <p style="text-align: center;">PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.</p>		REMARKS:   PECO & Complainant to come up with a date		

DOCUMENT FOLDER

Name and Telephone Number	Address	Who are you representing?
Lisa Lutz, Esq.	2301 Market St. City: Philadelphia, State: PA, Zip: 19101	PECO
Telephone: 215-841-6841	E-mail Address: l.s.lutz@ecelmerg.com	Fax Number: 215-568-3389
Giovanni Campbell, Esq.	1080 N. DELAWARE AVE. Stg. 404 City: Philadelphia, State: PA, Zip: 19125	Charlene McVicker (for Raymond Roberts, Esq.)
Telephone: 215-427-1400	E-mail Address:	Fax Number: 215-427-1444
Telephone:	E-mail Address:	Fax Number: BT

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

6/21/05 elp

*[Signature]*  
Reporter's Signature

# OALJ Hearing Report

Please check those blocks which apply

Docket No:	C-20043878		YES	NO
Case Name:	Charlene R. McVicker v. PECO Energy	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Company:		Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	June 27, 2005	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Allison K. Turner	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Precision Reporting, Inc.	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:	~ 0 -	
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		DATE:	June 29, 2005	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:		

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RECEIVED

JUN 30 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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Name and Telephone Number	Address	Who are you representing?
Lisa Lutz Telephone: 215-841-6841	2301 Market Street Philadelphia PA 19101 City State Zip	PECO Energy
Giovanni D. Campbell, Esq. 1080 N Delaware Ave., Ste 404 Telephone: 215/427-1400	E-mail Address: lisa.lutz@exeloncorp.com Philadelphia PA 19125 City State Zip	Charlene McVicker
Telephone: 215-841-6841	E-mail Address:	Fax Number: 215-568-2289
Telephone:	E-mail Address:	Fax Number:

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

6/29/05

Reporter's Signature

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