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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
* * *

CHARLENE R. McVICKER,
vs.
PECO ENERGY COMPANY

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:
:
:
:
: DOCKET
: NO. C-20043878

DOCKETED
JUL 19 2005

* * *

PAGES 89 through 130
Before: Allison K. Turner,
Administrative Law Judge
1400 W. Spring Garden Street
Philadelphia, PA

A P P E A R A N C E S:

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LISA LUTZ, ESQUIRE
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JUN 29 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

* * *

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1 JUDGE TURNER: Now is the
2 time and place for the further
3 hearing in the matter of Charlene R.
4 McVicker versus PECO Energy,
5 docketed at C-20043878.

6 My name is Allison Turner.
7 I'm the Administrative Law Judge
8 assigned to hear and decide this
9 case.

10 The situation today is
11 unfortunate. I gather that the
12 hearing notices sent out by the
13 commission, first of all, went to the
14 wrong attorney for Miss McVicker.
15 I'm not sure why my scheduler didn't
16 have the current attorney listed,
17 because he did enter an appearance.
18 In any event, it's my understanding
19 that he did not get a hearing notice,
20 and that it was Miss Lutz who
21 informed him of the hearing today.
22 Is that correct?

23 MS. LUTZ: That is correct,
24 Your Honor.

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SECRETARY'S OFFICE

1 JUDGE TURNER: That's correct?

2 MR. CAMPBELL: That's my
3 understanding, Your Honor.

4 JUDGE TURNER: I should say
5 that I show an appearance on behalf
6 of Miss McVicker by Giovanni
7 Campbell, Esquire, and Miss McVicker
8 is not here in the hearing room.
9 Now, she did receive a notice, right?

10 MR. CAMPBELL: Your Honor, I
11 called her earlier this afternoon
12 around 12:30 or so, and we had a poor
13 telephone connection, and she told me
14 that she was about to call me,
15 because she had just received a
16 notice of hearing at her home.

17 JUDGE TURNER: She just
18 received one?

19 MR. CAMPBELL: Right, when we
20 spoke around 12:30 or so, she told me
21 that she had just received this
22 notice. I proceeded to tell her what
23 Mr. Roberts told me about the
24 hearing, and I was on my way to the

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1 hearing to see what could be done and
2 that I would call her afterwards, and
3 we lost communication. Since then I
4 tried her again on the cell phone at
5 least three times, and I haven't been
6 able to make contact.

7 JUDGE TURNER: Did you tell
8 her not to come?

9 MR. CAMPBELL: No, I didn't.
10 No, I didn't. Absolutely. I mean,
11 the reason for calling her would have
12 been to have her here if at all
13 possible. It would have made things
14 much easier.

15 JUDGE TURNER: Yes, it would.
16 Now, Miss Lutz, when did PECO
17 receive its copy of the notice?

18 MS. LUTZ: The notice was
19 actually dated June 8th, and we
20 verified that it was, in fact, mailed
21 from the Harrisburg office on June
22 8th. By the time it arrived at PECO
23 and actually came through the mail
24 service, which takes at least one day

1 to get to our department, it was
2 stamped in on Monday, June 13th. So
3 we did -- and that was with the delay
4 of coming up through the mail
5 service. But we saw the postmark on
6 the envelope to be June 9th, I
7 believe it was.

8 JUDGE TURNER: Okay.

9 MS. LUTZ: So Ms. McVicker, I
10 would imagine, would have received
11 it.

12 JUDGE TURNER: Well, I'm not
13 sure why the notice has gotten so
14 confused. I spoke to Mr. Campbell
15 earlier, and he said that his
16 associate partner -- I don't know how
17 to refer to him -- Mr. Roberts had
18 requested him to request a
19 continuance. Is that right?

20 MR. CAMPBELL: That's correct.

21 JUDGE TURNER: But yet he told
22 Miss Lutz that he could be here; is
23 that correct?

24 MS. LUTZ: That is correct,

1 Your Honor.

2 MR. CAMPBELL: What Mr.
3 Roberts told me when I got his phone
4 call this morning was that he -- he
5 had thought that he'd be able to make
6 the hearing, but in view of all the
7 listings that he had in Montgomery
8 County Common Pleas, there would be
9 no way that he could make it now, so
10 he asked that I would come down here
11 and inform the Court.

12 And I did speak with him
13 earlier today maybe around 10 after
14 1:00, but I haven't been able to
15 reach him by telephone since then. I
16 can only assume that he is in court
17 and can't access his cell phone.

18 JUDGE TURNER: Since the last
19 hearing, I have received various
20 letters in correspondence. I
21 received a letter from Ms. McVicker,
22 which I understand was hand delivered
23 with a copy to Miss Lutz. And this
24 related to service to the two meters

1 at Sedgley Avenue. Tarpley informed
2 her that PECO would not restore
3 service to the two meters at Sedgley
4 Avenue, even though she testified
5 that the bills were paid and that
6 someone would be out on Friday, April
7 29th, 2005 to restore service. She
8 told me that the PNC Wiring meter
9 will definitely not be restored, even
10 though I paid the bill to PECO in
11 full, including the restoration
12 charges. Again, this is my lease
13 tenant who left me owing thousands of
14 dollars.

15 MS. LUTZ: Your Honor --

16 JUDGE TURNER: Excuse me.

17 And then I received a letter
18 from Ms. Lutz dated May 24th, which
19 is marked PECO late filed Exhibit 3,
20 page 1 of 5, and it was later
21 supported by an affidavit from Miss
22 Tarpley, which responds somewhat to
23 these allegations.

24 The first paragraph says that

1 at the hearing Miss McVicker agreed
2 to pay 1 thousand dollars toward her
3 residential account at 25 Wildey
4 Street, Philadelphia, PA. No payment
5 has been received. Is that still
6 true?

7 MS. TARPLEY: Yes, Your
8 Honor.

9 JUDGE TURNER: At the hearing
10 PECO Energy agreed to perform a field
11 visit at the electric meter at Miss
12 McVicker's residential property.
13 This appointment was originally
14 scheduled for May 5th, 2005. When
15 the PECO representative called ahead
16 to confirm the visit, Miss McVicker
17 cancelled the appointment, since she
18 was unavailable in the afternoon.
19 Miss McVicker was requested to call
20 PECO to reschedule the appointment.
21 Although Miss McVicker called May
22 13th regarding the field visit, her
23 call was transferred to a supervisor,
24 the supervisor was unavailable at the

1 time. Voice mail was incomplete.
2 And since May 13th, the supervisor
3 has been unsuccessful in telephone
4 attempts to Miss McVicker to
5 reschedule the appointment. Several
6 messages were left on the answering
7 machine.

8 And then it says the account
9 balances are noted on the attached
10 letter. The residential balance is
11 said to be 1 thousand, 9 hundred 51
12 dollars and 77 cents.

13 The commercial account for
14 Jopac, the balance is said to be, as
15 far as I can tell, 1 thousand, 122
16 dollars and 29 cents. Another
17 commercial account for Jopac, the
18 balance is -- I'm not quite sure. --
19 453.78. Another commercial account
20 for Jopac, the balance is 12
21 thousand, 102.97. And they're also
22 requiring an 8 hundred dollar
23 reconnection fee. And then there's a
24 fifth commercial account, requirement

1 for restoration of service, by paying
2 235 dollars and 95 cents, plus a 60
3 dollar reconnection fee, but a 94
4 dollar deposit.

5 PECO had requested that I
6 admit these documents as a late filed
7 exhibit, and they supported it with
8 an affidavit at my request. When I
9 notified Mr. Roberts about this, he
10 said that his client did not agree to
11 the submission and wanted to have a
12 hearing to cross-examine them. And
13 then today was set for that hearing.
14 I'm really at a loss as to how to
15 proceed at this point.

16 Miss Lutz, you wanted to say
17 something earlier. Would you like to
18 say something now?

19 MS. LUTZ: Thank you, Your
20 Honor. I just wanted to mention, the
21 letter that you referenced that was
22 handwritten by the complainant, PECO
23 never received a copy of that
24 letter.

1 JUDGE TURNER: Excuse me, it
2 wasn't handwritten. It was hand
3 delivered.

4 MS. LUTZ: Oh, I'm sorry, hand
5 delivered.

6 JUDGE TURNER: It does show
7 that you got a copy, but I'll
8 certainly allow you to have a copy
9 today.

10 MS. LUTZ: Thank you, Your
11 Honor.

12 JUDGE TURNER: I seem to have
13 two copies, one of which has an
14 e-mail to Renee Tarpley attached to
15 it, and I talked to Mr. -- help me
16 with your associate's name.

17 MR. CAMPBELL: Ray Roberts.

18 JUDGE TURNER: I talked to him
19 about these letters and said that I
20 didn't plan to send him a copy.
21 Because it was his client, he could
22 get a copy from her. So I assume he
23 has done that. He said he was
24 meeting with her later that day. But

1 I'm certainly going to let you have
2 copies today. And if you feel the
3 need of them, I'd also let you have a
4 copy.

5 Is there anything else you
6 wanted to say, Miss Lutz?

7 MS. LUTZ: It's PECO's
8 position that we proceed with the
9 further hearing, because certainly
10 when I spoke with Mr. Roberts
11 yesterday, I indicated that we could
12 have a call if he thought a
13 continuance may be necessary, and he
14 indicated to me at that time, no,
15 that would not be necessary.

16 He also had notice at that
17 time to contact his client. So I
18 feel because this is simply a further
19 hearing to acknowledge some
20 outstanding items, she certainly had
21 ample notice to attend, and at this
22 point PECO would object to any
23 request for a continuance.

24 JUDGE TURNER: Okay.

1 MR. CAMPBELL: If --

2 JUDGE TURNER: You want to
3 respond?

4 MR. CAMPBELL: Yes, Your
5 Honor.

6 JUDGE TURNER: Okay.

7 MR. CAMPBELL: Your Honor, be
8 that as it may, given the fact that
9 the notice is less than ideal, to say
10 the least, it puts Mr. Roberts in a
11 very difficult position, and it also
12 assumes that we would have been able
13 to get Miss McVicker today. I wish I
14 could tell you more in the way of
15 facts, but I can't.

16 Had it not been -- the only --
17 the main reason that we're in this
18 predicament is because Mr. Roberts
19 found out about today's hearing just
20 yesterday from Miss Lutz.
21 Irrespective of the fact that Mr.
22 Roberts apparently told Miss Lutz
23 that he thought he might make it
24 today, and it turns out he couldn't,

1 we're in this problem because notice
2 was received by way of counsel the
3 day before, and we think that it's --
4 the notice is insufficient. And --
5 and even given the limited purpose of
6 the hearing, notice is something
7 that's necessary in order for Miss
8 McVicker to represent her side of the
9 story.

10 JUDGE TURNER: Okay. Are you
11 completed with your statement?

12 MR. CAMPBELL: Yes.

13 JUDGE TURNER: I have to
14 concede that the Commission did not
15 give proper notice, for which I
16 apologize to everybody.

17 On the other hand, we know
18 that Mr. Roberts did have actual
19 notice.

20 MR. CAMPBELL: Yes, as of
21 yesterday is my understanding.

22 JUDGE TURNER: Yes. And she
23 had actually notice as of the day
24 before yesterday, is that correct,

1 Miss Lutz, the 13th, which was a
2 Monday?

3 MS. LUTZ: It was the 13th,
4 right.

5 MR. CAMPBELL: She told me
6 that she just received this earlier
7 today when we had our --

8 JUDGE TURNER: You're talking
9 about Miss McVicker?

10 MS. LUTZ: Yes. But Miss Lutz
11 received it only on Monday.

12 MR. CAMPBELL: I see.

13 JUDGE TURNER: So as you said,
14 notice was not ideal all the way
15 around. However, I do have this
16 evidence, and I do want to move this
17 case along. Miss McVicker, whatever
18 her position of notice, did at the
19 previous hearing promise to pay a
20 thousand dollars on her residential
21 account.

22 MR. CAMPBELL: That's my
23 understanding.

24 JUDGE TURNER: She has not

1 done this. Her residential account
2 balance is 2 thousand, 29 dollars and
3 97 cents, and I believe that was put
4 on the record at the last hearing.
5 I'm not sure. Do I remember
6 correctly, Miss Lutz and Miss
7 Tarpley?

8 MS. LUTZ: That is correct,
9 Your Honor.

10 JUDGE TURNER: All right.
11 Now, I think that there will be
12 differences between PECO and Miss
13 McVicker about the commercial
14 accounts; however, I don't believe
15 there's any difference between them
16 about her residential account. Not
17 only that, she herself wanted to have
18 a field visit on her meter, and she
19 cancelled that at the last minute,
20 having agreed to an appointment. I
21 don't know why she did that. But
22 it's really uncooperative, and as far
23 as I'm concerned, she owes PECO 2
24 thousand and 29 dollars and 97 cents

1 and has made no payments since August
2 2004, and has defaulted on a thousand
3 dollar payment that she promised to
4 make.

5 So at least I will issue an
6 Order to tell her to do that. I do
7 not feel that she is fairly in notice
8 of that.

9 Now, as to the other
10 information, I'm inclined to admit it
11 supported by the affidavit, and if
12 Miss McVicker and Mr. Roberts wish to
13 have a hearing on it, they can
14 request it, and I will do my best to
15 accord them a really early hearing.
16 I had arranged to get speedy delivery
17 of this transcript so I could work on
18 this decision. Obviously that's
19 really not necessary. But the
20 hearing was for cross-examination of
21 the PECO evidence, as I understand
22 it, which was the letter, late filed
23 Exhibit 3, and then there are five
24 pages. I don't believe there was to

1 be additional testimony necessarily
2 from PECO, although there might have
3 been more after cross-examination,
4 and, of course, Miss McVicker might
5 have wanted to give additional
6 testimony after this.

7 But I think that this
8 information would have been admitted
9 in any event at a hearing.

10 So I'm going to admit it, and
11 I'm going to provide for a hearing.
12 I would really like to have a hearing
13 next week with everybody present.

14 MR. CAMPBELL: I will inform
15 Mr. Roberts. I'm attached next week
16 in Common Pleas Court, so I know that
17 I can't come.

18 JUDGE TURNER: And one of the
19 reasons I would like to have it is
20 because I probably won't be at the
21 Commission after the 29th of June,
22 and I would really like to do this
23 case. I don't want to transfer it to
24 another judge. So I'm going to put

1 it in the best position for me to
2 decide it.

3 So let's go off the record.

4 * * *

5 (Whereupon, a discussion was
6 held off the record.)

7 * * *

8 JUDGE TURNER: Do you want to
9 make any further comments, Mr.
10 Campbell?

11 MR. CAMPBELL: Off the record.

12 * * *

13 (Whereupon, a discussion was
14 held off the record.)

15 * * *

16 JUDGE TURNER: Back on the
17 record.

18 Mr. Campbell?

19 MR. CAMPBELL: Your Honor, I'd
20 just like to advise the Court that I
21 have not -- although I am familiar
22 with many of the allegations involved
23 in this matter, I am not the person
24 primarily handling this file, and

1 therefore, I'm -- I'm not in a good
2 position to make any -- to make
3 responses to PECO's allegations since
4 I'm pinch hitting, as they say, at
5 the last minute for Mr. Roberts.

6 JUDGE TURNER: Okay. Now,
7 Miss Tarpley, after you and Miss Lutz
8 reviewed the May 3rd letter from Miss
9 McVicker in which she essentially
10 says that you broke a promise to her,
11 at least as I read it, you offered
12 explanations about why you did not
13 authorize service to those commercial
14 accounts. And I would like you to
15 make that statement on the record.
16 You are still under oath from a
17 previous hearing. And the reason I
18 want you to make the statement is
19 because I've heard it. So it needs
20 to be on the record, because if it's
21 going to influence my decision, I'd
22 like it to be there. Could you sort
23 of replicate those remarks?

24 MS. TARPLEY: Yes, Your

1 Honor. At the prior hearing, Miss
2 McVicker did indicate that she had
3 paid the required amount to have the
4 services restored and that PECO had
5 not restored the services. I
6 informed her at that time that if
7 that is the case, I most definitely
8 will order the service restored if
9 those payments were made, the
10 requirements were met.

11 After further review when I
12 went back to the office and reviewed
13 the accounts for Miss McVicker for --
14 it was in reference to the Jopac
15 accounts at 1800 Sedgley that she was
16 inquiring about, the payment -- the
17 accounts were shut off in March 2004,
18 and I did state -- I did see that a
19 payment was submitted on the account
20 March 2005. March 14th, 2005, the
21 company received the payment in the
22 amount of 483 dollars and 78 cents
23 via our payment processing center.
24 The account that -- payment was

1 disbursed between the two accounts,
2 the two Jopac accounts that were no
3 longer active on our system, with 275
4 dollars and 64 cents being applied
5 toward the Jopac account of
6 240631352053. That left a balance on
7 that account of 686 dollars and 81
8 cents. That still has yet to be
9 paid. The additional 208 dollars and
10 14 cents was applied to the Jopac
11 account at 240631353622. That paid
12 that particular account in full.
13 These services were shut off for
14 nonpayment, and the restoration
15 requirements were an additional
16 reconnection fee as well as deposits
17 required on the accounts, and they
18 were not sufficient to have the
19 services restored.

20 JUDGE TURNER: Okay. And then
21 there's another commercial Jopac
22 account which I gather was not
23 involved in that particular
24 transaction?

1 MS. TARPLEY: That's correct,
2 Your Honor.

3 It was an industrial account
4 under Jopac, and this service was
5 also terminated for nonpayment March
6 7th, 2005. There has not been a
7 payment toward this industrial
8 account, and that account has been
9 finalled, and that balance is 13
10 thousand, 306 dollars and 93 cents.

11 JUDGE TURNER: And I guess
12 there would also be a reconnection
13 fee and a deposit for that?

14 MS. TARPLEY: An 8 hundred
15 dollar reconnection fee is being
16 required for this account.

17 JUDGE TURNER: And then
18 there's a previous tenant at the
19 Sedgley property, PNC Wiring.

20 MS. TARPLEY: That's correct.

21 JUDGE TURNER: And I believe
22 it was her testimony that she had
23 paid that off.

24 MS. TARPLEY: Miss McVicker

1 did testify that she had paid that
2 amount after, and she wanted us to
3 take action on the account, but that
4 was not her account. It was -- she
5 was not involved in that particular
6 account, and she was to submit
7 information that she actually made
8 the payments for this particular
9 account. And I informed her when she
10 did -- I don't know the exact date,
11 but I know it's on the e-mail date,
12 that she was not the listed rate
13 payer, and I could not disclose
14 information regarding that account.

15 JUDGE TURNER: Okay. But her
16 problem is -- one of her problems --
17 let me not try to diagnose all of her
18 problems -- but she would like, I
19 assume, to have a tenant for this
20 area of her -- what she calls a dead
21 storage warehouse, so she would like
22 -- she would like to activate that
23 meter. How is she supposed to go
24 about doing that?

1 MS. TARPLEY: She can activate
2 the meter for the PNC Wiring account
3 if she chooses, because it's not an
4 uncollected balance against her for
5 that account at PNC Wiring. The
6 uncollected balances are for the ones
7 that she was actually responsible
8 for, the Jopac accounts. If she
9 wants to apply for the service for
10 that, it's not a problem for that
11 particular account.

12 JUDGE TURNER: So she doesn't
13 have to pay off the PNC Wiring
14 balance, she just has to apply for
15 service?

16 MS. TARPLEY: She just has to
17 apply for service and pay the
18 required security deposit that
19 they'll quote her for 1830 Sedgley
20 Avenue, and that's the address of PNC
21 Wiring.

22 JUDGE TURNER: And the
23 security deposit would be based on
24 her history or PNC Wiring's history?

1 MS. TARPLEY: It would be
2 based on the usage at the property.

3 JUDGE TURNER: The usage for
4 this meter?

5 MS. TARPLEY: Hers, though,
6 for that meter. They'll quote her a
7 deposit. I'm not quite sure how
8 they'll derive it from -- for the new
9 commercial going in, because of the
10 size of the account, but they will
11 quote her a deposit, security
12 deposit, for sure.

13 JUDGE TURNER: So we it will
14 be based on PNC Wiring's usage?

15 MS. TARPLEY: It's a
16 possibility.

17 JUDGE TURNER: All right. I'm
18 not sure that she understands that,
19 Mr. Campbell, and I'm -- certainly I
20 didn't understand it after the last
21 hearing. So I'm requesting that you
22 convey this to her, or to your
23 associate to convey to her, that if
24 she wants to activate that meter, the

1 former PNC Wiring meter, she should
2 apply to have -- to open an account
3 on that meter.

4 MS. TARPLEY: That's correct,
5 or her tenant.

6 JUDGE TURNER: I don't believe
7 she has a tenant at this point.

8 Whoever wants to go in
9 that particular property, all they
10 have to do is to apply for the 1830
11 Sedgley?

12 MR. CAMPBELL: And the deposit
13 would be -- the deposit required
14 would be based on the usage at that
15 property before?

16 MS. TARPLEY: It will actually
17 be her usage. They'll gauge the
18 usage from the pattern there, but if
19 they need to adjust it, they'll look
20 at it further, but I'm not quite
21 sure, because it's an industrial
22 account, in how they gauge that for
23 initial deposits on there, security
24 deposits.

1 MR. CAMPBELL: To my
2 understanding, there were no
3 industrial --

4 JUDGE TURNER: I don't think
5 she has any usage on that meter.
6 It's only PNC.

7 MS. TARPLEY: She doesn't have
8 any usage on it. It's the usage of
9 -- a picture of the usage at the
10 premises.

11 JUDGE TURNER: Where there are
12 four or five meters?

13 MS. TARPLEY: At 1830. 1800
14 is something totally different.

15 JUDGE TURNER: Okay. Number
16 five on your Exhibit says previous
17 tenant at 1800 Sedgley properties.
18 It doesn't say 1830, so I'm a little
19 confused here.

20 MS. TARPLEY: 1800 Sedgley is
21 the Jopac accounts. They're the
22 Jopac accounts. It was Jopac listed
23 in the service address of 1800
24 Sedgley, and then you had 1830

1 Sedgley, and which the tenant, PNC
2 Wiring, was responsible for.

3 JUDGE TURNER: Well, that's
4 not what your Exhibit says supported
5 by your affidavit. Your Exhibit
6 says 1800 Sedgley properties, PNC
7 Wiring.

8 MS. TARPLEY: I'm sorry, she
9 said generally. I knew it was 1830
10 Sedgley.

11 MS. LUTZ: I didn't list that
12 specifically for that bay that Miss
13 McVicker had indicated. I was saying
14 that -- I was noting that in general
15 that there was a tenant at the 1800
16 properties.

17 JUDGE TURNER: All right. But
18 what we're dealing with at this point
19 -- and I'd like to change this
20 Exhibit -- is a previous tenant at
21 1830 Sedgley.

22 MS. TARPLEY: That's correct.

23 JUDGE TURNER: And the
24 instruction to her is that if she or

1 another tenant wants to use that
2 meter in that space, they can apply
3 for 1830 Sedgley?

4 MS. TARPLEY: That's correct,
5 Your Honor.

6 JUDGE TURNER: Okay. And you
7 can relay that corrected information?

8 MR. CAMPBELL: Yes, Your
9 Honor.

10 JUDGE TURNER: Now, if she
11 were here, Miss McVicker might be
12 able to explain why she did not make
13 her thousand dollar payment which she
14 had offered to make, but she's not
15 here, and I'm going to order her to
16 make it. And I'm also going to order
17 your associate and Miss Lutz to come
18 up with a hearing date for next week.

19 MS. LUTZ: Okay.

20 JUDGE TURNER: As early as
21 possible, allowing both of them to
22 prepare. And we will provide a court
23 reporter and a hearing room.

24 Now, do you have copies of

1 your late filed Exhibit and affidavit
2 to provide to the court reporter? I
3 have copies here. I have originals,
4 I believe. This is what you wanted
5 to have admitted, yes?

6 MS. LUTZ: That is correct,
7 Your Honor. At this point, I don't
8 have a clean copy.

9 JUDGE TURNER: I think this is
10 a clean copy, so we could use that.

11 MS. LUTZ: And I would like to
12 at the end -- at the conclusion of
13 today's hearing, make copies, and
14 I'll submit this to the court
15 reporter, if I may make a photocopy
16 of it for her.

17 JUDGE TURNER: Surely.

18 MS. LUTZ: Thank you.

19 MR. CAMPBELL: I assume that's
20 something we already have?

21 JUDGE TURNER: Well, it was
22 addressed to your associate.

23 MR. CAMPBELL: Okay. I just
24 had to ask, because I didn't know

1 what it was.

2 MS. LUTZ: Yes, Your Honor.

3 JUDGE TURNER: I hope he has
4 it. Given the mail service in this
5 case, I can't -- but I think he has
6 it.

7 MR. CAMPBELL: Perhaps I
8 should take note of the date.

9 MS. LUTZ: This is actually
10 dated May 24th, and, in fact, Mr.
11 Roberts objected to having this
12 admitted into evidence.

13 JUDGE TURNER: I think I faxed
14 him a copy.

15 MR. CAMPBELL: Okay.

16 JUDGE TURNER: So it's being
17 admitted over his objection at this
18 point with the supporting affidavit,
19 and the court reporter has to have
20 two copies. We will give you a copy,
21 because it's admitted today. I will
22 have a copy. And I think that
23 probably, to help explain part of
24 what's happening here, I will also

1 admit Miss McVicker's letter of May
2 3rd with the attached e-mail, unless
3 you would object to that.

4 MR. CAMPBELL: No, Your
5 Honor.

6 JUDGE TURNER: Would you
7 object to that?

8 MS. LUTZ: No, Your Honor, I
9 would just reserve a right to
10 cross-examine her on that at the next
11 hearing.

12 JUDGE TURNER: Fine. So we're
13 going to -- I don't know quite how to
14 describe this. She had Exhibits B
15 through I admitted at the last
16 hearing, and so I would make this
17 McVicker-J. And I will have to
18 provide an extra copy to the court
19 reporter as well.

20 So are there more comments,
21 or is there more business to be done
22 about this case?

23 MS. LUTZ: Your Honor, can I
24 request a clarification of the order

1 of the payment. Is she -- is the
2 court requiring her to make that
3 payment by the next hearing?

4 JUDGE TURNER: You're right, I
5 should have a date. I just said I
6 would order her to pay it. But since
7 we don't know when the next hearing
8 is going to be, it's a little
9 difficult to say that. I will
10 probably order her to make it by
11 Friday -- well, let me think about
12 that. Let's adjourn for the moment,
13 go off the record, and get copies
14 made, and I will take comments from
15 Mr. Campbell about payment date,
16 also.

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

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JUDGE TURNER: The court
reporter has asked me if I still
needed the transcript in a rush, and
I have said yes, I would like it.

1 You have provided her with two copies
2 of your exhibit and the supporting
3 affidavit?

4 MS. LUTZ: That is correct,
5 Your Honor.

6 JUDGE TURNER: And you have
7 provided her with two copies of Ms.
8 McVicker's letter and attachment
9 dated May 3rd?

10 MS. LUTZ: That is correct.

11 JUDGE TURNER: Okay. And
12 you're prepared to give me back
13 copies of each of those things?

14 MS. LUTZ: Additional copies,
15 sure.

16 JUDGE TURNER: You have my
17 only copy of each of them.

18 MS. LUTZ: I think I gave you
19 the originals back.

20 JUDGE TURNER: You did, I'm
21 sorry. Thank you.

22 And Mr. Campbell has copies?

23 MR. CAMPBELL: I do, Your
24 Honor.

1 JUDGE TURNER: So -- and as I
2 said, I think off the record, I
3 requested if either side had an
4 objection to my going to Sedgley
5 Avenue, and nobody had a true
6 objection, although facial
7 expressions indicated that they
8 wondered why I wanted to do that, but
9 I am curious.

10 So is there anything else
11 that we need to do today?

12 MR. CAMPBELL: Your Honor, I
13 think that maybe I need to respond to
14 PECO's request that the court order
15 an expedited payment of the two
16 amounts that the Court intends to
17 order Miss McVicker to pay.

18 JUDGE TURNER: I don't think I
19 intend to order two amounts, but make
20 a response to what you understand.

21 MR. CAMPBELL: I thought that
22 the Court was going to order that
23 McVicker pay off the residential
24 accounts for 2 thousand, 29 dollars.

1 JUDGE TURNER: No, I was going
2 to order her to make her promised
3 payment of a thousand dollars on her
4 residential account.

5 MR. CAMPBELL: Okay.

6 JUDGE TURNER: That's all I
7 intended to order her to do.

8 MR. CAMPBELL: And with
9 respect to that, I would only ask
10 that she be given a reasonable amount
11 of time to comply with that Order.

12 JUDGE TURNER: What's
13 reasonable in your mind?

14 MR. CAMPBELL: I guess 30
15 days.

16 JUDGE TURNER: Let me tell you
17 what she said at the last hearing.
18 First she said, would a thousand
19 dollars help? And we said, okay, and
20 when could you do that? And I think
21 she said in a week, if I'm
22 remembering correctly.

23 MS. TARPLEY: Yes, Your
24 Honor.

1 JUDGE TURNER: So although I
2 understand your concern, Mr.
3 Campbell, what I will do is allow her
4 the time she said she could make the
5 payment at the last hearing. And
6 I'll just have to find it in the
7 transcript.

8 MS. LUTZ: Your Honor, it's on
9 page 67 of the transcript.

10 JUDGE TURNER: PECO bought one
11 this time.

12 No, I don't have a bill. I'd
13 be more than willing to give PECO a
14 payment, come over and hand you a
15 payment this week. I would also like
16 to get a copy of my bills. And I'm
17 not sure where the thousand dollars
18 statement is, but --

19 MS. LUTZ: At the very
20 bottom.

21 JUDGE TURNER: Would a
22 thousand dollars help? On page 68.
23 All right. I think part of the issue
24 for Ms. McVicker was that she had not

1 been getting her bills; however, she
2 had signed up for the internet
3 service, right?

4 MS. TARPLEY: That is correct.

5 MS. LUTZ: That was confirmed
6 at the hearing, yes. She
7 acknowledged that she was on the
8 e-billing system.

9 JUDGE TURNER: So that's how
10 she gets her bills. They don't mail
11 her bills. And I believe she was
12 going to go back to the e-billing and
13 get her bills from that. I don't
14 know whether she intended to cancel
15 e-billing, I just don't know what she
16 intended to do, but that's how she
17 was going to get her past bills. I
18 don't know what she's doing about her
19 future bills.

20 So of course, there's no
21 telling how her financial situation
22 has changed and whether she can still
23 make a thousand dollar payment in a
24 week, but it seemed like she wasn't

1 going to have any trouble with it the
2 last time we spoke. So although I --
3 I understand your position and your
4 desire to protect this client, I will
5 make it a week.

6 Is there anything else?

7 MS. LUTZ: Nothing further,
8 Your Honor.

9 JUDGE TURNER: Mr. Campbell?

10 MR. CAMPBELL: Nothing
11 further, Your Honor.

12 JUDGE TURNER: Thank you. In
13 that case, we are adjourned.

14 * * *

15 (Witness excused.)

16 * * *

17 (Whereupon, the hearing was
18 adjourned at 2:55 p.m.)

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C E R T I F I C A T I O N

I, Michele Matteo, hereby
certify that the foregoing is a true
and correct transcript of the
proceedings held in this matter, as
transcribed from the stenographic
notes taken by me.

Michele Matteo

MICHELE MATTEO
CERTIFIED SHORTHAND REPORTER

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