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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

2003 MAR 17 AM 11:21  
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PA PUC  
SECRETARY'S BUREAU

Doris A. Buckner :  
: Docket No.  
v. :  
: Z-01196423  
PECO Energy Company :

PREHEARING ORDER

On September 25, 2002, Doris A. Buckner (Buckner or Complainant) filed a Complaint against PECO Energy Company (Respondent or PECO) alleging that she was charged an incorrect higher CAP Rate for 18 months, or from November 16, 1999 to April 19, 2001. She attaches copies of her 1099-Misc forms for 1999 and 2000 to her complaint to show her income. She made numerous calls to PECO to correct the problem with no results. She avers that she filed an informal complaint, but her service was shut off on July 25, 2002.

Buckner wants a credit for the 18 months as she was over billed, and no adjustments have been made.

On October 25, 2002, PECO filed an Answer admitting only that Buckner was placed in the CAP rate program. PECO further avers that Buckner's proof of income has been reviewed at least 5 times since November 1999, and each review has concluded that Buckner was not eligible for the 50% discounted rate, but that she was eligible for the 25% discounted rate.

There is no documentation in the ALJ's file that the Office of Administrative Law Judge (OALJ) undertook Mediation Review of the case.

**DOCKETED**

MAR 17 2003

On December 27, 2002, OALJ issued a notice scheduling an initial telephone hearing to be held on this case on Thursday, March 20, 2003, at 10:00 a.m. The case was assigned to Administrative Law Judge Allison K. Turner (ALJ) for hearing and decision.

### Discussion

The primary purpose of this Order is to inform all parties of basic procedures to be followed before and at the hearing. They are set forth in the Order below.

### ORDER

**THEREFORE,**

**the parties are directed to comply with the following:**

1. If for any reason any party cannot appear at this initial hearing as scheduled, that party should request a continuance. **If you do not appear at the hearing, and you have not obtained a continuance, you may lose this case.** Continuances are only granted if good cause is presented. Any request for a change of the scheduled date for the initial hearing **must be sent to the Office of Administrative Law Judge Scheduling Staff, to the office of the presiding officer, who is responsible to review and decide continuance requests, and the opposing party or parties.** The address for the Scheduling Staff is: PA PUC, P.O. Box 3265, Harrisburg, PA 17105-3265. The scheduling officer for your case is Susan Licon, and her phone number is (717) 787-5630. The presiding officer on your case is Judge Allison K. Turner. The mailing address for the Philadelphia Administrative Law Judges is: PA PUC, Room 1302 Philadelphia State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. The phone number for this office is (215) 560-2105.

2. **Either party may lose this case if they or it does not take part in the initial hearing, and present evidence on the issues raised.**

3. ALTHOUGH THIS IS AN ADMINISTRATIVE HEARING, IT IS A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE. TESTIMONY WILL BE TAKEN UNDER OATH, AND BE SUBJECT TO CROSS-EXAMINATION, ETC.

4. Pursuant to 52 Pa. Code §§1.21 and 1.22, since she is an individual, Buckner may represent himself, or she may have an attorney represent her. If Buckner does choose to be represented by counsel, the attorney should enter a notice of appearance as soon as possible. PECO must be represented by counsel because it is a corporation.

5. If any party wishes to offer information into evidence at the hearing in the form of documents (letters, bills, receipts, cancelled checks and the like), the offering party should bring the required number of copies to the hearing (an original and two copies for the ALJ and the court reporter, and one copy for each other party). 52 Pa. Code §5.409. Documents should be properly pre-marked for identification.

6. This is a formal hearing, and testimony is taken under oath. The Complainant, **Buckner should be prepared to present her direct case at the beginning of the hearing. As the Complainant, she has the burden of proof to show that the allegations in her complaint are true, i. e., that PECO has improperly over billed her, and that she is entitled to a credit for the 18-month period as claimed. She must specify the amount of the credit or refund she is seeking.** Then PECO will respond to Buckner's evidence. As the party with the burden of proof, Buckner has the right to give concluding testimony. Buckner and PECO will have the opportunity to cross-examine each other's witnesses.

7. PECO shall provide copies of: any documents showing correspondence with Buckner; and of any reports of any visits made by its agents or

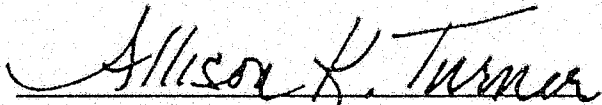
employees to the property in question. These documents also shall be prepared in the form of exhibits.

8. Be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents that you file in this proceeding at: PA PUC/OALJ, Room 1302 Philadelphia State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130.

9. If any party needs to subpoena witnesses for the hearing, that party should review 52 Pa. Code §5.421. The party should submit its or their written application for subpoenas sufficiently in advance of the hearing so that the other parties will have the requisite ten days' notice to answer the application, and so that the party will have enough time to receive the subpoenas and serve them.

11. Commission policy is to encourage settlements. 52 Pa. Code §5.231(a). Therefore, Buckner and PECO are urged to **discuss informally between themselves the possible settlement of this case at least one week before the hearing, and to notify the ALJ and or the Scheduling Office by Monday, March 17, 2002, if agreement is reached, and the hearing is not necessary.** If you are unable to completely settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

12. The parties should exchange lists of their proposed witnesses at least three days before the hearing

  
Allison K. Turner  
Administrative Law Judge

Date: March 11, 2003

**OALJ Hearing Report**

Please Check Those Blocks Which Apply

Docket No.:	Z-01196423	Prehearing Held:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Case Name:	Doris A. Buckner v. PECO Energy Company	Hearing Held:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
<b>DOCUMENT FOLDER</b>		Testimony Taken:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
		Transcript Due:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
		Hearing Concluded:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
		Further Hearing Needed:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Location:	Philadelphia, PA	Estimated Add'l Days:	1	
Date:	March 20, 2003	RECORD CLOSED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
ALJ:	Allison K. Turner	Briefs to be Filed:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Reporting Firm:	Precision Reporting, Inc.	Bench Decision:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<b>DOCKETED</b> MAR 31 2003		REMARKS:	<i>Buckner to submit 3 exhibits in 2 weeks; PECO to respond 2 weeks later</i>	

CSH 27 11:3:18  
 PA PUC

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

Name and Telephone Number	Address	Who are you representing?
Doris A Buckner 1230 Hall Ave Rosllyn PA 19001	1230 Hall Ave Rosllyn PA 19001	self
Pritya Sankar Esq.	2301 Market St. 523-1 PO Box 8699 Phila PA 19101	PECO Energy

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 2003 MAR 28 PM 12:18  
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Check this box if additional parties or attendees appear on back of form.

*Karen Stevens*  
Reporter's Signature

Name and Telephone Number	Address			Who are you representing?
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge  
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

August 22, 2003

In Re: Z-01196423

(See letter of 12-27-02)

DOCKETED  
AUG 26 2003

Doris A. Buckner v. PECO Energy Company

Billing dispute.

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Telephone Hearing Notice

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

Type: Further telephone hearing  
Date: Tuesday, September 23, 2003  
Time: 10:00 a.m.  
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

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

At the above date and time, the Presiding Officer will contact the parties as follows:

Doris A. Buckner (215) 885-7771  
Priya Sankar, Esquire (215) 841-6841

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 3 days before the hearing.

*Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.*

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

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.:	Z-01196423		YES	NO
Case Name:	Doris A. Buckner v. PECO Energy Company	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		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"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	September 23, 2003	Estimated Add'l Days:		1?
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 type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	<i>PECO to check on calculation of income to see if Buckner was level &amp; should get 50% discount Submit results by Oct. 7, 2003</i>	

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OFFICE OF C.A.L.J.

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PA PUC

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

Name and Telephone Number	Address	Who are you representing?
Doris A Buckner	1230 Hall Ave Roslyn, PA 19001	Self.
Telephone:	E-mail Address:	Fax Number:
Priya Santar <del>2301 Market</del>	2301 Market St P.O. Box 8699 Phila Pa 19101	PeCo
Telephone:	E-mail Address:	Fax Number:
Telephone:	E-mail Address:	Fax Number:

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

*Laura Jones*  
Reporter's Signature **RJP**

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

Name and Telephone Number	Address			Who are you representing?
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office of Administrative Law Judge

1302 Philadelphia State Office Building, 1400 W. Spring Garden St., Philadelphia, PA 19130

Telephone: (215) 560-2105

(215) 560-2105

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PLEASE DOCKET

September 29, 2003

Priya Sankar, Esquire  
Exelon Business Services Company  
2301 Market Street, S23-1  
P. O. Box 8699  
Philadelphia, PA 19101

Doris A. Buckner  
1230 Hall Avenue  
Roslyn, PA 19001

In re. Doris A. Buckner v. PECO Energy Company  
Docket No. Z-01196423

DOCKETED  
OCT 08 2003

Dear Ms. Sankar & Ms. Buckner:

A further hearing was held on this case on September 23, 2003. At this hearing, Exhibit A submitted by Mrs. Buckner was marked, discussed and admitted. Unfortunately, I did not mark, take testimony on or admit three other documents submitted by Mrs. Buckner: Exhibits B, C, and D, which were folded inside Exhibit A. Ms. Sankar did not object to Exhibit A, and I am now inquiring whether she has objections to the other three exhibits. Ms. Sankar should notify me of any objections as soon as possible. If she does not, I will admit these exhibits by Interim Order after October 10, 2003.

If you have any procedural questions or comments, please contact me.

Very Truly Yours,

Allison K. Turner  
Administrative Law Judge

Pc: Susan Licon, Scheduling Officer  
Secretary's Bureau



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office of Administrative Law Judge

1302 Philadelphia State Office Building, 1400 W. Spring Garden St., Philadelphia, PA 19130

Telephone: (215) 560-2105

October 23, 2003

IN REPLY PLEASE  
REFER TO OUR FILE

DOCKET

Priya Sankar, Esquire  
Exelon Business Services Company  
2301 Market Street, S23-1  
P. O. Box 8699  
Philadelphia, PA 19101

Doris A. Buckner  
1230 Hall Avenue  
Roslyn, PA 19001

In re: Doris A. Buckner v. PECO Energy Company  
Docket No. Z-01196423

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Dear Ms. Sankar & Ms. Buckner:

A further hearing was held on this case on September 23, 2003. Ms. Buckner asserts that she should have received a 50% discount rather than a 25% discount under the CAP rate program during a certain period. At this hearing, Anthony Costello agreed to reevaluate Ms. Buckner's exhibits because of a possible incorrect classification of income attributed to Ms. Buckner in the disputed period. If Mr. Costello concludes that Ms. Buckner was incorrectly classified, and agrees to reclassify her for the disputed period, then the complaint can be satisfied or settled. PECO was to notify me and Ms. Buckner of his conclusion within ten days to two weeks.

However, I have not heard anything from PECO about its willingness to credit the Complainant for the 50% discount rather than the 25% discount during the disputed period. Please notify me in ten (10) days of the date of this letter of PECO's position on this case, and provide a copy to Ms. Buckner.

If you have any procedural questions or comments, please contact me.

DOCKETED

NOV 07 2003

Very Truly Yours,

Allison K. Turner  
Administrative Law Judge

Pc: Susan Licon, Scheduling Officer  
Secretary's Bureau