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COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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 :  
St. Lucy Society v. : Docket No.  
Pennsylvania Power Company. : C-20055684  
 Requests payment arrangements. :  
 :  
 Initial Telephonic Hearing. :  
 :  
 ----- X

Pages 1 through 28 Pittsburgh State Office Building  
 Hearing Room 3  
 300 Liberty Avenue  
 Pittsburgh, Pennsylvania 15222

Tuesday, February 28, 2006

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MICHAEL A. NEMEC, Administrative Law Judge

APPEARANCES:

ROSE DONAFRIO  
 P. O. Box 276  
 Hillsville, Pennsylvania 16132  
 (Pro se)

HARRY A. FLANNERY, Esquire  
 76 South Main Street  
 Akron, Ohio 44308  
 (For the Respondent)

*G. M.*

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FORM 2

P R O C E E D I N G S

1  
2 ADMINISTRATIVE LAW JUDGE MICHAEL A. NEMEC: This  
3 morning we have a case which is captioned St. Lucy Society  
4 versus Pennsylvania Power Company. The matter is docketed  
5 at C-20055684.

6 Present for this hearing this morning is Ms. Rose  
7 Donafrio who, my understanding is, is the bookkeeper for  
8 the Society. She is present by way of telephone. Also  
9 present by way of telephone is Ms. Mary B. Clark, a witness  
10 for FirstEnergy or Pennsylvania Power Company. Present  
11 with me in the hearing room in Pittsburgh, is Attorney  
12 Harry Flannery representing Pennsylvania Power.

13 My name is Michael Nemeć. I'm an Administrative Law  
14 Judge with the Pennsylvania Public Utility Commission. I  
15 have been assigned to conduct the initial hearing in this  
16 case.

17 Yesterday, I spoke informally with Ms. Donafrio and  
18 reiterated what was in the prehearing order with regard to  
19 the Society needing to be represented by counsel. She  
20 explained to me that the Society doesn't have any attorney  
21 and that she was unaware of anyone who would be available  
22 to represent the Society.

23 I must tell you, Ms. Donafrio, that the Commission  
24 requires anyone other than an individual, in essence,  
25 anybody other than an individual, to be represented by

1 counsel if they wish to present exhibits, cross examine  
2 witnesses and otherwise litigate a case.

3 We will get into your situation with the Society in  
4 a few minutes. What I am prepared to do is allow you to  
5 present a statement on behalf of the Society, but you will  
6 not be permitted to cross examine or otherwise argue the  
7 case.

8 The way we are going to proceed, we are going to  
9 take your testimony first, Ms. Donafrio. Then we will hear  
10 from Penn Power if they wish to present anything. Once you  
11 finished with your statement, Mr. Flannery may have some  
12 questions for you, I will have some questions for you and  
13 then Penn Power may proceed if they wish to do so. Do you  
14 have any questions about the procedure?

15 MS. DONAFRIO: No. Informally...

16 JUDGE NEMEC: We are not informal right now, we are  
17 formal.

18 MS. DONAFRIO: Okay.

19 Whereupon,

20 ROSE M. DONAFRIO

21 having been duly sworn, testified as follows:

22 DIRECT TESTIMONY

23 JUDGE NEMEC: Please state your name for the  
24 record.

25 THE WITNESS: Rose M. Donafrio

1 JUDGE NEMEC: Am I spelling your last name  
2 correctly, D-o-n-a-f-r-i-o?

3 THE WITNESS: Yes.

4 JUDGE NEMEC: Either your home address or work  
5 address?

6 THE WITNESS: P. O. Box 276, Hillsville, PA 16132

7 JUDGE NEMEC: Ma'am, you are appearing today on  
8 behalf of whom?

9 THE WITNESS: St. Lucy Society.

10 JUDGE NEMEC: Can you tell me what St. Lucy Society  
11 is?

12 THE WITNESS: It is a club, it's a social club  
13 consisting of members who run the club and all members  
14 actually own the club. It's a private club, private social  
15 club by members only. It's a non-profit organization.

16 JUDGE NEMEC: Is it organized as a corporation or  
17 is it sort of...

18 THE WITNESS: It's non-profit.

19 JUDGE NEMEC: It's non-profit in terms of federal  
20 income tax purposes?

21 THE WITNESS: Yes.

22 JUDGE NEMEC: What is your position with the  
23 Society?

24 THE WITNESS: Their bookkeeper, bar manager.

25 JUDGE NEMEC: Do you have a statement to make on

1 behalf of the Society?

2 THE WITNESS: Yes.

3 JUDGE NEMEC: Go ahead.

4 THE WITNESS: I should just ahead and say it?

5 JUDGE NEMEC: Yes, ma'am.

6 THE WITNESS: Okay. I'm representing St. Lucy  
7 Society in Hillsville. We encountered a little financial  
8 problem in the past few months, and we were doing our best  
9 to make payments on our account to Penn Power.

10 Rich Rapone, the collector, came one day and I was  
11 giving him money, and then on one certain day he came to  
12 the business and said that I had to pay the full amount  
13 right then, which was \$1,286, which I had given him one  
14 payment the week before and I offered to give him some of  
15 that. I didn't have the full amount, and he said, no, it  
16 would be turned off in two days if we didn't pay that full  
17 amount.

18 When I called to try to make arrangements, nobody  
19 would make arrangements with me because we were considered  
20 a corporation, and they wouldn't accept our arrangement  
21 because a termination had already set into place. I then  
22 called for somebody to help me and I was instructed to call  
23 the Public Utility Commission.

24 I feel that we were not treated properly because of  
25 the fact that we are a nonprofit organization. We don't

FORM 2

1 make money for anybody to gain anything, and I was doing  
2 the best I could to make these payments on a regular basis  
3 week after week, give him what I could give him, not  
4 neglecting that I know we are responsible for the bill, but  
5 doing my best to pay the amount off.

6 To come one day and just say, okay, I'm not allowed  
7 to take a payment, I need the money in full or you don't  
8 have power -- I mean, I had food in the coolers for people  
9 to get free food at Christmas time and everything. I  
10 didn't feel that I was being treated fair.

11 If I wasn't trying to make an effort and just not  
12 paying nothing, I couldn't understand them wanting to turn  
13 it off, but I made the effort. I was making the payments  
14 on a weekly basis with Rich, and I tried to make an  
15 arrangement to where we all could afford it and it was  
16 still reasonable for Penn Power, but it was unacceptable.

17 Therefore, I contacted the Public Utility Commission  
18 on the basis that they would not accept my payment at that  
19 time, they wanted the full amount, and also he didn't  
20 properly notify me. What he did was, when I gave him \$100  
21 for that payment to hold off the termination, he didn't --  
22 instead of giving me a written statement, posting it,  
23 stating I had so many days to comply, he just jotted on the  
24 side of my receipt, you have three days to pay that amount.

25 I talked to the president, which is Charles Pezzulo,

1 and there was no way we could come up with that money. I  
2 tried to do everything in my means to make arrangements,  
3 and nobody would make arrangements with me.

4 Therefore, I called the Public Utility Commission  
5 and filed a complaint on the fact that I thought we were  
6 being treated unfair.

7 JUDGE NEMEC: This was Rich who, what was Rich's  
8 last name?

9 THE WITNESS: Rapone.

10 JUDGE NEMEC: I'm sorry

11 THE WITNESS: Rich Rapone, he's their collector.

12 JUDGE NEMEC: Do you know how the last name is  
13 spelled?

14 THE WITNESS: R-a-p-o-n-e.

15 JUDGE NEMEC: When did you have this conversation  
16 with Mr. Rapone?

17 THE WITNESS: I do believe it was -- it was right  
18 before I filed the complaint in December, I do believe. It  
19 was...

20 JUDGE NEMEC: The complaint was filed December  
21 20th.

22 THE WITNESS: Then it would have been the 18th,  
23 December 18th, when I gave him the \$100. I tried to  
24 contact somebody at -- yes, it says -- it was the 14th,  
25 excuse me, that the payment was made on my receipt here.

1 JUDGE NEMEC: Okay. You mentioned the president of  
2 the Society, Charles, and what is his last name?

3 THE WITNESS: Pezzulo.

4 JUDGE NEMEC: Can you spell that, please?

5 THE WITNESS: P-e-z-z-u-l-o.

6 JUDGE NEMEC: How much were you paying each week?

7 THE WITNESS: Whatever I could afford to give him.  
8 Like one week, I gave him \$400 and then the next week, I  
9 gave him like \$200 more, and then the week that he came and  
10 he wanted the full amount, I only had \$100 to give to him  
11 that day.

12 JUDGE NEMEC: Are you disputing any of the bills  
13 that you have received from Pennsylvania Power Company?

14 THE WITNESS: Just -- the only bill that I have a  
15 problem with was the November and December bill, but after  
16 I figured out -- like, I went by the wattages and  
17 multiplied it, it seems to be correct. We had an  
18 electrician come out here, and we did have an electrical  
19 problem that had to be corrected. I had an electrician  
20 come in and check the box, and they did have to do some  
21 work on it.

22 JUDGE NEMEC: From your comments, I am going to  
23 conclude that you don't have a problem with any of Penn  
24 Power's billing?

25 THE WITNESS: Their billing?

1 JUDGE NEMEC: Their billing.

2 THE WITNESS: No, just the November bill, that's  
3 the only one I have a problem with.

4 JUDGE NEMEC: What is the problem?

5 THE WITNESS: It seemed like it was too high  
6 compared to the wattage we used. I figured it out and it  
7 seemed we were overcharged.

8 JUDGE NEMEC: That's not in your complaint.

9 THE WITNESS: Right, like I said, I had an  
10 electrician come out and check it, and we had a problem on  
11 our end. You know what I mean? Therefore, it wasn't the  
12 problem with them in the end, no.

13 JUDGE NEMEC: Okay, that's what I understood from  
14 your prior comments and that's why I am saying that I am  
15 concluding at this point that you don't have a problem with  
16 Penn Power's billing?

17 THE WITNESS: No, no, no. At that time, I did, but  
18 now, no. It's not them.

19 JUDGE NEMEC: Okay, thank you. In other words, you  
20 are not disputing the amount that Penn Power is claiming  
21 that you owe?

22 THE WITNESS: No.

23 JUDGE NEMEC: Anything else that you would like to  
24 add?

25 THE WITNESS: Just that I don't have a problem with

1 paying the bill. I just would like a fair payment, one we  
2 can adjust and afford right now.

3 JUDGE NEMEC: And what would that be, how much  
4 would that be?

5 THE WITNESS: I would offer to pay the bill when we  
6 get the bill and add \$50 on top of it until we get that  
7 amount, which is \$806 right now, brought down to -- it was  
8 \$1,300. Now it's \$806.

9 JUDGE NEMEC: So, what you offer would be to pay  
10 the current bill plus \$50 on the arrearage?

11 THE WITNESS: Yes.

12 JUDGE NEMEC: Let's see if Mr. Flannery has any  
13 questions for you.

14 MR. FLANNERY: Yes.

15 CROSS EXAMINATION

16 BY MR. FLANNERY:

17 Q Ms. Donadio, you indicated you are the  
18 bookkeeper and the bar manager?

19 A Yes.

20 Q Are you salaried?

21 A Pardon me?

22 Q Do you get paid for your services?

23 A It's volunteer.

24 Q Is there any paid individuals with this  
25 nonprofit entity?

1 A No.

2 Q Did you get a chance to look at that which was  
3 sent to you, Penn Power Exhibits 1 and 2?

4 A Did I what? I couldn't hear that.

5 Q Did you get a chance to look at Penn Power  
6 Exhibits 1 and 2?

7 A Yes, I did.

8 Q Do you agree that if you look at Exhibit 1, that  
9 there, in fact, were seven bad checks given to Pennsylvania  
10 Power Company for service rendered?

11 A Yes. Recently we -- we had another secretary  
12 that was in here. We had a problem, and from March until  
13 -- I didn't take over until December. Wait, it was  
14 November when I took over.

15 The bottom line is that we had a secretary that  
16 stole money. Right now we are in proceedings against her  
17 for what she did. She was writing checks out saying she  
18 was paying items, and really she was paying herself. There  
19 was no one overseeing her at the time.

20 Q Okay, but somebody was obviously aware that  
21 there were...

22 A Her; she's the only one that did the check book.  
23 She was the only one, you know what I mean -- she would  
24 write in the book so that everybody thought she paid the  
25 power, but actually, in all reality, the check was made out

1 to her. She got the mail so nobody would ever question it.

2 Q Is it true that the bills that are currently  
3 paid are only paid when a collector comes out?

4 A The past few times, the past couple months, we  
5 have been in financial difficulty. When Rich comes out, I  
6 pay the bill, but only because they've been coming -- like,  
7 I always thought you at least had a week after the due date  
8 to pay it.

9 Well, since I filed this petition, they have been  
10 there exactly -- if it's not paid on that day, Rich has  
11 been here the next morning, which I kind of figured had  
12 something to do with this hearing.

13 Q Now, tomorrow you have another amount due of  
14 \$1,255.22; is that correct?

15 A We have the past-due amount -- I guess has to be  
16 paid tomorrow, \$400-some.

17 Q So that the account balance...

18 A The account balance is \$1,200, which \$806 of  
19 that is for this hearing, what I'm disputing, the \$806.  
20 Then what the current bill -- the current bill is \$448.39,  
21 last month's bill, which would be due tomorrow. The past-  
22 due amount, which I was disputing on this hearing, is  
23 \$806.83 now.

24 Q What are you disputing about that bill?

25 A Just the fact that they weren't -- I wasn't able

1 -- they weren't willing to make the arrangements with me at  
2 the time. That's the only problem I have with that.

3 Q When did...

4 A At the time, he demanded that I have it all  
5 right then and there or they were going to terminate our  
6 services when I had been giving him money all along. It  
7 wasn't like I wasn't paying anything at all. I was giving  
8 them money. It's been -- if we were in the financial  
9 position where I could pay it all, I would have just paid  
10 it all.

11 Q Did you...

12 A I don't feel that that was right that he took  
13 the payments all along and then that one day decided to  
14 come and say, okay, you owe me \$1,282, if you don't have it  
15 in two days, I'm terminating your services. That's just...

16 Q Would you agree that Penn Power Exhibit 1  
17 demonstrates that you haven't paid a current bill on time  
18 at all from March of 2004?

19 A Yes, since she -- since this situation happened  
20 with her, we have been behind, behind on everything, trying  
21 to get caught up on the mess she created. Yes, I would  
22 agree to that, only because of the financial position she  
23 put us into.

24 Now we are under financial reorganization and we are  
25 trying to get -- we are trying to finance the club to a

1 point where we can get all the back -- everything that she  
2 destroyed, fixed. It's hard to do that when these are the  
3 worst months in a club's business.

4 Q But for the February 9, 2006 payment...

5 A Pardon me?

6 Q But for the \$806.83 balance, your club has had a  
7 balance of over a thousand dollars remaining and ongoing  
8 since March of 2004; isn't that correct?

9 A This is what I'm asking. My proposal was that I  
10 pay the \$448 and add \$50 on that and every other bill after  
11 that until I get that \$806.83 paid off completely.

12 Q You were advised that that was not acceptable;  
13 is that correct?

14 A Yes.

15 Q The reason being it's not enough payments on the  
16 arrearage; is that correct?

17 A No. They didn't give me a reason why. I don't  
18 know why it wasn't acceptable.

19 Q When you say you are a nonprofit organization  
20 and you are a social club, you indicated this is a members-  
21 only club?

22 A Yes.

23 Q Is it like a social drinking club?

24 A A what?

25 Q A drinking club?

1           A    Yes, there is alcohol, yes. There's a liquor  
2 license, yes.

3           Q    Do you have written Articles of your  
4 organization as far as what the purpose of your  
5 organization is?

6           A    Do we have by-laws?

7           Q    Yes.

8           A    Yes.

9           Q    What is the purpose of your organization?

10          A    It's just social, it's a social club for  
11 members, and what we do is -- the members in the club, they  
12 it's like a social club. They come, they drink. We  
13 have a party room, we have parties. If somebody passes  
14 away, we do dinners for people. At Christmas, we try to  
15 help people that don't have anybody. We bring them dinner,  
16 turkeys and...

17          Q    At Christmas time, is that for the members or  
18 their families?

19          A    The members in the area, anybody in this area.  
20 Like, we have three families that live down the street that  
21 don't have much money or anything, so at Thanksgiving or at  
22 Christmas, we will bring them a turkey and some food, like  
23 whatever we have available that is donated by the members.  
24 Like, somebody will go out and buy them a turkey, or  
25 somebody will go out and buy the canned goods for them.

1 Q So, that's something the members do above and  
2 beyond the purpose of their organization?

3 A The purpose of the organization is just a social  
4 club member. There's tons of them out there. It's not for  
5 anybody to profit from. It's just a social club for their  
6 members.

7 MR. FLANNERY: Thank you. I have no further  
8 questions.

9 JUDGE NEMEC: This is Michael Nemeec, Ms. Donafrio.  
10 How many members do you have?

11 THE WITNESS: At this time, we have 22 regular  
12 members, and I do believe we only have about 80 active  
13 social members.

14 JUDGE NEMEC: What is the difference?

15 THE WITNESS: Regular members, just like the board,  
16 like the president, the vice president and stuff like that.  
17 Then the social members are just members that come into the  
18 club. It's really, really, really our -- our attendance is  
19 really, really down right now.

20 JUDGE NEMEC: Are you prepared to pay the \$448.39  
21 plus \$50 tomorrow?

22 THE WITNESS: Yes.

23 JUDGE NEMEC: Mr. Flannery, any other questions?

24 MR. FLANNERY: No further questions.

25 JUDGE NEMEC: Is there anything else you would like

1 to add, Ms. Donafrio?

2 THE WITNESS: No, that's all.

3 JUDGE NEMEC: Okay, thank you.

4 (Witness excused.)

5 Mr. Flannery, you may proceed.

6 MR. FLANNERY: I would like to call Mary B. Clark.

7 JUDGE NEMEC: Ms. Clark, can you hear me?

8 MS. CLARK: Yes, I can.

9 Whereupon,

10 MARY B. CLARK

11 having been duly sworn, testified as follows:

12 JUDGE NEMEC: You may proceed, Mr. Flannery.

13 DIRECT EXAMINATION

14 BY MR. FLANNERY:

15 Q Would you please state your name for the record?

16 A Yes, Mary Beth Clark.

17 Q What is your position with the company?

18 A I'm an associate business analyst.

19 Q And you are with FirstEnergy Service Company?

20 A Yes, I am.

21 Q And, that entity provides services to various  
22 subsidiaries?

23 A That's correct.

24 Q One of those subsidiaries being Pennsylvania  
25 Power Company?

1 A That's correct.

2 Q In your capacity, did you have a reason to be  
3 involved with the Complainant's account for electric  
4 service?

5 A Yes, I did.

6 Q When did you get involved in reference to said  
7 account?

8 A I got involved with this account on December  
9 22nd, 2005.

10 Q What triggered your involvement?

11 A The filing of the formal PUC complaint.

12 Q In your capacity, you attempt to resolve and  
13 settle the cases whether it's residential or commercial?

14 A That's correct.

15 Q And, this is a commercial account for Penn  
16 Power?

17 A Yes, it is.

18 Q In that regard, the regular rules don't apply,  
19 is that correct, as for residential?

20 A That's correct. It is not regulated by Chapter  
21 56.

22 Q Is it regulated at all?

23 A No.

24 Q And that, in a sense, gives you full reign as  
25 far as how you proceed to collect the indebtedness owed in

1 those electric service accounts that fall behind?

2 A Yes, for commercial accounts, yes.

3 Q In reference to this account, did you prepare  
4 Penn Power Exhibit 1?

5 A Yes, I did.

6 Q Was there ever an agreement entered into with  
7 that Society?

8 A Yes, there was.

9 Q When did that occur?

10 A That was on May 17th of 2004.

11 Q What was the agreement?

12 A The agreement was to begin with the bill due  
13 June 24th, 2004 for current bill plus \$350 per month.

14 Q And that was to pay off the arrears?

15 A That's correct. At that time, the account  
16 balance \$1,338.53.

17 Q Was that agreement kept?

18 A No, it was not.

19 Q When did it not continue?

20 A It did not continue -- it was deactivated July  
21 4th, 2004 due to terms not kept.

22 Q Was that the first month that the payment was  
23 due?

24 A Yes, it would have been when the bill due June  
25 24th would have gone past due and triggered a notice.

1 Q So, the agreement was in effect and it was never  
2 followed through by the St. Lucy Society; they never made  
3 any payments under that agreement?

4 A That's correct.

5 Q You are aware of the insufficient funds bad  
6 checks?

7 A Yes.

8 Q And there were about seven of them?

9 A Yes, there were seven.

10 Q In reference to Penn Power Exhibit 1, the time  
11 frame covered from March, 2004 to the present, correct?

12 A Yes.

13 Q Is that why payments are required in cash?

14 A Yes, that's the reason it's a cash-only account.

15 Q Did the Complainant ever pay on time in  
16 reference to Penn Power Exhibit 1?

17 A Not in reference to Exhibit 1.

18 Q How was money paid on said account; in other  
19 words, how was money collected for the service that was  
20 provided to that establishment?

21 A When the collector would go out to the  
22 establishment for the purpose of giving a termination  
23 notice, he would be paid varying amounts in cash.

24 Q When did that process start?

25 A That process started in July of 2005 after the

1 series of returned payments.

2 Q So, from July, 2005 to the present, all payments  
3 on that account were done in cash when the collector went  
4 out to give a termination notice?

5 A Yes.

6 MR. FLANNERY: I would like to move into evidence,  
7 Penn Power Exhibit 1.

8 JUDGE NEMEC: Penn Power Exhibit 1 is admitted.  
9 (Whereupon, the document was marked  
10 as Penn Power Exhibit No. 1 for  
11 identification and was received in  
12 evidence.)

13 BY MR. FLANNERY:

14 Q Ms. Clark, I would like to refer you to Penn  
15 Power Exhibit 2. Did you prepare that exhibit?

16 A Yes, I did.

17 Q What does that exhibit represent?

18 A That represents the communications that were  
19 attempted with Rose Donafrio of St. Lucy Society.

20 Q You started that process on January 3, 2006?

21 A That's correct.

22 Q When did you first make contact with the  
23 Complainant?

24 A I actually spoke with Rose on January 24th of  
25 2006 when our collector, Rich Rapone, was at the property

1 collecting on the current bills that were due.

2 Q What was the gist of that conversation?

3 A Rose had paid Rich \$100 toward the current bill  
4 amount to stop the termination, and Rich, the collector,  
5 put Rose on the phone with me and we agreed that she would  
6 pay Rich the remainder of the current charges due on  
7 January 26th.

8 Then we spoke about the formal complaint, and Rose  
9 indicated she would speak with the president of the club to  
10 see what arrangements they could keep and she would call me  
11 back on either January 27th or January 30th to make the  
12 payment arrangements in order to settle the complaint. I  
13 gave her a toll-free number to reach me, which I had  
14 provided to her previously in a message that I left on the  
15 phone.

16 Q Did she get back to you on those dates?

17 A No, she did not. I did speak with her regarding  
18 the balance because an extension was granted for the  
19 remainder of the current bill due, but we did not speak  
20 about the formal complaint settlement.

21 Q When did she ultimately speak to you about the  
22 formal complaint settlement even though she said she would  
23 contact you on January 27 or January 30?

24 A I spoke with Rose yesterday.

25 Q And, did she make the offer that she testified

1 to this morning?

2 A Yes.

3 Q Was that acceptable?

4 A No.

5 Q What does Pennsylvania Power Company want?

6 A We would like full payment of the past-due  
7 amount, \$806.83.

8 MR. FLANNERY: I would like to move into evidence,  
9 Penn Power Exhibit 2.

10 JUDGE NEMEC: Penn Power Exhibit 2 is admitted.  
11 (Whereupon, the document was marked  
12 as Penn Power Exhibit No. 2 for  
13 identification and was received in  
14 evidence.)

15 MR. FLANNERY: Thank you. I have no further  
16 questions.

17 JUDGE NEMEC: Ms. Clark, you heard her testimony  
18 regarding the actions of the prior bookkeeper?

19 THE WITNESS: Yes.

20 JUDGE NEMEC: And that she's only recently taken  
21 over attempting to straighten out the financial situation  
22 there. She also indicated that she is prepared to pay the  
23 current bill plus \$50 tomorrow. Is there any way you can  
24 see clear to allow them additional time to come up with the  
25 balance?

1 THE WITNESS: I'm not sure what time frame they are  
2 looking for. I feel that we have worked with them very  
3 closely.

4 JUDGE NEMEC: Assuming that they don't pay the  
5 balance immediately, what would you proceed to do then?

6 THE WITNESS: We would proceed with termination for  
7 anything past due, which after tomorrow the full amount of  
8 their balance is past due.

9 JUDGE NEMEC: Has the company ever refused to  
10 accept any payments on this account?

11 THE WITNESS: No.

12 JUDGE NEMEC: So, even if termination were to  
13 proceed, you would take payments until the balance is paid  
14 off?

15 THE WITNESS: Yes.

16 JUDGE NEMEC: Do you have any interest in  
17 discussing this informally?

18 THE WITNESS: I would be open to that.

19 JUDGE NEMEC: Let's go off the record.

20 (Discussion off the record.)

21 JUDGE NEMEC: Back on the record. Mr. Flannery.

22 MR. FLANNERY: It's the agreement between the  
23 parties that the Complainant will pay the current amount of  
24 the electric bill due tomorrow plus \$50 toward the  
25 arrearage. The next payment, there will be a current bill

1 due, I believe, before March 31st, and that will be also a  
2 current bill plus \$50 toward the arrearage.

3 By March 31st, it's agreed that the entire arrearage  
4 on this account will be paid in full. If it is not, it's  
5 understood and agreed that termination of service would  
6 occur thereafter, and no further agreements or payment  
7 arrangements will be entered into.

8 Is that accurate? Ms. Donafrio, is that accurate?

9 MS. DONAFRICO: Yes.

10 MR. FLANNERY: Mary Clark, do you agree?

11 THE WITNESS: That is agreed.

12 JUDGE NEMEC: Thank you.

13 (Witness excused.)

14 Upon receipt of the transcript, I will prepare an  
15 initial decision that will adopt that settlement. It will  
16 be a while, but hopefully it will be before March 31st.

17 In any event, you have an agreement. It's on the  
18 record, it will be transcribed by the court reporter who is  
19 present here in the hearing room and hopefully, that will  
20 resolve the matter.

21 The benefit here to Penn Power is retaining a  
22 customer, and the benefit to the customer is that you  
23 continue to have your social club facility operable and you  
24 won't incur any additional expenses that would be incurred  
25 should service be terminated.

1 Hopefully, Ms. Donafrio, you can use that to sell  
2 the whole plan to your membership. Any questions for me?

3 MS. DONAFRIO: No.

4 JUDGE NEMEC: Thank you for your participation. We  
5 are going to adjourn at this time.

6 (Whereupon, at 10:52 a.m., the hearing was adjourned.)  
7  
8  
9

10 C E R T I F I C A T E

11 I hereby certify, as the stenographic  
12 reporter, that the foregoing proceedings were reported by  
13 me and thereafter reduced to typewriting by me or under my  
14 direction; and that this transcript is a true and accurate  
15 record to the best of my ability.  
16

17 COMMONWEALTH REPORTING COMPANY, INC.

18  
19 BY: Barbara A. Heinlein  
20 Barbara A. Heinlein  
21

22  
23 RECEIVED  
24 2006 MAR - 8 AM 9:45  
25 PA PUC  
SECRETARY'S BUREAU

FORM 2

20055684  
2/28/06  
AKS

# DOCUMENT FOLDER

## DETAILED STATEMENT OF ACCOUNT

Customer Name: ST LUCY SOCIETY OF Account Number: 11C005360604

Service Address: FRANCIS DR BOX 276  
HILLSVILLE PA 16132

Entry Date	Read Date	Cons Type	Meter Reading	Cons Usage	Nbr Days	Daily Average	Read Type	FE Billing Amt	Supplier Billing Amt	Total Billing Amt	Budget Billing Amt	Due Date	Payment Amt	Adj Amt	Adj Type	Account Balance
03/09/04	03/09/04	KWH	70,083	6,677	29	230	Act	552.45		552.45		03/25/04		36.64	LPC	2,465.06
		ONKW	16,48	18,48			Act									
		OPKWH	59,027	3,814	29	132	Act									
		OPKW	20,37	20,37			Act									
		BILL KW		18,50												
04/05/04																
04/07/04	04/07/04	KWH	77,100	7,017	29	242	Act	591.67		591.67		04/23/04	-626.54	36,77	LPC	1,838.52
		ONKW	19,87	19,87			Act									
		OPKWH	63,090	4,063	29	140	Act									
		OPKW	19,46	19,46			Act									
		BILL KW		19,90												
05/08/04	05/07/04	KWH	83,479	6,379	30	213	Act	472.57		472.57		05/25/04				2,939.53
		ONKW	15,12	15,12			Act									
		OPKWH	66,916	3,826	30	128	Act									
		OPKW	15,45	15,45			Act									
		BILL KW		15,10												
05/11/04																
05/14/04																
05/14/04																
06/08/04	06/08/04	KWH	91,349	7,870	32	246	Act	756.83		756.83		06/24/04		42,03	LPC	2,937.39
		ONKW	26,64	26,64			Act									
		OPKWH	71,660	4,744	32	148	Act									
		OPKW	26,49	26,49			Act									
		BILL KW		26,60												
06/10/04																

Payment Returned - Stopped Payment

Installment: plan started on 05/17/2004 for current + 350.00.

Installment plan deactivated on 07/04/2004.

Entry Date	Read Date	Cons Type	Meter Reading	Cons Usage	Nbr Days	Daily Average	Read Type	FE Billing Amt	Supplier Billing Amt	Total Billing Amt	Budget Billing Amt	Due Date	Payment Amt	Adj Amt	Adj Type	Account Balance
07/08/04	07/08/04	KWH	725	9,376	30	313	Act	838.63		838.63		07/26/04		49.91	LPC	3,425.93
		ONKW	28.35	28.35			Act									
		OPKWH	76,994	5,334	30	178	Act									
		OPKW	31.95	31.95			Act									
		BILL KW		28.40												
07/13/04													-1,388.00			2,037.93
08/05/04													-1,000.00			1,037.93
08/09/04	08/09/04	KWH	10,683	9,958	32	311	Act	838.98		838.98		08/25/04		20.76	LPC	1,897.67
		ONKW	27.61	27.61			Act									
		OPKWH	82,661	5,667	32	177	Act									
		OPKW	26.49	26.49			Act									
		BILL KW		27.50												
08/13/04													-500.00			1,397.67
08/18/04													500.00			1,897.67
09/08/04	09/08/04	KWH	19,467	8,784	30	293	Est	748.07		748.07		09/24/04		37.54	LPC	2,683.28
		ONKW	24.94	24.94			Est									
		OPKWH	87,835	5,174	30	172	Est									
		OPKW	26.34	26.34			Est									
		BILL KW		24.90												
09/09/04													-1,037.00			1,646.28
10/07/04	10/07/04	KWH	26,593	7,126	29	246	Act	810.44		810.44		10/25/04		32.17	LPC	2,488.89
		ONKW	30.40	30.40			Act									
		OPKWH	91,536	3,701	29	128	Act									
		OPKW	29.60	29.60			Act									
		BILL KW		30.40												
10/12/04													-850.67			1,628.22
11/05/04	11/05/04	KWH	32,323	5,730	29	198	Act	757.65		757.65		11/23/04		31.92	LPC	2,417.79
		ONKW	30.40	30.40			Act									
		OPKWH	94,955	3,419	29	118	Act									
		OPKW	29.60	29.60			Act									
		BILL KW		30.40												
11/22/04													-1,600.00			817.79
12/06/04													1,600.00			2,417.79
12/07/04	12/07/04	KWH	39,334	7,011	32	219	Act	564.31		564.31		12/27/04		15.72	LPC	2,997.82
		ONKW	18.62	18.62			Act									
		OPKWH	99,343	4,388	32	137	Act									
		OPKW	19.66	19.66			Act									
		BILL KW		18.60												
12/14/04													-1,000.00			1,997.82

Entry Date	Read Date	Cons Type	Meter Reading	Cons Usage	Nbr Days	Daily Average	Read Type	FE Billing Amt	Supplier Billing Amt	Total Billing Amt	Budget Billing Amt	Due Date	Payment Amt	Adj Amt	Adj Type	Account Balance
01/10/05	01/10/05	KWH	47,545	8,211	34	242	Act	625.48		625.48		01/26/05		39,64	LPC	2,662.94
		ONKW	19,78	19,78			Act									
		OPKWH	4,435	5,092	34	150	Act									
		OPKW	19,26	19,26			Act									
		BILL KW	19,80	19,80												
02/02/05													-2,000.00			662.94
02/14/05	02/14/05	KWH	55,225	7,680	35	219	Act	609.89		609.89		03/02/05		13,26	LPC	1,286.09
		ONKW	19,78	19,78			Act									
		OPKWH	8,958	4,523	35	129	Act									
		OPKW	19,26	19,26			Act									
		BILL KW	19,80	19,80												
03/15/05	03/15/05	KWH	61,217	5,992	29	207	Act	520.53		520.53		03/31/05		25,46	LPC	1,832.08
		ONKW	17,91	17,91			Act									
		OPKWH	12,432	3,474	29	120	Act									
		OPKW	17,16	17,16			Act									
		BILL KW	17,90	17,90												
03/23/05													-662.02			1,170.06
04/05/05													662.02			1,832.08
04/13/05	04/13/05	KWH	66,440	5,223	29	180	Act	447.66		447.66		04/29/05		35,87	LPC	2,315.61
		ONKW	15,45	15,45			Act									
		OPKWH	15,522	3,090	29	107	Act									
		OPKW	17,00	17,00			Act									
		BILL KW	15,50	15,50												
04/21/05													1,170.00			1,145.61
05/05/05													1,170.00			2,315.61
05/16/05	05/16/05	KWH	72,189	5,749	33	174	Act	473.59		473.59		06/01/05		44,82	LPC	2,834.02
		ONKW	15,99	15,99			Act									
		OPKWH	18,968	3,446	33	104	Act									
		OPKW	15,43	15,43			Act									
		BILL KW	16,00	16,00												
05/18/05													-1,146.00			1,688.02
06/03/05													1,146.00			2,834.02
06/15/05	06/15/05	KWH	79,521	7,332	30	244	Act	800.53		800.53		07/01/05		33,30	LPC	1,665.02
		ONKW	29,42	29,42			Act									
		OPKWH	23,224	4,256	30	142	Act									
		OPKW	26,11	26,11			Act									
		BILL KW	29,40	29,40												
													-1,169.00			2,498.85

Entry Date	Read Date	Cons Type	Meter Reading	Cons Usage	Nbr Days	Daily Average	Read Type	FE Billing Amt	Supplier Billing Amt	Total Billing Amt	Budget Billing Amt	Due Date	Payment Amt	Adj Amt	Adj Type	Account Balance			
06/28/05								Payment Returned - Non Sufficient Funds								1,169.00			3,667.85
07/12/05														-300.00			3,367.85		
07/13/05														-2,001.00			1,366.85		
07/16/05	07/15/05	KWH	89,213	9,692	30	323	Act	939.15	939.15	939.15		08/02/05		27.34	LPC	2,333.34			
		ONKW	32.73	32.73			Act												
		OPKWH	28,644	5,420	30	181	Act												
		OPKW	31.74	31.74			Act												
		BILL KW		32.70															
08/08/05														-650.00			1,683.34		
08/16/05														-500.00			1,183.34		
08/16/05	08/16/05	KWH	77	10,864	32	340	Act	952.61	952.61	952.61		09/01/05		23.67	LPC	2,159.62			
		ONKW	31.74	31.74			Act												
		OPKWH	34,735	6,091	32	190	Act												
		OPKW	30.74	30.74			Act												
		BILL KW		31.70															
08/30/05														-500.00			1,659.62		
09/07/05														-600.00			1,059.62		
09/14/05	09/14/05	KWH	8,236	8,159	29	281	Act	850.14	850.14	850.14		09/30/05		21.19	LPC	1,930.95			
		ONKW	30.63	30.63			Act												
		OPKWH	39,500	4,765	29	164	Act												
		OPKW	29.88	29.88			Act												
		BILL KW		30.60															
09/19/05														-200.00			1,730.95		
09/23/05														200.00			1,530.95		
10/13/05	10/13/05	KWH	14,013	5,777	29	199	Act	664.52	664.52	664.52		10/31/05		30.20	LPC	2,225.67			
		ONKW	25.32	25.32			Act												
		OPKWH	42,821	3,321	29	115	Act												
		OPKW	22.57	22.57			Act												
		BILL KW		25.30															
10/17/05														-250.00			1,975.67		
10/25/05														-300.00			1,675.67		
11/03/05														-200.00			1,475.67		
11/08/05														-400.00			1,075.67		
11/12/05	11/11/05	KWH	19,165	5,152	29	178	Act	437.19	437.19	437.19		11/29/05		29.51	LPC	1,542.37			
		ONKW	15.14	15.14			Act												
		OPKWH	45,878	3,057	29	105	Act												
		OPKW	15.37	15.37			Act												
		BILL KW		15.10															
11/16/05														-100.00			1,442.37		
11/29/05														-115.00			1,327.37		
12/05/05														-120.00			1,207.37		



Contacts attempted with St. Lucy Society since filing of Formal Complaint in order to settle or collect on current bills:

1/3/06 - 4:20 p.m. I called the society's telephone no. at 724-667-8991 - no answer and no answering machine. Then called cell phone number provided on the Formal complaint, 724-944-3431 and left a message to call me back at toll free number 877-201-3933 regarding Formal complaint filed with the PUC and wanted to go over possible payment arrangements.

1/4/06 - 4:40 p.m. I called the society's telephone no. at 724-667-8991 - no answer and no answering machine.

1/5/06 - 12 noon I called the society's telephone no. at 724-667-8991 - reached a woman who said she was cleaning the place. I asked for Rose Donofrio who handles the bills for St. Lucy Society. The woman that answered the phone stated that Rose is in the hospital with pneumonia and should hopefully be returning home tomorrow. I gave my name and phone number and told her I was calling from Penn Power and explained that Rose should return my call as soon as possible. She said she would pass the information along to Rose. Then I called the cell phone number provided on the Formal complaint, 724-944-3431 and left a message regarding a possible settlement of the Formal PUC complaint by offering payment arrangements they could keep. Again, gave my name and our toll free phone number 877-201-3933 and office hours 8 a.m. - 5 p.m. Monday through Friday.

1/6/06 - 1:45 pm. called society's telephone no. at 724-667-8991 and reached a woman who identified herself as the "cleaning lady". She stated that Rose Donofrio would be in later and she would return calls.

1/20/06 - Rich Rapone, collector, left 3 day notice for termination for current bill \$530.61 due 12/30/05.

1/24/06 - Rich Rapone, collector, was at St. Lucy Society regarding termination for current bill of \$530.61. Rose Donofrio paid Rich \$100 to stop termination and Rich put Rose on the phone with me. We agreed Rose would pay Rich the remainder of payment due on current charges on 1/26/06. Then Rose and I spoke about Formal Complaint. She said she needed to speak with president of the club to see what arrangements they could keep and she will call me 1/27/06 or 1/30/06 to make payment arrangements to settle their Formal PUC complaint. Gave her the toll free number (again) to reach me.

1/26/06 - Rose called the First Energy Call Center to speak with me. Call Center representative transferred Rose to my phone extension. She wanted to extend until tomorrow the payment she needed to make to the collector for her current bill. Extension was granted. I provided the toll free number to reach me and also my direct dial number.

1/27/06 - Rose paid remaining amount of current bill, \$431.00, in cash to collector.

1/31/06 - 2:25 p.m. - I called the society's telephone no. at 724-667-8991 and left a message on the answering machine asking Rose to call me regarding payment arrangements to settle the Formal Complaint as she did not contact me on 1/27/06 or 1/30/06 per her promise to me on 1/24/06 when Rich Rapone, Penn Power collector, was at St. Lucy Society. Then called the cell phone number 724-944-3431 and left a message for Rose to return my call, giving same info as left on society's answering machine.

2/3/06 - Penn Power collector (Denny Dean) left 3 day notice for current bill of \$511.85 due 1/31/06.

2/7/06 - Rose claimed they found a soggy 3 day notice on the parking lot so did not get adequate notice time. She paid collector \$100 in cash and will pay remainder on 2/9/06.

2/9/06 - Penn Power collector (Rich) collected \$411.85 remaining amount in cash.

DOCUMENT  
FOLDER

PP-2  
C-20055684  
2-58-06  
PITS  
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