

AA.00142.00000 (40/40)

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Jacqueline Crabb, |
v. |
PECO Energy Company/ |
Verizon PA, Inc./Aqua PA |
Inc.

Docket No.: C-20055727
C-20055728
C-20055729

Initial Hearing

Pages: 1-11

State Office Building
13th Floor
Broad & Spring Garden Streets
Philadelphia, PA

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Wednesday, May 18, 2006
Commencing at 10:00

BEFORE:

HERBERT SMOLEN, Administrative Law Judge

APPEARANCES:

FRANCES P. ORTH, Esquire
762 W. Lancaster Avenue
Bryn Mawr, PA, 19010
For the Respondent, Aqua

STEVEN K. HAAS, Esquire
Hawke, McKeon, Sniscack & Kennard
100 North Tenth Street
Harrisburg, PA 17101
For the Respondent, Verizon

LISA LUTZ, ESQUIRE
2301 Market Street
Philadelphia, PA 17101
For the Respondent, PECO

REPORTER: JOSHUA HESS

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<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
None				

P R O C E E D I N G S

JUDGE HERBERT SMOLEN:

These are the consolidated matters of Jacqueline Crabb versus Verizon Pennsylvania, Incorporated, Docket C-20055729. In that case an appearance has been entered on behalf of Verizon by Steven K. Haas, Esquire.

The next consolidated case is that of Jacqueline Crabb versus Aqua Pennsylvania, Inc., Docket C-20055728. And in that case an appearance has been entered by Frances P. Orth, Esquire, Counsel for Aqua.

The third consolidated case is that of Jacqueline Crabb versus PECO Energy Company at Docket C-20055727. And in that case an appearance has been entered by Lisa Lutz, Esquire on behalf of PECO Energy Company.

Let the record show that no appearance, either in person or by counsel has been entered on behalf of the Complainant in each of the cases, and that Complainant is Jacqueline Crabb. Let the record also show that the Administrative Law Judge placed a telephone call to the Complainant at the telephone number listed in the various complaints. Actually

1 there is only one complaint, but which mentions all
2 three of the Respondents. And when the Administrative
3 Law Judge placed two calls to that telephone number
4 and each of the calls was answered with the following
5 message, and I quote, the subscriber you just called
6 is not receiving calls at this time.

7 Let the record also show that under date
8 of March 22, 2006, a hearing notice was sent to the
9 Complainant as well as to the utilities involved
10 setting forth the date, time and place for the hearing
11 this morning.

12 The record should also show that under
13 date of April 4, 2006, the Administrative Law Judge
14 sent a pre-hearing order --- issued and sent a
15 pre-hearing order to all of the parties, specifically
16 the Complainant, again advising of the date, time and
17 place for the hearing this morning. As aforesaid, the
18 Complainant has not communicated with the
19 Administrative Law Judge to explain her absence or
20 inability to appear.

21 Prior to the opening of the record in
22 this case, Attorney Orth advised the Administrative
23 Law Judge that she had received an email from the
24 Complainant. And for the purposes of this hearing I'm
25 going to mark this email as an ALJ Exhibit and we'll

1 call that ALJ Number One. I have copies for the
2 reporter. I'll return these other copies to everyone
3 else.

4 (Administrative Law Judge Exhibit One
5 marked for identification).

6 JUDGE SMOLEN:

7 The email states in effect that the
8 Complainant is asserting that she is the victim of
9 identity fraud and that there's more than one person
10 using her name, address and Social Security number and
11 that she hopes the meeting for tomorrow, namely
12 today's hearing, could be changed so that she could
13 get an attorney to address these issues. Again if
14 it's repetitious, so be it, the Complainant has not
15 communicated with the Administrative Law Judge and has
16 not requested of the Administrative Law Judge that
17 this hearing be continued despite the fact that the
18 pre-hearing order sets forth the method and time that
19 such a request should be made.

20 The record should also show that the
21 attorney for Verizon Pennsylvania, Inc., Mr. Haas, has
22 traveled to this hearing from Harrisburg,
23 Pennsylvania. That the attorney for Aqua, Frances P.
24 Orth, Esquire, has come from Bryn Mawr, Pennsylvania.
25 And that the attorney for PECO is from Philadelphia.

1 Having placed the foregoing facts on the
2 record and since the email was addressed to Ms. Orth,
3 I'll ask her if she wants to take a position or to
4 make any comments on the record regarding this
5 email that she received.

6 ATTORNEY ORTH:

7 Yes, Your Honor. My Docket is
8 C-20055728. I have attempted to communicate with Mrs.
9 Crabb on several occasions and my last communication
10 was via an email initially sent to her on May 10th and
11 I followed up with an email on May 16th. It is to
12 those two emails that that response you have in your
13 hand is apparently addressed to.

14 JUDGE SMOLEN:

15 Before you go on, let the record show
16 when you received the email.

17 ATTORNEY ORTH:

18 The email is marked in my email box as
19 having been received at 9:47 p.m. last night,
20 although it is marked as sent on her hard copy that
21 you have in your hand at 4:20 p.m. I cannot explain
22 the delay in my receiving it in my mail box.

23 JUDGE SMOLEN:

24 Okay.

25 ATTORNEY ORTH:

1 With regard to the communications, my
 2 initial email on May 10th explained to Ms. Crabb
 3 again, reminded her that she had filed the complaint
 4 in December 2005, against the Aqua, Verizon and PECO,
 5 that you're pre-hearing order of April 4th, 2006,
 6 requested that the utilities contact her to discuss
 7 her issues and potentially settle her complaints. We
 8 have attempted to do that at phone number 484-744-
 9 7339, and when I say we, I mean all three utilities
 10 have attempted to reach her and none of us have been
 11 able to communicate with her via that phone number.

12 Therefore in my email I specifically gave
 13 the phone numbers and email addresses of Steven K.
 14 Haas, the attorney for Verizon and Lisa Lutz, the
 15 attorney for PECO and she also had my contact
 16 information and my signature on that email and I asked
 17 her to get in touch with us to discuss potentially
 18 resolving the complaints. I had not heard from her
 19 until that email was received late last night. In
 20 light of that lack of communication and the fact that
 21 she has not appeared today, I would move to dismiss
 22 the complaint against Aqua with prejudice.

23 JUDGE SMOLEN:

24 Ms. Lutz?

25 ATTORNEY LUTZ:

1 Thank you, Your Honor. In reference to
 2 PECO, PECO has also made attempts that were
 3 unsuccessful in reaching Jacqueline M. Crabb. Most
 4 recently a letter was sent to her by Ms. Anita Armsted
 5 on behalf of PECO, dated May 10, 2006, reminding her
 6 of the hearing, the date, time and place, asking
 7 Jacqueline M. Crabb to contact either Ms. Armsted or
 8 myself to possibly settle this matter. She has not
 9 contacted PECO and in light of that, I would like to
 10 make a motion to dismiss for failure to prosecute.

11 JUDGE SMOLEN:

12 Mr. Haas?

13 ATTORNEY HAAS:

14 Thanks, Judge. I would just add that
 15 actually someone else in our office attempted to call
 16 Ms. Crabb on several occasions, several weeks ago, and
 17 as you found out we can't get through and there's no
 18 opportunity to leave a message. And I haven't heard
 19 from her in response to the emails that Ms. Orth had
 20 sent to her recently. So because of those things and
 21 the fact that she is not here this morning at this
 22 hearing, Verizon would also ask that the case be
 23 dismissed.

24 JUDGE SMOLEN:

25 All right. We cannot move forward of

1 course with the evidentiary merits of the case at this
2 time because the Complainant is not here. Therefore,
3 I'm going to take all of these motions under advisory
4 and I'll deal with it and then I'll issue a decision
5 on the case. I'm going to receive my own exhibit in
6 for the record.

7 Anything else that anyone else wants to
8 say? No? Thank you very much for coming down and
9 placing your positions on the record. This hearing is
10 adjourned.

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13 * * * * *

14 HEARING CONCLUDED AT 10:24 A.M.

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ALJ #1

Orth, Frances

From: Jacqueline Crabb [jacqueline58058@yahoo.com]
Sent: Wednesday, May 17, 2006 4:20 PM
To: Orth, Frances
Subject: iderlity fraud

May 17, 2006

Dear Attorney Oth:

I'm not certain that this issue applies to me. Since there are more than one person using my name, address and social security number; I don't address Ms, which you can understand that.

I hope the meeting for tomorrow could be changed, so I may get an attorney to address these issues. I had asked for each of the utilities to meet in separate meetings, it would seem like they all are ganging up on me.

I would like to be addressed as Mrs. Crabb or Jacqueline Marie Crabb. Ms.Crabb has assumed my identity and said they had been living in my house since 1998 and I have evidence that there has been some switching around, to confuse Ms. Crabb for Mrs.Crabb.

Thank you for your understanding,

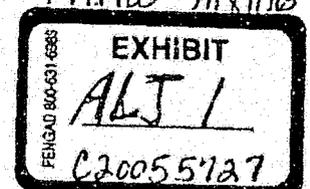
Jacqueline Marie Crabb
P.O. Box 253
Ardmore, PA 19003

Yahoo! Messenger with Voice. PC-to-Phone calls for ridiculously low rates.

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5/18/2006

ALJ #1

Orth, Frances

From: Jacqueline Crabb [jacqueline58058@yahoo.com]
Sent: Wednesday, May 17, 2006 4:20 PM
To: Orth, Frances
Subject: identify fraud

May 17, 2006

Dear Attorney Oth:

I'm not certain that this issue applies to me. Since there are more than one person using my name, address and social security number; I don't address Ms, which you can understand that.

I hope the meeting for tomorrow could be changed, so I may get an attorney to address these issues. I had asked for each of the utilities to meet in separate meetings, it would seem like they all are ganging up on me.

I would like to be addressed as Mrs. Crabb or Jacqueline Marie Crabb. Ms.Crabb has assumed my identity and said they had been living in my house since 1998 and I have evidence that there has been some switching around, to confuse Ms. Crabb for Mrs.Crabb.

Thank you for your understanding,

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