

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ORIGINAL

----- X
Jonathan J. Kravitz v. PECO :
Energy Company Billing Dispute. : Docket No.
 : Z-01104979
Initial Telephonic Hearing :
 :
----- X

Pages 1 through 83 Hearing Room 4
Commonwealth Keystone Building
Plaza Level
400 North Street
Harrisburg, Pennsylvania

DOCUMENT
FOLDER

Tuesday, September 10, 2002

Met, pursuant to notice, at 10:01 a.m.

Before:

WAYNE L. WEISMANDEL, Administrative Law Judge

APPEARANCES:

THEODORE M. KRAVITZ, Esquire
691 Washington Crossing Road
Newtown, Pennsylvania 18940
(For Jonathan J. Kravitz)

HENRI P. MARCIAL, Esquire
2301 Market Street
P.O. Box 8699
Philadelphia, Pennsylvania 19101-8699
(For PECO Energy Company)

SECRETARY'S BUREAU

SEP 17 11 19 AM '02

DOCKETED

SEP 23 2002

Commonwealth Reporting Company, Inc.
700 Lisburn Road
Camp Hill, Pennsylvania 17011

(717) 761-7150

1-800-334-1063

WITNESS INDEX

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Jonathan J. Kravitz				
By Mr. Theodore Kravitz	12	--	--	--
By Mr. Marcial	--	21	--	--
Theresa Ann Ferrier				
By Mr. Marcial	26	--	55	--
By Mr. Theodore Kravitz	--	32	--	56
Chuck H. Ditzel				
By Mr. Marcial	64	--	--	--
By Mr. Theodore Kravitz	--	69	--	--
		77		

FORM 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE WAYNE L.

WEISMANDEL: This is the date and time set for an initial telephonic hearing in the matter of Jonathan J. Kravitz versus PECO Energy Company, Pennsylvania Public Utility Commission Docket No. Z-01104979. I am Administrative Law Judge Wayne L. Weismandel assigned by the Commission to preside in this matter.

I will note for the record that I am located in a hearing room in Harrisburg with a Court Reporter who will prepare a transcript of this morning's proceedings.

I have contacted Henri Marcial, Esquire, the Attorney representing PECO Energy Company at area code 215-841-5974. I have also contacted Theodore M. Kravitz, Esquire, the Attorney representing the Complainant, Jonathan J. Kravitz, at area code 215-968-2830. Both Mr. Marcial and Mr. Kravitz indicate that they are able to hear me satisfactorily and to hear each other.

Gentlemen, to give the court reporter a fair chance at making a decent transcription I would ask that we all try to refrain from speaking at the same time that someone else is speaking.

And Mr. Kravitz, we will see how it goes

1 but there may be some time when we will need
2 clarification as to which of the two Messrs. Kravitz is
3 actually speaking, so that again, we can get a clear and
4 accurate transcript.

5 MR. THEODORE KRAVITZ: Very well, sir.
6 This is Ted Kravitz.

7 MR. MARCIAL: Yes.

8 JUDGE WEISMANDEL: Mr. Kravitz, I have
9 received from Mr. Marcial and I hope that you have
10 received also, two documents marked for identification
11 as PECO Exhibits 1 and 2 as proposed exhibits to be used
12 in today's proceedings. Do you have copies of those
13 documents, sir?

14 MR. THEODORE KRAVITZ: Yes, I do.

15 JUDGE WEISMANDEL: And Mr. Marcial, I
16 have received from Mr. Kravitz one document marked for
17 identification as Kravitz Exhibit 1, a one-page
18 spreadsheet.

19 (Whereupon, the document was marked as
20 Kravitz Exhibit No. 1 for
21 identification.)

22 JUDGE WEISMANDEL: Did you receive that,
23 Mr. Marcial?

24 MR. MARCIAL: Yes, I did, Your Honor.

25 JUDGE WEISMANDEL: Very good.

1 Gentlemen, it is my custom to afford the
2 parties an opportunity, if they feel that it would be
3 worthwhile, to discuss the situation outside of my
4 hearing to see if there is a possibility of an amicable
5 resolution of the matter without the necessity of going
6 through a hearing.

7 Have you gentlemen had occasion to speak
8 directly prior to this morning?

9 MR. THEODORE KRAVITZ: Just this morning,
10 Your Honor.

11 MR. MARCIAL: Your Honor, there's an
12 outstanding offer that was made by PECO and still
13 remains outstanding.

14 JUDGE WEISMANDEL: Did you want to take a
15 few minutes and discuss things without me hearing
16 anything I'm not supposed to?

17 MR. THEODORE KRAVITZ: Judge, Mr. Marcial
18 and I and J. Kravitz had a conference call just before
19 the hearing and unfortunately we were not able to
20 resolve it based on PECO's offer.

21 JUDGE WEISMANDEL: Do you think there's
22 anything to be gained by taking a few minutes to discuss
23 the matter further?

24 MR. THEODORE KRAVITZ: With the Court's
25 involvement, perhaps Your Honor. Without the Court's

1 involvement I don't want to waste everybody's time; I'd
2 have to say no.

3 JUDGE WEISMANDEL: Okay.

4 MR. MARCIAL: Your Honor, if we are to
5 begin the hearing now I do have two witnesses, one of
6 whom is with me the second of whom I would like to
7 conference call in at this time, if I may.

8 JUDGE WEISMANDEL: All right, why don't
9 you do that, Mr. Marcial.

10 (Off the record)

11 JUDGE WEISMANDEL: Back on the record.

12 Mr. Kravitz, your client has the burden
13 of proof in this matter, as the Complainant, the party
14 seeking an affirmative order from the Commission. It
15 would be your burden, by a preponderance of the evidence
16 to convince me in the first instance, and then
17 ultimately the Commission if there is an appeal taken
18 from an unfavorable decision of mine, that PECO Energy
19 Company has in this matter violated a statute regulation
20 or order that the Commission has jurisdiction to
21 enforce. That, as I said, the burden of proof is by
22 preponderance of the evidence and I'm sure, Mr. Kravitz,
23 I don't have to explain to you what a preponderance of
24 the evidence entails.

25 MR. THEODORE KRAVITZ: No, sir, you

1 don't.

2 JUDGE WEISMANDEL: You will proceed with
3 however many witnesses you have first and then at the
4 conclusion of your case in chief we will have PECO
5 Energy present however many witnesses they have.

6 Are you ready to proceed at this time,
7 Mr. Kravitz?

8 MR. THEODORE KRAVITZ: Yes, sir, I am.

9 JUDGE WEISMANDEL: Do you want to call
10 your first witness, please?

11 MR. THEODORE KRAVITZ: Your Honor, if I
12 may just make a brief opening statement and sort of lay
13 this out first?

14 JUDGE WEISMANDEL: Certainly.

15 MR. THEODORE KRAVITZ: Really, there are
16 only two months in dispute and that would be for the
17 billing period ending January 15th of 2002 and also
18 February 13, 2002. There were two estimated bills sent
19 to my client that he disputes.

20 There's no dispute as far as I can tell
21 from the records that the meter servicing Jonathan
22 Kravitz's home was broken and not registering and
23 thereby necessitating an estimated bill.

24 I think in reviewing the documents
25 there's no dispute that the parties are working with the

1 same numbers in terms of kilowatt hours per day and
2 average temperatures. I believe Mr. Marcial and I when
3 we talked this morning -- I believe we agreed that that
4 is true also, it's simply a matter of how these records
5 should be interpreted and whether there is any
6 aberration that would make PECO's estimate unreasonable
7 and therefore not sustainable by yourself and the
8 Commission.

9 What I intend to do today is look at
10 PECO's own numbers and then have my client testify as to
11 why there was an aberration in the year of 2001.

12 JUDGE WEISMANDEL: Okay, thank you, Mr.
13 Kravitz.

14 MR. THEODORE KRAVITZ: If we just look at
15 the documents, Your Honor, which we are going to be
16 using there's a couple of things that I would like to
17 point out to you before I call my witness.

18 If you look at the spreadsheet on Kravitz
19 1. Looking at the item ending January 16th of 2000.
20 This is an actual bill. The average temperature was 40
21 degrees. The average kilowatt hour per day was 46.1.
22 We believe that number is the number that should be used
23 to estimate the bills during the months when the meter
24 was not working.

25 If you look at the date ending February

1 13th of 2002 you will see that the average temperature
2 was 41 degrees, very close in degree temperature to what
3 the January 2000 actual reading was. And yet PECO bills
4 were 67.9 as an estimate.

5 Our position is it should be -- or should
6 be close to 46.1

7 MR. MARCIAL: Your Honor, I'd have to
8 object to that. I believe Mr. Kravitz has transposed
9 the months.

10 MR. THEODORE KRAVITZ: We're not
11 comparing month to month, Your Honor, we're comparing
12 temperatures and actual usage of kilowatt hours per day
13 using their numbers to show what it should be.

14 MR. MARCIAL: Right, you gave the
15 February number in lieu of the January number.

16 MR. THEODORE KRAVITZ: Okay, well let me
17 start over again. The actual February -- excuse me, if
18 you look at January of 2000 -- okay, is everybody with
19 me on that? January 16, 2000 as an end date. The
20 temperature of that month averaged 40 degrees. The
21 kilowatt hours per day was 46.1. Is everybody with me
22 on that?

23 MR. MARCIAL: Yes.

24 MR. THEODORE KRAVITZ: Now, what I'm
25 saying is if you look at February of 2002 the average

1 temperature is 41 degrees and yet PECO --

2 MR. MARCIAL: You need to look at January
3 of 2002 not February of 2002.

4 MR. THEODORE KRAVITZ: What are you
5 talking about?

6 MR. MARCIAL: You're comparing the
7 average temperature for the month of January 2002 --

8 MR. THEODORE KRAVITZ: No, comparing
9 January 2000 at 40 degrees with February 2002 at 41
10 degrees, using actual temperatures.

11 MR. MARCIAL: I understand that, but why
12 aren't you comparing January 2000 with January of 2002?

13 MR. THEODORE KRAVITZ: Because I'm trying
14 to show that the average temperature is relatively the
15 same, 40 and 41 to look at what the average use should
16 be. That's why I'm not comparing 28 degrees or 72
17 degrees. Apples to apples; it's 40 degrees to 41; it's
18 as close as we can go using PECO's own numbers.

19 At 41 degrees they bill 67.9, which is
20 much higher than 46.1 at 40 degrees. If you look at
21 January 2002 the 38 degrees average temperature, PECO
22 bills 56.5 as an average daily kilowatt usage. If you
23 look at the December 2000 bill, December 13, 2000, you
24 will see that the temperature is 37 degrees and the
25 actual reading is 48.1 kilowatt hours per day. There's

1 an 8 kilowatt hour difference there as well as the 21
2 kilowatt hour difference from the prior month. That's
3 using everybody's agreed temperature readings and
4 everybody's agreed actual readings for those
5 temperatures.

6 Now, there is an aberration in the year
7 2000-20001 and now I would like to call my first
8 witness, Jonathan Kravitz to testify.

9 Whereupon,

10 JONATHAN J. KRAVITZ

11 having been duly sworn, testified as follows:

12 JUDGE WEISMANDEL: Mr. Kravitz, I can
13 tell you right now you're going to have to speak up if
14 the court reporter is going to have any chance at all of
15 hearing you.

16 THE WITNESS: I was far away from the
17 phone, Your Honor.

18 JUDGE WEISMANDEL: That's better. Thank
19 you.

20 DIRECT EXAMINATION

21 BY MR. THEODORE KRAVITZ:

22 Q You are Jonathan Kravitz, you are the Complainant
23 in this matter, correct?

24 A Yes, I am.

25 Q And you're familiar with the billings that you

1 have received from PECO since you have owned this
2 property; is that correct?

3 A I am.

4 Q And you are prepared to testify today as to
5 actual readings versus estimated readings on those
6 billings, correct?

7 A Yes, I am.

8 Q Can you tell His Honor why the January, February,
9 March bills in the year 2001 show so high an increase in
10 usage over any previous or subsequent years?

11 A Your Honor, as I stated in my complaint, during
12 the time in the periods beginning December 14th through
13 March 16th, 2001 I was unemployed. I was living in my
14 house full time. I was using the washer/dryer,
15 showering daily, using the computer, having the
16 television on, keeping my house heated at 72 to 74
17 degrees throughout the day and the night and essentially
18 taking full advantage of my house. That would be an
19 aberration for me because I was unemployed. If I could
20 refer to the year before which the other Mr. Kravitz was
21 referring to that was a period in which I was fully
22 employed and in which wasn't using my house through the
23 day, simply using it at night, not using the heat during
24 the day, not having appliances, televisions, etcetera
25 through the day.

1 Q Is your usage in the year 2000 and 2002
2 consistent with your usage over the history of your
3 household? Meaning you were employed and out of the
4 house during the day?

5 A Yes, I feel that it is. Now, my usage this year
6 has been affected by the fact that -- I'm not sure what
7 the legal way to say this is but essentially I live with
8 my girlfriend. I haven't spent a night in my house in
9 months.

10 Q And that is reflected in the actual billings that
11 you received this year?

12 A It is. My actual billings this year have been
13 minimal.

14 Q Were there any other factors that contributed to
15 the aberrant billing in December of 2000 and January,
16 February of 2001 other than the fact that you were there
17 all the time?

18 A Not that I'm aware of.

19 Q Was that the only time that you had this
20 inconsistent usage given the history of your usage over
21 the course of your ownership of this property?

22 A What I would say is it is typical for me to use
23 heat during winter but not use air conditioning during
24 the summer, therefore I wouldn't expect a great
25 variation from summer to summer, but the winter could

1 create a variation from year to year.

2 Q Which two bills, just so the record is clear, are
3 you disputing at this point?

4 A The two bills which are in dispute are two
5 estimated bills sent to me covering the period of
6 December 13 to January 15, 2002 -- sorry, January 13,
7 2001 to January 15, 2002 and January 15, 2002 to
8 February 13, 2002.

9 Q Now, how did you come to learn that your meter
10 was defective?

11 A When I received my estimated bill two months in a
12 row that was very unusual. I had received estimated
13 bills from PECO previous to that in my ownership of the
14 property and I had always paid the estimate
15 understanding that PECO would correct it the next month.
16 For whatever reason the estimate was I considered it
17 legitimate. Having received two estimated bills in a
18 row, which both seemed unusually high to me it led me to
19 question why the bill was unusually high, at which time
20 I immediately contacted PECO and the customer service
21 representative who I spoke to requested that I look at
22 my meter at which time when I did look at the meter the
23 meter read zero.

24 Q Did PECO come out and fix the meter?

25 A PECO came out two days after I recorded that the

1 meter was reading zero and replaced it with a new meter.

2 Q Is the meter working currently?

3 A Yes, it is.

4 Q I want you to look at the dates -- for the bills
5 ending May 15th, 2002 on Kravitz 1. Are there two bills
6 shown on the spreadsheet?

7 A Yes, there are.

8 Q Why?

9 A The reason is that on April -- subsequent to --
10 the bills dated April 15th, 2002 to May 15th, 2002 --
11 the first bill was estimated. I called PECO and I
12 refused to pay the bill because of this dispute. I did
13 not want to pay an estimated bill. I requested that
14 they give me an actual reading so that I could pay the
15 actual bill.

16 Q At that time was it your understanding that your
17 meter was working?

18 A Yes.

19 Q Did PECO accommodate you and come out and read
20 the meter and give you an actual bill?

21 A PECO did, in fact, give me an actual reading
22 several days after my call.

23 Q What was the actual reading versus their
24 estimated reading?

25 A The actual reading for that time period was 497

1 kilowatt hours versus their estimate of 677 kilowatt
2 hours, the difference of approximately 180.

3 MR. THEODORE KRAVITZ: Your Honor, I
4 assume that Kravitz 1 will be in evidence. I haven't
5 heard any objections through the normal course of
6 prehearing matters.

7 Just to do the calculations very quickly,
8 Your Honor, the actual bill -- for whatever reason they
9 estimated the bill. I don't know, we're not here to
10 dispute that because we did receive an actual bill. But
11 the actual bill was 27 percent lower than the estimated
12 bill that PECO gave and I just wanted the Court to note
13 that fact when looking at the documents.

14 I have nothing further for Mr. Kravitz at
15 this time.

16 JUDGE WEISMANDEL: Did you --

17 MR. JONATHAN KRAVITZ: I apologize, Your
18 Honor, there is one other thing.

19 JUDGE WEISMANDEL: Go ahead.

20 MR. JONATHAN KRAVITZ: Your Honor, I just
21 want to put into the record that this entire dispute is
22 a result of PECO's lack of due diligence.

23 MR. MARCIAL: I apologize, Your Honor, I
24 don't know who is speaking.

25 MR. JONATHAN KRAVITZ: J. Kravitz

1 speaking.

2 Just to reiterate, I wanted to put into
3 the record that the result of this dispute or the cause
4 of this dispute is lack of due diligence on PECO's part.
5 They installed a meter that was defective. They failed
6 at the time they installed it to check and see if the
7 meter was defective when all it would have required was
8 a walk around the building. There are eight units,
9 eight condominium units in my building. If they had
10 simply walked around the corner and come back they would
11 have seen that the meter wasn't working. It took my
12 call to them to have them react at all. I don't feel
13 that it is fair for PECO to have a windfall as a result
14 of --

15 JUDGE WEISMANDEL: I think we are getting
16 pretty far afield from statements of fact, Mr. Kravitz.

17 MR. THEODORE KRAVITZ: Your Honor, we
18 have nothing further at this time.

19 JUDGE WEISMANDEL: Cross-examination, Mr.
20 Marcial?

21 MR. MARCIAL: No cross-examination, Your
22 Honor, I'd like to call my witnesses.

23 JUDGE WEISMANDEL: Well, I may have a
24 question or two for Mr. Kravitz.

25 Mr. Kravitz, Mr. Jonathan Kravitz, the

1 witness, I will be directing my questions to you, sir,
2 all right?

3 THE WITNESS: Yes, sir.

4 JUDGE WEISMANDEL: Can you tell me, do
5 you know when the meter was replaced?

6 THE WITNESS: I know that it was in
7 December, Your Honor. I'm not actually certain of the
8 date that it was replaced.

9 JUDGE WEISMANDEL: December of 2001?

10 THE WITNESS: Yes, sir.

11 JUDGE WEISMANDEL: Do you know what
12 occasioned the replacement of the meter? Why was the
13 meter replaced?

14 THE WITNESS: It's my understanding that
15 PECO was replacing all of the meters as a result of some
16 sort of automatic meter reading program.

17 JUDGE WEISMANDEL: So it wasn't that you
18 had contacted PECO or that anyone on your behalf, to
19 your knowledge, had contacted PECO and requested that
20 the meter be replaced or had any suspicion that the
21 meter was in any way defective?

22 THE WITNESS: That is correct, Your
23 Honor. My meter was working correctly through the time
24 that it was replaced and I did not request that the
25 meter be replaced. It was simply a matter of -- as I

1 understand it -- an automatic meter reading program.

2 JUDGE WEISMANDEL: And it is your
3 understanding that that replacement occurred in December
4 of 2001?

5 THE WITNESS: Yes, Your Honor, that's my
6 understanding.

7 JUDGE WEISMANDEL: When did you become
8 aware of the fact that the replacement meter was not
9 functioning?

10 THE WITNESS: It was, I believe Your
11 Honor -- I made my initial call to PECO to report this
12 on approximately February 25, 2002. I believe that
13 PECO's documents will reflect that.

14 JUDGE WEISMANDEL: And you would have
15 made the call contemporaneously with when you discovered
16 it wasn't working?

17 THE WITNESS: What happened, Your Honor,
18 was that I received a second estimated bill, which I
19 considered very high and that was what occasioned my
20 call. It was the PECO service representative at that
21 time who recommended that I examine the meter for a
22 meter reading at which time we determined that the meter
23 reading was zero.

24 MR. MARCIAL: Your Honor, I do have one
25 question.

1 JUDGE WEISMANDEL: I'll give you an
2 opportunity then, Mr. Marcial, if you'll bear with me.

3 MR. MARCIAL: Certainly, Your Honor.

4 JUDGE WEISMANDEL: Thank you.

5 And when did that defective meter -- was
6 that defective meter repaired or replaced?

7 THE WITNESS: My understanding, Your
8 Honor, was that it was replaced, but I honestly don't
9 know. As a matter of fact I --

10 JUDGE WEISMANDEL: Do you know when?

11 THE WITNESS: Yes, it was replaced on
12 February 27th.

13 JUDGE WEISMANDEL: Roughly two days after
14 you called?

15 THE WITNESS: That's correct.

16 JUDGE WEISMANDEL: Thank you.

17 I think that covers the things that I
18 wanted to ask about.

19 Mr. Marcial, you had a question?

20 MR. MARCIAL: Yes, Your Honor, thank you.

21 CROSS-EXAMINATION

22 BY MR. MARCIAL:

23 Q Mr. Kravitz, I'm assuming I'm speaking to
24 Jonathan Kravitz.

25 A Jonathan Kravitz speaking.

1 Q Mr. Kravitz, did PECO Energy offer to conduct a
2 field investigation to examine the load profile and
3 usage at your residence in response to your high bill
4 complaints?

5 A Excuse me one second, there's a truck passing.

6 I contacted someone who I got to know through the
7 Lower Bucks Chamber of Commerce to see if there was some
8 way that we could resolve this matter. His response was
9 to attempt to schedule -- what did you call it, an
10 energy audit?

11 Q Not actually an audit, a field investigation.

12 A Yes, yes, and that was attempted to be scheduled.
13 I think, to show me what my profile usage was for my
14 appliances. I think that's my understanding of it.

15 Q Did you agree to allow PECO Energy Company to
16 conduct a field investigation?

17 A I did not. The reason for that was because I did
18 not feel that since we were at that time under a formal
19 complaint that I wanted to offer PECO access to my
20 private property.

21 MR. MARCIAL: No further questions, Your
22 Honor.

23 JUDGE WEISMANDEL: Thank you.

24 (Witness excused.)

25 JUDGE WEISMANDEL: Mr. Theodore Kravitz.

1 MR. THEODORE KRAVITZ: Yes, sir.

2 JUDGE WEISMANDEL: Do you have any other
3 witnesses?

4 MR. THEODORE KRAVITZ: Your Honor, I
5 don't have another witness at this point. I would move
6 Kravitz 1 into evidence.

7 JUDGE WEISMANDEL: Any objection, Mr.
8 Marcial, to what has been marked for identification as
9 Kravitz Exhibit 1?

10 MR. MARCIAL: No objection, Your Honor.

11 JUDGE WEISMANDEL: Kravitz Exhibit 1 is
12 admitted without objection.

13 Two copies have been furnished to the
14 court reporter and I have retained a copy for my file.

15 (Whereupon, the document marked as
16 Kravitz Exhibit No. 1 was received
17 in evidence.)

18 MR. MARCIAL: Your Honor, with regard
19 to Kravitz Exhibit 1, PECO only requests that it be
20 allowed to submit an amended exhibit that corresponds to
21 the dates from December 14, 1999 through December 13,
22 2000.

23 MR. THEODORE KRAVITZ: For the record,
24 Your Honor, I would object to that. Clearly it wasn't
25 provided to the hearing officer prior to the hearing as

1 is required by the rules and as we complied with.

2 JUDGE WEISMANDEL: What would be the
3 purpose of that, Mr. Marcial?

4 MR. MARCIAL: Just to further provide
5 consistent verification of the information contained
6 therein with PECO Energy records.

7 JUDGE WEISMANDEL: Do you have any reason
8 to dispute the information?

9 MR. MARCIAL: At this point in time I
10 have no way of verifying or disputing it. There's
11 absolutely no way for me to do that. The particular day
12 that we have begins February 14, 2000, which is 24
13 months from the date at issue.

14 JUDGE WEISMANDEL: Right.

15 MR. MARCIAL: As part of the prehearing
16 order that is what we submitted.

17 JUDGE WEISMANDEL: Right, I understand.

18 MR. THEODORE KRAVITZ: Judge, I object.
19 I haven't had a chance to see what it is. They're
20 supposed to provide it ahead of time. They clearly saw
21 what we were using ahead of time and could have done it
22 in the intervening time.

23 JUDGE WEISMANDEL: I tend to agree with
24 Mr. Kravitz's position, Mr. Marcial. I also tend to
25 feel that the accuracy or inaccuracy of that portion of

1 Kravitz Exhibit 1 is not going to be determinative of
2 the outcome of this dispute. I think it is fairly
3 clear. I understand what Mr. Kravitz did as far as
4 looking at periods that had the same or very nearly the
5 same average temperature to illustrate differences in
6 kilowatt hours per day for those same or nearly the same
7 average temperatures.

8 I also understand your point, Mr.
9 Marcial, in accordance with the Commission precedent
10 that it is to be a comparison of the like period of time
11 from one year to another or one quarter to another and I
12 did follow what you were asking about about that when
13 Mr. Kravitz was making his opening remarks.

14 I'm going to defer ruling on your request
15 and I will rule on it at the conclusion of the hearing,
16 but I'm not real convinced that the flame is worth the
17 candle.

18 MR. MARCIAL: Okay, Your Honor.

19 JUDGE WEISMANDEL: Would you like to call
20 your first witness?

21 MR. MARCIAL: Yes, I'd like to call my
22 first witness, Ms. Theresa Ferrier.

23 JUDGE WEISMANDEL: Can you hear me okay?

24 MS. FERRIER: Yes, Your Honor, thank you.

25 Whereupon,

1 THERESA ANN FERRIER

2 having been duly sworn, testified as follows:

3 JUDGE WEISMANDEL: Would you for the
4 court reporter and my benefit spell your last name.
5 please?

6 THE WITNESS: Yes, it is F like Frank,
7 e-r-r-i-e-r, Ferrier.

8 JUDGE WEISMANDEL: Thank you.

9 THE WITNESS: You're welcome.

10 MR. MARCIAL: Your Honor, I'd just like
11 to check, can everybody hear appropriately?

12 MR. THEODORE KRAVITZ: Ted Kravitz, yes
13 we can, Your Honor.

14 DIRECT EXAMINATION

15 BY MR. MARCIAL:

16 Q Ms. Ferrier, can you please state your full name
17 and business address for the record?

18 A My name is Theresa Ann Ferrier and I work at PECO
19 Energy Company at 2301 Market Street, Philadelphia, PA
20 19101.

21 Q How long have you been an employee of PECO Energy
22 Company?

23 A Almost 25 years.

24 Q What is your current job title at PECO Energy
25 Company?

1 A Presently I'm a regulatory assessor.

2 Q Could you briefly describe your duties as a
3 regulatory assessor?

4 A I review and investigate formal complaints filed
5 against PECO Energy Company with the Pennsylvania Public
6 Utility Commission.

7 Q In the course of your duties have you come in
8 contact with the case here today?

9 A Yes.

10 Q Did you review records kept in the normal course
11 of business regarding this case?

12 A Yes, I did.

13 Q Did you gather any records and have them -- did
14 you present records for the hearing today as exhibits?

15 A Yes.

16 Q Are these records reflective of PECO Exhibits 1
17 and 2?

18 A Yes. I think it is 3 --

19 Q And PECO Exhibit 3?

20 MR. THEODORE KRAVITZ: Your Honor, excuse
21 me --

22 JUDGE WEISMANDEL: Yes.

23 MR. THEODORE KRAVITZ: Maybe we can save
24 some time here. If this is to authenticate the records
25 or what have you I'm not going to object to their use.

1 JUDGE WEISMANDEL: All right.

2 And I think I misspoke at the very
3 beginning and I would like to correct that. There were
4 indeed submitted three potential PECO Exhibits. I think
5 I said two and Mr. Kravitz I trust that you were being
6 kind in not pointing out my error and you did, in fact,
7 receive all three?

8 MR. THEODORE KRAVITZ: Yes, Your Honor.
9 We do have three records and it's not a problem.

10 JUDGE WEISMANDEL: Thank you.

11 Go ahead, Mr. Marcial.

12 MR. MARCIAL: Thank you, Your Honor.
13 Then I will not summarize -- I won't go into detail on
14 the data, I will just summarize specific points for
15 clarification of the record.

16 BY MR. MARCIAL:

17 Q Ms. Ferrier, in this record does it contain --
18 PECO Exhibit 1, I'm referring to Page 2.

19 (Whereupon, the document was marked as
20 PECO Exhibit No. 1 for
21 identification.)

22 BY MR. MARCIAL:

23 Q Does it contain the dates that the meters at this
24 location were changed?

25 A Yes.

1 Q Could you please indicate on the record what
2 those exact dates were?

3 A The meter was initially changed on December 21st,
4 2001. And then there was a subsequent meter changed on
5 February 27th, 2002.

6 Q For the period between there, is that the period
7 at issue?

8 A Yes.

9 Q Could you briefly describe PECO's estimated
10 billing in this period of time?

11 A The customer did receive two estimated bills, one
12 that covered the period from December 13, 2001 to
13 January 15th, 2002 and then the second estimated bill
14 covered the period of January 15th, 2002 to February
15 13th, 2002. Those bills were estimated.

16 Q Could you briefly describe the estimated bill
17 process?

18 A Yes, when we're not able to secure an actual
19 reading of the meter we are forced to render an
20 estimated bill. There is a process that the company
21 uses, a methodology when rendering an estimated bill.
22 What we do do is take a look at the previous year's
23 history and we also consider a trend factor.

24 Let me just explain a little bit what a trend
25 factor is. It's a number that's stored in a constant

1 file which is based on the history of our last six
2 billing reads and it's made on totally actual readings.
3 It's an indication of how various rates of service are
4 being consumed by our customers. Of course the constant
5 is impacted by the weather, the wind chill factor. So
6 when we estimate the bill we take a look at last year's
7 daily average use. We multiply it by the number of days
8 in this year's billing period and then we multiply it by
9 this trend factor, or this constant. That's how we
10 figure out what an estimated reading should be.

11 Q And the estimates in this particular case were
12 done in that fashion?

13 A Yes.

14 Q Would you please just state what the estimated
15 usage was for these two periods of time for the record?

16 A Well, the first bill from December 13 to January
17 15 we really only estimated 25 days of that billing
18 period because we did have a removal rating when we
19 changed the meter. The customer was billed a total
20 consumption of 1,866 kilowatt hours for that bill and
21 then the second estimated bill was for 1,970 kilowatt
22 hours.

23 Q And the second one?

24 A The second month, as I said, 1,970 kilowatt
25 hours.

1 MR. MARCIAL: Your Honor, I'd like to
2 refer to PECO Exhibit No. 2.

3 JUDGE WEISMANDEL: All right.

4 (Whereupon, the document was marked as
5 PECO Exhibit No. 2 for
6 identification.)

7 BY MR. MARCIAL:

8 Q Ms. Ferrier, did PECO Energy explain this to Mr.
9 Kravitz?

10 A Yes, this probably was sent to Mr. Kravitz in
11 response to his informal complaint that he filed and
12 just to summarize the letter it shows a comparison of
13 the use between the billing period in question and the
14 previous year.

15 Q Was this information also provided to the Bureau
16 of Consumer Services?

17 A Yes, we did send the Bureau of Consumer Services
18 a copy of our letter.

19 (Whereupon, the document was marked as
20 PECO Exhibit No. 3 for
21 identification.)

22 BY MR. MARCIAL:

23 Q Was this information summarized in the Bureau of
24 Consumer Services Decision, which is PECO Exhibit No. 3?

25 A Yes, in Exhibit No. 3 the Bureau of Consumer

1 Services did summarize the information in the Decision
2 itself.

3 Q Has PECO reasonably rendered service in this
4 situation?

5 A Yes.

6 MR. MARCIAL: Your Honor, Ms. Ferrier is
7 open for cross-examination.

8 JUDGE WEISMANDEL: Mr. Kravitz.

9 MR. THEODORE KRAVITZ: Thank you, Your
10 Honor.

11 CROSS-EXAMINATION

12 BY MR. THEODORE KRAVITZ:

13 Q You indicated, Ms. Ferrier, that you look at a
14 number of factors in estimating a bill. I think you
15 said the previous year's usage as well as the trend
16 factors; is that correct?

17 A That is correct.

18 Q Do you look at the fact that this happened to be
19 a particularly warm winter last year?

20 A Yes, I did take it into consideration when we
21 look at the past six months of billing history and of
22 course the weather and the chill factor temperature,
23 sure.

24 Q So how did the chill factor for a warm winter
25 figure into the trend factor?

1 A I don't know exactly how the process is but --
2 how it is figured out -- but it's a determinate in what
3 we consider the trend factor to be.

4 Q Are you saying --

5 A You're actually right, it was a warmer winter
6 this past winter, which is reflected in the estimate
7 because the estimate is lower than the previous year's
8 bill.

9 Q Are you saying that you don't understand how PECO
10 made these calculations using the trend factors?

11 A I do -- yes, I can calculate the estimated usage.
12 I'm not an expert on the trend factor, no.

13 MR. THEODORE KRAVITZ: Your Honor, at
14 this point I'm going to ask that Ms. Ferrier's testimony
15 be disregarded because she is clearly not able --

16 MR. MARCIAL: Objection, Your Honor --

17 MR. THEODORE KRAVITZ: -- to testimony as
18 to the matter --

19 MR. MARCIAL: Ms. Ferrier is perfectly
20 qualified to testify as to the calculation that PECO
21 used to determine this particular estimated reading.

22 MR. THEODORE KRAVITZ: She just said she
23 wasn't, Your Honor.

24 MR. MARCIAL: Mr. Kravitz is specifically
25 targeting a factor which is only one variable in the

1 formula that was used.

2 MR. THEODORE KRAVITZ: Right, Your Honor,
3 but if you don't understand the factors that go into
4 making it up it doesn't matter whether it is one or ten,
5 you don't understand the formula that was used if you
6 don't understand the factors. It's that simple. If I
7 ask you to multiply two plus two and minus one from that
8 if you don't understand what minus one means you're
9 going to come up with the wrong answer.

10 MR. MARCIAL: Your Honor --

11 JUDGE WEISMANDEL: Gentlemen, just a
12 second.

13 Ms. Ferrier --

14 THE WITNESS: Yes, Your Honor.

15 JUDGE WEISMANDEL: You didn't do the
16 calculations yourself, did you?

17 THE WITNESS: Initially when he received
18 the bill?

19 JUDGE WEISMANDEL: For the estimated
20 bills, right.

21 THE WITNESS: No, I didn't personally did
22 them, I did do the calculation to verify their accuracy.

23 MR. THEODORE KRAVITZ: And therein lies
24 the problem from my point of view, Your Honor.

25 JUDGE WEISMANDEL: Do you know who did do

1 the original calculations of the bills?

2 THE WITNESS: It's an automated system,
3 Your Honor, it's computerized.

4 JUDGE WEISMANDEL: And there are formulas
5 that are programmed in the computer that cause it to do
6 the calculations when an estimated bill is required?

7 THE WITNESS: Yes, the system does the
8 calculation automatically and renders the estimated
9 bill. (unintelligible) as I said, verify the accuracy
10 of the calculations.

11 JUDGE WEISMANDEL: I think that's
12 sufficient, Mr. Kravitz.

13 MR. THEODORE KRAVITZ: That's fine, Your
14 Honor, as long as my objection is noted for the record.

15 JUDGE WEISMANDEL: Yes, sir.

16 BY MR. THEODORE KRAVITZ:

17 Q Now, in comparing -- I understand the standard is
18 that you want to compare like time periods; is that
19 correct?

20 A Yes.

21 Q So comparing December and January and January and
22 February are you saying that you have to compare exactly
23 December/January to December/January or do you have to
24 compare a similar time period such as December and
25 January combined? Do you understand my question?

1 A No, are you referring to the estimate?

2 Q Right, well what I'm asking you is if I compare
3 41 kilowatt hours in February of 2002 with 40 kilowatt
4 hours in January of 2000 is that close -- I apologize,
5 average temperature, ma'am. I meant to say average
6 temperature. Is that close enough for the January time
7 period, February time period or does it have to be
8 exact, is what you're saying?

9 A Well, off the top of my head I think it's -- I
10 don't know how many days were in the billing period.
11 That's a factor so average temperature -- I don't know
12 what your question is, sorry.

13 Q What I wanted to show the Court was -- do you
14 have a copy of Kravitz 1 in front of you, ma'am?

15 A Yes, I do, sir.

16 Q Would you please look at the first month that's
17 in dispute, which ends January 15th of 2002.

18 A Did you say February 15th?

19 Q No, the bill that is for January 15th, 2002.

20 A Yes, I see that.

21 Q You estimated \$160.96 so that we are both talking
22 about the same one, correct?

23 A Yes, we are.

24 Q The average daily temperature was 38 degrees
25 correct?

1 A Yes.

2 Q You estimated a daily kilowatt hour usage of
3 56.5, correct?

4 A Yes, that was the daily average use.

5 Q Now what you're saying, if I understand it is to
6 fairly compare this, I have to go back to January of
7 2001, correct?

8 A Are you talking about if we're comparing an
9 estimate? Yes, I would compare like periods.

10 Q Okay. Go back to January of 2001 if you would
11 please and it indicates that the average temperature was
12 30 degrees; is that correct?

13 A In January of 2001?

14 Q Yeah, for the bill ending January 16, 2001.

15 A The average temperature according to your exhibit
16 was 36 degrees.

17 Q No. Look at December 14, 2000 through January
18 16, 2001.

19 A Yes.

20 Q 78.1 kilowatt hours per day, 30 degrees average
21 temperature, correct? \$194.85 is the bill.

22 A Up to the December reading -- Oh, I'm sorry, yes,
23 it is 30 for the average temperature, I'm sorry.

24 Q Now, can you explain to Judge Weisman del how it
25 is that you can accurately compare a 38 degree average

1 temperature in 2002 with a 30 degree average temperature
2 in 2001?

3 A I don't understand your question, sir, because we
4 would compare last year's billing if we didn't get a
5 reading and we were forced to estimate.

6 Q Right, I understand that, but you didn't get a
7 reading and you were forced to estimate it, correct?

8 A Yes, that's true.

9 Q So what I'm asking you is how can you compare a
10 month from January 2001 where the average temperature is
11 30 degrees to January 2002 where the average temperature
12 is 38 degrees. How can you make that comparison?

13 A Well, there's two other comparisons involved. We
14 take into consideration the number of days in the new
15 billing period and we also take into consideration the
16 trend factor. Is that your question?

17 Q All right, let's deal with the first one, the
18 number of days in the billing period.

19 Are you aware of any change, any calendar ever
20 that would change the number of days in the month of
21 January in any year?

22 A No, but --

23 Q Okay, so is that really a factor here?

24 A Yes, because the meter is not read the same day
25 each year. The calendar changes as far as working days

1 and non-working days so there could be a difference,
2 sure.

3 Q How is that accounted for in the bills that are
4 sent to your customers?

5 A All I'm saying is that the number of days in the
6 billing period may vary depending upon when the meter
7 was read.

8 Q Do you know whether or not the days varied in
9 this particular instance?

10 A I can sure check. May I ask you to wait just a
11 moment?

12 Q Certainly.

13 A Thank you.

14 (Pause)

15 BY MR. THEODORE KRAVITZ:

16 Q Okay, now what --

17 A December of 2000 through January 2001 was a 33
18 day period and December of 2001 and January of 2002 was
19 a 33 day billing period.

20 Q So it's exactly the same, correct?

21 A For that month, yes.

22 Q Now, so there's no variation in that regard in
23 terms of figuring out an estimated billing, both the
24 same amount of days, correct?

25 A That is correct.

1 Q Let's talk about the history then. Was it warmer
2 this past winter than it was the winter before? Meaning
3 was it a warmer January of 2002 than it was in January
4 of 2001?

5 A Well, I don't have the average temperature for
6 the January of 2001 bill to say yes, definitely.

7 Q Would you have any basis upon which to dispute
8 the numbers on Kravitz 1 which indicate that January
9 2002 was 38 degrees and January of 2001 was 30 degrees?

10 A No, I do not, sir.

11 MR. MARCIAL: This also goes to part of
12 the record where PECO was going to add additional
13 information, I believe.

14 MR. THEODORE KRAVITZ: Well, we'll deal
15 with that at the end as I understand it.

16 BY MR. THEODORE KRAVITZ:

17 Q Now, let's look at the second month that's in
18 dispute. That would be the bill ending February 13 of
19 2002 which you estimated to be \$182.13; is that correct?

20 A Based on your exhibit \$182.13 --

21 Q That's the bill that we're talking about now?

22 A Yes.

23 Q The average temperature was 41 degrees in
24 February 2002, correct?

25 A Yes, that's correct.

1 Q Now, let's go back and look at February 15, 2001,
2 the average daily temperature was 36 degrees; is that
3 correct?

4 A Yes, based on your exhibit.

5 Q Do you have any reason to dispute that exhibit?

6 A No, I don't.

7 Q Was the time period, in other words, the number
8 of days that you calculated the same? Just like we did
9 last time, 33 to 33 days?

10 A No, if you look at PRCO Exhibit 1, the days in
11 the billing period from January of 2001 to February of
12 2001 was 30 days and then from January 2002 to February
13 2002 was 29 days.

14 Q So in February of 2001 there was one more day on
15 the bill than there was in 2002, correct?

16 A Correct.

17 Q So would you expect a bill to show higher or
18 lower with one extra day?

19 A Well, logically it should be higher if there's
20 one extra day.

21 Q So in February of 2000 one bill logically would
22 be higher than the February of 2002 bill, correct?

23 A Yes.

24 Q Okay, now how would the fact that there was a
25 five degree rise in the average temperature between

1 February of 2002 and February of 2001 factor into your
2 consideration for an estimated bill?

3 A Yes, it does.

4 Q Well how would it factor in? In other words, do
5 you expect someone to use more heat when it is colder or
6 warmer?

7 A Well, coldness of the temperature does impact the
8 usage.

9 Q How does it impact the usage, ma'am?

10 A Well logically if it is colder out there is more
11 consumption of electric if it's for heat.

12 Q So you would expect in 2001 there to have been a
13 consumption greater than in 2002 because 2001 was a
14 colder month, correct?

15 A Yes.

16 Q How does that factor into the estimated bill that
17 you presented to the Complainant?

18 A It was factored in on the estimate when we used
19 our trend factor.

20 Q Can you explain what that means, ma'am? I'm just
21 a layman here, I don't understand all this technical
22 stuff from PECO.

23 A As I previously stated, when we don't get an
24 actual reading to base the bill on an actual we are
25 forced to render an estimated bill.

1 Q Yes, I know that.

2 A We take a look at last year's daily average use
3 for the same period and take into consideration the
4 number of days in the new billing period and we also
5 take into consideration this trend factor. As I stated
6 previously it's a number that's stored and it's based on
7 the usage of our last six billing routes and it's solely
8 based on actual readings and bills. It's an indication
9 of how various rates of service are being consumed by
10 our customers.

11 Q Okay.

12 A Obviously factors such as the weather, wind
13 chill, etcetera -- it does play a role in the number
14 that we use in this trend factor constant.

15 Q Let me ask you another question.

16 From PECO's point of view if a monthly average
17 temperature is 40 degrees does it matter from you being
18 able to account from your usage whether it is 40 degrees
19 in March or 40 degrees in January? In other words, what
20 I'm asking you is, is 40 degrees 40 degrees to you
21 folks?

22 A No.

23 Q Why not?

24 A There's other factors that should be considered.

25 Q What factors are those, ma'am?

1 A I would say wind chill, I would say -- I would
2 say weather and wind chill.

3 Q Can you tell me what the average wind speed was
4 in January of 2002?

5 A No, I can't.

6 MR. MARCIAL: Your Honor, I'm going to
7 have to object. Mr. Kravitz has pretty much made his
8 point and I believe is starting to repeat himself at
9 this point in time.

10 JUDGE WEISMANDEL: I don't think he asked
11 that question before and I think it was a legitimate
12 question.

13 MR. THEODORE KRAVITZ: Thank you, Your
14 Honor.

15 JUDGE WEISMANDEL: The witness is
16 perfectly free to do what she did and say she doesn't
17 know.

18 BY MR. THEODORE KRAVITZ:

19 Q So you don't know what the wind speed was,
20 correct?

21 A No, I don't, sir.

22 Q Do you know what the wind speed was in February
23 of 2002?

24 A No, I do not.

25 Q Do you know whether or not that actually factored

1 into the estimated bill though?

2 A Yes, it is a factor when we use our -- when the
3 trend factor is calculated.

4 Q Would you please look at the very top of Kravitz
5 1, where it says, "Start date, December 14, 1999 end
6 date, January 16, 2002." Are you looking at the same
7 one? It says "Kilowatt per day of 46.1, temperature 40
8 degrees."

9 A Yes.

10 Q Now, if you look at that and you look at the bill
11 ending February 13th of 2002, which was an average daily
12 temperature of 41 degrees as opposed to 40.

13 A Right.

14 Q Is it unfair to compare those two numbers to try
15 to come up with an estimated bill?

16 A I'm sorry, could you say that question again? Is
17 it unfair what?

18 Q Certainly ma'am. What I'm looking at is the date
19 ending February 13th, 2002 there was an average daily
20 temperature that month of 41 degrees. Are you with me
21 so far?

22 A Yes.

23 Q If you look at January 16th of 2000 there was an
24 average daily temperature of 40 degrees.

25 A Yes.

1 Q Now, what I am asking you is is it unfair to
2 compare to compare a month where the average temperature
3 is 40 degrees to a month where the average temperature
4 is 41 degrees in terms of trying to figure out some sort
5 of an estimate for a bill?

6 A I don't know.

7 Q Let's look at the month in dispute which ends
8 January 15, 2002. It shows that it's 38 degrees.

9 A Correct.

10 Q On an average daily temperature.

11 A Yes.

12 Q If you would go back up toward the top of Kravitz
13 1 and look for the November 13 through December 13, 2000
14 time period --

15 A Yes.

16 Q -- that shows an average daily temperature of 37
17 degrees, correct?

18 A Yes.

19 Q Would it be unfair to compare a month where the
20 average daily temperature is 37 degrees with a month
21 where the average daily temperature is 38 degrees to try
22 to come up with some kind of an estimate for our
23 customer's bill?

24 A (No response)

25 Q Ma'am, if the answer is "I don't know" again

1 that's okay --

2 A I don't know because I'm looking at your exhibit
3 and if you look at the February/March 2001 daily average
4 use it is 71.1 and the daily average temperature was 39
5 so --

6 Q Excellent point.

7 A To answer your question, I don't know.

8 Q Okay, well let's talk about that time period
9 because that's an excellent point that you made.

10 Were you listening when Mr. Kravitz testified
11 about that particular time period and his usage?

12 A Yes.

13 Q So you heard him say that he was unemployed
14 during that three-month period and was home constantly.
15 You heard him say that, correct?

16 A Yes, that's what he testified.

17 Q And you also heard him testify that that was the
18 only time that he can remember when he was unemployed
19 and home constantly, correct?

20 A That's what he said, yes.

21 Q Do you think in your mind that it is fair to
22 compare for time periods a time when a person is
23 unemployed and home using their electric constantly when
24 an average usage, looking at an overall usage pattern
25 would show the demand when employed and not at home?

1 Do you understand my question, ma'am?

2 A Is it reasonable to --

3 Q Right, is it reasonable to compare time periods
4 when somebody is at home constantly with the heat on,
5 the TV on, shower going and the washer going, with the
6 time period when they're not at home and don't have the
7 appliances on. Is that a fair and reasonable
8 comparison?

9 A Not if they don't have the appliances on.

10 Q Thank you very much.

11 MR. THEODORE KRAVITZ: I have no further
12 questions, Judge.

13 JUDGE WEISMANDEL: Thank you, Mr.
14 Kravitz.

15 Ms. Ferrier, I have a few questions.

16 THE WITNESS: Yes, Your Honor.

17 JUDGE WEISMANDEL: In the two disputed
18 months, the time period from December 13th, 2001
19 through -- let's say through February 27, 2002 when the
20 second meter was installed.

21 THE WITNESS: Yes.

22 JUDGE WEISMANDEL: Am I correct in
23 understanding that some time in that time period there
24 should have been two meter readings obtained?

25 THE WITNESS: Yes, Your Honor.

1 JUDGE WEISMANDEL: It's my understanding
2 from your exhibits, I believe, that PECO's policy is
3 when you put a remote read meter in you don't start
4 relying on the remote read right away, correct?

5 THE WITNESS: Yes, Your Honor.

6 JUDGE WEISMANDEL: So someone during the
7 period December 13th, 2001 to February 27th, 2002 should
8 have physically gone out on PECO's behalf and done a
9 meter reading, correct?

10 THE WITNESS: I'm not sure of the time
11 period, Your Honor. Perhaps our second witness could
12 answer that question.

13 JUDGE WEISMANDEL: Well, I thought you
14 just agreed with me that there should have been two
15 meter readings taken in that time period.

16 THE WITNESS: It should have, yes.

17 JUDGE WEISMANDEL: That's really all I
18 was asking is in that time period somebody should have
19 gone out and read the meter, correct? Because you
20 weren't relying on the remote read function yet.

21 THE WITNESS: That is correct, Your
22 Honor.

23 JUDGE WEISMANDEL: And now you may have
24 been anticipating my next question. Do you know why
25 that didn't happen?

1 THE WITNESS: No, Your Honor, I don't.

2 JUDGE WEISMANDEL: Is it your
3 understanding of PECO's position is that the two months
4 at issue in which estimated bills were rendered PECO
5 takes the position that by looking at those two
6 estimated bills as opposed to the corresponding actual
7 bills for the previous year and seeing that they are
8 both respectively less than the corresponding bills from
9 the previous year indicates that PECO is doing a proper
10 job in estimating because the algorithms in the computer
11 that take account of what you've described as the trend
12 factors have caused the estimated bills to be lower? Is
13 that a fair summation of PECO's position?

14 THE WITNESS: Yes, Your Honor.

15 JUDGE WEISMANDEL: And that those
16 algorithms that are used to instruct the computer to do
17 its calculations take into account known variables such
18 as different average temperatures, different number of
19 billing days in the cycle, etcetera; is that correct?

20 THE WITNESS: Yes, Your Honor.

21 JUDGE WEISMANDEL: But I think you also
22 agreed with Mr. Kravitz that those algorithms do not
23 take into account, nor can I think of any way real
24 quickly that they could, differences such as what Mr.
25 Kravitz described where a customer who is normally not

1 in the residence 24 hours a day and consequently not
2 using electricity nearly as much but is out working and
3 tending to the other functions of life, when one is
4 fully employed, would tend to use a lot less electricity
5 than somebody who is home because they are unemployed or
6 on vacation or injured etcetera. Your algorithms can't
7 take account of those because your algorithms don't know
8 that those things have occurred; is that correct?

9 THE WITNESS: That is correct, Your
10 Honor.

11 Can I make a statement, Your Honor

12 JUDGE WEISMANDEL: Sure.

13 THE WITNESS: I just wanted to say that
14 we were more than willing to investigate this bill, Your
15 Honor. Mr. Kravitz stated that he did contact an
16 official and there were several people working on this
17 and all we really wanted to do was just go out and do an
18 appliance analysis, which maybe would have helped to
19 verify the accuracy of the estimate but the customer
20 declined. He didn't want us to be on his property and
21 maybe that would have solved the whole thing if we just
22 would have had the opportunity to see what the --

23 JUDGE WEISMANDEL: I'm going to caution
24 you the same way I did Mr. Kravitz. I think you're
25 getting pretty far afield from statements of fact at

1 this point.

2 THE WITNESS: Thank you, Your Honor.

3 JUDGE WEISMANDEL: Are you familiar with
4 the two bills that Mr. Kravitz received for the period
5 April 15th to May 15th 2002?

6 THE WITNESS: Yes, Your Honor.

7 JUDGE WEISMANDEL: Do you know why the
8 first of those two bills was estimated?

9 THE WITNESS: No, Your Honor, I do not
10 know the exact reason why it was estimated.

11 JUDGE WEISMANDEL: Am I correct that the
12 normal procedure when a customer receives an estimated
13 bill -- I'm going to do a hypothetical for you, Ms.
14 Ferrier, and you tell me if I'm incorrect in anything
15 I'm hypothesizing, okay?

16 THE WITNESS: Okay.

17 JUDGE WEISMANDEL: Let us say that for
18 the first month -- I'm not going to use dates, I'm just
19 going to refer to months. Let's say for the month of
20 January I have an actual bill rendered to me and then
21 for the month of February, for whatever reason, my bill
22 is estimated. I think we can agree that an estimated
23 bill, unless it was pure chance, would almost never
24 correspond with what would have been an actual reading
25 and billing, correct?

1 THE WITNESS: That's reasonable to say,
2 yes, Your Honor.

3 JUDGE WEISMANDEL: And now let's go to
4 March and you come out and you get another actual
5 reading. It's my understanding that what then happens
6 is however the estimate was off, whether it was off in
7 PECO's favor, i.e. the estimate was higher than what I
8 actually used and I in fact paid on that estimated bill
9 for service that wasn't yet rendered to me, or
10 conversely, if it was wrong in my favor, that is PECO
11 estimated too low and I actually used more electric
12 service than I paid for in that period, that will now
13 get straightened out with the second actual bill,
14 correct?

15 THE WITNESS: Yes, Your Honor.

16 JUDGE WEISMANDEL: Because what really
17 will happen is you will go from my actual bill in
18 January to my actual bill in March and while you don't
19 have an interim reading that is actual you do have
20 readings that cover the whole time period so you can
21 tell how much I actually used January, February, March
22 and bill me at the tariffed rate, correct?

23 THE WITNESS: Yes, Your Honor.

24 JUDGE WEISMANDEL: And thereby it takes
25 care of the estimate so that neither PECO nor the

1 customer is disadvantageded.

2 THE WITNESS: Correct.

3 JUDGE WEISMANDEL: Okay. What is it that
4 prevents that from occurring in this particular
5 situation?

6 THE WITNESS: I believe it was because
7 the meter wasn't registering properly, Your Honor. We
8 didn't have a good actual reading to base a revised bill
9 on.

10 JUDGE WEISMANDEL: Would not, in normal
11 course of events, PECO have become aware of the fact
12 that the meter was not registering?

13 THE WITNESS: Yes.

14 JUDGE WEISMANDEL: How would PECO have
15 become aware short of the customer calling?

16 THE WITNESS: If we believe there's -- if
17 the meter stops registering totally a meter
18 investigation or it kicks out after a period of time and
19 it's verified.

20 JUDGE WEISMANDEL: What's that period of
21 time?

22 THE WITNESS: I'm not really sure, Your
23 Honor.

24 JUDGE WEISMANDEL: Mr. Marcial, Mr.
25 Kravitz, any further questions in light of the questions

1 that I've asked the witness?

2 MR. THEODORE KRAVITZ: Your Honor, I
3 would, unless Mr. Marcial wishes to redirect and then I
4 can just address a recross at that point.

5 JUDGE WEISMANDEL: Fine.

6 Mr. Marcial.

7 MR. MARCIAL: Thank you, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. MARCIAL:

10 Q Ms. Ferrier, according to the record is the
11 estimated bill, as rendered in this case, significantly
12 lower than the prior year's average?

13 A Yes.

14 Q And absent any reason or any ability to verify
15 additional information from the customer would PECO
16 Energy Company default to that estimate as a reasonable
17 estimate under the circumstances?

18 A Yes.

19 Q With regard to the particular instance we have
20 here with the meter change you stated that because of
21 the meter change we don't have an actual on which to
22 base our initial readings as of December 21st. The --
23 well, the Judge already asked this. Never mind, I'll
24 withdraw that question.

25 JUDGE WEISMANDEL: Anything else, Mr.

1 Marcial?

2 MR. MARCIAL: That's all, Your Honor.

3 JUDGE WEISMANDEL: Mr. Kravitz.

4 MR. THEODORE KRAVITZ: Thank you.

5 RECROSS-EXAMINATION

6 BY MR. THEODORE KRAVITZ:

7 Q Ms. Ferrier, are you saying that there is no way
8 that PECO could possible verify whether or not a
9 customer is using more electric during any comparable
10 period than not? There's no way you could estimate
11 that, to tell whether a customer is home using electric?

12 A Are you asking me --

13 Q Yeah, you said -- I apologize and I'll withdraw
14 the question and ask you another question. You said in
15 response to Mr. Marcial that there's no way that you
16 could verify that Jonathan Kravitz happened to be
17 unemployed for three months and was home just racking up
18 that electric, correct?

19 A Well --

20 Q There's no way you can verify that?

21 A Unless I'm told that I -- I don't understand your
22 question.

23 Q I'm asking you -- you made a statement. Mr.
24 Marcial asked you -- that you went back a year and you
25 have no way of knowing whether or not Mr. Kravitz is

1 telling you the truth that he was unemployed and at home
2 using a lot of electric because he was home during the
3 day, correct? You can't verify that.

4 A I'm sorry, I don't understand the question.

5 Q Tell me something. Let me try to make this
6 simple for you. Jonathan Kravitz claims that from the
7 end of the December of 2000 through March of 2001 he was
8 unemployed and therefore he was home using a lot of
9 electric during that time period, correct?

10 A Yes.

11 Q Am I correct about that?

12 A Yes.

13 Q Do you have any way to verify that?

14 A In the company, you mean?

15 Q Any way, ma'am.

16 A You mean to call an employer or something?

17 Q Ma'am, I'm asking you if PECO has any way, I
18 don't care what way you do it, do you have any way of
19 verifying it?

20 MR. MARCIAL: Your Honor, I'm going to
21 object to the question. Ms. Ferrier --

22 MR. THEODORE KRAVITZ: Your Honor --

23 MR. MARCIAL: -- already stated what we
24 would do to verify that and that would be have a field
25 visit and we were denied that.

1 MR. THEODORE KRAVITZ: You wouldn't have
2 a field visit, Your Honor, to see if somebody is
3 unemployed. You would have a field visit to see what
4 kind of usage their appliances were using so let's not
5 even try to go there, please.

6 MR. MARCIAL: Exactly. We need the field
7 visit. We take the analysis of the appliances and
8 estimate it based on the hours the individual states
9 that they're home and come up with a manual estimate.
10 In this particular case that would mean --

11 JUDGE WEISMANDEL: Gentlemen, let me tell
12 you what my conclusion is in answer to that question.

13 MR. THEODORE KRAVITZ: Yes.

14 JUDGE WEISMANDEL: My conclusion is it is
15 a two-part question. The first part is could PECO
16 verify that Mr. Jonathan Kravitz was unemployed during
17 that time period? Could they? Certainly they could.
18 There's a number of ways they could do it. The most
19 easy that comes to mind immediately is to ask some
20 neighbors right on to looking to see if there was an
21 unemployment compensation claim made, etcetera,
22 etcetera. Could they verify that part, yes. Is it part
23 of their responsibility as a public utility to do so?
24 No, it's not.

25 MR. THEODORE KRAVITZ: Objection --

1 JUDGE WEISMANDEL: But the more pressing
2 part of the question is let us assume, for the sake of
3 argument that that is absolutely true. Mr. Jonathan
4 Kravitz was unemployed and home predominantly during
5 that period of time, that still does not give PECO any
6 way of knowing what electric appliances he was using
7 during that period of time. Mr. Kravitz, and I'm not
8 impugning Mr. Kravitz's honesty in any way, I'm making a
9 point and that's all. Mr. Kravitz could testify that he
10 spent the entire time at home with the electric heat
11 cranked up, the stereo, three color televisions, an
12 electric dryer all running 16 to 18 hours a day,
13 etcetera, etcetera. And, in fact, Mr. Kravitz could
14 have been at home with minimal heat, enough to sustain
15 life, because he knew he was unemployed and didn't want
16 the bill to be high, sitting in the dark in silence
17 contemplating his future. Do you get my point?

18 MR. THEODORE KRAVITZ: Judge, your first
19 estimation of what was going on was correct.

20 JUDGE WEISMANDEL: But you get my point
21 though?

22 MR. THEODORE KRAVITZ: Yes, sir.

23 JUDGE WEISMANDEL: And there's no way
24 PECO can know, can verify that.

25 MR. THEODORE KRAVITZ: Now I'd like to

1 make my point, Your Honor.

2 JUDGE WEISMANDEL: Go ahead.

3 MR. THEODORE KRAVITZ: I agree with you
4 that in theory they'd have to be there sitting with
5 Jonathan Kravitz to figure out what the heck was going
6 on. That's not entirely true.

7 BY MR. THEODORE KRAVITZ:

8 Q Ms. Ferrier, how far back does PECO keep records
9 on their customers?

10 A Four years is our record retention.

11 Q Did you ever go back four years to see if that
12 one particular time period that he claims was an
13 aberration was in fact an aberration?

14 A I did not go back four years, no.

15 Q Do you know of anybody from PECO who did?

16 A No, I do not.

17 Q How long have you been aware of Mr. Kravitz's
18 complaint? Months, correct?

19 A Yes.

20 Q And you do have a way to go back and see if
21 whether that January, February, March time period in
22 '98, '99, 2000 and 2001 is consistent with him being
23 home using a lot of electric or consistent with him not
24 being home; isn't that correct? There is a way for you
25 to do it.

1 A I don't know how to answer your question. We do
2 keep the records for four years. To go back four years
3 and do the comparison -- I don't know that that was
4 necessary.

5 Q I didn't ask you if it was necessary, ma'am, I
6 asked you if it was possible.

7 A Yes, it is possible.

8 Q Thank you very much.

9 Now, are you familiar with how the computer
10 programs are set up? I mean I did get from the response
11 of the Judge that some computer guy sits there and makes
12 up these algorithms, correct?

13 A We do have a methodology that we use for
14 estimates.

15 Q Okay, and in order to go back and look at three
16 years of time rather than one year of time would you
17 agree with me that given the state of computers today
18 you probably could just change three or four numbers and
19 tell it to go back --

20 MR. MARCIAL: Objection, Your Honor. Way
21 beyond the scope of the complaint. We're not here to
22 discuss the methodology behind computer algorithms in
23 this case.

24 MR. THEODORE KRAVITZ: Actually, that's
25 exactly what we're here to discuss, Your Honor.

1 What is PECO's responsibility in this day
2 and age to make a reasonable estimate in compliance with
3 their statutory obligation to fairly bill their
4 customers.

5 If Ms. Ferrier doesn't know the answer I
6 understand that --

7 JUDGE WEISMANDEL: I'll let that one
8 question go and see what Ms. Ferrier's answer is but I
9 think it is going far afield.

10 Ms. Ferrier, do you need the question
11 repeated?

12 THE WITNESS: Yes, please.

13 BY MR. THEODORE KRAVITZ:

14 Q Ms. Ferrier, do you know whether or not it would
15 be a matter of simply adjusting a computer program to go
16 back and look four years into your records instead of
17 one in order to come up with a customer's usage history?

18 A I don't really know - I really don't know for
19 sure.

20 Q That's a fair enough answer.

21 Is it your understanding in your position, I
22 believe you said you're a customer service
23 representative; is that correct? Did I write that down
24 wrong?

25 A I'm a regulatory assessor.

1 Q A regulatory assessor, okay, even better. What
2 is PECO's responsibility to fairly bill their customers?

3 A Our billing standards have to be fair and
4 equitable.

5 Q Is that statutorily imposed upon you?

6 A Yes.

7 MR. THEODORE KRAVITZ: I have nothing
8 further, thank you, Judge.

9 JUDGE WEISMANDEL: Thank you.

10 I have no further questions for Ms.
11 Ferrier.

12 THE WITNESS: Thank you, Your Honor.

13 JUDGE WEISMANDEL: Thank you, ma'am.

14 (Witness excused.)

15 MR. MARCIAL: Your Honor, I'd like to
16 call my second witness.

17 JUDGE WEISMANDEL: All right.

18 MR. MARCIAL: Chuck, are you still there?

19 MR. DITZEL: Yes, I am.

20 MR. MARCIAL: Chuck, please state your
21 full name and address for the record and allow the Judge
22 to swear you in.

23 JUDGE WEISMANDEL: Let me administer the
24 oath.

25 Whereupon,

1 CHARLES H. DITZEL

2 having been duly sworn, testified as follows:

3 JUDGE WEISMANDEL: Mr. Marcial.

4 MR. MARCIAL: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MR. MARCIAL:

7 Q Mr. Ditzel, please state your full name and
8 business address for the record.

9 A Charles H. Ditzel, 500 West Dutton Mill Road,
10 Ashton, PA.

11 Q Mr. Ditzel, could you please state how long you
12 have been an employee?

13 A Over 34 years with PECO Energy.

14 Q Could you please state what your current job
15 position is?

16 A Project leader and my responsibilities are to
17 manage field installations of AMR meters, automatic
18 meter reading readers.

19 Q Could you please briefly describe the automatic
20 meter reading meter project?

21 A Yeah, the automatic meter reading project began
22 actually in March of 2000 and the purpose of the project
23 is to automate PECO's 2.1 million meters over our entire
24 service territory.

25 Q Was the initial meter changed in this case on

1 December 21st of 2001 pursuant to that initiative?

2 A That is the date that I have and that was part of
3 our change out of our entire system.

4 Q Could you briefly describe for the record how the
5 process goes whereby PECO installs the meters, verifies
6 their accuracy and then puts them on line for use?

7 A Yes, I can. Meters are received from
8 Schlumberger who is the manufacturer of the new digital-
9 type meter. the meters are 100 percent tested --

10 JUDGE WEISMANDEL: Just a moment, I'm
11 going to ask you to spell it --

12 THE WITNESS: It is the manufacturer of
13 the meters and also the developer of our
14 (unintelligible) process --

15 JUDGE WEISMANDEL: Sir, you are going to
16 have to slow down and speak up because you are using
17 terms that the court reporter is having trouble getting.

18 THE WITNESS: Is this any better, I just
19 picked the receiver up.

20 JUDGE WEISMANDEL: Yes, it is; it's a lot
21 better.

22 Go ahead, Mr. Ditzel.

23 THE WITNESS: Meters are received, are
24 sent from Schlumberger where the meters are manufactured
25 in South Carolina. They're trucked up to King of

1 Prussia and received by Schlumberger. Ultimately, a
2 sample portion from each lot is sent to PECO where the
3 meters are again tested, a sample of those meters are
4 tested. The meters are distributed to the field
5 installers as part of the field installers process the
6 field installer installs the meter and does check for
7 rotation before they leave so it is understood that by
8 the time a field installer leaves a property that the
9 meter is operating.

10 BY MR. MARCIAL:

11 Q Those processes aside, it is possible for a meter
12 to fail?

13 A Yes, it is.

14 Q In this particular case nobody contested that's
15 what happened. Could you please describe the process by
16 which you went and installed the new meter?

17 A We did receive a complaint and we responded
18 within about two days. Every meter, every AMR device or
19 automated meter reading device that is removed from the
20 socket goes through a materials review board to find out
21 the reason for the problem.

22 Q That's okay. What I want to know is did you
23 replace the meter?

24 A Yes, we did.

25 Q What was the date of that?

1 A I believe that date was the 27th.

2 Q Now that's one of my other questions, my original
3 question. Could you just describe the verification
4 process?

5 A Yes, a new meter is installed outside of our
6 billing window so as not to interfere with billing.
7 there's an as found reading taken from the old meter and
8 there's an as left reading, which is typically zeros on
9 the new meter. There is an electronic reading taken
10 from the new meter as soon as possible, as soon as that
11 meter is discovered by the network. That is typically
12 followed by a manual reading and another electronic
13 reading. If those readings are in line with expected
14 usage then the meter is considered verified and it goes
15 on to billing.

16 Q So at the least it takes a month to two months to
17 verify a meter?

18 A Absolutely correct, typically two months.

19 Q Did we have a full two months for verification
20 purposes in this case?

21 A It looks like it was very close, very close to
22 that two month period, not exactly, but very close.

23 Q And the new meter, the one that is currently
24 installed, has that been activated and verified?

25 A I've not heard of any issues with that meter, I

1 haven't checked it this morning, but I have not heard of
2 issues with that meter.

3 Q So it is on line?

4 A Yes.

5 Q Could you briefly describe how your department
6 would receive notice of an inactive or a problem meter,
7 let's say a malfunctioning meter from PECO absent the
8 complaint sort of a situation that we have here today?

9 A There are a variety of ways that we would receive
10 that. One way, once the entire system is deployed and
11 that's not going to happen until the end of this year,
12 once the entire system is deployed we do get readings
13 back from the network. The network is a 900 megahertz
14 wireless network, it acts much like a cellular
15 telephone, so it's a wireless network and we do receive
16 readings from that network. So one way we would receive
17 information that a meter is not working, once the
18 network is robust and operating entirely is through that
19 network. And that would come through Schlumberger, who
20 is our vendor.

21 Q And currently what is the manual process for
22 that?

23 A A manual process for determining that a meter is
24 not operating?

25 Q Yes.

1 A I don't know of one. The automatic meter reading
2 system is replacing our manual meter reading folks.

3 Q Let me raise that. Is the manual process a
4 process a process we use for verification?

5 A Yes.

6 MR. MARCIAL: I have no further
7 questions, Your Honor.

8 JUDGE WEISMANDEL: Mr. Kravitz.

9 MR. THEODORE KRAVITZ: Thank you, sir,
10 could I just have one second, I was writing something.

11 JUDGE WEISMANDEL: Certainly.

12 (Pause)

13 MR. THEODORE KRAVITZ: Your Honor, if I
14 might proceed now.

15 JUDGE WEISMANDEL: Yes.

16 MR. THEODORE KRAVITZ: Thank you, sir.

17 CROSS-EXAMINATION

18 BY MR. THEODORE KRAVITZ:

19 Q Mr. Ditzel, can you tell me with regard to this
20 particular property what was the as found reading?

21 A I'm sorry, I don't have that information in front
22 of me.

23 Q Do you know what the as left reading was?

24 A Well, since this was a brand new meter the as
25 left reading was zero.

1 Q And two months later when you went back -- not
2 you, sir, but your department went back and replaced the
3 meter, what was the as found reading at that point?

4 A I don't have that in front of me.

5 Q Did you say there was 2.1 million customers that
6 are getting swapped over to these AMR's; is that
7 correct?

8 A That's correct.

9 Q How many of them are in place currently?

10 A Just over 2 million.

11 Q How many defective meters have you found?

12 A I don't have those numbers on me right now. I
13 can certainly get those numbers, but I don't have them.
14 I can tell you that it's very low.

15 Q One in a thousand, one in ten thousand?

16 A I don't have it and I wouldn't guess at it. I
17 can get exact numbers because every device we take out
18 in the field does go through a materials review board,
19 but I don't have that off the top of my head. I know
20 that it's not significant because if the number had been
21 significant I would know about it.

22 Q Now, you indicated that the way you verify the
23 accuracy of these AMR's is somebody has to go out and
24 check it over a period of two months, I think you said,
25 correct?

1 A It's typically that there's an electronic reading
2 taken as soon as the meter is associated with the
3 network. That's normally about a four-hour period; so
4 there's an electronic reading taken some time over the
5 next billing cycle. That manual process, which would
6 normally take place anyway, a manual meter reader would
7 go out and take a manual reading. Just after that
8 regular reading date there'd be another electronic
9 reading taken. Those three readings would be compared
10 to verify whether the reading is actually reasonable.

11 Q Was that done in this particular case?

12 A I don't have the information in front of me. I
13 apologize for that, I can't say that. I can say that is
14 our process.

15 Q Now, had a manual meter reader gone out in
16 January of 2002, which was the month after the
17 installation of this meter, would they have been able to
18 visibly check this meter and see what it was reading?

19 A As long as they had access to that meter, yes.

20 Q Do you know whether or not the meter is inside or
21 outside?

22 A Do I know? No, I don't know.

23 Q Do you have any reason to dispute the fact that
24 it's outside?

25 A Not in my mind. I don't know if it is in or out.

1 I can't answer that.

2 Q Fine. I'm just trying to close all the doors.

3 A I understand.

4 Q If the meter reader had gone out what I want to
5 know is would they have been able to verify visibly as
6 opposed to digitally that this meter wasn't working
7 properly?

8 A I don't know that they -- yes, they would.

9 Q If the manual meter reader went out and saw in
10 January that the meter wasn't working what would be the
11 reporting process at that point to get that information
12 back to your division of the company for repair or
13 replacement?

14 A Again, my expertise is in the automation of the
15 meters, the annual process is a little bit different.
16 But I can tell you that part of what the meter reader
17 does is send that information back through a handheld
18 device through our systems.

19 Q Does that information from the handheld device
20 get to you or someone in your division?

21 A Well, once again we are reading 2.1 million
22 meters so that would be a list of devices that had an
23 issue with zero readings or something like that.

24 Q In this particular case let's assume for the sake
25 of this discussion that we're having now that it was a

1 zero reading -- because in fact that is the case. But
2 let's just assume that to be the case. If a meter
3 reader went out and put in a zero reading on a manual
4 check of an automatic meter reader would that trigger
5 some sort of a response by your office or your division
6 to check that meter?

7 A That would trigger a response from PECO, not
8 necessarily from my area, but from an area in PECO to
9 respond to that, yes.

10 Q Would their response be to contact you or your
11 division?

12 A It depends on a number of variables. It could
13 come back to me and if it did someone would be out there
14 within just a couple of days to just change the meter
15 and then determine what the problem was with the old
16 meter.

17 Q Have you ever had it take more than a couple of
18 days for your division to initially respond to a
19 defective AMR?

20 A I can't answer that without looking at records.

21 Q To your knowledge, sir, what is the longest
22 period of time it has ever taken for someone from your
23 division to respond to a defective or not working AMR?

24 A I can't answer that. We've automated more than
25 2 million meters, I don't have that off the top of my

1 head.

2 Q I think you indicated that one of the problems
3 now is that they are phasing out the manual meter
4 readers in favor of these automatic readers; is that
5 correct?

6 A That's correct.

7 Q Is it fair to say then that they don't really
8 have enough people to timely --

9 MR. MARCIAL: Objection, Your Honor.
10 PECO Energy is not here to defend its policy with regard
11 to the automatic meter reading program. That is a very
12 subjective and irrelevant question with regard to this
13 particular instance.

14 MR. THEODORE KRAVITZ: Your Honor, my
15 response to that is PECO Energy is absolutely here to
16 defend its program because in this case it failed and
17 furthermore they have an obligation to provide fair and
18 reasonable billing to their customers.

19 So I think whether or not they can do
20 that by having sufficient personnel to handle these
21 types of situations is clearly a relevant question.

22 JUDGE WEISMANDEL: I'll allow the
23 question and see if the witness can answer it.

24 BY MR. THEODORE KRAVITZ:

25 Q Sir, do you know whether or not they've got

1 sufficient people to check on all the meters you're
2 putting in?

3 A My expertise is in automating meters and my
4 belief is that we do.

5 Q Can you tell me why nobody checked on this when
6 it came back defective the first month and there was no
7 reading?

8 A I can't answer that.

9 MR. THEODORE KRAVITZ: I have nothing
10 further, Your Honor.

11 JUDGE WEISMANDEL: Thank you.

12 Mr. Ditzel, I just have one or two
13 questions.

14 I presume you've heard everything that
15 has transpired thus far?

16 THE WITNESS: Yes, I have, Your Honor.

17 Then you know that there were apparently
18 two bills rendered for the period April 15th to May 15th
19 of this year, the first being an estimated and then an
20 actual?

21 THE WITNESS: I understand.

22 JUDGE WEISMANDEL: Do you have any
23 knowledge as to why the first of those two bills was an
24 estimated bill?

25 THE WITNESS: I don't know that, Your

1 Honor, I can tell you that some reasons for estimated
2 bills are equipment breakdown. With 2.1 million meters
3 and a little over 8,000 pole mounted devices,
4 electronics can sometimes fail. There's a very rare
5 rate of that failure, but I can tell you that happens
6 sometimes. I don't know that that occurred this time,
7 but that is one reason why an estimated bill could take
8 place in an automated system.

9 JUDGE WEISMANDEL: I guess maybe to nail
10 this down do you know, Mr. Ditzel, when the current
11 automated meter that is measuring the Complainant's
12 usage at this time, when it started functioning as an
13 automated reading and being relied upon by PECO to
14 generate a bill? Do you know when that happened?

15 THE WITNESS: Your Honor, I don't have
16 that date, I could find out, but I do not have that date
17 in front of me, Your Honor.

18 JUDGE WEISMANDEL: You don't have it with
19 you now, okay.

20 That's all I had.

21 Mr. Kravitz or Mr. Marcial, anything
22 further for Mr. Ditzel?

23 MR. MARCIAL: No further questions, Your
24 Honor.

25 MR. THEODORE KRAVITZ: Just one question.

CROSS-EXAMINATION (Continued)

1
2 BY MR. THEODORE KRAVITZ:

3 Q Do you know whether or not the time frame of the
4 meter being installed, which I think you said February
5 of 2002 -- the second meter.

6 A Okay.

7 Q Given that, that it was installed and replaced in
8 February of 2002 what is your understanding of when it
9 would be on line and being used strictly as a digital
10 reader as opposed to a manual reader?

11 A Once again, typically our process calls for an
12 electronic read followed by a manual read which would be
13 followed by an electronic read. If those readings are
14 in line that meter would be activated.

15 Q So if I understand what you're saying then if it
16 is installed in February there would be an electronic
17 read in March, correct?

18 A That's our process, however --

19 Q Well, let me just go through this and your
20 attorney can -- and then there would be a manual reading
21 in April, correct?

22 A That is our process.

23 Q And then there would be an electronic reading in
24 May, correct?

25 A That's our process. If everything checked out you

1 would go strictly to the automatic readings, correct?

2 A Yes. The meter would be then verified and go
3 strictly to automatic readings and then it would no
4 longer be manually read; that's correct.

5 Q So by June of this year, June of 2002 do you know
6 whether or not this meter was on a strictly digital
7 automatic reading?

8 A No, sir. I think I answered to the fact that I
9 don't know the date that that meter was activated.

10 Q I apologize if you answered that.

11 MR. THEODORE KRAVITZ: Your Honor, I have
12 nothing further.

13 JUDGE WEISMANDEL: Thank you.

14 Mr. Marcial.

15 MR. MARCIAL: No further questions, Your
16 Honor.

17 JUDGE WEISMANDEL: Any further witnesses,
18 Mr. Marcial?

19 MR. MARCIAL: No, Your Honor.

20 JUDGE WEISMANDEL: Do you want to move
21 your exhibits?

22 MR. MARCIAL: Please, Your Honor. I'd
23 like to move PECO Exhibits 1 through 3 into the record.

24 MR. THEODORE KRAVITZ: No objection as
25 previously stated, Your Honor.

1 JUDGE WEISMANDEL: What have been
2 previously been marked for identification as PECO
3 Exhibits 1, 2 and 3 are admitted.

4 (Whereupon, the documents marked as
5 PECO Exhibits Nos. 1, 2 and 3 were
6 received in evidence.)

7 JUDGE WEISMANDEL: Let's go off the
8 record for a moment.

9 (Discussion off the record.)

10 JUDGE WEISMANDEL: Back on the record.

11 During a conference off the record in
12 which the parties were both extremely agreeable to
13 discussing settlement of this matter it was, in fact,
14 agreed that the complaint would be settled in the
15 following manner: The two estimated bills that were
16 submitted by PECO to the Complainant, Mr. Kravitz,
17 \$160.96 and \$182.13 were totalled. That total was then
18 divided in half and the amount that Mr. Kravitz paid on
19 those estimated bills, that being the amount of the
20 first one, \$160.96 was subtracted from the result of the
21 division and that left a balance of \$10.59.

22 Mr. Kravitz has offered to pay the \$10.59
23 in full on satisfaction of his complaint. PECO has
24 agreed to accept \$10.59 in full satisfaction of his
25 outstanding balance to them and that therefore resolves

1 the entire case.

2 Mr. Marcial, I would look for you to file
3 a Certificate of Satisfaction upon receipt and
4 processing of Mr. Kravitz's payment of \$10.59.

5 Is that agreeable?

6 MR. MARCIAL: Your Honor, I can file that
7 today. I trust that Mr. Kravitz will send that and it
8 won't be an issue.

9 JUDGE WEISMANDEL: That's fine.

10 MR. THEODORE KRAVITZ: Can I just inquire
11 if there is a particular address to which PECO would
12 like this sent or a particular person's attention or
13 should it just be sent to the same P.O. Box that all the
14 other bills get sent to?

15 MS. FERRIER: I can give you a mailing
16 address.

17 MR. THEODORE KRAVITZ: Would you please,
18 and a person to whom it should be addressed.

19 MS. FERRIER: You can send it to PECO
20 Energy at 2301 Market Street, Philadelphia, PA, 19101
21 and could you just put "Attention: T. Ferrier" and then
22 the mail stop is S15-2.

23 MR. THEODORE KRAVITZ: There will be a
24 check in the mail to your attention today, Ms. Ferrier.

25 MS. FERRIER: Thank you very much.

1 MR. THEODORE KRAVITZ: If for some reason
2 you do not receive it say by the end of the week or
3 something like that would you please have Mr. Marcial
4 call me so that we can check back.

5 I'm going to tell my client to send it
6 certified, but I just want to be sure that it does get
7 to you.

8 MS. FERRIER: That's not necessary to
9 send it certified. I can certainly follow it up in a
10 couple of days though.

11 MR. THEODORE KRAVITZ: Okay, fine, then
12 we will just send it out regular, but please let me know
13 if there's a problem.

14 MS. FERRIER: I certainly will do that.

15 MR. THEODORE KRAVITZ: Thank you, ma'am.

16 JUDGE WEISMANDEL: Mr. Kravitz, what will
17 happen is Mr. Marcial will file with the Secretary of
18 the Commission what in our parlance is referred to as a
19 Certificate of Satisfaction, essentially saying that the
20 complaint has been satisfied and the Complainant has
21 acknowledged that the complaint has been satisfied. You
22 will be receiving the copy of that.

23 If for any reason that is not correct you
24 have ten days to notify the Commission in writing. If
25 you do so a further hearing would be scheduled. On the

1 other hand if you do nothing then in due course -- due
2 course is running right about a month to six weeks right
3 now -- the Secretary will mark the case closed and you
4 will be so notified.

5 MR. THEODORE KRAVITZ: That will be fine,
6 Your Honor.

7 JUDGE WEISMANDEL: Understood?

8 MR. THEODORE KRAVITZ: Yes, sir.

9 JUDGE WEISMANDEL: Thank you both,
10 gentlemen, I appreciate it, and the witnesses.

11 That will conclude this morning's
12 proceedings.

13 (Whereupon, at 11:47, the hearing was
14 adjourned.)

C E R T I F I C A T E

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

COMMONWEALTH REPORTING COMPANY, INC.

BY: Vicki E. Santos
Vicki E. Santos

RECORDED
02 SEP 17 AM 9:44
SECRETARY'S BUREAU

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORM 2

RECEIVED

02 SEP 17 AM 9:45

IN P.U.C.
 SECRETARY'S BUREAU

EXHIBIT 1 - CUSTOMER SPREAD SHEET

Start Date	End Date	kWh/Day	Average Temp.	Invoice
December 14, 1999	January 16, 2000	46.1	40	Estimated Dates
January 16, 2000	February 15, 2000	73.5	28	Estimated Dates
February 15, 2000	March 16, 2000	41.9	46	Estimated Dates
March 16, 2000	April 16, 2000	37.2	49	Estimated Dates
April 16, 2000	May 15, 2000	26.4	60	Estimated Dates
May 15, 2000	June 15, 2000	19.2	65	Estimated Dates
June 15, 2000	July 17, 2000	15.1	75	Estimated Dates
July 17, 2000	August 15, 2000	13.7	74	Estimated Dates
August 15, 2000	September 14, 2000	16.6	72	Estimated Dates
September 14, 2000	October 15, 2000	20.6	61	Estimated Dates
October 15, 2000	November 13, 2000	29.1	54	Estimated Dates
November 13, 2000	December 13, 2000	48.1	37	Estimated Dates

Yearly Average 32.29 55.08

December 14, 2000	January 16, 2001	78.1	30	\$ 194.85
January 16, 2001	February 15, 2001	80.9	36	\$ 196.93
February 15, 2001	March 16, 2001	71.1	39	\$ 174.08
March 16, 2001	April 16, 2001	38.8	47	\$ 120.19
April 16, 2001	May 15, 2001	22.3	62	\$ 85.28
May 15, 2001	June 15, 2001	17.4	67	\$ 75.52
June 15, 2001	July 17, 2001	14.6	77	\$ 65.23
July 17, 2001	August 15, 2001	14.7	78	\$ 59.70
August 15, 2001	September 14, 2001	13	45	\$ 54.98
September 14, 2001	October 15, 2001	19.5	63	\$ 83.18
October 15, 2001	November 13, 2001	29.6	55	\$ 98.13
November 13, 2001	December 13, 2001	35.3	52	\$ 145.11

Yearly Average 36.275 54.25

December 13, 2001	January 15, 2002	56.5	38	\$ 150.96	Estimated In Dispute
January 15, 2002	February 13, 2002	67.9	41	\$ 182.13	Estimated In Dispute
February 13, 2002	March 15, 2002	23.8	44	\$ 89.68	This reflects actual from 2/27/02 through actual reading 3/15/02
March 15, 2002	April 15, 2002	31.1	50	\$ 105.47	
April 15, 2002	May 15, 2002	22.5	61	\$ 87.22	Estimated Not paid, call to PECO refusing to pay estimate.
April 15, 2002	May 15, 2002	16.5	61	\$ 69.12	Actual reading was 497kWh vs. estimated 677kWh
May 15, 2002	June 14, 2002	7.9	68	\$ 35.93	
June 14, 2002	July 16, 2002	7.5	77	\$ 36.19	

Actual Readings Only (3/15/02 - 7/16/02) 15.75 54.14

DOCUMENT
 FOLDER

DOCKETED

SEP 23 2002

Complainant Ex-1
 2-01104979
 9-10-02
 Hbg ves

ACCOUNT STATEMENT

CUSTOMER NAME: Jonathan Kravitz
 ADDRESS: Clark St 1206
 Holland, PA. 18966
 ACCOUNT NUMBER: 45-10-41-803037

FORMAL PUC
 DOCKET#Z-01104979

RATE: Residential Electric Heat

Bill Period	Days	Meter Reading - Type	Usage	Daily Avg Use	PECO Bill Amt / Budget + Agmt	Supp Chg.	Sales Tax	Amount Requestd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Comments
02/14/00		68634-A											181.48	Previous balance
03/15/00	30	68892-A	1258	41.9	116.65		NA	116.65	04/10/00		181.48	03/06/00	116.65	BM 50
04/14/00	30	68008-A	1116	37.2	108.25			226.36	05/09/00	1.46			226.36	BM 03
05/15/00	31	68827-A	819	26.4	90.66			90.66	06/07/00		226.36	05/04/00	90.66	BM 03
06/15/00	31	69425-A	598	19.2	79.15			170.94	07/10/00	1.13			170.94	BM 03
07/14/00	29	69864-A	439	15.1	58.22			58.22	08/08/00		90.66	06/19/00	58.22	
08/15/00	32	70305-A	441	13.7	58.47			58.47	09/07/00		58.22	08/17/00	58.47	BM 50
09/14/00	30	70803-A	498	16.6	65.36			124.56	10/10/00	.73			124.56	BM 03
10/14/00	32	71464-A	661	20.6	81.31			148.23	11/08/00	.83	58.47	09/25/00	148.23	BM 03
11/14/00	29	72308-A	844	29.1	92.14			176.05	12/06/00	1.04	65.36	10/25/00	176.05	BM 03
12/14/00	30	73752-A	1444	48.1	127.66			127.66	01/08/01		176.05	11/27/00	127.66	
01/18/01	33	76331-A	2579	78.1	194.85			194.85	02/08/01		127.66	12/29/00	194.85	BM 50
02/15/01	30	78758-A	2427	80.9	196.93			196.93	03/12/01		194.85	02/15/01	196.93	BM 50
03/15/01	29	80821-A	2063	71.1	174.08			174.08	04/09/01		196.93	03/19/01	174.08	BM 50
04/15/01	31	82026-A	1205	38.8	120.19			120.19	05/09/01		174.08	04/17/01	120.19	BM 50
05/15/01	29	82675-A	649	22.3	85.28			85.28	06/07/01		120.19	05/16/01	85.28	BM 50
06/15/01	31	83217-A	542	17.4	75.52			75.52	07/09/01		85.28	06/11/01	75.52	BM 50

DOCUMENT
 FILED
 SEP 23 2002

PECO EX #1
 2-01104979
 9-10-02
 HB9 JCB

Reading Type Codes:

A - Actual

E - Estimated

C - Customer

R - Remote

ACCOUNT STATEMENT

CUSTOMER NAME: Jonathan Kravitz
 ADDRESS: Clark St 1206
 Holland, PA. 18966

ACCOUNT NUMBER: 45-10-41-803037

FORMAL PUC
 DOCKET#Z-01104979

RATE: Residential Electric Heat

Bill Period	D Reading - Type	Meter Usage	Daily Avg Use	PECO Bill Amt / Budget + Agmt	Supp Chg.	Sales Tax	Amount Req'd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Comments
-------------	------------------	-------------	---------------	-------------------------------	-----------	-----------	--------------	----------	-----------	---------	-----------------	---------	----------

07/17/01	32	83685-A	468	14.6	65.23		65.23	08/08/01		75.52	07/10/01	65.23	BM 50
08/15/01	29	84112-A	427	14.7	35.24	24.46	59.70	09/10/01		65.23	08/08/01	59.70	BM 50
09/14/01	30	84502-A	390	13.0	32.64	22.34	54.98	10/09/01		59.70	09/12/01	54.98	BM 50
10/15/01	31	85109-A	607	19.5	47.67	35.51	83.18	11/07/01		54.98	10/12/01	83.18	BM 50
11/13/01	29	85970-A	861	29.6	55.31	42.82	98.13	12/06/01		83.18	11/14/01	98.13	BM 50
12/13/01	30	87029-A	1059	35.3	61.28	49.23 *34.50	109.60	01/07/02		**35.51 98.13	12/10/01	109.60	*Delayed supp chrg from 09/14/01 to 10/15/01 **Supp chrg canceled BM 50

12/21/01 Meter Changed Removed Meter # 9 2181305 index 87353 Installed Meter # 9G 3838932 index 00000													
01/05/02	33	01542-E	1866	56.5	85.60	75.36	160.96	02/07/02		109.60	01/10/02	160.96	BM 50
02/13/02	29	03512-E	1970	67.9	86.63	95.50	182.13	03/11/02		160.96	02/12/02	182.13	BM 50

02/27/02 Meter Changed Removed Meter # 9G 3838932 index 03512 Installed Meter # 9G 3750579 index 00000													
03/15/02	30	00716-A	716	23.8	49.84	39.84	271.81	04/09/02				271.81	
04/14/02	31	01683-A	967	31.1	57.20	48.27	287.60	05/09/02		89.68	04/11/02	287.60	
05/15/02	30	02360-E	677	22.5	48.69	38.53	270.31	6/12/02		105.47	5/13/02	270.31	
05/15/02	30	02180-A	497	16.5	39.35	29.77	252.21	6/24/02		87.22**		252.21	**Bill 4/14/02 to 5/15/02 candd & rebilled on actual

Reading Type Codes: A - Actual E - Estimated C - Customer R - Remote

ACCOUNT STATEMENT

CUSTOMER NAME: Jonathan Kravitz
 ADDRESS: Clark St 1206
 Holland, PA. 18966

ACCOUNT NUMBER: 45-10-41-803037

FORMAL PUC
 DOCKET#Z-01104979

RATE: Residential Electric Heat

Page 3

Bill Period	Days	Meter Reading - Type	Usage	Daily Avg Use	PECO Bill Amt / Budget + Agmt	Supp Chg.	Sales Tax	Amount Req'd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Comments
06/14/02	30	02419-A	239	7.9	21.61	14.32		288.14	7/11/02				288.14	
07/16/02	32	02660-A	241	7.5	21.75	14.44		219.28	8/12/02		69.12 35.93	6/24/02 7/11/02	219.28	
08/15/02	30	02862-A	202	6.7	19.07	12.10		214.26	9/11/02		36.19	8/09/02	214.26	

195

Reading Type Codes:

A - Actual

E - Estimated

C - Customer

R - Remote

DEFINITIONS

The attached Account Statement gives the details of each bill you received. Below are brief explanations of the information provided on the Account Statement.

Bill Period: The period of time the bill covers from the date of last month's meter reading to the date of the current month's metering reading.

Days: The total number of days in the billing period.

Meter Reading-Type:

A meter reading is normally taken from the meter each month. The Company may also estimate the meter reading, use the reading you provide, or use a remote reading if you have an Automatic Meter Reading device. This section of the Account Statement will indicate what the reading was and how it was obtained.

Usage: The amount of kilowatt-hours of electricity or 100 cubic feet of gas used during the billing period.

Daily Avg Use:

Daily Average Use - This indicates the average amount of kilowatt-hours of electricity or 100 cubic feet of gas used on a daily basis during the billing period.

PECO Bill Amt/Budget/Agmt:

The amount of the PECO charges for the billing period or the budget amount if the account is on the Budget Plan. This section may also reflect a payment agreement installment amount. The installment amount will only appear if the account is on a monthly payment agreement.

Supp Chg.: The charges that the generation supplier has asked PECO to include on the bill. The charges will be for the current month (if the generation supplier sent them) and/or past charges if any charges were previously delayed. The statement will not reflect any generation supplier charges if the account is not signed up with a generation supplier.

Sales Tax: The amount of Pennsylvania sales tax applied to the bill. This will not appear if you are a residential customer or a commercial customer who is exempt from sales tax.

Amount Reqstd:

Amount Requested - The amount you were requested to pay, which may include a total of current charges, past due charges, and monthly payment arrangement installment amounts. Past due charges are already considered delinquent and due immediately.

Due Date: The date by which you must pay your current charges to avoid being considered past due.

Late Chg.: The amount of any late payment charges applied when a previous unpaid balance is carried over to the next billing period.

Payment: This section lists all payments made since the last bill was issued.

Date Pymt Rec'd:

The date that each payment was credited to your account.

Balance: The total amount of money owed PECO as of the day the bill was mailed.

Comments: The specific messages that were on the bill. It will also provide an explanation of anything that is out of the ordinary from a regular monthly bill.

(4)



PECO an Exelon Company
 Customer Service Center
 2301 Market Street, N4-3
 PO Box 8699
 Philadelphia, PA 19101-8699

Telephone 215.841.4000
 www.exeloncorp.com

An Exelon Company

DOCUMENT
 FOLDER

DOCKETED

SEP 23 2002

02 SEP 17 11 9:45
 SECRETARY'S BUREAU
 April 19 2002

Jonathan Kravitz
 1206 Barry Ct
 Holland PA 18966

RE: ST # 1104979
 Clark Ct 1206
 Holland, PA 18966-0000

Account Number: 45-10-41-803037

Dear Mr. Kravitz:

In response to your Informal Complaint filed with the Public Utility Commission, (PUC), the results of the investigation are as follows:

- It was explained the billing investigation was closed and that he would receive the outcome in writing. Your billing was reviewed for this year compared to last year. It was explained you were billed less this year for the same billing periods. You were made aware that a stopped meter was discovered on 2/27/02 and that a new meter was installed. You were informed that the estimated bills he received are correct as rendered.

Research revealed the following:

Billing period	Usage	DAU
12/14/00 - 01/18/01	2579 (actual reading)	78.1
01/18/01 - 02/15/01	2427 (actual reading)	80.9
02/15/01 - 03/16/01	2063 (actual reading)	71.1
12/13/01 - 01/15/02	1866 (estimated)	56.5 *
01/15/02 - 02/13/02	1970 (estimated)	67.9 *
02/27/02 - Meter # 9G-3828932 was removed. Reading 00000. AMR meter # 9G-3750579 was installed. Reading 00000. The AMR meter was not activated to transmit the readings automatically.		
02/13/02 - 03/15/02	716 (actual reading) (on actual use - 2/27/02 to 3/15/02)	23.8 *

* Warmer weather conditions indicate the customer was not using as much electric heat as the previous year.

PECO Ex # 2
 2-01104979
 9-10-02
 HBG UES

(5)

PECO an Exelon Company
Customer Service Center
2301 Market Street, N4-3
PO Box 8699
Philadelphia, PA 19101-8699

Telephone 215.841.4000
www.exeloncorp.com

An Exelon Company

- Your usage decreased this year compared to last year due to warmer weather conditions and less use of the electric heating.

The customer's account balance is \$239.33. The Company is requesting the past due amount of \$182.13 by 4/29/02 and current charges of \$57.20 by 5/9/02. The Company is willing to negotiate payment arrangements at your request.

I have enclosed a copy of your billing history for your review.

Should your need to discuss this matter further, please call me at 215-841-3769.

A report, which includes this information, will be sent to the PUC and they will notify you of their decision.

Cordially,
Terri Freeman
Customer Consultant
Cc: PA PUC

(6)



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

APRIL 23, 2002

DOCUMENT
FOLDER

JONATHAN KRAVITZ
1206 BARRY COURT
HOLLAND PA 18966

RECEIVED
02 SEP 17 AM 9:45
SECRETARY'S BUREAU
BCS No. 1104979

The Bureau of Consumer Services (BCS) has completed its investigation into your informal complaint. Attached is the decision resulting from that investigation. A copy of this decision has also been sent to your utility company. This decision is binding on all parties, and unless it is appealed will become final 20 days after the date of this letter.

If you do not agree with any part of this decision you may appeal it by filing a formal complaint. You can do this by completing the attached Request for Formal Complaint Forms. Return this form to the Public Utility Commission, and the formal complaint forms will be mailed to you. If you wish to appeal, you must return this form to the Public Utility Commission by the date shown on the form. Your complaint will be assigned to an Administrative Law Judge, and a hearing date will be assigned.

You do not need a lawyer to file an appeal.

You must make all of the payments required by this decision. If you do not make these payments the utility company is permitted to terminate your utility service.

If you have any questions about the terms and conditions of this decision or about the Public Utility Commission's appeal procedures you may call me toll free at 1-800-782-1110, or you may call me directly at 717-705-0621

DOCKETED

SEP 23 2002

Sincerely,

J E GORENC
Utility Complaint Investigator

Enclosure
T FERRIER
PECO ENERGY
2301 MARKET ST FIRST S12-3
P O BOX 8699
PHILADELPHIA PA 19101

(7)

PECO EX #3
2-01104979
9-10-02
HBS VES

BEFORE THE PENNSYLVANIA PUBLIC UTILITIES COMMISSION

JONATHAN KRAVITZ
1206 BARRY COURT
HOLLAND PA 18966

v.

PECO ENERGY
2301 MARKET ST FIRST S12-3
P O BOX 8699
PHILADELPHIA PA 19101

Case Number: 1104979

Account Number: 451041803037

Decision On Informal Complaint By The Bureau Of Consumer Services:

Statement Of Complaint:

A summary of the customer's complaint is as follows.

Mr Jonathan Kravitz(customer) claims that the bills for 1/15/02 and 2/13/02 were estimated too high. The customer states that PECO made repairs to the meter and refuse to adjust the bill to accurately reflect his usage.

Investigation By Staff Of The Bureau Of Consumer Services Revealed:

- 1) That on 12/27/01 meter #9-2181305 was removed with a reading of 87353. An AMR meter #9G-3838932 was installed with a reading of 00000. The AMR meter was not activated to transmit the readings automatically. (AMR's are not activated for 2 months to verify that the meter signals are being returned to PECO. PECO also reads the meter to verify that the AMR is working properly and sending proper information prior to the AMR being activated)
- 2) That on 2/25/02 the customer contacted PECO at 6:19 PM stating that his current bill was estimated too high. An appointment was scheduled to check for a possible stopped meter for 2/27/02. A hold was placed on the account in order to stop collection.
- 3) That on 2/27/02 a PECO representative arrived at the property and discovered the meter had stopped registering. Meter #9G-3828932 was removed with a reading of 00000. A new AMR meter #9G-3750579 was installed with a reading of 00000. The AMR meter was not activated to transmit the readings automatically.
- 4) That on 3/15/02 a regular reading of 00716 was obtained.
- 5) That on 3/28/02 a PECO representative did the necessary investigation to reveal the following:

Billing period	Usage	DAU
12/14/00-1/18/01	2579 (actual reading)	78.1
1/18/01-2/15/01	2427 (actual reading)	80.9
2/15/01-3/16/01	2063 (actual reading)	71.1
12/13/01-1/15/02	1866 (estimated)	56.5
1/15/02-2/15/02	1970 (estimated)	67.9

2/27/02-Meter #9G-3828932 was removed with a reading of 00000. A new AMR meter # 9G-3750579 was installed with a reading of 00000. The AMR meter was not activated to transmit the readings automatically.

2/13/02-3/15/02

716 (actual reading)

23.8 (on actual use)*

⑧

*Warmer weather conditions-customer using less electric heat as previous year.

Based On These Findings, The Bureau Of Consumer Services Concludes:

- 1) That Mr Jonathan Kravitz's consumption history is consistent based on weather conditions.
- 2) That there have been no billing abnormalities for the time period in question.

Therefore It Is Decided:

- 1) That the informal complaint of JONATHAN KRAVITZ is dismissed.
- 2) That the bills for 1/15/02 and 2/13/02 are correct as rendered based on prior usage, history and temperatures (account statement attached)

APRIL 23, 2002

Date

Signature

J E GORENC

Utility Complaint Investigator

Bureau of Consumer Services

PA Public Utility Commission

(9)