

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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JUN 8 2003

NEIL H. STEIN

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

- vs -

DOCKET # Z-01182234

PECO ENERGY COMPANY

* * *

Prehearing Conference
Pages 1 through 34

Hearing Room 1
State Office Building
1400 W. Spring Garden Street
Philadelphia, PA 19130

DOCUMENT
FOLDER

Wednesday, June 18, 2003
Commencing at 10:00 a.m.

BEFORE:

Cynthia Williams Fordham, Administrative Law Judge

APPEARANCES:

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PROCEEDINGS

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2
3 JUDGE FORDHAM: Good morning. I'm
4 Administrative Law Judge Cynthia Williams
5 Fordham and this is the time and place for
6 the hearing in the matter of Neil H. Stein
7 versus PECO Energy Company, at Docket
8 Z-01182234.

9 I note for the record the appearance of
10 Priya Sankar, Esquire, for PECO Energy
11 Company, and Neil H. Stein, pro se.

12 Let me explain the procedure. First Mr.
13 Stein will testify. If he has any exhibits
14 he can present those at that time. And then
15 Ms. Sankar will have the opportunity to cross
16 examine him. After that is completed, if Mr.
17 Stein has anything additional he can say
18 that at that time, and then we will go to Ms.
19 Sankar's witness, Ms. Tarpley.

20 MR. STEIN: I ask that the witnesses be
21 sequestered, Your Honor.

22 JUDGE FORDHAM: Excuse me.

23 MR. STEIN: I would like the witness to
24 be sequestered. Meaning, I would like the

1 witnesses to be kept outside the hearing room
2 until called.

3 JUDGE FORDHAM: She has to hear what you
4 say so she can respond.

5 MR. STEIN: No. That's the purpose of
6 sequestering a witness under the law.

7 JUDGE FORDHAM: She can't respond to
8 what you said.

9 MR. STEIN: She can respond. If she's a
10 witness, she's a rebuttal witness, she's
11 not permitted to be in here when I am
12 testifying. That is the purpose of
13 sequestration, to keep the witnesses
14 unbiased, unclean, unperturbed and without
15 hearing what the other witness says, so that
16 her testimony is what it is, not based on
17 what I say.

18 JUDGE FORDHAM: I can see if you were
19 talking about another PECO witness, but --

20 MR. STEIN: Well, what is she?

21 JUDGE FORDHAM: She's a PECO witness.
22 If there were two PECO witnesses and you did
23 not want the two PECO witnesses to listen to
24 each other's conversation --

1 MR. STEIN: I understand that. But she
2 is -- well, I would like to have her
3 identified. Can you reidentify her for the
4 record? Because she's speaking to the
5 attorney and I thought maybe she's counsel.

6 JUDGE FORDHAM: No. Ms. Sankar, would
7 you identify yourself and then Ms Tarpley.

8 MS. SANKAR: My name is Priya Sankar,
9 counsel for PECO Energy. This is my witness,
10 Renee Tarpley. She is a PECO representative.
11 She is a regulatory assessor who investigated
12 your complaint.

13 MR. STEIN: The one who investigated my
14 complaint is Mr. Gonzales.

15 JUDGE FORDHAM: No, that's from the
16 Bureau of Consumer Services. That is a PUC
17 employee.

18 MR. STEIN: Okay. Then I'll begin. Can
19 I have -- can I ask for --

20 JUDGE FORDHAM: I haven't finished.

21 MR. STEIN: Okay.

22 JUDGE FORDHAM: After Ms. Tarpley
23 testifies then Mr. Stein will have the
24 opportunity to cross examine her. Any

1 questions that I ask are designed to make
2 sure that the record is complete.

3 After today's hearing I will review the
4 transcript that is being generated and any
5 exhibits that are entered into the record.
6 I will write a decision, which will come from
7 the Harrisburg office, and each party will
8 get a copy of my decision. If you object
9 to my decision you can file an exception and
10 the full Commission will review it.

11 If the Commission does not review my
12 decision, my decision will become final by
13 operation of law and you will receive
14 notification of that also. Now, Mr. Stein.

15 MR. STEIN: I want to ask Ms. Sankar to
16 produce the witnesses that I asked her to
17 have here today so I can begin.

18 MS. SANKAR: Your Honor, Mr. Stein
19 didn't follow the prehearing order.

20 MR. STEIN: I got the notice that you
21 sent June 4th, which was too late to do
22 anything. I made a request from her. I read
23 very carefully what you said, that she hoped
24 -- you hoped that the parties could cooperate

1 with each other.

2 I asked her for the names of the people
3 since July, 2002, and she gave them to me in
4 the beginning -- at the end of May. And I
5 got them and I asked her for the names of the
6 parties that I talked to and she gave me I
7 think three or four names, none of which I
8 think are employees of PECO. I'm not sure.
9 I think they may be employees of a collection
10 company or another -- I don't know.

11 So I wrote her a letter and I said to
12 her, please, have these people present. So
13 I'm calling on her to produce these people
14 for me. If she wants to stand behind some
15 statute, which I don't have time to do, then
16 I would ask for a continuance and we'll
17 subpoena them the proper way under your code.

18 But I think she could have told me in
19 July, in August, in September, any time in
20 '02, or any time early '03. I got a package
21 with a letter from her dated February and the
22 package was sent by FedEx dated May 1st. I
23 asked her for my correspondence file. Did
24 you bring that?

1 MS. SANKAR: May I respond first?

2 JUDGE FORDHAM: Yes.

3 MS. SANKAR: This complaint was served
4 on us October 2002. I filed my answer
5 October 31st, 2002. My first discussion with
6 Mr. Stein was in December 2002. I did
7 provide him -- we did have discussions and I
8 provided some information in a letter that
9 was not returned receipt, in, I believe,
10 February, and Mr. Stein --

11 MR. STEIN: I got nothing from you in
12 February. I told you that on the phone.

13 JUDGE FORDHAM: Let her finish.

14 MS. SANKAR: That is why I FedEx that
15 same letter with all of the information later
16 on. I'm not sure of the exact date.

17 MR. STEIN: May 1st.

18 MS. SANKAR: So I initially sent it
19 February 1st, 2003, regular mail, and then I
20 had to FedEx it, I believe, in May.

21 MR. STEIN: I would like to believe Ms.
22 Sankar, but there has been such goings on
23 that I am not used to. For example, I asked
24 Ms. Sankar to give me copies of all of her

1 e-mails that she sent to the PUC. I thought
2 that we were going to mediation. Next thing
3 I knew, I get a notice of hearing. I didn't
4 even know anything about it.

5 So I wrote to the PUC man, Mr. Bigelow.
6 And he said to me, well, I got an e-mail from
7 Ms. Sankar saying we're going to go to trial.
8 Did she cc me? No. So I tell you, I did not
9 receive, and I wrote her, I said, "Where is
10 the information I want?" Now, I ask again,
11 where is my correspondence file?

12 MS. SANKAR: Okay. Our last discussion
13 during mediation --

14 MR. STEIN: We didn't have mediation.
15 Don't call it mediation. We had no mediation
16 whatsoever.

17 MS. SANKAR: PECO was not willing to
18 settle. That is why it was set for hearing.

19 MR. STEIN: Okay. You did not send me
20 copies of notices and letters of
21 communications that you sent to other
22 officials.

23 MS. SANKAR: I have provided you with
24 all of the information you asked for.

1 MR. STEIN: Where is my correspondence
2 file?

3 MS. SANKAR: We looked for
4 correspondence, we cannot find it. We do not
5 have those records.

6 MR. STEIN: And the phone calls of the
7 people were taped.

8 MS. SANKAR: They were not taped.

9 MR. STEIN: They were taped. They told
10 me they were taped.

11 MS. SANKAR: They were not taped.

12 MR. STEIN: So I asked for things, I
13 didn't get it. If she cannot bring the
14 witnesses, then I would respectfully ask
15 for a continuance to a time and she is on
16 notice now. I don't know what more to do.
17 She is on notice now to produce those
18 witnesses that talked to me on the day this
19 happened.

20 The witnesses who told me, yes, we know
21 there is a medical problem. Yes, yes, yes,
22 yes. Yes, we know it's 94 degrees out there.

23 MS. SANKAR: On a letter dated May 20th
24 I gave him a list of the witnesses he asked

1 for. And they all live in Michigan. If he
2 wants them to come to the hearing he was free
3 to subpoena them and also provide, you know,
4 travel cost. It's under the regulations.

5 MR. STEIN: One thing at once. If you
6 sent me a letter May 20, then I received it a
7 few days later, is that correct?

8 MS. SANKAR: Yes.

9 MR. STEIN: Right. And I wrote you back
10 and I said, produce them. You didn't
11 communicate with me afterwards and say, hey,
12 we're not going to produce anybody. You are
13 going to have to subpoena them. I read the
14 Judge's --

15 MS. SANKAR: It's not my duty to make
16 you compliant with the regulations.

17 MR. STEIN: Now you are getting
18 technical with me.

19 JUDGE FORDHAM: Okay. Mr. Stein, okay.
20 What we'll do, we will change this. Instead
21 of having a hearing we will have a prehearing
22 conference today. It seems that there are
23 some issues. We want to identify the issues,
24 talk about the discovery, and we'll do it

1 that way.

2 MR. STEIN: May I sit down?

3 JUDGE FORDHAM: Yes, you may.

4 MR. STEIN: Thank you.

5 JUDGE FORDHAM: Now, Ms. Sankar, you
6 said the witnesses are in Michigan. Are they
7 PECO employees?

8 MS. SANKAR: They are contractors.

9 JUDGE FORDHAM: And are they people that
10 Mr. Stein would have communicated with by
11 calling a general number for PECO?

12 MS. TARPLEY: Yes.

13 JUDGE FORDHAM: So I call the number for
14 PECO and I am sent to a contractor and some
15 of those people are in other states?

16 MS. TARPLEY: Yes.

17 MR. STEIN: And they identify themselves
18 as PECO. They don't identify themselves as
19 independent contractors or anybody else.
20 They identify themselves as working for PECO,
21 and the public believes that. I believed
22 it. Just because I'm a lawyer doesn't mean
23 I'm right in all things. I believed that
24 they were -- I'm arguing with these people

1 and when I saw that they were just collection
2 people I felt this big, when I got her
3 letter.

4 I'm arguing with them about, look at my
5 correspondence, but they don't even have
6 anything. It's not right.

7 JUDGE FORDHAM: Okay. In terms of the
8 people that you wanted to be produced, how
9 many people are we talking about?

10 MR. STEIN: I think there were four.

11 MS. SANKAR: Yes, there was.

12 JUDGE FORDHAM: And did you give him the
13 information about their names and addresses?

14 MR. STEIN: Just names.

15 MS. SANKAR: Just names.

16 MR. STEIN: And I don't even know where
17 they are.

18 MS. SANKAR: And since they are
19 represented as PECO I was expecting to see a
20 subpoena and I would do the rest of the work
21 through --

22 JUDGE FORDHAM: So he could subpoena
23 them through you?

24 MS. SANKAR: Yes.

1 JUDGE FORDHAM: Now, Mr. Stein, do you
2 want these people to appear in person or by
3 telephone?

4 MR. STEIN: Well, I would like for them
5 to appear in person, because there is
6 a credibility issue here. And when there is
7 a telephone call I don't know who is in the
8 room. I don't know what is being put in
9 front of them. And I don't know what they're
10 being prompted to say, and I don't think
11 that's appropriate. I would like the Judge
12 to listen and observe the witnesses.

13 MS. SANKAR: In the instance that maybe
14 some of these employees are no longer with
15 the contractor, what do I do in that
16 instance?

17 JUDGE FORDHAM: I'm not sure at this
18 point. Let's see whether they are first and
19 if they are not, then we'll have to deal with
20 that issue. If you could find that
21 out before Mr. Stein does the subpoena, that
22 would be helpful, Ms. Sankar.

23 MS. SANKAR: Um-hum.

24 JUDGE FORDHAM: Now Mr. Stein, you made

1 a request for these witnesses and then you
2 made a request for documents.

3 MR. STEIN: I made a request for all
4 correspondence.

5 JUDGE FORDHAM: And this is
6 correspondence that you sent to them and
7 correspondence they sent back to you?

8 MR. STEIN: Correct, Your Honor.

9 JUDGE FORDHAM: Ms. Sankar, do you have
10 any of that correspondence?

11 MS. SANKAR: Your Honor, we did an
12 investigation, we don't have any.

13 JUDGE FORDHAM: Mr. Stein, do you have
14 any correspondence that you sent to them?

15 MR. STEIN: Yes.

16 JUDGE FORDHAM: Now, there was a Bureau
17 of Consumer Services case prior to -- that
18 was at the informal level. You mentioned a
19 Mr. Gonzalez.

20 MR. STEIN: If you will forgive me, I
21 probably messed up on the procedure, because
22 I don't know it. I made a complaint and they
23 told me that a Mr. Lionel Gonzalez,
24 Investigator at the Pennsylvania Public

1 Utilities Commission, was assigned to the
2 case.

3 And I contacted him -- I wrote him, I
4 never talked to him. I wrote him and I told
5 him, these are the things I'm concerned
6 about. And the only thing I got back from
7 him saying was, okay, here is your budget.
8 And it was totally -- I already paid. It was
9 totally out of order. It wasn't his job. I
10 didn't understand that.

11 I wrote him with specified complaints
12 and he comes back and writes to me, he says,
13 here is my findings, you contact the PUC and
14 ask them to help preventing the termination
15 of your utilities service. It was already
16 turned off. That was the whole thing.

17 Then he says, your account balance, and
18 the beginning of September you have to pay X.
19 And that was it, a budget. That is not what
20 the complaint was.

21 JUDGE FORDHAM: Okay.

22 MR. STEIN: So, I don't know what kind
23 of work he did.

24 JUDGE FORDHAM: I think that he normally

1 does termination, so he just took it as a
2 straight termination case. But that is not
3 what I will do. I will address each of the
4 issues you have presented. In terms of --
5 the reason I asked about that, is I was
6 wondering if there was other correspondence
7 with him or between PECO and him that you
8 wanted to see.

9 MR. STEIN: If there were correspondence
10 with PECO and him, I assume there wasn't any,
11 because I asked her for my file and she did
12 not include any correspondence between Mr.
13 Gonzalez and me, although there was
14 correspondence from me to him, which I have.
15 Which I'll put in. And I assume, am I
16 correct, you had no investigation, or
17 correspondence, or conversation with Mr.
18 Gonzalez?

19 MS. TARPLEY: Conversation, no.

20 MR. STEIN: No written conversation.

21 MS. TARPLEY: No verbal conversation.
22 We always receive the informal complaint and
23 respond.

24 MR. STEIN: I don't understand how it

1 works, they get the formal complaint and
2 they respond to Mr. Gonzalez?

3 JUDGE FORDHAM: The informal.

4 MS. TARPLEY: The informal, yes, and we
5 respond to the BCS investigator.

6 MR. STEIN: So there is no independent
7 investigation on his own.

8 MS. TARPLEY: I can't -- we just give
9 him the answer about our actions.

10 MR. STEIN: Pardon me?

11 MS. TARPLEY: They send us the informal
12 complaint, we give our position on it and he
13 communicates to you.

14 MR. STEIN: So when I made an objection
15 on July 2nd, the electric wasn't turned on
16 until about 3:00 or so and it was already 99
17 degrees --

18 MS. TARPLEY: That was the informal
19 complaint.

20 MR. STEIN: Mr. Gonzalez didn't
21 investigate that?

22 MS. TARPLEY: He did. He forwarded the
23 informal complaint to PECO and PECO
24 responded. And that is where he rendered the

1 decision.

2 MR. STEIN: The decision did not address
3 any of the issues.

4 MS. TARPLEY: The information was
5 provided to him.

6 MR. STEIN: Then I would like to have
7 a copy of the information that they provided
8 to Mr. Gonzalez to see if they addressed the
9 issues that I raised.

10 JUDGE FORDHAM: Ms. Sankar, did you have
11 any discovery for Mr. Stein?

12 MS. SANKAR: At this time?

13 JUDGE FORDHAM: Yes.

14 MS. SANKAR: No, Your Honor.

15 JUDGE FORDHAM: Okay.

16 MS. SANKAR: I can provide him with my
17 exhibits so it gives him a better idea of his
18 account.

19 MR. STEIN: I'm not interested -- the
20 issue is not my account.

21 MS. SANKAR: I also have the notices --
22 this is something that you didn't ask for,
23 but I'll give this to you.

24 MR. STEIN: That is the stuff you mailed

1 to me?

2 MS. SANKAR: No. This is also the
3 notices. Our proof of our notices --

4 MR. STEIN: That's correspondence. And
5 if I asked you for correspondence, then you
6 should have given it to me.

7 MS. SANKAR: That's not correspondence,
8 That's PECO record.

9 MR. STEIN: I'm a little confused. If
10 it's something you sent to me, it's not
11 correspondence?

12 MS. SANKAR: No, this is not something
13 we sent to you. This is our record.

14 MR. STEIN: You mean have a computer
15 printout that you sent me a notice?

16 MS. SANKAR: Yes, we have the notice
17 that we left at your door.

18 MR. STEIN: Somebody left a notice in my
19 door?

20 MS. SANKAR: Yes.

21 MR. STEIN: Then I think the person who
22 left the notice should be here, because I
23 have no notice of anything. And that was my
24 complaint. No calls, no letters, no notices,

1 nothing.

2 MS. SANKAR: Well, Mr. Stein, would you
3 like a copy of this?

4 MR. STEIN: I'll take a copy of it,
5 sure. But I would like the person who
6 delivered it to be here.

7 JUDGE FORDHAM: Is that person also a
8 contractor?

9 MS. SANKAR: Can you repeat that?

10 JUDGE FORDHAM: Is that person also a
11 contractor or is that person --

12 MS. SANKAR: That is also a contractor.

13 MR. STEIN: I would also like to
14 have -- Ms. Sankar, in the beginning of this
15 case, and it's covered in a confirming
16 letter, promised to send to me the rules and
17 regulations, because I don't do
18 administrative law, when I used to practice
19 it was just family law.

20 I remember a little bit from law school,
21 but that was a long time ago. The rules and
22 notices that go out to the client, meaning
23 the consumer, that deal with turning off
24 electric and in terms of heat and temperature

1 and the regulations concerning -- regulations
2 concerning how they determine what a security
3 deposit is and the communication to me as the
4 consumer, putting me on notice of that
5 decision and how I was supposed to know it
6 and how it is determined and who determines
7 it, I would like to hear the person. I would
8 like to get to the bottom of this.

9 You just can't really, you know, when
10 it's 90-some degrees go out and turn off
11 somebody's electric and ignore a letter that
12 they -- see, they don't have my
13 correspondence, because there is a letter
14 from Dr. Robert Weiss.

15 JUDGE FORDHAM: Okay. Do you know where
16 the regulations are now?

17 MR. STEIN: 52.

18 JUDGE FORDHAM: 52 PA Code.

19 MR. STEIN: It was in your notes. I
20 called your Chambers over a month before to
21 find out what the rules and regulations are
22 and a lady said a month beforehand you would
23 send out an administrative order, but it
24 wasn't sent out a month, it was sent out

1 late. I didn't get it until June 4th.

2 JUDGE FORDHAM: It was sent out later
3 than I normally send it out. We're really
4 backed up now. But in Chapter 56 of PA Code,
5 52 PA Code, it talks about the billing and
6 specifically starting with 56.81 talks about
7 terminations.

8 MR. STEIN: Okay.

9 JUDGE FORDHAM: And then you mentioned
10 the medical certifications. And that is in
11 56.113. Now, in terms of rescheduling the
12 hearing, I will contact the Harrisburg
13 office. They have to do the rescheduling.
14 It probably will take -- we're talking about
15 maybe about a month to two months to get the
16 discovery done.

17 MS. SANKAR: Now, just to make it clear,
18 I'm checking to see if the witnesses are
19 still employees?

20 JUDGE FORDHAM: Yes.

21 MS. SANKAR: Also determining the
22 representative that dropped off the notice?

23 JUDGE FORDHAM: Right.

24 MS. SANKAR: I'm providing PECO's

1 response to Mr. Stein's informal complaint?

2 JUDGE FORDHAM: Yes.

3 MS. SANKAR: Is there --

4 JUDGE FORDHAM: And you said you didn't
5 have any other correspondence?

6 MS. SANKAR: Yes, your Honor.

7 JUDGE FORDHAM: The documents that you
8 have for the --

9 MS. SANKAR: I can provide this to make
10 sure he has, you know, all of the information
11 we're basically going to provide at the
12 hearing.

13 JUDGE FORDHAM: Okay. And if there are
14 any problems that come up during the course
15 of discovery, let me know in writing or
16 either if both of you can be on the telephone
17 at the same time and contact me.

18 MS. SANKAR: Your Honor, I would also
19 like to request that Mr. Stein catch up with
20 his account. Since the BCS Decision, Mr.
21 Stein's balance has accrued to \$6,799.08.
22 There hasn't been a payment since the shutoff
23 in July 2nd, 2002. Well, the shutoff
24 was July 1, 2002, but his balance has

1 dramatically increased.

2 MR. STEIN: That's prejudicial. That's
3 very prejudicial. That is not the issue
4 before you today.

5 JUDGE FORDHAM: Part of the issue is,
6 because there is a BCS Decision --

7 MR. STEIN: What is a BECS (sic)? I
8 don't
9 know.

10 JUDGE FORDHAM: I'm sorry, the informal
11 complaint, the decision that Mr. Gonzalez
12 rendered, he asked you to pay a certain
13 amount.

14 MR. STEIN: It was already paid. Would
15 you like to see his letter.

16 JUDGE FORDHAM: No, I don't have to see
17 his letter. They're saying that it wasn't
18 paid, is that what I'm hearing?

19 MS. SANKAR: No, after --

20 MR. STEIN: PECO demanded that I make a
21 payment right then and there, through my
22 checking account, and a security deposit,
23 which I did immediately.

24 JUDGE FORDHAM: Okay. And how much did

1 you pay?

2 MR. STEIN: It was like \$1,700,
3 including the \$860-some security deposit. I
4 paid it a hundred percent.

5 MS. SANKAR: Yes, but Mr. Stein has not
6 paid any of his current --

7 MR. STEIN: That is what I'm saying to
8 you is prejudicial. She has no right to say
9 that here. If she wants to send me out to
10 a collection agency, let her do that. I will
11 call PECO and make arrangements with them, if
12 you would like me to do that, but I wasn't
13 going to do anything until this case started.
14 Your conduct to me has not been exemplary.

15 JUDGE FORDHAM: What the Commission
16 asks the complainants to do is to pay
17 undisputed charges. Are you disputing any
18 of the charges since your determination?

19 MR. STEIN: I paid a hundred percent of
20 the disputed charges on the day it happened.
21 They waited 24 hours, 24 hours in 99 degree
22 weather before they turned it back on again.
23 Once in a while in life you hit a windmill
24 that you want to joust that. Now, I'm Don

1 Quixote, but I think it's wrong. I think
2 it's wrong. I may lose, but I'm going to get
3 to the bottom of it.

4 JUDGE FORDHAM: Okay.

5 MR. STEIN: You just can't go around
6 pushing people around. Yet there are ways to
7 take care of things, but not to do what they
8 do, not in the middle of a heat -- not when
9 they have a letter from a doctor saying this
10 man is a stroke victim, he has short-term
11 memory problems, sometimes he forgets,
12 please. But they went ahead and did it.

13 JUDGE FORDHAM: Now, in terms of --

14 MR. STEIN: And you would think that my
15 request for settlement was so arduous. It
16 was so arduous to me. I said, return my
17 security deposit and give me a letter of
18 apology and I'll go away, but no. So here we
19 are.

20 JUDGE FORDHAM: Now in terms of your
21 current payments, you said you would make --

22 MR. STEIN: I will call PECO. I will
23 call them today and work something out with
24 them. You see, the witness doesn't talk to

1 counsel. I have a funny feeling you are more
2 important to this case. (indicating.)

3 JUDGE FORDHAM: She comes to testify.
4 They have regulatory assessors who come and
5 testify. That's normal. This isn't unusual.

6 MR. STEIN: Okay. She's the hit man.

7 JUDGE FORDHAM: Well, she's the one who
8 has the information to provide to the
9 Commission.

10 MR. STEIN: I don't have anything
11 against her. Just teasing with her. If you
12 don't have a sense of humor you can go crazy.

13 JUDGE FORDHAM: Are there any other
14 issues that we need to discuss?

15 MR. STEIN: Is the Code references you
16 gave me, set forth the procedure on how they
17 determine the amounts of security deposit?

18 JUDGE FORDHAM: I don't have the whole
19 code.

20 MS. SANKAR: Not the specific sections
21 that you provided in your prehearing order.

22 JUDGE FORDHAM: Okay. I don't have the
23 whole code here. Some are. And then I
24 believe there is also -- isn't it also in

1 PECO's tariff?

2 MS. SANKAR: Yes. And that you can find
3 on the PECO web site. If you go under the
4 sections for rates. I believe it's rates and
5 prices on the PECO web site you will find our
6 current tariff.

7 MR. STEIN: Aren't there hearings --
8 don't they have public hearings before they
9 set policy?

10 JUDGE FORDHAM: Before rates, yes.
11 Before things -- yes, they do.

12 MR. STEIN: And where does one find the
13 transcript to those hearings?

14 JUDGE FORDHAM: Harrisburg has a file
15 room, a document room. And I don't remember
16 when the last PECO rate case was, but they
17 hold the documents for a period of time. I'm
18 not sure how long they hold them.

19 MR. STEIN: Okay. Well, I'll look at
20 the code and whatever I need I'll write to
21 Ms. Sankar. And if she's not agreeable, then
22 I'll come back to you, Your Honor.

23 JUDGE FORDHAM: Okay.

24 MS. SANKAR: What sections are you

1 looking for, exactly?

2 MR. STEIN: I can't remember the figure
3 off the top of my head, but I think you
4 charged a security deposit of \$860 --

5 MS. SANKAR: Okay. Look at 52 PA Code,
6 Section 56.41.

7 MR. STEIN: What is it?

8 MS. SANKAR: 56.41.

9 MR. STEIN: And it was an odd figure.

10 MS. SANKAR: Okay, that's when we can
11 provide -- ask for a security deposit.

12 MR. STEIN: I don't know how you
13 calculated it. And how did I know how you
14 were going to calculate it and how am I, as
15 a layman, to know how you determine what a
16 security deposit is?

17 MS. SANKAR: Which question do you want
18 me to answer?

19 MR. STEIN: Either one.

20 MS. SANKAR: Okay. 56.41 gives us when
21 we can require a security deposit. And I
22 believe, I don't want to get quoted on this,
23 but I believe it's 56.51 that tells us how to
24 calculate the deposit. I don't have the

1 exact -- and that is with the PA Code. I
2 don't have the exact tariff section. You can
3 also find the PA Codes on line. Go to
4 PACode.com.

5 JUDGE FORDHAM: We'll contact the
6 scheduler and another hearing date will be
7 scheduled. I think I'm booked probably
8 through August, at this point. So --

9 MR. STEIN: That's good, summer is hot.

10 JUDGE FORDHAM: Probably somewhere in
11 September, at this point.

12 MR. STEIN: Just not on the Jewish
13 holidays.

14 JUDGE FORDHAM: Okay, I'll make a
15 notation of that. Are there any?

16 MR. STEIN: Which start the night
17 before, you know.

18 JUDGE FORDHAM: Are there any other
19 problems in September?

20 MR. STEIN: No.

21 JUDGE FORDHAM: Ms. Sankar, do you have
22 a vacation or anything?

23 MS. SANKAR: No, I am noticing I am
24 getting a lot of notices now for -- and it's

1 starting to get into the third week of
2 September. So we probably will have to get
3 something in early October -- late September,
4 early October.

5 JUDGE FORDHAM: Okay.

6 MR. STEIN: Hopefully I'm not going
7 anywhere, you know.

8 JUDGE FORDHAM: Okay.

9 MS. SANKAR: Your Honor, do you want
10 what I'm giving Mr. Stein?

11 JUDGE FORDHAM: Not at this time.

12 MS. SANKAR: Okay.

13 JUDGE FORDHAM: At this point I would
14 like to thank the parties and hopefully we
15 can work through the discovery problems
16 without too many --

17 MR. STEIN: Thank you for honoring my
18 request, Your Honor.

19 JUDGE FORDHAM: You're welcome. Thank
20 you.

21 * * *

22 (Whereupon, the prehearing
23 conference was adjourned at 10:30 a.m.)

24 * * *

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CERTIFICATION RECEIVED

JUN 30 2003

PA PUBLIC UTILITY COMMISSION
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I, Lisa M. Cooper, hereby certify the foregoing is a true and correct transcript of the proceedings held in this matter, as transcribed from the stenographic notes taken by me.

Lisa M. Cooper

LISA M. COOPER
COURT REPORTER and NOTARY PUBLIC

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