

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

JOSEPH PEARL, JR.
v.
PPL ELECTRIC UTILITIES |

Docket No.:
C-20030596

**DOCUMENT
FOLDER**

State Office Building
1400 Spring Garden Street
13th Floor, Library
Philadelphia, Pennsylvania

Wednesday, April 14¹⁴ 2004
Commencing at 10:00 a.m.

BEFORE:

ALLISON K. TURNER, Administrative Law Judge

APPEARANCES:

JOSEPH PEARL
77 West Broad Street
Bethlehem, PA 18018
Pro Se

JOHN GROSS, Esquire
33 South Seventh Street
Allentown, PA 18101
For the Respondent

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REPORTER: DANIELLE M. ZAMIAS

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JUDGE ALLISON K. TURNER:

Now is the time for an initial telephone hearing on the matter of Joseph Pearl, Jr. v. PPL Electric Utilities Corporation, docketed at C-20030596. I usually begin such telephone hearings by asking if the parties would like to have some time to see if they can settle the complaint before we begin the hearing. Is there any purpose to that this morning?

ATTORNEY GROSS:

Your Honor, I'm always willing to attempt that if the Complainant, Mr. Pearl is.

MR. PEARL:

Ma'am, they had called me previously. They called me previous to this and I did discuss it with her and she wasn't willing to do anything. I mean, that was her attitude so I said well, then continue with the hearing.

JUDGE TURNER:

Okay. First of all, since you're both men, I'm going to have to ask you to identify yourselves when you speak or the court reporter won't be able to ---.

1 MR. PEARL:

2 I'm sorry. That was Joe Pearl.

3 JUDGE TURNER:

4 Okay. And the first person to speak was
5 Mr. Gross?

6 ATTORNEY GROSS:

7 Yes, Your Honor. I apologize.

8 JUDGE TURNER:

9 Okay. Now I guess what I'm hearing from
10 Mr. Pearl is that there's no point in discussing
11 settlement?

12 MR. PEARL:

13 No, I didn't say that. This is Joe
14 Pearl. No, ma'am, I didn't say that. What the
15 question was, would I be willing to entertain trying
16 to settle this, absolutely. But the attitude that I
17 had gotten from PPL's representative ---.

18 ATTORNEY GROSS:

19 Your Honor, I'm going to --- particularly
20 if we're on the record ---

21 JUDGE TURNER:

22 We are.

23 ATTORNEY GROSS:

24 --- previous settlement negotiations
25 should be no part of this hearing. So ---.

1 JUDGE TURNER:

2 Well, okay. I understand your objection
3 but he hasn't said any element of the settlement.
4 He's just saying that the woman he spoke to was not
5 interested in negotiating in the way he was. It's
6 true that any previous settlement offers should not be
7 on the record but if there's a possibility that you
8 two talking now to reach a settlement, I'll give you
9 about 15 minutes off the record.

10 ATTORNEY GROSS:

11 Thank you. This is Attorney Gross again,
12 Your Honor.

13 JUDGE TURNER:

14 Yes?

15 ATTORNEY GROSS:

16 I am willing to try if Mr. Pearl is.

17 JUDGE TURNER:

18 Okay. And he has said he is. So I am
19 going to turn the volume down and I will leave the
20 room and I will be back in --- I'm having trouble
21 finding my watch. I guess I'll be back about 10:30.
22 Is that 15 minutes from now?

23 MR. PEARL:

24 I don't think it needs to take that long,
25 Your Honor. This is Mr. Pearl again. I think within

1 a couple of minutes we should be able to come to some
2 kind of an agreement and if not, we'll let you hear
3 it.

4 JUDGE TURNER:
5 Okay. So I'll come back in about five,
6 ten minutes then?

7 ATTORNEY GROSS:
8 I concur, Your Honor.

9 JUDGE TURNER:
10 Okay. The time is going down.

11 SHORT RECESS

12 JUDGE TURNER:
13 Mr. Pearl, we'll begin with your
14 testimony. Did you get my pre-hearing order?

15 MR. PEARL:
16 Yes, I have it in front of me.

17 JUDGE TURNER:
18 Okay. So you understand about the
19 procedures?

20 MR. PEARL:
21 Yes.

22 JUDGE TURNER:
23 Okay. Let me swear you in.

24 -----

25 JOSEPH PEARL, JR., HAVING BEEN FIRST DULY SWORN,

1 TESTIFIED AS FOLLOWS:

2 -----

3 DIRECT TESTIMONY

4 BY MR. PEARL:

5 JUDGE TURNER:

6 Okay. Will you state your name and spell
7 it for the record?

8 A. My name is Joseph Pearl, Jr. J-O-S-E-P-H
9 P-E-A-R-L.

10 JUDGE TURNER:

11 Okay. And where do you live?

12 A. 6405 Jacksonville Road, Bath, Pennsylvania 18014.

13 JUDGE TURNER:

14 All right. Is that your residence?

15 A. Yes, it is.

16 JUDGE TURNER:

17 And is that the service address about
18 which you have a complaint?

19 A. No, it is not.

20 JUDGE TURNER:

21 Okay. What is the address which the
22 complaint is about?

23 A. 77 West Broad Street, Unit 21, Bethlehem, PA.

24 JUDGE TURNER:

25 Bethlehem?

1 A. Correct.

2 JUDGE TURNER:

3 Okay.

4 A. 18018.

5 JUDGE TURNER:

6 And is that a business or a residence?

7 A. It's a business.

8 JUDGE TURNER:

9 Okay. And are you a customer of PPL at
10 that business location?

11 A. No, I am not. Not at the present time, no.

12 JUDGE TURNER:

13 That means you are not receiving service
14 there?

15 A. No, there is service there but it is in someone
16 else's name. In the rentee's name.

17 JUDGE TURNER:

18 Tenant's name. Okay. Are you a customer
19 of PPL at your residence?

20 A. No, but I'm a home builder, ma'am, and I have
21 quite a few accounts with PPL.

22 JUDGE TURNER:

23 Okay. And at the time of the dispute
24 were you a customer of PPL at the business location?

25 A. Yes.

1 JUDGE TURNER:

2 Okay. Why don't you go ahead and tell us
3 about the allegations of your complaint. And I need
4 factual support for those allegations.

5 A. Okay. The allegations are, ma'am, it's a 600 ---
6 less than a 600 square foot unit. It is heated by
7 electric. It is part of a two unit --- one building
8 but two --- the building is split in half. The other
9 half of the building is over 1000 square feet.

10 When I put this service in my name, I had
11 a tenant move out. Being a contractor, and a former
12 electrical contractor as well as now a home builder, I
13 went into the unit, turned the heat off. There is no
14 --- at that present time there was no hot water
15 heater, the only thing that was operable in the unit
16 was lighting and receptacles. There is approximately
17 four two by four florescent fixtures in the unit and
18 maybe ten to twelve outlets. No one was in this unit
19 for over two months. The only thing that was being
20 done in that unit was I had a gentleman go in there
21 that works for my company and paint it. When I got
22 the bill, I called PPL. This is the second time that
23 I had gotten a ridiculous bill for this unit. I
24 called PPL the first occasion, they came out, they
25 sent the same gentleman that came out on the second

1 occasion. The first time he came out, he comes back,
2 he takes a tape measure, measures the thing, and says,
3 well the usage is proper. I said there's nothing ---
4 now that was the first time. I let it go and I paid
5 the bill. This was previously when another tenant had
6 been there.

7 This time --- because I had left the heat
8 on the first time but it wasn't --- it was set at 50.

9 So this time, when the tenant moved out, I personally
10 went in myself and turned the heat off. I called the
11 company up, I said, there's something going on here
12 because there's something wrong with this bill. I
13 have a unit right across the hall from this that I
14 have my office in that I am in here probably seven to
15 eight hours a day, running the heat and everything
16 else and my average bill in this unit, and it's 1000
17 square feet, is \$90 some a month approximately.

18 Now I'm getting a bill for \$194 and \$200
19 some in this unit that is less-sized, there's
20 something wrong. I explained this to them. They said
21 they're going to send somebody out. They send the
22 same guy out. I asked him to read the meter, to go
23 check the meter, because there's 30 --- I think
24 there's 39 meters in this complex. I asked them to
25 make sure that they were reading the proper meter and,

1 you know, it's impossible that this amount of usage is
2 being done in this unit when there's no one in it.
3 Well, he comes back and tells me, well there's
4 furniture in here. There was a desk in here and a
5 chair that the tenant left in. He said well obviously
6 somebody is in there using it. I said, no, there's no
7 one in it. I am repainting it to put it back up for
8 rent. There is no one in here.

9 My guy is in here maybe three, four hours
10 a day doing some painting and touch up and basically
11 that's about it. There's no heat on in the place. He
12 said, well you have electric heat. I said, I know
13 what kind of heat I have, but it's not on. It's
14 completely turned off. He keeps going on that his
15 calculations are proper and that the unit should be
16 using more electric than what I'm being charged for.
17 At that point, I became irate because I said, it
18 doesn't make any sense. I mean, I've got a unit over
19 here that's bigger, I'm here eight hours a day, seven,
20 eight hours a day, and I'm paying \$90 a month. Now
21 something is wrong. Well, you know, it was the same
22 bologna I heard two years previous to this when they
23 came out and did the ---.

24 ATTORNEY GROSS:

25 Your Honor, I'm going to object to things

1 that happened two years prior. That's not the issue
2 involved in this complaint. That was Attorney Gross.

3 JUDGE TURNER:

4 I understand your objection, Mr. Gross,
5 but it would establish a pattern in practice so I'm
6 going to allow it in. Go ahead, Mr. Pearl.

7 A. So at that point, you know, him and I, I basically
8 told him to get out, I didn't want nothing more to do
9 with this and then I called PPL up and told them I
10 want someone to come out here and check the meter.
11 Make sure it's the proper meter that is being read.
12 They told me that I had to live by the decision that
13 the gentleman did because that's what he does and
14 everything is fine. I said, well at that point,
15 there's no way that I'm going to pay a bill that's
16 twice as much as a unit that I'm using and that
17 there's no one in this unit. So that's where it
18 stands. That's where it's at right now.

19 JUDGE TURNER:

20 Okay. Can you tell me the dates of the
21 most recent bill that you're disputing?

22 A. Oh, geez. No, that I can't. I would have to
23 defer that to PPL because they have --- I believe they
24 have the dates when the service was in my name. I
25 think it was in my name for a two month period of

1 time. And that's why these bills --- the \$455 ---
2 actually, Your Honor, after they came the first time
3 and I complained, the next month, the bill was \$40 or
4 \$50 higher than the previous month. It just was even
5 more ridiculous.

6 JUDGE TURNER:

7 But that was two years ago. We're
8 talking about now, what happened.

9 A. Now, the people that are renting this, that had
10 been renting it were actually friends of my
11 daughter's. She was running a nail salon and she was
12 there more than the previous people who had the nail
13 salon in and her bills, I don't believe, were
14 outrageous because I asked her about them and she said
15 no, they were fine. And she was in there I would say
16 maybe four hours a day with heat on and stuff like
17 that and they weren't anything like that I had gotten
18 for that two month period of time.

19 JUDGE TURNER:

20 Okay. What I'm trying to establish is
21 when was that two month period of time?

22 A. Like I said, Your Honor, you would have to ask
23 PPL. They have the bills. I don't even think I have
24 those bills any longer.

25 JUDGE TURNER:

1 Okay. What year?

2 A. It was probably a year ago, a year and a half ago.
3 I'll tell you what. She came in last March --- it was
4 probably January or February of last year. Or
5 December or January of last year. Something along
6 them lines.

7 JUDGE TURNER:

8 Okay. So that would be 2003, and if it
9 was December 2002?

10 A. Something like that, I believe, yes.

11 JUDGE TURNER:

12 Okay. And the bill was for a two month
13 period?

14 A. Well, they sent me one bill, I believe, it was for
15 \$190 some and then the next month it was \$240 some.

16 JUDGE TURNER:

17 So you're contesting two bills?

18 A. Those two months that it was in my name. And then
19 after I turned the service completely off, then when
20 the tenant moved in, she put it in her name and the
21 bills were nothing like what they had been.

22 JUDGE TURNER:

23 Okay. And you say you don't have the
24 bills?

25 A. No, ma'am, I don't.

1 JUDGE TURNER:

2 All right. Do you have any --- I'm
3 sorry. Are you completed with your statement?

4 A. I believe so, yes.

5 JUDGE TURNER:

6 Okay. Mr. Gross, do you have Cross
7 Examination?

8 ATTORNEY GROSS:

9 Thank you, Your Honor. I do just have a
10 few questions.

11 CROSS EXAMINATION

12 BY ATTORNEY GROSS:

13 Q. Good morning, Mr. Pearl. I did introduce myself
14 previously, but once again, my name is John Gross.
15 I'm an attorney for PPL Electric Utilities. I just
16 have a few questions regarding your testimony. Mr.
17 Pearl, you mentioned that this is a two unit building;
18 is that correct?

19 A. That's correct, with two separate meters.

20 Q. And do you own both units?

21 A. Yes, I do.

22 Q. And do you occupy one of the two units?

23 A. No, I do not.

24 Q. Did you, back in February and March of 2003,
25 occupy one or both of the units?

1 A. No.

2 JUDGE TURNER:

3 I thought you said you had an office
4 there.

5 A. I have an office across the hall is what I said.
6 I have an office at unit 19. That's where my office
7 is at. The unit across the hall that is in question
8 is unit 21. There is two --- that building was split
9 --- that particular unit was split into two. There is
10 actually a unit 21A and a unit 21B. The unit 21A is
11 occupied by Kessler Chemical. Their bills and their
12 unit space is over a thousand square feet and the unit
13 in question is approximately 600 square feet. Kessler
14 Chemical in unit 21A, I believe, their bills are a lot
15 less or have never anywhere come close to what's in
16 unit 21B when I got these two bills. So your question
17 was, do I have an office in that building, no, I do
18 not have an office. I have a separate office across
19 the hall from that unit.

20 JUDGE TURNER:

21 Okay. That's my problem. If it's across
22 the hall, how come it's not in the same building?

23 A. It is. It's in an apartment --- not apartment.
24 It's in a condominium complex. It's called the Payson
25 House. There's like, I think, 39 units. It's in

1 downtown Bethlehem. There's 39 units and behind a
2 local bar on the corner that is part of the complex,
3 is where all of the meters --- there's, I think
4 there's 39 or something along that. Probably PPL can
5 answer that question better than myself.

6 JUDGE TURNER:

7 Okay. But what's the name of the complex
8 again?

9 A. The Payson --- it's called P-A-Y-S-O-N. The
10 Payson House.

11 JUDGE TURNER:

12 Okay. Mr. Gross, I'm sorry to have
13 interrupted your Cross Examination, but is your
14 question answered?

15 ATTORNEY GROSS:

16 It is, Your Honor. I have a few
17 follow-up.

18 JUDGE TURNER:

19 Oh, please go ahead.

20 ATTORNEY GROSS:

21 Thank you.

22 BY ATTORNEY GROSS:

23 Q. Mr. Pearl, just to --- and I'm sorry because I did
24 --- maybe I wasn't clear on something. Do you own the
25 entire Payson House?

- 1 A. No, I do not.
- 2 Q. But you own several of the units?
- 3 A. I own unit 19 and unit 21.
- 4 Q. And unit 21, you've now said, is split into two
5 separate spaces?
- 6 A. And has been probably for four or five years.
- 7 Q. And did you split those two spaces?
- 8 A. Yes.
- 9 Q. So you split it into two units?
- 10 A. Yes.
- 11 Q. And the --- your complaint is about unit 21B; is
12 that correct?
- 13 A. I forget which one --- how it is worded. But the
14 complaint was the one that was put into my name. And
15 the other one has been in Kessler Chemical probably
16 for three or four years.
- 17 Q. Well, Mr. Pearl, looking at your complaint, I have
18 it in front of me, in there you referenced 21B; does
19 that refresh your recollection as to which ---?
- 20 A. Well, if that's the unit ---.
- 21 Q. You have a complaint about it.
- 22 A. If that's the unit, yeah, that I'm having a
23 complaint about then yes, it is.
- 24 Q. And unit 21A, the Kessler Chemical unit, how's
25 that unit heated?

1 A. Same way.

2 Q. With its own separate heater?

3 A. With its own separate unit. It's an electric
4 forced hot air unit.

5 Q. And unit 21B has an electric forced hot air unit?

6 A. Correct. They both have the same identical
7 systems, one was sized more, one was sized less for
8 the square footage.

9 Q. Now, Mr. Pearl, you also then stated that unit 21B
10 is now --- you've rented that space?

11 A. I rented it --- yeah, it's been two months that I
12 had gotten the bills on that and I had it closed down.
13 I think very shortly after that, I had it rented. I
14 rented it to one of my daughter's friends for a nail
15 salon, which it was previous to that.

16 Q. And that tenant --- I believe your testimony was
17 that she told you that her bills are normal or
18 something along those lines; is that correct?

19 A. I think the first month she said it was high but
20 after that, they weren't high anymore.

21 Q. But she didn't tell you how much the bills were;
22 did she?

23 A. I don't think. I think --- I don't think they
24 were as much as I had paid. I don't want to swear to
25 that, but I'm pretty sure that's what she said. I

1 think she said the first month's bill was ridiculous
2 and then after that, the bills were in line.

3 Q. Mr. Pearl, my question is, do you know how much
4 her bills were?

5 A. No, I don't. Not that I can give you an exact
6 dollar amount, no.

7 Q. And you're not even certain whether they were more
8 or less than your bills?

9 A. I think they were less. That point I do because I
10 was pretty irate about it, and I think I asked her
11 when she moved in if her bills were approaching the
12 \$200 a month mark and she said no.

13 Q. Well, am I right then, though, that she moved into
14 that unit during the spring or summer?

15 A. It was --- I think it was March of this past ---
16 of last year, 2003.

17 Q. And you were in that unit during the heating
18 season; is that correct?

19 A. I wasn't in there. I personally wasn't. There
20 was no business in there.

21 Q. Mr. Pearl, that isn't my question. The space was
22 in your name during the heating season; is that
23 correct?

24 A. My name during those two months. The other person
25 moved out on January --- on December 31st. Now it's

1 coming back to me because they moved out, they had to
2 be out by the first of the year. So I put it in my
3 name, I think January and February.

4 JUDGE TURNER:

5 Okay. Mr. Gross, you're going to have to
6 define what you mean by heating season.

7 ATTORNEY GROSS:

8 Well, I think Mr. Pearl just answered my
9 question, Your Honor. And I apologize. But let me
10 rephrase it just for clarity.

11 BY ATTORNEY GROSS:

12 Q. Mr. Pearl, you were in that --- strike that.

13 A. I'm sorry. You broke up there. What did you say?

14 Q. The account was in your name during January,
15 February, and part of March of 2003; is that correct?

16 A. I believe it was in January and February. I don't
17 know if it was in March or not. That I can't swear
18 to.

19 Q. And during those months, a customer would
20 typically be using heat; is that correct?

21 A. Yeah, they would typically be using heat.

22 Q. And that unit was heated with an electric heater;
23 correct?

24 A. Yeah. It was heated with an electric unit but the
25 electric unit was turned off on January 3rd or 4th.

1 Right after the holiday, I went in and turned it off
2 personally. I turned the main --- I turned the
3 breakers off for the heating unit, which was a double
4 amp 30 --- a 30 amp breaker.

5 ATTORNEY GROSS:

6 I have nothing further for Mr. Pearl.
7 Thank you.

8 JUDGE TURNER:

9 Okay. Mr. Pearl, do you have any
10 additional testimony you want to give now to correct
11 any answers that you gave to any questions?

12 REDIRECT TESTIMONY

13 BY MR. PEAPL:

14 A. The only thing I would like to clarify is that,
15 yes, January and February are the coldest months out
16 of the year, but I specifically, with my past history,
17 my history of being a home builder and knowing how
18 much things cost during the winter months, especially
19 during construction periods, I went into that unit
20 personally and turned the breakers off for the heat.
21 Because it is a building that is underground, it is
22 surrounded on two sides and there's units that sit on
23 top of it. So three sides of that are --- have warmth
24 around it. The front facing of it is exposed but
25 we're in a hallway that is below street level and not

1 exposed to any exterior weather. So when I got this
2 bill, like I said, I was upset and I asked PPL very
3 nicely ---.

4 JUDGE TURNER:

5 Okay. Okay. We don't need to know about
6 your emotions.

7 A. Okay. Well, they're trying to say that it was the
8 heating system, but it was not being heated.

9 JUDGE TURNER:

10 Yes. And you've described the physical
11 setting very well. So I'm glad you gave that
12 testimony. Mr. Gross, do you have a witness to call?

13 ATTORNEY GROSS:

14 Your Honor, just based on Mr. Pearl's
15 Redirect, I have one question, I'm sorry, on Recross,
16 if I may.

17 JUDGE TURNER:

18 Well, he's entitled to --- he'd be
19 entitled to give more Redirect.

20 ATTORNEY GROSS:

21 I understand that, Your Honor. But I
22 believe it brought up something that I would like to
23 ask one additional question.

24 JUDGE TURNER:

25 All right.

1 RECROSS EXAMINATION

2 BY ATTORNEY GROSS:

3 Q. And Mr. Pearl, earlier you stated that you had a
4 worker in there three to four hours a day painting.

5 A. Correct.

6 Q. You're now testifying that the heat was off
7 entirely.

8 A. Correct.

9 Q. Are you saying that that worker worked in there
10 without heat?

11 A. Because the unit is, like I said, and that's why I
12 brought out the testimony that it is --- typically in
13 that unit, at any time in the winter or if there was
14 no --- in the summer if there was no air conditioning
15 on, that unit is typically between 50 and 55 degrees
16 because it is surrounded by warmth on all three sides.

17 JUDGE TURNER:

18 Okay. Excuse me, Mr. Pearl. Can you
19 just answer his question yes or no, was the painter
20 working in there without heat?

21 A. Yes.

22 JUDGE TURNER:

23 Okay.

24 ATTORNEY GROSS:

25 Thank you, Your Honor. That was my only

1 additional question.

2 JUDGE TURNER:

3 Okay. Now, do you want to call a
4 witness?

5 ATTORNEY GROSS:

6 Yes, Your Honor. I actually have two
7 witnesses. The first witness I call is Karey Roberts.

8 JUDGE TURNER:

9 Okay. Is that a man or a woman?

10 ATTORNEY GROSS:

11 A woman, Your Honor.

12 JUDGE TURNER:

13 Okay. Ma'am, may I swear you in?

14 MS. ROBERTS:

15 Yes.

16 -----
17 KAREY ROBERTS, HAVING BEEN FIRST DULY SWORN, TESTIFIED
18 AS FOLLOWS:
19 -----

20 JUDGE TURNER:

21 All right. Will you state and spell your
22 name for the record?

23 A. My name is Karey Roberts, K-A-R-E-Y R-O-B-E-R-T-S.

24 JUDGE TUPNER:

25 Thank you. Will you go ahead and qualify

1 your witness, Mr. Gross?

2 ATTORNEY GROSS:

3 Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY ATTORNEY GROSS:

6 Q. Ms. Roberts, by whom are you employed and in what
7 capacity?

8 A. I'm employed by PPL Electric Utilities as a
9 supervisor of customer support.

10 Q. And what is your business address with PPL?

11 A. Hausman Road, Allentown, Pennsylvania.

12 Q. Now, Ms. Roberts, how long have you been a
13 supervisor with PPL?

14 A. About 27 years.

15 Q. And can you briefly describe your duties in that
16 position?

17 A. I supervise field representatives who investigate
18 for high bills, foreign wiring, property damages.

19 Q. And does part of your duties also deal with
20 investigating or preparing responses to complaints,
21 formal and informal complaints, regarding those
22 issues?

23 A. Yes, it does.

24 Q. Your Honor, at this time I was going to introduce
25 a document I had pre-marked as PPL Hearing Exhibit

1 Number One. I'll just say that since we're on the
2 phone, I can make sure that everybody has it in front
3 of them.

4 JUDGE TURNER:

5 Well, I received these documents under a
6 cover letter dated April 7th. Mr. Pearl, did you also
7 receive them?

8 MR. PEARL:

9 No, I have nothing --- hang on, I do have
10 something April 7th. Hang on, I'll put my glasses
11 back on. Which particular page are we looking at?

12 JUDGE TURNER:

13 Well, just tell me, did you get the ---
14 it's a multi-page document.

15 MR. PEARL:

16 Yes, I do.

17 JUDGE TURNER:

18 Okay. Now, and he just wants to mark it
19 at this point.

20 MR. PEARL:

21 That's fine.

22 JUDGE TURNER:

23 And your ---.

24 ATTORNEY GROSS:

25 Your Honor, at this point I was going to

1 show Ms. Roberts the document that was pre-marked on
2 the --- it's actually the third page --- or the second
3 page of that letter, I apologize. It was pre-marked
4 in the lower right-hand corner as PPL Exhibit One.

5 JUDGE TURNER:

6 All right. And it's called an account
7 activity statement?

8 ATTORNEY GROSS:

9 That's correct, Your Honor.

10 JUDGE TURNER:

11 And you have that, Mr. Pearl?

12 MR. PEARL:

13 Yes.

14 JUDGE TURNER:

15 Okay. So are we marking that PPL Exhibit
16 One?

17 ATTORNEY GROSS:

18 Yes, Your Honor.

19 JUDGE TURNER:

20 Okay.

21 (Exhibit PPL-One marked for
22 identification.)

23 ATTORNEY GROSS:

24 May I proceed?

25 JUDGE TURNER:

1 Yes.

2 ATTORNEY GROSS:

3 Thank you.

4 BY ATTORNEY GROSS:

5 Q. Ms. Roberts, do you have a copy of PPL Exhibit One
6 in front of you?

7 A. Yes, I do.

8 Q. Can you please briefly describe what this document
9 is?

10 A. This document is an account activity statement.
11 It shows billing that was billed to Woodside Custom
12 Homes for a total of like 70 days.

13 Q. Now, Ms. Roberts, just so the record is clear,
14 this account activity statement has a mail to address
15 on it; is that correct?

16 A. Correct.

17 Q. That address does not necessarily reflect the
18 address that service is provided to; is that correct?

19 A. Correct.

20 Q. And do you know what address the service shown on
21 this document was provided to?

22 A. It would be for unit 21B.

23 JUDGE TURNER:

24 How do you know that?

25 A. The --- by referencing the account number in the

1 left-hand side, account number 1347015035.

2 JUDGE TURNER:

3 That's for 21B?

4 A. That is for 21B. And that would also bring you to
5 the service address, which is not shown on the account
6 activity statement.

7 JUDGE TURNER:

8 Okay. Please go ahead, Mr. Gross.

9 BY ATTORNEY GROSS:

10 Q. Ms. Roberts, having this document in front of you,
11 have you reviewed this document?

12 A. Yes.

13 Q. And is all of the data contained on it true and
14 correct to the best of your knowledge, information,
15 and belief?

16 A. Yes, it is.

17 Q. Is the data contained on this kept by PPL in the
18 ordinary course of business?

19 A. Yes.

20 Q. And have all charges that have been --- that are
21 shown on this account activity statement, have they
22 all been made in accordance with PPL's tariff and PUC
23 regulations?

24 A. Yes, they have.

25 Q. Now, Ms. Roberts, are you aware when the

1 Complainant activated service on this account?

2 A. Mr. Pearl connected service effective January the
3 13th, 2003.

4 Q. And how many bills were generated on this account?

5 A. There are three bills.

6 Q. And are those the --- the dates of the bills are
7 shown on the far left-hand column of the statement; is
8 that correct?

9 A. Yes.

10 Q. Now when and how did the Complainant disconnect
11 service on this account?

12 A. Well, he contacted us on March 21st and requested
13 disconnection of the electric out of his name
14 effective March 24th, 2003.

15 Q. And did PPL disconnect in accordance with his
16 wishes?

17 A. Yes.

18 Q. Now, what was the final arrearage on his account
19 after it was disconnected?

20 A. \$455.38.

21 Q. How many payments were made on this account?

22 MR. PEARL:

23 Excuse me. Can I --- I'm not questioning
24 any of this stuff. So I don't know why we have to
25 draw this out.

1 JUDGE TURNER:

2 Excuse me, Mr. Pearl ---.

3 MR. PEARL:

4 I'm just curious. I have no objections
5 to putting his exhibit into ---.

6 JUDGE TURNER:

7 Well, fine. Then let's go ahead with it.

8 MR. PEARL:

9 Yeah, I mean ---.

10 JUDGE TURNER:

11 Please don't interrupt him.

12 MR. PEARL:

13 I'm sorry. Well, he ---.

14 JUDGE TURNER:

15 Please don't interrupt him.

16 MR. PEARL:

17 I'm sorry. Go ahead.

18 JUDGE TURNER:

19 Okay. Go ahead.

20 ATTORNEY GROSS:

21 Thank you, Your Honor.

22 BY ATTORNEY GROSS:

23 Q. Ms. Roberts, I'm not sure if you answered but just
24 so the record is clear, how many payments did Mr.
25 Pearl make on this account?

1 A. None.

2 Q. Now based on Exhibit Number One, can you tell me
3 how many kilowatt hours the Complainant was billed for
4 in each month?

5 A. For the first month ---.

6 Q. And before you tell --- just say the numbers, can
7 you direct the Judge and Mr. Pearl where you're
8 looking at on the exhibit?

9 A. On the right-hand side of the document, it says
10 KWH and underneath it will give for the first month's
11 bill in February was 1,621 KWH. March bill was the
12 \$2,169, and then the final electric bill up to March
13 24th, was for \$183 KWH.

14 Q. Thank you. Ms. Roberts, I'm now going to show you
15 the next document in the package that I had mailed
16 out.

17 ATTORNEY GROSS:

18 Your Honor, I'd like to mark that
19 document as Exhibit Two, PPL Exhibit Two.

20 JUDGE TURNER:

21 Okay. It may be so marked.

22 (Exhibit PPL-Two marked for
23 identification.)

24 ATTORNEY GROSS:

25 Thank you.

1 BY ATTORNEY GROSS:

2 Q. Ms. Roberts, do you have that in front of you?

3 A. Yes.

4 Q. And is this a computer printout of the decision
5 made by the Bureau of Consumer Services on June 19,
6 2003?

7 A. Yes.

8 Q. And what did the BCS order at that time?

9 A. Well, the final order was that the customer was
10 responsible for the final bill of \$455.38.

11 Q. And is that --- if you're aware, is that as a
12 result of their investigation under this matter?

13 A. Yes.

14 Q. Did the Complainant pay in accordance with the BCS
15 decision?

16 A. No. No.

17 Q. Subsequent to the BCS decision, at some point in
18 the future, did the Complainant file a formal
19 complaint?

20 A. Yes.

21 Q. And are you aware when that was?

22 A. That was in July of 2003.

23 ATTORNEY GROSS:

24 Now, Your Honor, I'm now going to show
25 Ms. Roberts a document that I had pre-marked as

1 Exhibit Three. It's a three-page document. The last
2 three pages in my letter. May that be marked as
3 Exhibit Three, Your Honor?

4 JUDGE TURNER:

5 Yes, it may be marked.

6 (Exhibit PPL-Three marked for
7 identification.)

8 ATTORNEY GROSS:

9 Thank you.

10 BY ATTORNEY GROSS:

11 Q. Ms. Roberts, do you have that in front of you?

12 A. Yes, I do.

13 Q. Can you please explain for the record, what this
14 document is?

15 A. The document is a document that I prepared in
16 response to the PUC informal complaint that had been
17 filed.

18 Q. And is this a document that's kept on PPL's
19 computer system?

20 A. Yes.

21 Q. And did you then submit it to me so that it could
22 be submitted for this hearing?

23 A. Yes.

24 Q. Can you please, looking at this document and from
25 your recollection, explain the series of contacts

1 between PPL and Mr. Pearl?

2 JUDGE TURNER:

3 I'm going to have a problem with her
4 giving testimony about contacts she did not make. And
5 you don't have the customer contact representative
6 here, I gather, to testify to them?

7 ATTORNEY GROSS:

8 Your Honor, I do have Mr. Ogden here, who
9 was involved in some of these contacts. And he will
10 certainly testify regarding his direct contacts.

11 JUDGE TURNER:

12 Okay. Well, then let him testify about
13 them, but not her.

14 ATTORNEY GROSS:

15 Well, Your Honor, while I don't believe
16 Ms. Roberts can testify as to what was said, I do
17 believe she can testify as to what PPL's records show
18 regarding dates of contacts between Mr. Pearl and PPL.

19 JUDGE TURNER:

20 Well, are you intending to have her go
21 over this exhibit line by line? This is a three-page
22 document with a series of dates on it, which kind of
23 speaks for itself, except for the contacts that were
24 made by someone else. What is your intention here?

25 ATTORNEY GROSS:

1 Simply to give a history of the --- a
2 brief history of the contacts between Mr. Pearl and
3 PPL and PPL's response.

4 JUDGE TURNER:

5 Well, let's see if it can be brief and in
6 summary.

7 ATTORNEY GROSS:

8 Thank you, Your Honor.

9 BY ATTORNEY GROSS:

10 Q. And understanding that, Ms. Roberts and then
11 perhaps without a significant amount of detail, did
12 Mr. Pearl call regarding a complaint he had regarding
13 a high bill?

14 A. Yes, he did.

15 Q. And did PPL respond to that complaint?

16 A. Yes.

17 Q. And how did it respond?

18 A. Ultimately it responded by a customer contact
19 representative meeting with Mr. Pearl on March 17 of
20 2003.

21 Q. And was that Mr. Ogden?

22 A. Yes.

23 Q. And Mr. Ogden's here to testify regarding that
24 particular contact. And after that contact, after
25 that meeting between Mr. Ogden and Mr. Pearl, did Mr.

1 Pearl contact PPL again?

2 A. He contacted us to request disconnection of
3 electric service.

4 JUDGE TURNER:

5 The court reporter didn't catch what you
6 said. I believe you said the customer contacted you
7 to request disconnection of electric service?

8 A. That's correct, Your Honor.

9 JUDGE TURNER:

10 Okay. Please go ahead.

11 ATTORNEY GROSS:

12 Thank you.

13 BY ATTORNEY GROSS:

14 Q. And when was that?

15 A. That was on March 21st, 2003.

16 Q. Does your three-page document also contain a cost
17 estimate section on page two?

18 A. Yes. That was prepared by David Ogden, the
19 customer contact representative.

20 Q. And is he going to testify regarding that?

21 A. Yes.

22 ATTORNEY GROSS:

23 Your Honor, then at this point, I have
24 nothing further for Ms. Roberts.

25 JUDGE TURNER:

1 Okay. Now, you've marked three exhibits.

2 ATTORNEY GROSS:

3 Yes, Your Honor.

4 JUDGE TURNER:

5 Do you want to move Exhibit One, which
6 Mr. Pearl says he has no objection to and Exhibit Two,
7 which is the BCS decision?

8 ATTORNEY GROSS:

9 Yes, Your Honor. I'll move those into
10 evidence now.

11 JUDGE TURNER:

12 Okay. Let me check. Mr. Pearl, did you
13 receive a copy of this decision?

14 MR. PEARL:

15 Yes.

16 JUDGE TURNER:

17 Okay. So you have no objection to that
18 going in either; right?

19 MR. PEARL:

20 No objections to any of the documents
21 being entered.

22 JUDGE TURNER:

23 To any of them? Why don't you wait until
24 we've heard from Mr. Ogden?

25 MR. PEARL:

1 Well, I know what Mr. Ogden's going to
2 already say. But no, I have no objections.

3 JUDGE TURNER:

4 PPL-One and Two are into the record. All
5 right. And PPL Exhibit Three, we are still to hear
6 evidence on. So do you have Cross Exam --- oh, excuse
7 me. You're finished with Ms. Roberts at this point?

8 ATTORNEY GROSS:

9 I am finished with her, yes, Your Honor.

10 JUDGE TURNER:

11 Okay. Do you have Cross Examination of
12 Ms. Roberts?

13 MR. PEARL:

14 Yes, I do.

15 JUDGE TURNER:

16 Okay. Please proceed, Mr. Pearl.

17 CROSS EXAMINATION

18 BY MR. PEARL:

19 Q. Mrs. Karey (sic), you stated that you have 27
20 years' experience; is that correct?

21 A. Yes.

22 Q. Okay. Have you ever --- in your 27 years of
23 experience, has it ever been, in any of your cases or
24 to your knowledge that there has been mistakes on
25 meters?

1 ATTORNEY GROSS:

2 Your Honor, I'm going to object to that.
3 I don't know how that's relevant to this.

4 JUDGE TURNER:

5 Why not?

6 ATTORNEY GROSS:

7 Because ---.

8 JUDGE TURNER:

9 I think it's relevant. Objection
10 overruled.

11 BY MR. PEARL:

12 Q. Yes, ma'am, have you, in your 27 years'
13 experience, have you ever seen any cases that there
14 has been mistakes in meters?

15 A. Yes.

16 Q. Okay.

17 MR. PEARL:

18 No further questions.

19 JUDGE TURNER:

20 Okay. Do you have any Redirect?

21 ATTORNEY GROSS:

22 I do not, Your Honor.

23 JUDGE TURNER:

24 All right. Thank you, then. Ms. Karey
25 may be excused. Do you want her to stay?

1 ATTORNEY GROSS:

2 Your Honor, just for clarity, it's Ms.
3 Roberts. I just want to make sure the Court Reporter
4 understands.

5 JUDGE TURNER:

6 Did I misstate that? I apologize.

7 ATTORNEY GROSS:

8 I'm not sure where the mistake happened,
9 Your Honor. But just so the record is clear, her name
10 is Karey, her first name is Karey, her last name is
11 Roberts.

12 JUDGE TURNER:

13 Well, I'm sure the Court Reporter has it
14 correctly. If I stated it incorrectly I apologize.

15 ATTORNEY GROSS:

16 I apologize, too, Your Honor.

17 JUDGE TURNER:

18 Okay. Then she is excused unless --- do
19 you want her to stay?

20 ATTORNEY GROSS:

21 Your Honor, I believe I will have her
22 stay.

23 JUDGE TURNER:

24 Okay.

25 ATTORNEY GROSS:

1 As long as there is no objection to that.

2 JUDGE TURNER:

3 So will you call your next witness?

4 ATTORNEY GROSS:

5 I will, Your Honor. PPL calls David
6 Ogden.

7 JUDGE TURNER:

8 Okay. Mr. Ogden, can you hear me?

9 MR. OGDEN:

10 Yes, I can.

11 JUDGE TURNER:

12 Let me swear you in.

13 -----

14 DAVID OGDEN, HAVING BEEN FIRST DULY SWORN, TESTIFIED
15 AS FOLLOWS:
16 -----

17 JUDGE TURNER:

18 Will you state your name and spell it for
19 the record?

20 A. My name is David Ogden. David O-G-D-E-N.

21 JUDGE TURNER:

22 Thank you. Go ahead, Mr. Gross.

23 ATTORNEY GROSS:

24 Thank you, Your Honor.

25 DIRECT EXAMINATION

1 BY ATTORNEY GROSS:

2 Q. Mr. Ogden, by whom are you employed and in what
3 capacity?

4 A. I'm employed by PPL Electric Utilities and I'm a
5 customer contact representative.

6 Q. And what is your business address with PPL?

7 A. Hausman Road in Allentown.

8 Q. How long have you been in your position with PPL?

9 A. Approximately 12 years.

10 Q. And can you briefly describe your job duties in
11 that position?

12 A. I investigate large bills, foreign wiring
13 investigations, check rates, damage claims, meter
14 mixes, things like that.

15 Q. And have you been doing that for most of your 12
16 years with PPL?

17 A. Yes, I have.

18 Q. And does that include on-site investigations?

19 A. Yes, it does.

20 Q. Now, Mr. Ogden, when did you become aware that Mr.
21 Pearl had had a dispute regarding his meter or his
22 bill?

23 A. I received a large bill investigation.

24 Q. And did you contact Mr. Pearl regarding that?

25 A. Yes, I did.

1 Q. And as a result of that contact, did you schedule
2 a time to go meet with Mr. Pearl?

3 A. Yes, I did.

4 Q. And where was that meeting going to take place?

5 A. It was going to take place at the space in
6 question for the large bill investigation. And the
7 time was going to be on the 17th of March after 1:00
8 p.m.

9 Q. And is that the unit 21B ---

10 A. Yes.

11 Q. --- at 77 West Broad Street?

12 A. That's correct.

13 Q. And did you meet him there at that point?

14 A. Yes, I did.

15 Q. Can you describe for the record what happened?

16 A. I met with the customer, Mr. Pearl, on the 17th of
17 March at 1:00 p.m. and we started to go over the space
18 together and he went back to his office and I
19 completed going over the space myself.

20 Q. Okay. And I'm going to stop you there. Can you
21 please describe in more detail what you mean by going
22 over the space?

23 A. When we go over a space in question, we do a cost
24 estimate of the kilowatt hour usage potential for that
25 space in a given time period.

1 Q. And how do you actually do that?

2 A. We have a cost estimate sheet that tells us how
3 many kilowatt hours different items are used in a
4 space, commercial or residential and it gives us an
5 idea of the potential usage that would occur during a
6 given time period.

7 Q. Now, Mr. Ogden, I'm going to show you a document
8 that was previously marked at PPL Exhibit Three.

9 A. Okay.

10 Q. Do you have that in front of you?

11 A. Yes.

12 Q. And are you looking at the second page of that
13 document?

14 A. Yes, I am.

15 Q. In the majority of that page, or at least the
16 substantial portion in the center, is a chart that
17 appears to be titled cost estimate?

18 A. That's correct.

19 Q. Is that information that you prepared?

20 A. Yes, it is.

21 Q. Can you please, going through that briefly, just
22 describe what you found in Mr. Pearl's space?

23 A. Yes. I found three 75 watt lights, 16 four foot
24 florescent lights, two electric hot water heaters, a
25 spa for pedicures, the electric furnace heating

1 system, a cooling fan.

2 Q. Now, I'm just going to ask you one follow-up
3 regarding that. After the entry for two electric
4 water heaters it says standby. Can you describe what
5 that means?

6 A. Yes. A water heater, if it's never used, as far
7 as washing hands or taking a bath or using the water
8 for different things in a space, it still is using
9 electric because the hot water heater has to go into
10 cycles to heat the water and maintain it at a certain
11 temperature.

12 MR. PEARL:

13 Excuse me. Excuse me, ma'am. May I ---?

14 JUDGE TURNER:

15 No, you may not.

16 MR. PEARL:

17 I cannot object?

18 JUDGE TURNER:

19 You can object to a question, but this
20 isn't a question. This is an answer.

21 MR. PEARL:

22 Okay.

23 JUDGE TURNER:

24 You can cross examine him and you will be
25 allowed to give your own testimony at the end.

1 MR. PEARL:

2 Thank you.

3 JUDGE TURNER:

4 But you have to let him complete his
5 answer.

6 MR. PEARL:

7 Okay.

8 JUDGE TURNER:

9 Standby. Go ahead.

10 A. And the standby usage for a hot water heater per
11 month, is approximately 175 kilowatt hours.

12 BY ATTORNEY GROSS:

13 Q. Mr. Ogden, then looking at the left-hand side of
14 this chart, are those numbers --- or can you describe
15 what those numbers are?

16 A. Yes. The first one is for 375 watt lights for a
17 one month period would cost approximately 75 kilowatt
18 hours of usage, 16 four foot florescent lights would
19 cost approximately 160 kilowatt hours usage per month,
20 two standby usages for two electric hot water heaters
21 would be 350 kilowatt hours per month.

22 JUDGE TURNER:

23 Okay. I think we get the point. But
24 those numbers are produced by the number of appliances
25 in the central column; right?

1 ATTORNEY GROSS:

2 Yes, Your Honor. The only reason I was
3 having Mr. Ogden go through it is that I wasn't
4 certain, based on your previous statements, whether
5 you were going to allow this document to be admitted
6 into evidence. And if it's not, I do believe that
7 those numbers do need to be part of the record.

8 JUDGE TURNER:

9 So if I wasn't going to allow it in, you
10 were going to have them read in?

11 ATTORNEY GROSS:

12 Well, Your Honor, I believe that this is
13 Mr. Ogden's --- Mr. Ogden did this estimate, he
14 prepared it, he knows this information in it ---

15 JUDGE TURNER:

16 All right.

17 ATTORNEY GROSS:

18 --- for the exhibit.

19 JUDGE TURNER:

20 So I would allow that in because he is
21 testifying to it. He has affirmed that he did it and
22 this is ---.

23 ATTORNEY GROSS:

24 Very well, then, Your Honor. I won't
25 have him go any further.

1 MR. PEARL:

2 Ma'am, may I say something or ---?

3 JUDGE TURNER:

4 Not right now.

5 MR. PEARL:

6 Okay. I thought you could object to some
7 of this stuff. I guess ---.

8 JUDGE TURNER:

9 You can object to questions.

10 MR. PEARL:

11 We keep --- there are statements being
12 made that are inaccurate.

13 JUDGE TURNER:

14 All right. You'll have Cross Examination
15 for that and you'll have a time to testify about that.

16 MR. PEARL:

17 All right. I'm sorry. Go ahead.

18 JUDGE TURNER:

19 You know, it's like we have to have a
20 procedural order here.

21 MR. PEARL:

22 Okay.

23 JUDGE TURNER:

24 You went, now they're going. And you
25 question them, and then you have final testimony. You

1 have an opportunity to give factual testimony contrary
2 to every error you think they've made.

3 MR. PEARL:

4 Okay.

5 JUDGE TURNER:

6 But I can't have you interrupting them as
7 they go along.

8 MR. PEARL:

9 Okay. I was just going to object to
10 something because he objected to something I said. So
11 I don't know. Go ahead. I'll just wait until you
12 tell me it's my turn.

13 JUDGE TURNER:

14 Thank you. All right, Mr. Gross.

15 ATTORNEY GROSS:

16 Thank you, Your Honor.

17 BY ATTORNEY GROSS:

18 Q. Mr. Ogden, can you tell me the results of your
19 cost estimate?

20 A. Yes, the total projected usage for that office
21 space was 2,535 kilowatt hours of usage.

22 Q. And how much was the Complainant actually billed?
23 How many kilowatt hours was he actually billed for?

24 A. The actual kilowatt hour usage bill was for 1,621
25 kilowatt hours.

1 Q. Which is less than your projected usage?

2 A. That is correct.

3 Q. Now, Mr. Ogden, I'm going to refer you back to a
4 document that was already marked and admitted as PPL
5 Exhibit Number One.

6 A. Yes, I have it.

7 Q. You have that in front of you now?

8 A. Yes, I do.

9 Q. All right. Looking at that, can you also tell me
10 what his kilowatt hours billed were for the bill dated
11 March 11th, 2003?

12 A. Yes, 2,169 kilowatt hours.

13 Q. And is that also less than the usage you
14 projected?

15 A. It is.

16 Q. Now, Mr. Ogden, approximately how long did it take
17 ---.

18 Mr. Ogden, I'll just repeat my question. When you
19 were finished with your estimate, what did you do
20 next?

21 A. After I was done with the estimate, I went over to
22 the office where Mr. Pearl was, as he instructed me to
23 do after I was completed with the cost estimate.

24 Q. And did you attempt to discuss the results of the
25 estimate with him at that time?

1 A. Yes, I did.

2 Q. And what happened?

3 A. As I started to explain the cost estimate
4 findings, the customer began screaming and cursing and
5 using profanity and he would not allow me to speak.
6 And he became very threatening and he wouldn't allow
7 me to continue. And when he was done screaming and
8 cursing, he would not let me say anything. So I was
9 not able to give him my finding.

10 Q. Were you able to discuss anything with him?

11 A. No, I was not, except for one thing, as he would
12 not allow me to continue. I gave him his PUC rights
13 and I left.

14 Q. Did you have any additional contact with Mr. Pearl
15 after that?

16 A. No, I did not.

17 ATTORNEY GROSS:

18 I have nothing further for Mr. Ogden at
19 this time.

20 JUDGE TURNER:

21 Okay. I have a few questions before Mr.
22 Pearl starts, and I know that he has quite a few.
23 First of all, did you observe the meter while you were
24 there?

25 A. Yes, I did.

1 JUDGE TURNER:

2 Did you do a meter reading?

3 A. Yes, I did.

4 JUDGE TURNER:

5 I don't see that that's shown on your
6 report at all.

7 A. The reading I got on that day was 16,392.

8 JUDGE TURNER:

9 But why isn't it on your report?

10 ATTORNEY GROSS:

11 Your Honor, are you referring to Exhibit
12 Number Three?

13 JUDGE TURNER:

14 Yes.

15 A. Because it's on the statement of account.

16 JUDGE TURNER:

17 It's on the statement of account, so ---.

18 A. It's on my large bill investigation sheet.

19 JUDGE TURNER:

20 Which you didn't submit as an exhibit; is
21 that correct?

22 A. Correct.

23 JUDGE TURNER:

24 Okay. And we also don't have the sheet
25 which provides the usage that you attribute to each

1 appliance.

2 A. That's because we do not have a particular cost
3 estimate form for a commercial space.

4 JUDGE TURNER:

5 So how do you come up with the usage
6 estimate?

7 A. We use the cost estimate for the residential area
8 of explanation for hot water heater, lighting, and so
9 forth.

10 JUDGE TURNER:

11 So you use that form?

12 A. Yes, ma'am.

13 JUDGE TURNER:

14 So if that's what you use, why don't you
15 submit it?

16 A. Because the form for --- there is no form for a
17 commercial usage space, one that --- how should I say,
18 official. We do not have an official cost estimate
19 sheet for a commercial space. Only for a residential
20 space.

21 JUDGE TURNER:

22 So you just use what you have, even
23 though it's not for those circumstances; is that
24 correct?

25 A. We do not have a particular cost estimate form or

1 sheet for a commercial space.

2 JUDGE TURNER:

3 I understand that. You said that before.
4 So in place of that, you use the form that's intended
5 for residential space?

6 A. And also statistics that we use --- an industrial
7 statistics of cost of florescent lighting and so
8 forta.

9 JUDGE TURNER:

10 Where do those come from?

11 A. Those come from sheets that we have that were
12 given to us on a commercial standard or an industrial
13 standard. There's several different ones that tells
14 us how many kilowatt hours these items use.

15 JUDGE TURNER:

16 Okay. And did you have those with you
17 that day?

18 A. Yes, I did.

19 JUDGE TURNER:

20 Okay. But once again, you didn't submit
21 them as exhibits here?

22 A. I did not submit those sheets, no I did not.

23 JUDGE TURNER:

24 Did you observe the breakers?

25 A. Yes, I did.

1 JUDGE TURNER:

2 Were they off?

3 A. No, because I turned on the lights myself. So the
4 breakers couldn't have been off.

5 JUDGE TURNER:

6 Okay. But when you observed them, they
7 were on?

8 A. Yes.

9 JUDGE TURNER:

10 Okay. And did you turn on the other
11 appliances, the spa, the furnace and so on?

12 A. On individually, no I did not.

13 JUDGE TURNER:

14 Okay. And you didn't do any meter test,
15 for instance, you didn't do a passing load test?

16 A. I could not do that, no.

17 JUDGE TURNER:

18 Why not?

19 A. We don't --- that's something we don't do. We
20 don't do that.

21 JUDGE TURNER:

22 Okay. You don't test the meter for
23 accuracy, you just look at the appliances; is that
24 correct?

25 ATTORNEY GROSS:

1 I'm sorry. Did you hear the Judge's
2 question, Mr. Ogden?

3 A. No.

4 JUDGE TURNER:

5 You didn't hear my question?

6 ATTORNEY GROSS:

7 No, Your Honor. We broke --- the line
8 broke for one second. I only heard the end.

9 JUDGE TURNER:

10 I apologize. The line does break and I
11 apologize for our equipment. My question was, you
12 don't test the meter for accuracy, you only evaluate
13 the appliances; is that correct?

14 A. That is correct.

15 JUDGE TURNER:

16 Okay. But you did look at the meter and
17 you say that your reading of the meter is reflected in
18 PPL-One; is that your meter reading?

19 ATTORNEY GROSS:

20 Do you have PPL-One in front of you, Mr.
21 Ogden?

22 A. Yes.

23 JUDGE TURNER:

24 Is any one of those meter readings there
25 your meter reading?

1 A. I ---.

2 JUDGE TURNER:

3 Are you with me? I'm looking at the
4 column that says reading/type.

5 A. My reading was taken on the 17th of March.

6 JUDGE TURNER:

7 So it's not reflected here?

8 A. That is not reflected there because the billing
9 was given on the 11th of March. So the reading
10 reflected on this sheet is the reading that was taken
11 on the 11th of March. My reading was taken on the
12 17th of March, when I conducted the cost estimate
13 investigation.

14 JUDGE TURNER:

15 But it could have been used as a check
16 meter reading, but it wasn't used in that way; was it?

17 A. My reading was not used as a check meter reading?

18 JUDGE TURNER:

19 It doesn't look that way.

20 A. No, it was not. That was my reading I took the
21 day I was there to figure out the cost or how many
22 kilowatt hours were used since the last reading.

23 JUDGE TURNER:

24 Which would have been from the 11th to
25 the 17th?

1 A. Well, the reading that I had on my cost estimate
2 sheet for the 10th of February was 14,061. The
3 reading I took on the 17th of March was 16,392. And
4 that told me how many kilowatt hours were used from
5 the 10th until the day I was there.

6 JUDGE TURNER:

7 Okay. So you did not have the reading
8 from March 11th?

9 A. Not with me. No, I did not.

10 JUDGE TURNER:

11 Okay. I think those are all of my
12 questions for this witness. Mr. Pearl, I know you
13 have questions. Please go ahead.

14 CROSS EXAMINATION

15 BY MR. PEARL:

16 Q. Mr. Ogden, have you ever been to this location
17 before?

18 A. Yes, I have.

19 Q. Okay. Did I personally ask you to check the meter
20 to see if the meter was properly being used?

21 A. No, you did not.

22 Q. I didn't ask you to check the meter?

23 A. No, you did not.

24 Q. Okay. On your --- on the second time you came
25 there.

1 JUDGE TURNER:

2 Excuse me, which visit were you talking
3 about?

4 MR. PEARL:

5 I'll start with the first visit.

6 JUDGE TURNER:

7 Well, that's not as relevant as the
8 second visit, but ---.

9 BY MR. PEAPL:

10 Q. On the second time we met at this location, did I
11 ask you to check the meters?

12 A. What date was that, that you're talking about.

13 Q. I believe the 17th.

14 A. Oh, the 17th, when we had the appointment?

15 Q. Yes.

16 A. No, you did not.

17 Q. Okay. Did I stress any concern that the readings
18 were high and that the meter should be checked?

19 A. You were concerned about the usage but you did not
20 refer me to test the meter, no.

21 Q. So when I --- did I state to you that I had
22 previously been an electrical contractor for 12 years
23 and that I felt that the meter needed to be checked
24 because there could possibly be a faulty meter?

25 A. What I remember, sir, is when not being able to

1 say or respond to anything you said because you
2 wouldn't allow me.

3 Q. In your earlier testimony, Mr. Ogden, you said
4 that I met you there at the building, you told me what
5 you were going to do, we had a brief discussion and
6 then you came back to my office to give me the results
7 is then when I got belligerent with you; is that
8 correct?

9 A. That is correct.

10 Q. So when we first originally met at the meeting
11 when you --- now you just made a statement saying that
12 you could not discuss anything with me but when we
13 first originally, excuse me, met there on the 17th,
14 was I belligerent when we first met?

15 A. I don't think you were at that point.

16 Q. Okay. And as so, we did have a brief conversation
17 at that point; did we or did we not?

18 A. I believe it was very brief. I was telling you
19 that I was going to be doing the cost estimate for the
20 space in question.

21 Q. Okay. And your testimony is that I did not ask
22 you to check the meters and you did not inform me that
23 you didn't do that?

24 A. I do not recall you asking me to check the meter
25 right away, no.

1 Q. Okay. All right. My next question to you is, on
2 this usage, when you give these usage specifications
3 for your kilowatts, under what kind of load is that?
4 Is that when it is being used fully for a whole month?

5 JUDGE TURNER:

6 Hold on a minute. Why are you talking,
7 Mr. Gross?

8 ATTORNEY GROSS:

9 Your Honor, because I couldn't hear Mr.
10 Pearl's question entirely. So I was asking Mr. Ogden
11 if he was able to hear it.

12 JUDGE TURNER:

13 Okay. Mr. Pearl, can you repeat your
14 question?

15 MR. PEARL:

16 Surely.

17 BY MR. PEARL:

18 Q. On the kilowatt hour estimate that you have on
19 your page there, which let me see, I guess it's PPL
20 Exhibit Three, your calculations there, how do you
21 come up with those? Is that under full load?

22 A. Those are cost estimates giving us the potential
23 ---.

24 Q. How do you estimate that? Is that under full
25 load, being used for how many hours? Can you

1 elaborate on that a little bit?

2 A. Yes. For example, the electric hot water heaters,
3 based on a standby usage for a 30-day period, the
4 electric heat is based on formulas we use for a given
5 period of time to tell us the cost estimate of those
6 kilowatt hours during that period, the lighting that I
7 used was based on approximately eight hours per day.

8 Q. Okay. Now my next question to you then would be,
9 did we have --- you have --- I see you came out on the
10 17th of March. My concerns were for the bills for
11 January and February; is that correct?

12 A. My cost estimate was based on January the 13th
13 through February the 10th.

14 Q. Okay. Did I not state to you, because when we did
15 have a brief discussion over here before I became
16 irate because of your explanation, did I not state to
17 you that the pedicure chair and the hot water heater
18 were just installed for the person that was moving
19 into the unit and that was not --- had not been there
20 in January and February, did we not have that
21 discussion?

22 A. What we do is do a cost estimate according to ---.

23 JUDGE TURNER:

24 Okay. First answer his question. Did he
25 state that to you?

1 A. Not that I recall.

2 JUDGE TURNER:

3 You don't recall?

4 A. No, I do not recall.

5 JUDGE TURNER:

6 Okay. And so then you went ahead and did
7 it on the equipment that was there?

8 A. That is correct.

9 MR. PEARL:

10 I guess that's it. I mean ---.

11 JUDGE TURNER:

12 Well, didn't you indicate that there were
13 inaccuracies in some of the items that --- I don't
14 know which ones, that you wanted to question. Was it
15 the water heaters or ---?

16 MR. PEARL:

17 Well, ma'am, what I asked him is
18 pertinent.

19 BY MR. PEARL:

20 Q. On the 17th, when you came out, Mr. Ogden, and you
21 came back into my office, you said that you briefly
22 had a conversation with me before I became irate. You
23 tried to explain it. And am I correct in stating to
24 you or asking to you that you did start to state to me
25 what you were taking the usage on?

1 A. I began to explain to you my cost estimate that I
2 did ---

3 Q. Right.

4 A. --- for the space in question.

5 Q. Okay. Did you not make the statement to me that
6 at this time because of the equipment that was in
7 there, I was actually being billed less than your
8 estimate?

9 A. The amount that you were billed for was less ---.

10 Q. That's not what I'm asking. I asked you a simple
11 question.

12 JUDGE TURNER:

13 He's answering it.

14 BY MR. PEARL:

15 Q. Did you not state to me that the usage that was
16 being billed for me should have actually been higher
17 because your calculations came up as being higher?

18 A. I did not say it should have been higher. I said
19 that the amount that you were billed for was less than
20 my cost estimate.

21 Q. Okay. And at that point, I did not say to you
22 that the equipment that was there was not there, it
23 was being prepared for the person that was moving in
24 at the present time and was not even in operation. I
25 did not state that to you?

1 A. I don't recall that.

2 Q. Oh, you do recall though, me becoming irate. But
3 you don't recall any of these other statements?

4 A. No, I don't recall some of the statements you are
5 saying that you made. No, I do not.

6 Q. And Mr. Ogden, you don't remember me becoming
7 irate because of your insistence upon me having the
8 right amount of kilowatts because you had done your
9 cost estimate and that you continued to tell me that
10 the cost estimate was accurate and that I should not
11 be upset because I was saying --- what you were
12 figuring out was on what was there; you don't remember
13 this conversation and me becoming irate because of
14 that?

15 A. No, I don't because I wasn't allowed to say
16 anything because you wouldn't let me.

17 JUDGE TURNER:

18 He's asking you ---.

19 BY MR. PEARL:

20 Q. So in other words ---.

21 JUDGE TURNER:

22 Hold on a minute. Hold on.

23 OFF RECORD DISCUSSION

24 MR. PEARL:

25 I have no further questions for him.

1 JUDGE TURNER:

2 All right. Do you have Redirect, Mr.
3 Gross?

4 ATTORNEY GROSS:

5 Your Honor, I just have a few.

6 REDIRECT EXAMINATION

7 BY ATTORNEY GROSS:

8 Q. Mr. Ogden, there were a few questions from the
9 Judge regarding the meter at the property.

10 A. Yes.

11 Q. Do you remember those questions?

12 A. Yes.

13 Q. Are you aware of what type of meter was used for
14 this particular account?

15 A. Yes. It was a three phase meter.

16 Q. And is a three phase meter different than what
17 would be a typical residential meter?

18 A. Yes, it is.

19 Q. And how is it different?

20 A. Well, this commercial meter was a three phase, a
21 residential is a single phase.

22 Q. And can a three phase meter be tested on site?

23 A. No. A three phase meter cannot be tested on site.

24 Q. How is it tested?

25 A. A large power representative from the large power

1 department needs to come and remove the meter to be
2 sent up to Hazleton, where the meters are tested
3 because my equipment will not allow me. My equipment
4 cannot test that particular meter.

5 Q. And were you even given the opportunity to discuss
6 testing the meter with Mr. Pearl?

7 A. Not at all.

8 Q. And why not?

9 A. Because he began becoming very irate and would not
10 allow me to speak.

11 Q. Now, Mr. Ogden, briefly back to Exhibit Three and
12 page two of Exhibit Three, where it says cost
13 estimate.

14 A. Okay.

15 Q. The only items that you based your estimate on are
16 the items that are listed in that estimate; is that
17 correct?

18 A. That is correct.

19 Q. And where did you get kilowatt hour estimates for
20 those six items?

21 A. Okay. We have listings on sheets that tell us how
22 many kilowatt hours these items use. For example, the
23 spa that we had, we have an indication on our sheet
24 that was given to us for how many kilowatt hours a spa
25 would use. And that usage for a spa is 120 kilowatt

1 hours a month. We have standby heat usage kilowatts
2 listed on a sheet that tell us how many kilowatt hours
3 standby would cost, and that's 175 per hot water
4 heater. We have a standard form that tells us about
5 the costs --- kilowatt hour costs of florescent
6 lights.

7 Q. And you took, am I correct, that then you took
8 that information from those sheets and put it in your
9 cost estimate?

10 A. That is correct.

11 ATTORNEY GROSS:

12 Your Honor, I have nothing from Mr.
13 Ogden.

14 JUDGE TURNER:

15 I don't believe Mr. Ogden has told me the
16 source of the sheets.

17 A. They are industry standard sheets. There's
18 several of them.

19 JUDGE TURNER:

20 And who provides them to you?

21 A. They are industry standards so they're given to
22 the company and the company provides them for us.

23 JUDGE TURNER:

24 Okay. And who gives them to the company?

25 A. Industries.

1 JUDGE TURNER:

2 Industries?

3 A. Yeah, I would assume industries that have studied
4 --- electricians, people who have studied how many
5 kilowatt hours these items cost.

6 JUDGE TURNER:

7 Okay. So the electric water heater
8 industry gives you a sheet and the spa industry gives
9 you a sheet; is that what you're assuming?

10 A. Yes, we have sheets that tell us how many kilowatt
11 hours a hot water heater uses in standby and also for
12 usage.

13 JUDGE TURNER:

14 I understand that. But what I understand
15 your testimony to be is that you're assuming that
16 those sheets and that that information is given to PPL
17 by the industries?

18 A. Well, to tell you the truth, I don't know where
19 they get the sheets from.

20 JUDGE TURNER:

21 Okay. I was just asking you about your
22 assumption. Now, are we finished with Mr. Ogden.

23 MR. PEARL:

24 Your Honor, could I ask him a question
25 again?

1 JUDGE TURNER:

2 Oh, my goodness. One.

3 MR. PEARL:

4 Okay.

5 RECROSS EXAMINATION

6 BY MR. PEARL:

7 Q. Mr. Ogden, did you, at any point, ever state to me
8 that this meter would have to be pulled and sent to
9 Hazleton to get tested?

10 A. No, I did not say that to you at the time that we
11 had the appointment.

12 Q. Okay. And --- well, that was my one question, so
13 I won't ask another one.

14 JUDGE TURNER:

15 Thank you. Okay. Are we finished with
16 Mr. Ogden now?

17 ATTORNEY GROSS:

18 I am finished, Your Honor.

19 JUDGE TURNER:

20 All right. Mr. Ogden may be excused.

21 Okay. Mr. Pearl. Hello? Mr. Pearl?

22 MR. PEARL:

23 I'm here.

24 JUDGE TURNER:

25 You are still under oath and this is your

1 opportunity to give further factual testimony in
2 support of your complaint and in contrast to testimony
3 from PPL.

4 MR. PEARL:

5 Okay.

6 JUDGE TURNER:

7 So please proceed.

8 -----
9 JOSEPH PEARL, HAVING BEEN PREVIOUSLY SWORN, TESTIFIED
10 AS FOLLOWS:

11 -----
12 REDIRECT TESTIMONY

13 BY MR. PEARL:

14 A. Okay. On March the 17th, when Mr. Ogden came to
15 meet with me, we did have an appointment and I did
16 meet with him and I stressed my concern, because this
17 was the second time that when I had put the thing into
18 my name, this particular unit, that I had extremely
19 high, ridiculous bills. I had asked him, the first
20 time he came, and the second time that he came, if
21 that meter could be pulled and checked. He never said
22 to me --- his response to me was no, I don't do that.
23 And I said to him, then what good are you doing here
24 today if you're not going to pull the meter and at
25 least check this meter because there is something

1 drastically wrong.

2 I explained to him that nobody had been
3 in that unit and the bills in question weren't for the
4 month of March but using their documents, you can see
5 what the usage in March was very, very limited. My
6 biggest complaint was for January and February, when
7 no one was in that unit at all.

8 He's using estimates and he's taking
9 eight hours a day for lighting, as the spa being used
10 on a regular basis. The spa was not even installed in
11 January and February. It was put in the month of
12 March, before he had come because I had a tenant that
13 was renting the place for a nail salon again, that was
14 going to be using it and the previous tenant had no
15 spa, pedicure spa in. This tenant put it in. So I
16 installed the hot water heater. That's why in my
17 previous testimony, in the very beginning when we
18 started this, I said that there was no hot water
19 heater in this unit. And there had been no hot water
20 heater in this unit except when I put it in for the
21 spa.

22 So all of his calculations, and I tried
23 to explain this to Mr. Ogden when he came here. But
24 Mr. Ogden's attitude, Your Honor, was quite honestly,
25 I do a calculation, I have standard industries, and

1 what I come up with is what it is. And basically, Mr.
2 Pearl, this is what it is and you should be happy
3 because you should be paying more. And that's when I
4 became irate.

5 The gentleman has been here twice to my
6 office and both times he has done absolutely nothing
7 except this form calculation. He's never taken the
8 time to come and check this particular meter out.
9 Pull it, whether it has to go to Hazleton or not. I
10 would --- if there was a charge involved, I would pay
11 to get the meter checked. I was never given that
12 opportunity or have they ever given me the
13 satisfaction of doing a thorough test other than
14 sending this gentleman out with his industry
15 calculations on usage that is inaccurate because the
16 place isn't being used according to his calculations.
17 That's like me going out to someone and saying, well,
18 you know what, you should be using 250 gallons a
19 month, but because the insulation values are terrible
20 in here, you're going to use less or more. That is so
21 far-fetched it's unbelievable. And that's basically
22 what I have to say about this whole thing. I have no
23 problems paying my bills but I do have a problem
24 paying it when it's like this.

25

JUDGE TURNER:

1 Okay. Can I ask you some questions, Mr.
2 Pearl?

3 A. Absolutely.

4 JUDGE TURNER:

5 Let me ask you about the equipment that
6 was in this unit in January and March.

7 A. February.

8 JUDGE TURNER:

9 February. Excuse me.

10 A. That's okay.

11 JUDGE TURNER:

12 Did you have 375 watt lights?

13 A. Yes.

14 JUDGE TURNER:

15 Did you have 16 four foot florescent
16 lights?

17 A. I don't believe there was that many. I think
18 there was 12. We added four.

19 JUDGE TURNER:

20 Okay. Did you have two electric water
21 heaters?

22 A. No.

23 JUDGE TURNER:

24 And when were they installed?

25 A. They were both installed in the middle of March,

1 sometime in March, to accommodate the lady that was
2 taking over the nail salon. She actually brought her
3 own pedicure place, the tub, and she needed hot water
4 for it. So we had to install an electric hot water
5 heater for it.

6 JUDGE TURNER:

7 Okay. So the spa for pedicures was not
8 in place in ---.

9 A. No, it was not in place.

10 JUDGE TURNER:

11 Okay.

12 A. And neither were the hot water heaters.

13 JUDGE TURNER:

14 Okay. And the electric furnace was in
15 place; yes?

16 A. The electric furnace was in place, ma'am, but was
17 turned off. I did it myself.

18 JUDGE TURNER:

19 Okay. And it had not been turned on in
20 the middle of March for preparation for the tenant?

21 A. No, there was no need. If I didn't have it on in
22 January and February, which were the coldest months,
23 March I didn't need it because she wasn't there. All
24 we were doing was preparing the place. And when I say
25 preparing the place, I had painted it in January and

1 February. In those two months, I had done some minor
2 repairs to the place, like spackle holes in walls that
3 the previous tenant had left from nails from pictures
4 hanging, and then we spackled it, painted it, and
5 basically that was it.

6 Then this person came in and rented it,
7 brought the pedicure, needed more lighting and then we
8 installed, in March we installed four additional light
9 fixtures and we installed the pedicure chair for her,
10 as well as the hot water heaters. In January and
11 February, those things were not present and the heat
12 was definitely, definitely off.

13 JUDGE TURNER:

14 Okay. And how about a cooling fan?

15 A. If the whole system is off, and I might be wrong
16 because I'm not a heating expert, but if the whole
17 system is off, the cooling fan is not going to run.

18 JUDGE TURNER:

19 Okay. But there is a cooling fan that is
20 part of the heating system.

21 A. A cooling fan that is absolutely part of the
22 heating system.

23 JUDGE TURNER:

24 Okay. Now, Mr. Ogden's testimony is that
25 the electricity was on when he came because he could

1 turn the lights on and he also said he observed the
2 breaker and it was on.

3 A. And I think what Mr. Gross asked him was --- or
4 you asked him, were the breakers on, and he said, yes,
5 I came in and I turned the lights on. I never, in my
6 previous statement, which you can go back and look at,
7 I said that the lights were on. I didn't turn the
8 breaker for the unit, I just turned the breaker off
9 for the heat. The lighting was still on and the
10 receptacles were still able to be used. I didn't turn
11 that stuff off because we were painting. We were
12 spackling holes. So that stuff was definitely on.
13 And I'm not arguing that point. But he didn't check
14 the breaker for the heat. I know he didn't because
15 that was off.

16 JUDGE TURNER:

17 Okay. I just wanted to clarify that
18 because I actually did ask the former question of you.
19 So you're saying there are separate breakers for the
20 heat and for the lights and the breaker for the heat
21 was off?

22 A. Correct. There's breakers for the receptacles,
23 there's breakers for the lights, there was breakers
24 installed for the hot water heater, which weren't even
25 put in when he came because we didn't have it tied in

1 yet, we didn't have the electric for the hot water
2 heater, and there are separate breakers for the
3 heating system.

4 JUDGE TURNER:

5 So the breakers for the heating system
6 were off and the breakers for the hot water heaters
7 were not connected; is that correct?

8 A. They were not connected in the panel yet. That's
9 correct, ma'am.

10 JUDGE TURNER:

11 Is there any other testimony you want to
12 give about the breakers?

13 A. Lights and the receptacles were on. I have no
14 problem with that.

15 JUDGE TURNER:

16 Okay.

17 A. That is accurate. But the heat was definitely on
18 (sic) and the pedicure chair was not even hooked up.

19 JUDGE TURNER:

20 Right. The heat was off.

21 A. Heat was off ---

22 JUDGE TURNER:

23 Okay.

24 A. --- and the pedicure chair was not even hooked up
25 either.

1 JUDGE TURNER:

2 Okay. Does that complete your additional
3 testimony?

4 A. Yes, ma'am.

5 JUDGE TURNER:

6 Okay. Mr. Gross, do you have Cross
7 Examination?

8 ATTORNEY GROSS:

9 Very briefly, Your Honor.

10 RECROSS EXAMINATION

11 BY ATTORNEY GROSS:

12 Q. Mr. Pearl, what was the previous tenant in that
13 space?

14 A. The previous tenant in that space was a nail
15 salon.

16 Q. Did they use hot water?

17 A. No. They had no pedicure chair. They only did
18 nails.

19 Q. So it's your testimony that until this time, there
20 was no hot water in that space?

21 A. There was no hot water. The only hot --- there
22 was no hot water in that place whatsoever.

23 ATTORNEY GROSS:

24 Your Honor, I have no further questions
25 for Mr. Pearl.

1 JUDGE TURNER:

2 Okay. Now, we've marked PPL-Three.

3 ATTORNEY GROSS:

4 That's correct, Your Honor.

5 JUDGE TURNER:

6 And Mr. Pearl previously said that he did
7 not have any objections ---.

8 A. I have objections now.

9 JUDGE TURNER:

10 I thought you might. And what are they?

11 A. Well, that that is --- that cost estimate sheet is
12 inaccurate because he's doing calculations on things
13 yes, that were there, but were not in use.

14 JUDGE TURNER:

15 In the months which you're contesting.

16 A. Correct. In January and February, that spa and
17 --- the spa definitely was not there, four lights were
18 not there, and the electric hot water heaters were not
19 there. The furnace --- I can't argue that the furnace
20 wasn't there, the furnace was there, but there again,
21 the furnace was not hooked up. It was not on. But
22 those items, when he came, yes were there, but not in
23 the months of January and February.

24 JUDGE TURNER:

25 Okay. Do you have any other objections?

1 A. No, I don't.

2 JUDGE TURNER:

3 Okay. I'm going to admit it, subject to
4 the testimony you have given, the corrective
5 testimony. It is his work product and it's part of
6 the investigation. But I will only give it the value
7 to which it is entitled based on the testimony and his
8 responses to questions.

9 A. Okay.

10 JUDGE TURNER:

11 So PPL Exhibit Three is admitted.

12 ATTORNEY GROSS:

13 Thank you, Your Honor.

14 JUDGE TURNER:

15 Okay. And where does that leave us? I
16 understand Mr. Pearl's final position to be that he
17 refuses to pay the bill for \$455; is that correct, Mr.
18 Pearl?

19 A. That's correct, ma'am.

20 JUDGE TURNER:

21 What is PPL's final position?

22 ATTORNEY GROSS:

23 Your Honor, Ms. Roberts had earlier
24 testified that PPL's final position is that they
25 believe Mr. Pearl should pay that final bill.

1 JUDGE TURNER:

2 I'm sorry, I had forgotten that. Thank
3 you for restating it. So I'm not surprised that no
4 agreement was reached. There's no --- I guess no
5 partial position. Are you actually asking me to
6 affirm the BCS decision, which is PPL-Two?

7 ATTORNEY GROSS:

8 That is correct, Your Honor. That was
9 the BCS --- the BCS made the same decision, Your
10 Honor.

11 JUDGE TURNER:

12 All right. Thank you. Mr. Pearl is a
13 customer of PPL at other locations and I gather he is
14 paying his bill at other locations and so there's no
15 question of any other interruption of service, and I
16 gather there is no question of interruption of service
17 to the present tenant based on this bill?

18 ATTORNEY GROSS:

19 That is correct, Your Honor.

20 JUDGE TURNER:

21 Okay.

22 ATTORNEY GROSS:

23 This bill is not being used to threaten
24 Mr. Pearl with termination, as far as I am aware of.

25 JUDGE TURNER:

1 Or his current tenant?

2 ATTORNEY GROSS:

3 Or his current tenant.

4 JUDGE TURNER:

5 Okay. I guess my other question is, and
6 I don't think it's in the record. There's no way for
7 me to know what the baseline usage in this unit would
8 have been with just the lights and the sockets on.
9 Mr. Pearl has testified more than once that that's all
10 that was there and that's all that was on during the
11 times when he was contesting the bills. And the
12 closest I can come to that is the usage for March,
13 which is quite low. In any event, at this point, if
14 there's nothing more from either party, I will adjourn
15 for the day. I don't believe there's any need for any
16 late-filed exhibits. Mr. Pearl, it would have been
17 very advantageous for you to submit your bills, but as
18 it is you're accepting PPL's statement of your bills
19 or PPL-One.

20 A. Yes. Correct, ma'am.

21 JUDGE TURNER:

22 So do you have anything further?

23 A. I guess my only question, since this is a PUC
24 hearing, is there any way that I could ever get this
25 meter tested? That would make me a lot happier, which

1 I requested on a few occasions, if someone could
2 actually come and test this meter.

3 JUDGE TURNER:

4 Okay. You were aware that it was a
5 three-phase meter and different from a standard
6 residential meter?

7 A. I know how the complex is set up. Being a former
8 electrician and having my own business for 12 years,
9 I'm quite familiar with three phase, single phase, and
10 all of the things that go with it. And that was one
11 of my concerns that this --- and being 39 meters in
12 one location, it wouldn't be inconceivable that
13 someone could possibly get a wrong meter reading or
14 read the wrong meter. And this is what I asked to be
15 done from the very, very beginning. And I would have
16 been satisfied if they would have tested this meter,
17 but they never gave me any satisfaction. All they did
18 for me was send Mr. Ogden out with his calculations
19 and his bologna instead of doing something that I
20 think would have ended this problem a long, long time
21 ago. I would have been willing to work with them at
22 that point. When I got the situation --- put in the
23 situation where I was, I had no other alternative but
24 to be sitting here actually spending an hour and a
25 half, two hours of my day to do this, which I had a

1 customer that I was going to sell a home to walk out
2 on me. So, you know, I might have lost some \$500,000
3 sale to sit here and to go over a \$400 bill. That's
4 how strongly I feel about it.

5 JUDGE TURNER:

6 Okay. Mr. Gross?

7 ATTORNEY GROSS:

8 Yes, Your Honor?

9 JUDGE TURNER:

10 Can you have PPL test this meter?

11 ATTORNEY GROSS:

12 Your Honor, it wasn't relevant to this
13 case, but I am aware that at much --- at some point
14 later in the course of PPL's changing meters to AMR
15 meters, this meter was changed. So the meter that's
16 there today is not the same meter that was there at
17 that point.

18 JUDGE TURNER:

19 Well, I beg to differ with you. It is
20 relevant to this case. When you're talking about a
21 high bill complaint, you're always talking about the
22 meter reading. And one response to high bill
23 complaints often is to read the meter to say that it's
24 correct. And in fact, it's not unusual to do a test
25 of a meter during a field visit. Now Mr. Ogden has

1 explained to us that he doesn't have the equipment to
2 test a meter. But in fact ---.

3 ATTORNEY GROSS:

4 Your Honor, I think his testimony was
5 that he couldn't test that particular type of meter.
6 The three phase meter, which would have needed to be
7 taken out.

8 JUDGE TURNER:

9 I understand that. I understand that he
10 doesn't have the equipment to test that kind of a
11 meter. But I also believe that Mr. Pearl had asked
12 PPL to test the meter and check the meter and that
13 they never did that.

14 ATTORNEY GROSS:

15 Your Honor, that was Mr. Pearl's
16 testimony. Once again, I think Mr. Ogden's testimony
17 was the opposite of that. So I guess that will be a
18 credibility determination by you. But I ---.

19 JUDGE TURNER:

20 Well, I can tell you right now what my
21 credibility determination is. And it's not only Mr.
22 Ogden's testimony. Mr. Pearl had been on the phone
23 with PPL previously to register the complaint and, you
24 know, I do believe that he asked them to investigate
25 the meter. He gave that testimony under oath. So ---

1 but now you're telling me that it's impossible to test
2 that meter because that meter's gone; is that right?

3 ATTORNEY GROSS:

4 That is my understanding of it.

5 JUDGE TURNER:

6 Well, Mr. Pearl, I'm not sure it would
7 give you any satisfaction to have me ---.

8 A. Well, I understand, Your Honor. And this is kind
9 of like where I've been with this for the last year
10 trying to get things accomplished with PPL. When you
11 call customer service, you just keep getting shuffled
12 around to different people. And every time I have a
13 question, this is what usually arises.

14 JUDGE TURNER:

15 Okay. Do you --- I can direct them to
16 test this meter, if that would give you any
17 satisfaction.

18 A. No, because I think the bills --- I think the
19 bills, other than for those two months, have probably
20 been pretty much in line with what I had been paying
21 across at my unit, which is across the hall, which is
22 actually a bigger space. I don't have a problem with
23 an \$80 or \$90 a month bill, which is, I think, is
24 appropriate for this space and for the amount of ---.

25 JUDGE TURNER:

1 Okay. You've said that before.

2 ATTORNEY GROSS:

3 Your Honor, I would like to respond to
4 that briefly. I am certain that Mr. Pearl's testimony
5 is that he is not the rate payer there and that he
6 does not know how much the bills on that space are
7 right now.

8 A. Well, I have the same identical space except it's
9 about 300 square foot smaller, Mr. Gross. So I do
10 have a pretty good idea of what a typical bill is for
11 a space that's being used at this point. And that's
12 been my whole point through this thing. If I didn't
13 have a unit here ---

14 JUDGE TURNER:

15 Okay.

16 A. --- That had the same amount of space, or actually
17 more space than what's over there, then I wouldn't
18 even be arguing. I would say, well, that's just
19 the cost of doing business. But I have a unit that's
20 identical except bigger to the unit over there and I'm
21 using it more than it was being used for those two
22 months.

23 JUDGE TURNER:

24 Mr. Pearl, stop.

25 A. All right. I'm sorry.

1 JUDGE TURNER:

2 You've given that testimony before.

3 A. I know. But he made a statement and I'm just
4 trying to ---.

5 JUDGE TURNER:

6 Just let me respond. Mr. Gross, you
7 questioned him on that.

8 ATTORNEY GROSS:

9 Yes, I did.

10 JUDGE TURNER:

11 And you did not raise any kid of hearsay
12 objection. In fact, you asked him what he knew and he
13 told you what he knew.

14 ATTORNEY GROSS:

15 And I ---.

16 JUDGE TURNER:

17 So at this point, I have to find that
18 reliable testimony was given under oath. I cannot
19 base a finding on hearsay unless it's corroborated.
20 But I'll have to see what kind of corroboration there
21 is in this record.

22 ATTORNEY GROSS:

23 Understood, Your Honor. And I'm willing
24 to rely on the record what his testimony was.

25 JUDGE TURNER:

1 Fine. The question is, aside from what
2 we have said here, do you want to make a closing
3 statement or does Mr. Gross want to make a closing ---
4 I believe Mr. Pearl, excuse me, has made a closing
5 statement. Do you want to make any kind of a closing
6 statement, Mr. Gross?

7 ATTORNEY GROSS:

8 Your Honor, I have no additional closing
9 statement. If you would like briefs in this matter, I
10 would be happy to submit them. But I would defer to
11 you.

12 JUDGE TURNER:

13 Well, I would be very happy to have
14 briefs but I'm not sure that Mr. Pearl would be happy
15 to spend any more time filing one.
16 A. The only thing that I could possibly do that would
17 help in this decision-making process to clarify what
18 I've done is to go back into my records and pull the
19 bill and the payments for the plumber for the
20 installation of the hot water heaters to verify what
21 I'm saying is accurate and correct.

22 ATTORNEY GROSS:

23 Well, Your Honor, obviously, I think I
24 would object to that since that would be submitting
25 exhibits that I wouldn't have an opportunity to

1 question Mr. Pearl about.

2 A. Okay.

3 JUDGE TURNER:

4 Well, I could hold the record open and
5 allow him to submit those so that you can have a
6 question to the possibility to submit them because
7 that would give us the date when the water heaters
8 were installed. Why don't I do that?

9 I won't ask for closing statements, I
10 won't ask for briefs. I will hold the record open ten
11 days to allow Mr. Pearl to find those bills, copy
12 them, send a copy to me and a copy to Mr. Gross, and
13 if we need to have a further brief telephonic hearing,
14 we can. If not, maybe Mr. Pearl and Mr. Gross can
15 discuss about their admissibility and work something
16 out. All right. So Mr. Pearl, you'll send copies to
17 Mr. Gross and to me.

18 A. And you are in the 1302 Philadelphia State Office
19 Building?

20 JUDGE TURNER:

21 Yes, sir.

22 A. And Mr. Gross, you're on 33 South Seventh Street
23 in Allentown?

24 ATTORNEY GROSS:

25 That's correct.

1 A. All right. I will get them out to you, probably
2 by the end of the week.

3 JUDGE TURNER:

4 Okay. Thank you very much. We will
5 adjourn for the day. I will not close the record
6 until after I receive the plumbing bills. Is it
7 possible that either or both of you have email?

8 ATTORNEY GROSS:

9 I do, Your Honor.

10 A. I believe we do, Your Honor. But I am not the
11 computer literate person, Your Honor. My partner does
12 all of that.

13 JUDGE TURNER:

14 Well, when you send those bills in, would
15 you ask your partner to put your email address on it?

16 A. Absolutely.

17 JUDGE TURNER:

18 And then I can communicate with you by
19 email and Mr. Gross?

20 ATTORNEY GROSS:

21 I can give you my email address now, Your
22 Honor.

23 JUDGE TURNER:

24 That's good because everything I have
25 here is from Kimberly Krupca. So what is your email?

1 ATTORNEY GROSS:

2 It's JGross ---.

3 JUDGE TURNER:

4 JGross, G-R-O-S-S?

5 ATTORNEY GROSS:

6 That's correct.

7 JUDGE TURNER:

8 Yes. At?

9 ATTORNEY GROSS:

10 @qmie ---

11 JUDGE TURNER:

12 G-M-L-E ---

13 ATTORNEY GROSS:

14 --- .com.

15 JUDGE TURNER:

16 --- .com.

17 ATTORNEY GROSS:

18 Your Honor, I was considering this as

19 well. I do think that there will be a problem ---

20 there is a potential problem regarding the

21 admissibility of those plumbing bills unless the

22 individual who did the work is going to testify.

23 JUDGE TURNER:

24 I understand. I had expected you to say

25 that before. But just send them and look at them and

1 see where you are.

2 ATTORNEY GROSS:

3 Understood, Your Honor.

4 JUDGE TURNER:

5 Okay. And then we can communicate by
6 email. So it's very important, Mr. Pearl, that you
7 send your email along with the bills.

8 A. I will definitely do that, Your Honor.

9 JUDGE TURNER:

10 Okay. Thank you.

11 A. Thank you.

12 JUDGE TURNER:

13 So I'll expect to hear from you within
14 ten days and, Mr. Gross, you can send me your response
15 as soon as you get them.

16 ATTORNEY GROSS:

17 Understood, Your Honor.

18 A. And ma'am, if we do need for my plumber to come, I
19 could definitely have him at my office to testify.

20 JUDGE TURNER:

21 Okay. Thank you.

22 A. All right. Thank you. Bye now.

23 JUDGE TURNER:

24 We are adjourned for the day.

25 ATTORNEY GROSS:

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Okay. Bye-bye.

JUDGE TURNER:

Bye.

* * * * *

HEARING CONCLUDED AT 11:55 A.M.

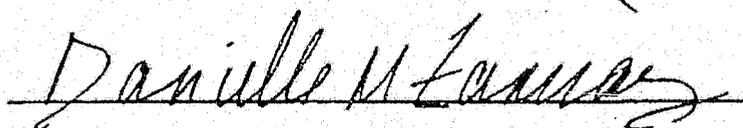
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