

DOCUMENT 1

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Angel M. Warner, |
v. |
West Penn Power Company |
Telephonic Hearing

Docket No.: C-20042897

Pages: 1 - 15

Pittsburgh State Office Bldg.
300 Liberty Avenue
11th Floor
Pittsburgh, PA 15222

Thursday, January 19, 2005
Commencing at 10:15 a.m.

BEFORE:

LARRY GESOFF, Administrative Law Judge

APPEARANCES:

JOHN L. MUNSCH, Esquire
800 Cabin Hill Drive
Greensburg, PA 15601
For the Respondent

REPORTER: WENDY BLAIR

SECRETARY'S BUREAU
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<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Taylor	6	10		

P R O C E E D I N G S

1
2 -----
3 JUDGE LARRY GESOFF:

4 This is the time and place set by the
5 Pennsylvania Public Utility Commission for a further
6 telephonic hearing in the complaint of Angel M. Warner
7 against West Penn Power Company, Docket Number C-
8 20042897. I am Larry Gesoff, the Administrative Law
9 Judge, assigned to this proceeding as a special agent.
10 I note the appearance of John L. Munsch on behalf of
11 West Penn Power Company.

12 I placed two telephone calls to Ms.
13 Warner at the number listed on the complaint and
14 received an answering machine message. And left a
15 message for her to call by 10:15 or the hearing would
16 proceed without her and she would be in danger of
17 losing her case.

18 Mr. Munsch is on the phone and ready to
19 proceed. Mr. Munsch, I'll call you back at 10:15.

20 ATTORNEY MUNSCH:

21 That's fine, Your Honor. My witness and
22 I will be waiting.

23 JUDGE GESOFF:

24 Okay. Thanks.

25 ATTORNEY MUNSCH:

1 Thank you.

2 JUDGE GESOFF:

3 By the way, is this --- I don't think
4 this is a CAP account?

5 ATTORNEY MUNSCH:

6 No. Angel Warner is not a CAP.

7 JUDGE GESOFF:

8 Right. Okay. All right. I'll call
9 back.

10 ATTORNEY MUNSCH:

11 Okay. Thank you.

12 JUDGE GESOFF:

13 Thanks. Bye.

14 SHORT BREAK TAKEN

15 JUDGE GESOFF:

16 Okay. We're back on the record. We
17 still don't have a court reporter. We have a --- so
18 I'm tape recording this. Do you want to put a witness
19 on, or what?

20 ATTORNEY MUNSCH:

21 I think I'll put a witness on for the
22 purpose of showing that Angel Warner has not kept up
23 with her payment agreement.

24 JUDGE GESOFF:

25 Okay. And that --- is that Ms. Taylor?

1 ATTORNEY MUNSCH:

2 Yes.

3 JUDGE GESOFF:

4 Okay.

5 -----
6 TAMMY TAYLOR, HAVING FIRST BEEN DULY SWORN, TESTIFIED
7 AS FOLLOWS:
8 -----

9 JUDGE GESOFF:

10 Okay. Go ahead, Mr. Munsch.

11 DIRECT EXAMINATION

12 BY ATTORNEY MUNSCH:

13 Q. Thank you. Can you tell me what you do for West
14 Penn Power, Ms. Taylor?

15 A. Yes. My name is Tammy Taylor, T-A-M-M-Y,
16 T-A-Y-L-O-R, and I'm a specialist with West Penn
17 Power.

18 Q. What's your job function as a specialist?

19 A. Part of my responsibilities involve maintaining
20 records on the formal complaint, investigating and
21 researching them and trying to resolve them whenever
22 possible.

23 Q. Have you read the formal complaint filed against
24 West Penn by Angel Warner?

25 A. Yes.

1 Q. Are you familiar with Ms. Warner's payment
2 history?

3 A. Yes.

4 Q. I'd like you to refer to Exhibit A. Could you
5 tell me what that is?

6 A. Yes. Exhibit A is the closing information when
7 BCS handled the informal complaint of Ms. Warner. The
8 decision that was issued on November 29, 2003 is
9 listed in this closing case.

10 Q. And what was the result of the BCS decision?

11 A. The customer was to pay \$800 by December 23rd,
12 2003, and then begin paying budget bill plus \$100
13 monthly beginning January 2004.

14 Q. And what was the budget bill?

15 A. The budget bill at that time was \$53.

16 ATTORNEY MUNSCH:

17 I'd ask that Exhibit A be marked for the
18 record.

19 BY ATTORNEY MUNSCH:

20 Q. Ms. Taylor, could you tell me what Exhibit B is?

21 A. Exhibit B is a payment arrangement history that
22 was made with Ms. Warner. It lists company agreements
23 and BCS agreements that were made on the account of
24 Angel Warner.

25 JUDGE GESOFF:

1 Okay. Can I stop for a second? Sorry to
2 interrupt, but I have the BCS decision, Exhibit A, in
3 front of me. And it has a special budget amount of
4 \$146, which is \$46 plus \$100.

5 A. Yes. You're correct. That is right.

6 JUDGE GESOFF:

7 Instead of the \$53?

8 A. Yes.

9 JUDGE GESOFF:

10 Okay.

11 A. Your Honor, by the time we set the Agreement ---
12 by the time we received the decision and set the
13 agreement up, her budget had increased to \$53.

14 JUDGE GESOFF:

15 Okay. I'm sorry. Go ahead.

16 ATTORNEY MUNSCHE:

17 Thank you.

18 BY ATTORNEY MUNSCHE:

19 Q. Could you turn to Exhibit C and explain what that
20 is?

21 A. Yes. Exhibit C is the account statement of Angel
22 Warner. There're actually two pages here. The first
23 page being Angel Warner's account from August 2003 up
24 through April of 2004. Her account was final billed
25 at that time, but then she did continue to get service

1 again starting in July 2004. So the second page says
2 where that service was continued again at the same
3 location. But this was the bills and the payment
4 history of the customer.

5 Q. And has Ms. Warner paid in accordance with the BCS
6 decision?

7 A. No, she has not.

8 Q. When was her last payment?

9 A. The last payment was \$75 on November 3rd, 2004.

10 Q. What's her current arrearage?

11 A. Her current arrearage is \$4,482.50.

12 Q. Okay. Ms. Taylor, have you talked to Ms. Warner?

13 A. Not recently. We had spoken with her back in
14 August, I believe, but nothing since then.

15 Q. Are you aware whether or not she or her household
16 has had a change in income since the BCS decision?

17 A. I'm not aware of any, no. Actually, if I could
18 correct myself, I'm noticing here the note that I have
19 on her account. We spoke with her as late as
20 November, 2004. And at the time she did not have a
21 change in income.

22 Q. Did she make that statement to you?

23 A. To the person that spoke with her, which was not
24 me.

25 Q. Are your records kept in a normal course of

1 business of Allegheny Power?

2 A. Yes.

3 Q. Are you the custodian of those customer service
4 records?

5 A. Yes.

6 Q. Are you the custodian of the records as shown in
7 Exhibits A, B and C?

8 A. Yes, I am.

9 Q. Thank you.

10 ATTORNEY MUNSCHE:

11 Your Honor, that's all I have for Ms.
12 Taylor.

13 JUDGE GESOFF:

14 Okay. Let's see. Based upon the
15 discussion when you were settling the matter, she was
16 reporting as I recall, \$1,640 a month in gross income.
17 Do your records reflect that, Ms. Taylor?

18 A. I know she told us in November that it was \$1,680,
19 so I would have that is probably in the right range.

20 JUDGE GESOFF:

21 Okay. This was August 24th when we had
22 this discussion. And you're reporting as of when did
23 you say?

24 A. November 23rd.

25 JUDGE GESOFF:

1 November 23rd. And then it was at that
2 time \$1,680?

3 A. Yes.

4 JUDGE GESOFF:

5 Okay.

6 A. And then also she reported \$220 additional that
7 she was receiving Social Security income for her son
8 in November.

9 JUDGE GESOFF:

10 Okay. Well, if that's the case, that
11 would mean about \$1,900 for two people in the house,
12 and that would put her in Level II, which is a 24-
13 month payback. Okay. Is there a catch-up amount
14 under the BCS decision?

15 A. Yes, Your Honor. The catch-up amount for the BCS
16 decision is \$1,570.

17 JUDGE GESOFF:

18 Can you break that down for me? Is the
19 \$800 ---?

20 A. \$800 by December 23rd.

21 JUDGE GESOFF:

22 Right.

23 A. \$153 by January 4th.

24 JUDGE GESOFF:

25 Okay.

1 A. \$156 by February 4th. \$161 by March --- I'm
2 sorry. I'm saying the 4th of the month, but I mean
3 '04. Excuse me for that error.

4 JUDGE GESOFF:

5 Okay.

6 A. I told you \$161 in March, \$164 in April, \$167 in
7 May, \$174 in September, \$175 in October, \$175 in
8 November, \$175 in December, and \$175 in January.

9 JUDGE GESOFF:

10 Okay. So if I added those up and they
11 would amount to ---?

12 A. Adding those up amounts to \$2,475.

13 JUDGE GESOFF:

14 Okay.

15 A. Payments during that period amounted to \$905.

16 JUDGE GESOFF:

17 Okay.

18 A. The difference is \$1,570.

19 JUDGE GESOFF:

20 Okay. Well, without --- I guess I have
21 to use that household income when I make a decision.
22 And this will be the first one I've written like this.
23 And I guess what I have to do --- well, yeah, I know
24 what I'll do. I'll just say you bill her whatever the
25 amount is divided by 24, and that would be the plus

1 amount. I think that's how I'd do it. Okay.

2 ATTORNEY MUNSCH:

3 We were discussing this before the
4 hearing started and frankly, our objective is to get
5 through this without an appeal. So I think we read it
6 the same way. That is would be the full amount over
7 24 months. However you want to divide it up.

8 JUDGE GESOFF:

9 Yeah, my decision wouldn't come up with
10 an amount, I don't think, because I don't know what
11 it's going to be.

12 ATTORNEY MUNSCH:

13 It's changing.

14 JUDGE GESOFF:

15 Yes, at the time you bill her, that's the
16 amount it would be divided by 24. And I'll write it
17 up like that. And Level II is all I have to go with
18 according to what you've testified to, although the
19 evidence isn't real strong about her household income.
20 But we'll see what the Commission does with it.
21 This will, you know, for a few decisions, I guess they
22 might get bounced back to us, and that will give us
23 their expert opinion on it.

24 All right. Exhibits One, Two and Three
25 are admitted. And I guess that's what you're asking

1 for, Mr. Munsch, is a decision dismissing her
2 complaint and asking for a 24-month payback on the
3 arrearage.

4 (Respondent's Exhibits One, Two & Three
5 marked for identification.)

6 ATTORNEY MUNSCH:

7 Yes, we would agree that the complaint
8 should be dismissed, but we will agree to enter into a
9 24-month payback arrangement.

10 JUDGE GESOFF:

11 That's what you're asking for?

12 ATTORNEY MUNSCH:

13 Yes.

14 JUDGE GESOFF.

15 Okay. All right. The hearing is
16 concluded.

17 * * * * *

18 HEARING CONCLUDED AT 10:30 A.M.

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