

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

PASQUALE PROPATO  
v.  
PECO ENERGY COMPANY

Docket No.: C-20055474

Initial Hearing

Pages: 1-84

DOCUMENT  
FOLDER

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

February 15, 2006  
Commencing at 10:00 a.m.

BEFORE:

Ky Van Nguyen, Administrative Law Judge

APPEARANCES:

PASQUALE PROPATO, Pro Se  
For the Complainant

LISA LUTZ, Esquire  
2301 Market Street/S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
For the Respondent

REPORTER: JOSHUA HESS

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PA PUBLIC UTILITY COMMISSION  
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JUDGE KY VAN NGUYEN:

Pasquale Propato against PECO Energy Company at Docket Number C-2055474. My name is Ky Van Nguyen. I am Administrative Law Judge presiding over this hearing. I will ask the parties to identify themselves for the record. Mr. Propato, can you identify yourself for the record?

MR. PROPATO:

I'm the owner of Little Pat's Pizza.

JUDGE NGUYEN:

No. Can you identify yourself for the record?

MR. PROPATO:

My name is ---.

JUDGE NGUYEN:

I need your name and business address.

MR. PROPATO:

Yes. My name is Pasquale Propato, 104 Moreland Road, Hatboro, PA 19040.

JUDGE NGUYEN:

Thank you. Ms. Lutz?

ATTORNEY LUTZ:

Yes, Your Honor. I am Lisa Lutz, counsel

1 for PECO Energy. My business address is 2301 Market  
2 Street, Philadelphia, PA 19101.

3 JUDGE NGUYEN:

4 Thank you. Now, Mr. Propato, before you  
5 testify, I have to swear you in first. Please stand  
6 and raise your right hand.

7 -----

8 PASQUALE PROPATO, HAVING FIRST BEEN DULY SWORN,  
9 TESTIFIED AS FOLLOWS:

10 -----

11 JUDGE NGUYEN:

12 Tell me what you are complaining about.

13 MR. PROPATO:

14 My complaint is, Your Honor, if you  
15 received a letter I faxed you. If I can read it? It  
16 says, Dear Customer, --- I got this in October --- the  
17 beginning of October. We checked your electric  
18 service and found a problem. Your meter was not  
19 registering all the electricity you were using. As a  
20 result, you were billed for less service than you  
21 actually used. We corrected the problem with the  
22 electric service and are billing you for additional  
23 charges.

24 JUDGE NGUYEN:

25 You are a commercial customer?

1 A. Yes, I'm a commercial customer?

2 JUDGE NGUYEN:

3 Commercial?

4 A. Yes.

5 JUDGE NGUYEN:

6 Okay. What do you sell at your business  
7 establishment?

8 A. Pizza.

9 JUDGE NGUYEN:

10 Pizza, okay.

11 A. Yes. We based these charges on an average of  
12 actual use of service. The new bill is for a long  
13 period of time --- longer period of time. This bill  
14 will cover from the period of 11/07/02 to 08/09/05,  
15 for an additional 53,703 kilowatts in the amount of  
16 \$6,228 plus tax on PECO Energy rate calculation for an  
17 additional electric charge. This is what I received  
18 just out of the blue. This is what I have. I don't  
19 have a problem with paying my PECO bills. As you saw,  
20 I mailed in all my bills from the day I opened  
21 until ---

22 JUDGE NGUYEN:

23 When did you open?

24 A. --- this day.

25 JUDGE NGUYEN:

1                   When you did you open your business?

2 A.   I opened my business two months before this meter  
3 was reading wrong, in August of '02.

4                   JUDGE NGUYEN:  
5                   August of '02.

6 A.   Yes.

7                   JUDGE NGUYEN:  
8                   So in August of '02, they discovered the  
9 meter is --- something wrong with it.

10 A.   No, in November of '02, they discovered something  
11 was wrong. November 7th, to be exact.

12                   JUDGE NGUYEN:  
13                   November 7th.

14 A.   I had no explanation on how or why. All I know is  
15 that they told me that we changed the meter already  
16 two months after they gave me this. They changed my  
17 meter. I didn't know. I don't check my meter number  
18 when I pay my bills. I just pay my bills. They told  
19 me that, oh, well, we changed your meter two months  
20 ago and you owe us \$6,601.

21       Now, my questions for the Court and for PECO is  
22 that how come my meter was not checked when I come ---  
23 when I came down to change service, you have to come  
24 all the way downtown which took me an hour and ten  
25 minutes today speeding. Made me wait in a waiting

1 room with a number ---.

2 JUDGE NGUYEN:

3 Tell me about the location of your  
4 business.

5 A. My location is in a strip center.

6 JUDGE NGUYEN:

7 Strip center?

8 A. Strip center. Yeah, there's six stores in there;  
9 a laundromat next to me, my pizzeria, a dry cleaners,  
10 an eyeglass place, Diary Queen and a Mexican  
11 restaurant.

12 JUDGE NGUYEN:

13 How about an address? Tell me the  
14 address of business.

15 A. It's 104 Moreland Road, Hatboro, PA 19040.

16 JUDGE NGUYEN:

17 That is your residence or business?

18 A. My residence? That's my residence of business,  
19 yes.

20 JUDGE NGUYEN:

21 Okay.

22 A. You can also call it my home. I'm there 13 hours  
23 a day, seven days a week.

24 JUDGE NGUYEN:

25 What for --- they told you there was a

1 something wrong with your meter ---?

2 A. No.

3 JUDGE NGUYEN:

4 Did they check the meter?

5 A. This is the first letter I received. They didn't  
6 tell me there was something wrong with the meter.  
7 They just gave me this letter two months after  
8 changing my meter, I received this letter. I didn't  
9 know they changed it in August 8th. I received this  
10 in October.

11 JUDGE NGUYEN:

12 Did you find anything unusual about your  
13 bills; the bills before November 7th, 2002?

14 A. No, my bills have gone up. They've ---.

15 JUDGE NGUYEN:

16 These are lower than after November 7th,  
17 2002?

18 A. No.

19 JUDGE NGUYEN:

20 No. The same thing?

21 A. Well, they go up every month, of course, since the  
22 day I've opened, but that's energy --- the price of  
23 gas goes up. As you can tell ---.

24 JUDGE NGUYEN:

25 PECO Energy to --- what do you do with

1 your electric ---?

2 A. Excuse me?

3 JUDGE NGUYEN:

4 What do you do with your electric ---?

5 You use to light or what?

6 A. Yeah, I have basics, pretty much the same lighting  
7 like this. My pizzeria is about this size.

8 JUDGE NGUYEN:

9 Uh-huh (yes).

10 A. Same lightening. I have, as she was in the other  
11 day to check it to make sure everything was okay. I  
12 had two ovens, one grill, one deep fryer, two Bamberi  
13 (phonetic) refrigerators, a Coke machine and  
14 refrigerators in the back and a freezer in the back  
15 --- two freezers in the back.

16 JUDGE NGUYEN:

17 So it was the same as before?

18 A. Nothing's changed. It's the same equipment that  
19 I've had since the day I've opened.

20 JUDGE NGUYEN:

21 Tell me about your equipment.

22 A. My equipment?

23 JUDGE NGUYEN:

24 Uh-huh (yes).

25 A. I have a pizza station with a refrigerator

1 underneath.

2 JUDGE NGUYEN:

3 What?

4 A. A pizza ---

5 JUDGE NGUYEN:

6 Pizza ---

7 A. --- station ---

8 JUDGE NGUYEN:

9 --- station.

10 A. --- with a refrigerator underneath. On the other  
11 side, I have a Bamberi, which is a refrigerator and  
12 you put lunch meats and lettuce -

13 JUDGE NGUYEN:

14 Bamberi?

15 A. Bamberi. It's called a Bamberi.

16 JUDGE NGUYEN:

17 And Bamberi is what, a freezer?

18 A. A refrigerator. Two freezers, one slicer.

19 JUDGE NGUYEN:

20 One what?

21 A. Slicer. To slice lunch meat, one.

22 JUDGE NGUYEN:

23 Slicer.

24 A. Yes. And one walk-in refrigerator.

25 JUDGE NGUYEN:

1                   What?

2 A.   Walk-in refrigerator.  It's a door you can open  
3 and you walk in.  It's a refrigerator.

4                   JUDGE NGUYEN:

5                   A walk-in.

6 A.   Yes, walk-in.

7                   JUDGE NGUYEN:

8                   What else?

9 A.   An air conditioner on top.

10                  JUDGE NGUYEN:

11                  On top of the working ---?

12 A.   On the roof of the building.

13                  JUDGE NGUYEN:

14                  Do you have air conditioner --- air  
15 conditioner?

16 A.   Yes.

17                  JUDGE NGUYEN:

18                  On top?

19 A.   Yes.

20                  JUDGE NGUYEN:

21                  What else?

22 A.   That's it, sir.  My rent is \$1,200 a month.

23 Actually, it just went up so it's \$1,265.  Every year  
24 it goes up.

25                  JUDGE NGUYEN:

1                   What is the cost of electricity before  
2 November 7th, 2002? What was the price you had to pay  
3 each month before November 7th, ---?

4 A. Well, I was only open for two months prior to  
5 that.

6                   JUDGE NGUYEN:

7                   Prior to when?

8 A. November, 2002. I was open --- yeah, actually, by  
9 the time you get your bill, it's probably one month.  
10 And Your Honor, another thing, I did not get until,  
11 actually, yesterday.

12                   JUDGE NGUYEN:

13                   Uh-huh (yes).

14 A. I didn't have an air conditioner unit there until  
15 '05. That used --- I actually went in, in November  
16 --- no, September of '04, which you don't use air  
17 conditioning around this area all winter. And this is  
18 from the landlord that I didn't even realize and I'm  
19 sorry that I didn't send it in. But my wife said that  
20 they estimate an air conditioner in those years that I  
21 was using because I didn't have one. And I do  
22 apologize for not sending that in, but my wife said  
23 --- brought that up yesterday. And I asked the  
24 landlord for the air conditioner thing and here's when  
25 they put it in. This is from the landlord. It has

1 nothing to do with me. I did not pay for it.

2 JUDGE NGUYEN:

3 Does it say anything about you meet her?

4 A. I called after receiving this letter --- I called  
5 and got no reply at all. Actually, she just told me  
6 that that's what it is ---.

7 JUDGE NGUYEN:

8 Who is she?

9 A. The lady --- I did not take her name. This was  
10 just to find out information about the letter. I did  
11 not take her name and I hung up and tried to get  
12 somebody else because sometimes you just work better  
13 with somebody else. Somebody else might be able to  
14 help you. Dealing with PECO, knowing that the numbers  
15 1-800-494-4000, which is something I had to just know  
16 because I've been on the phone with them over a dozen  
17 hours just trying to get information. And nobody  
18 informed me that I could even go to PJC until my  
19 customers did. Nobody on their phone told me that,  
20 which made me a little upset, after hours and hours of  
21 dealing on the phone. And then when I was ---.

22 JUDGE NGUYEN:

23 So you received this letter in 2005?

24 A. I received this letter in October, yes, 2005,  
25 approximately, three months ago --- three and a half

1 months ago.

2 JUDGE NGUYEN:

3 It says they found something wrong with  
4 your meter two months after November 2002, and they  
5 notified you not until September 28th, 2005.

6 A. Correct. That's when the letter was sent out. I  
7 didn't actually receive it until October. That's when  
8 the letter is dated. That's when they wrote the  
9 letter, September 20th. My birthday is October 5th,  
10 so that's how I remember.

11 JUDGE NGUYEN:

12 Did you do anything to the meter?

13 A. No, sir.

14 JUDGE NGUYEN:

15 No?

16 A. No, sir. I don't even know which meter is mine.

17 JUDGE NGUYEN:

18 How many meters are there?

19 A. Well, there's six stores back there. Six.

20 JUDGE NGUYEN:

21 And they are on the same ---

22 A. Well, there's ---.

23 JUDGE NGUYEN:

24 --- location?

25 A. There all have a couple. Your Honor, I know

1 nothing about electricity. I don't know how it works.  
2 This is not my first commercial business, but all I  
3 know is PECO bill comes in, you pay it. And if they  
4 can check my records, I never had a problem paying my  
5 PECO bills.

6 JUDGE NGUYEN:

7 What did you do before?

8 A. I used to manage a restaurant --- I used to manage  
9 a restaurant for my father-in-law which passed away  
10 eight months ago. And my first business I started  
11 when I was 20-years old. It was an ice cream store.

12 JUDGE NGUYEN:

13 What?

14 A. Ice cream.

15 JUDGE NGUYEN:

16 Oh.

17 A. When I was 20. And then ---

18 JUDGE NGUYEN:

19 You worked for your father-in-law?

20 A. --- I was working for my father-in-law fulltime  
21 managing a restaurant.

22 JUDGE NGUYEN:

23 Where was that?

24 A. It's Giuseppe's Pizza in all of Montgomery and  
25 Bucks County. It's a couple --- it's a franchise.

1 They have about eight and I was managing Warminster  
2 and New Hope location.

3 JUDGE NGUYEN:

4 How old are you?

5 A. I'm 32 --- 33 now, Your Honor.

6 JUDGE NGUYEN:

7 And you have no knowledge of electricity?

8 A. No, Your Honor. I know how to make pizzas and I  
9 know how to cut breads. That's all I did my whole  
10 life. I grew up landscaping and my family's been in  
11 the landscaping business for 30 years. And in the  
12 wintertime, I used to make pizzas for money in the  
13 winter. I'm dyslexic so I was never really good at  
14 school so I worked. That's it.

15 JUDGE NGUYEN:

16 Ms. Lutz?

17 ATTORNEY LUTZ:

18 Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY ATTORNEY LUTZ:

21 Q. Mr. Propato, if you could tell us a little more  
22 about your business. The business, again, at the  
23 address for your pizza business, again, is on Moreland  
24 Road in Hatboro; correct?

25 A. Yes.

1 Q. What is the name of your business?

2 A. Little Pat's Pizza.

3 Q. Little Pat's Pizza. Okay. And you indicated that  
4 you receive commercial service. It's not a residence  
5 in any way? No one lives there; is that correct?

6 A. No.

7 Q. It's a business; right?

8 A. Yes.

9 Q. It's a restaurant. Do you have it registered in  
10 the State of Pennsylvania as a business?

11 A. Yes.

12 Q. And is it a corporation or ---?

13 A. Yes, I'm a corporation.

14 Q. You're --- it's a corporation. Okay. Prior to  
15 today's hearing, we had --- you and I had several  
16 phone conversations. I believe our most recent one we  
17 discussed the hearing notice that was issued by the  
18 Commission for today's hearing. Do you recall that  
19 conversation?

20 A. Yes.

21 Q. And do you recall, in that conversation, we  
22 discussed that there was some confusion because it was  
23 listed as telephonic and then it was in person?

24 A. Yes.

25 Q. But you acknowledged getting the hearing notice

1 for today; correct?

2 A. Yes.

3 Q. Okay. And prior to that time, Judge Nguyen,  
4 issued a pre-hearing order about sending exhibits and  
5 such. Did you get that ---

6 A. Yes.

7 Q. --- pre-hearing order?

8 A. Yes.

9 Q. In both of those documents, it indicates that if  
10 you are a corporation, you must have an attorney to  
11 represent you in the proceeding; do you recall seeing  
12 that?

13 A. Actually, Ms. Lutz, your people told me I can  
14 represent ---

15 Q. Do you recall seeing that?

16 A. --- myself.

17 Q. Do you recall seeing that in the order, in the  
18 hearing notice you received?

19 A. It says a whole bunch of stuff, yes.

20 Q. Do you recall seeing that?

21 A. No, I do not.

22 Q. But you recall getting the order, the pre-hearing  
23 order and the hearing notice for today; correct?

24 A. Yes.

25 Q. Okay.

1                   ATTORNEY LUTZ:

2                   Your Honor, at this time, I would like to  
3 make a motion to dismiss because Mr. Propato is ---  
4 acknowledged that he did, in fact, get both the  
5 hearing notice and to the pre-hearing order --- he  
6 acknowledged that his business is a corporation in the  
7 State of Pennsylvania and under 52PA Code 1.21B, he is  
8 not able to represent himself or testify on behalf of  
9 the corporation.

10                   JUDGE NGUYEN:

11                   Can he testify for himself?

12                   ATTORNEY LUTZ:

13                   He is testifying on behalf of the  
14 business.

15                   JUDGE NGUYEN:

16                   He's testified for himself.

17 A.    I want to testify for myself. I don't want to  
18 hire an attorney.

19                   JUDGE NGUYEN:

20                   I have no problem with him testifying for  
21 himself.

22 A.    You're always allowed to hire yourself as an  
23 attorney, at least in the country I knew.

24                   ATTORNEY LUTZ:

25                   Okay. I would like to note for the

1 record under the hearing notice and a pre-hearing  
2 order under 1.21B, he is not able to testify on behalf  
3 of the corporation.

4 JUDGE NGUYEN:

5 I will take that under advisement.

6 ATTORNEY LUTZ:

7 Thank you, Your Honor.

8 BY ATTORNEY LUTZ:

9 Q. Mr. Propato, when was your business incorporated?

10 A. 2002.

11 Q. And it is incorporated in the State of  
12 Pennsylvania; correct?

13 A. Yes.

14 ATTORNEY LUTZ:

15 Okay. Your Honor, I have no further  
16 questions for him.

17 JUDGE NGUYEN:

18 Okay. Thank you. You may present  
19 witnesses.

20 ATTORNEY LUTZ:

21 Thank you, Your Honor. I would first  
22 like to call to testify, Mr. Tom Disciullo.

23 JUDGE NGUYEN:

24 Mr. Disciullo. You will stand and raise  
25 your right hand.

1 -----  
2 THOMAS DISCIULLO, HAVING FIRST BEEN DULY SWORN,  
3 TESTIFIED AS FOLLOWS:  
4 -----

5 JUDGE NGUYEN:

6 Thank you. Okay.

7 ATTORNEY LUTZ:

8 Your Honor, may I approach with the  
9 exhibits?

10 JUDGE NGUYEN:

11 Yes.

12 DIRECT EXAMINATION

13 BY ATTORNEY LUTZ:

14 Q. Mr. Disciullo, would you please state your full  
15 name and spell it for the record?

16 A. Thomas Lewis Disciullo.

17 JUDGE NGUYEN:

18 How do you spell Disciullo?

19 A. D-I-S ---

20 JUDGE NGUYEN:

21 D-I-S ---

22 A. --- C-I-U

23 JUDGE NGUYEN:

24 --- C-I-U.

25 A. --- L-L-O.

1                   JUDGE NGUYEN:

2                   Okay. Thank you.

3 BY ATTORNEY LUTZ:

4 Q. Mr. Disciullo, by whom are you employed?

5 A. PECO Energy.

6 Q. And what is your business address?

7 A. Currently, right now, it's Plymouth Service  
8 Building.

9 Q. In what city?

10 A. Plymouth.

11 Q. Thank you. How long have you been employed by  
12 PECO?

13 A. 16 years.

14 Q. And in the course of your employment with PECO,  
15 have you had the opportunity to visit the commercial  
16 business of Little Pat's Pizza?

17 A. Yes.

18 Q. And do you recall when you visited that property?

19 A. Yes. It was August 18th.

20 Q. August 18th of what year?

21 A. Of '05.

22 Q. '05. Okay.

23                   JUDGE NGUYEN:

24                   August 18th.

25 BY ATTORNEY LUTZ:

1 Q. Of '05?

2 A. Correct.

3 Q. Mr. Disciullo, at the time of your visit to the  
4 Little Pat's Pizza, what was your position title with  
5 PECO?

6 A. Revenue protections technician.

7 Q. Would you please describe your duties as a revenue  
8 protection specialist?

9 A. I inspected electric and gas meters. When I'm  
10 transmitting, I work them properly or if there was a  
11 suspected theft at a property, I'd go and inspect it  
12 and correct it.

13 Q. Okay. Mr. Disciullo, can I refer you to what has  
14 been marked as PECO Exhibit Number Two. Would you  
15 please describe this exhibit?

16 (PECO Exhibit Two marked for  
17 identification.)

18 A. The Revenue Protection Theft Report. And what  
19 that basically is, is if I find a meter that appears  
20 to be tampered with, I will fill out a report and put  
21 my remarks on there.

22 BY ATTORNEY LUTZ:

23 Q. Okay. And what has been marked as PECO Exhibit  
24 Two is a two-page document; correct?

25 A. Correct. And the second page is the meter change

1 form.

2 Q. Okay. Now, Mr. Disciullo, can you tell us  
3 beginning on page one, first of all, is this --- was  
4 this page one completed by yourself?

5 A. Yes.

6 Q. Okay. Would you please identify in this exhibit  
7 where Pat's Pizza location is noted on this report?

8 A. That would be at the top. One indication would be  
9 the account number and the street address.

10 Q. At the very top on page one, the account number is  
11 the account number for Little Pat's Pizza and the  
12 address is his business address; correct?

13 A. Correct.

14 Q. And would you tell us where it indicates the date  
15 of your visit?

16 A. That would be the third line down; it says date  
17 the theft was discovered.

18 Q. And that date was what?

19 A. August 18th, '05.

20 Q. Now, what was your specific reason for being at  
21 this strip mall location on that day; do you recall?

22 A. One of the stores, the gas meter was not  
23 transmitting readings so my first job was to correct  
24 that.

25 JUDGE NGUYEN:

1                   What is the name of that business?

2 A.   Actually, I'm not even sure which store that was  
3 when I was there for the gas.   But after the gas ---.

4                   JUDGE NGUYEN:

5                   You are not sure?

6 A.   Yes.   This was six months ago.

7                   JUDGE NGUYEN:

8                   And it is a gas ---?

9 A.   Correct.   A gas meter.

10                  JUDGE NGUYEN:

11                  Then the shop was using gas?

12 A.   Yes.

13                  JUDGE NGUYEN:

14                  So it is not the meter of Mr. Propato?

15 A.   No.   I was not there for his store.

16                  JUDGE NGUYEN:

17                  Does Mr. Propato use gas in --- use gas?

18 A.   I believe he has a gas meter on his account.

19                  JUDGE NGUYEN:

20                  That gas meter can count the number.   Do  
21 you have it?

22 A.   No.

23                  JUDGE NGUYEN:

24                  Okay.   Go ahead.

25                  ATTORNEY LUTZ:

1 Thank you, Your Honor.

2 BY ATTORNEY LUTZ:

3 Q. Mr. Disciullo, you indicated that you were at the  
4 property --- the strip mall with the other several  
5 stores including Little Pat's Pizza on this occasion,  
6 and you were there to check a gas meter for one of the  
7 other stores; is that correct?

8 A. Correct.

9 Q. Okay. In the normal course of your business, if  
10 you're at a small strip mall and you're observing a  
11 gas meter for one of the other stores, would it be  
12 your normal course of business to also look at the  
13 other gas and electric meters at the property?

14 A. Yes.

15 Q. And was that the reason that you went and  
16 inspected the meter to Little Pat's Pizza?

17 A. Yes. My job duties that day after fixing that gas  
18 meter was to inspect electric meters --- do a random  
19 inspection.

20 Q. So because you were at that company location to  
21 look at a gas meter for one of the other commercial  
22 businesses, as part of your regular duties, you  
23 inspect all the gas and electric meters at that  
24 location; is that correct?

25 A. Correct.

1 Q. So that's what lead you to the meter with the  
2 account number identified on Exhibit Two; is that  
3 correct?

4 A. Yes.

5 Q. And what did you do when you were actually ---  
6 what did you observe when you inspected that meter?

7 A. When I inspected the meter, when I came across the  
8 meter, the ring that holds the meter on has a seal on  
9 it and that seal was broken.

10 JUDGE NGUYEN:

11 The seal was broken?

12 A. Correct. Okay. Somebody cut the seal. I took  
13 the seal off, took the ring off on the meter and there  
14 was another seal on the meter that holds the glass in.  
15 And that's called a Z4 seal. And that was also  
16 broken.

17 JUDGE NGUYEN:

18 Z4.

19 A. Correct. That holds the glass onto the meter  
20 itself.

21 JUDGE NGUYEN:

22 Can it be broken by yourself because ---?

23 A. No, the seal on the meter rang itself as a wire  
24 seal and that would have to be cut by diagonal  
25 cutters.

1                   JUDGE NGUYEN:

2                   Has to be cut?

3 A.   Yes, that would have to be cut. That couldn't be  
4 someone that could brush up against it and it would  
5 break.

6                   JUDGE NGUYEN:

7                   Okay.

8                   ATTORNEY LUTZ:

9                   Excuse me, Your Honor. Can I have Ms.  
10 Tarpley give a pen to Mr. Propato?

11                   JUDGE NGUYEN:

12                   Yes.

13 BY ATTORNEY LUTZ:

14 Q.   Mr. Disciullo, you indicated when you were at the  
15 property, you're indicating on your report you found  
16 meter not sealed, found Z --- what is that, 4 broken?

17 A.   Yes, the Z4. That's a seal that holds the glass  
18 onto the meter itself.

19 Q.   Okay. And now, the next line indicates you found  
20 the worm wheel not in sync. Could you explain to us  
21 what that means?

22 A.   The worm wheel is the main gear in the meter that  
23 meshes with the disk shaft. And when that's meshed a  
24 100 percent, that accumulates full usage and it wasn't  
25 meshed.

1                   JUDGE NGUYEN:

2                   What is the worm wheel? What is that?

3 A. The worm wheel is the main gear in the meter  
4 itself.

5                   JUDGE NGUYEN:

6                   Main gear?

7 A. Correct.

8                   JUDGE NGUYEN:

9                   Main gear in the meter?

10 A. Correct. And when that is meshed together and  
11 accumulates --- when that's meshed together, the worm  
12 --- the disk shaft is going to spin and that's going  
13 to accumulate usage on the meter.

14                   JUDGE NGUYEN:

15                   Meshed together?

16 A. Meshed.

17                   JUDGE NGUYEN:

18                   M-E-S-S?

19 A. Yes. Meshed together.

20                   JUDGE NGUYEN:

21                   So it's not in sync. And index, what is  
22 that?

23 A. The index would be the mechanical part on the  
24 meter that shows the readings.

25                   JUDGE NGUYEN:

1 Is not matching?

2 A. Oh, my report?

3 JUDGE NGUYEN:

4 Uh-huh (yes).

5 A. Matching, M-A-T-C-H-I-N-G.

6 JUDGE NGUYEN:

7 No, A-M-R-D.

8 A. Oh, AMRD. That is the automatic meter readings.

9 The index reading from the mechanical parts stopped at  
10 three.

11 JUDGE NGUYEN:

12 Stop at three?

13 A. Correct. But the usage electronically was still  
14 transmitting. Both the gears meshed --- not meshed  
15 altogether. It cannot accumulate the full usage.

16 JUDGE NGUYEN:

17 Okay. Thank you.

18 BY ATTORNEY LUTZ:

19 Q. Mr. Disciullo, if you could explain a little  
20 further for me. I'm a little confused about how the  
21 meter specific --- the condition of the meter. You're  
22 indicating that there's some kind of device that is  
23 meshed or matching with another device in the meter;  
24 is that correct?

25 A. Correct.

1 Q. So it was not matching or properly in sync. Would  
2 there still be electricity being sent into the store?

3 A. Yes.

4 Q. But are you indicating it wouldn't be measuring  
5 all the electricity sent into the store? It wouldn't  
6 be registering all of the electricity; is that what  
7 you're saying?

8 A. Correct. If the gears aren't meshed 100 percent,  
9 it's not going to accumulate 100 percent of usage.

10 Q. Okay. You mean measuring that usage; is that what  
11 you're saying?

12 A. Correct. Measuring.

13 Q. Okay. So it wasn't --- what you're saying is it  
14 wasn't affecting the electricity being supplied to the  
15 shop; you're saying it wasn't recording it properly;  
16 is that correct?

17 A. Correct.

18 Q. So he was receiving full electricity, but it  
19 wasn't recording all of the usage of the electricity?

20 A. Correct.

21 MR. PROPATO:

22 Objection, Your Honor. Can I say that?  
23 I have a question. How do you know this? And what is  
24 the significance?

25 JUDGE NGUYEN:

1 Mr. Propato, after this ---.

2 MR. PROPATO:

3 Oh, okay. Go ahead. I just ---. I  
4 don't want to forget.

5 JUDGE NGUYEN:

6 Just jot down your question.

7 MR. PROPATO:

8 All right. Thank you.

9 ATTORNEY LUTZ:

10 Thank you, Your Honor.

11 BY ATTORNEY LUTZ:

12 Q. If I could move on to page two of Exhibit Two.  
13 Mr. Disciullo, would you please describe what kind of  
14 form is this or what's the purpose of this form?

15 A. It's a meter change form.

16 Q. Okay.

17 A. And it's to update our records from the old meter  
18 to the --- update the customer's account with the new  
19 meter.

20 Q. And did you change the meter when you were at the  
21 property that day?

22 A. Yes.

23 Q. And when you changed the meter you put in what  
24 kind of meter; do you recall? Was it one of the AMR  
25 meters?

1 A. Yeah, I put in the same type of meter that I  
2 removed.

3 Q. Okay. So in the normal course of business, you  
4 removed the meter when you see that there's something  
5 been altered with the meter?

6 A. Correct.

7 Q. And then what do you do with that meter?

8 A. The meter goes back to PECO to be refurbished.

9 Q. And does this indicate the meter number you took  
10 out or the new meter number you set?

11 A. Yes.

12 Q. And where's that indicated on here?

13 A. On the bottom left. The old meter with the  
14 9U600550. And I installed a 9U4356273.

15 Q. So the bottom line on there, it has a meter number  
16 and that's 9U. The first, it says rate CM. What does  
17 that mean?

18 A. Commercial.

19 Q. So the bottom number is the meter you removed.  
20 The top number is the meter you installed on that  
21 date; correct?

22 A. Correct.

23 Q. And what are those --- what's marked under reading  
24 on the top line there? It says reading --- in that  
25 box?

1 A. The new meter started out at all zeros.

2 Q. Okay. And you did confirm that it started out at  
3 all zeros at that time?

4 A. Correct.

5 Q. At that point, in the normal course of business,  
6 would you discuss your findings with --- would you try  
7 to locate the business owner in your normal course of  
8 business?

9 A. No.

10 Q. And why would that be so?

11 A. What I basically do is I fill out a theft report  
12 and I code my remarks that there was a theft found at  
13 the property and I also indicate in there to follow up  
14 for back billing.

15 Q. Okay. And then you submit your report back to the  
16 office at PECO; is that correct?

17 A. Correct. It's submitted electronically through  
18 the computer and also a physical form that I fill out.

19 Q. So Mr. Disciullo, when your report indicates it's  
20 a theft report, that's your internal report title.

21 You're not indicating that someone --- you're not  
22 accusing the person who has the business that he  
23 performs that; correct?

24 A. Correct.

25 Q. What you're indicating is that there may have been

1 usage that was not recorded; correct?

2 A. Correct.

3 Q. And that you found the meter in a tampered  
4 position?

5 A. Yes.

6 ATTORNEY LUTZ:

7 Mr. Disciullo, I have no further  
8 questions at this time for you.

9 JUDGE NGUYEN:

10 I have a few questions for you, Mr.  
11 Disciullo.

12 A. Okay.

13 JUDGE NGUYEN:

14 Can you tell me when you --- the company  
15 actually find the meter was tampered with?

16 A. When the company found that the meter was tampered  
17 with? That would be my field visit, August 18th.

18 JUDGE NGUYEN:

19 And so on August 18th, 2005.

20 A. Correct.

21 JUDGE NGUYEN:

22 And how come you billed him back to  
23 November 2002?

24 A. That would have to be ---. That would have to be  
25 answered by the person who does the back billing.

1 Yeah. I don't get into the back billing. I do the  
2 physical part of the job.

3 JUDGE NGUYEN:

4 Did you check --- did you bill the  
5 estimate up --- the cause of estimate of Mr. Propato's  
6 --- at the time?

7 A. No, sir. No. My job duties with this property  
8 was to change the electric meter and fill out the  
9 reports to file it up for the back billing.

10 JUDGE NGUYEN:

11 So you do not determine that whether or  
12 not Mr. Propato applies usage was in line with his  
13 consumption?

14 A. That's correct. I did not have any ---.

15 JUDGE NGUYEN:

16 Knowledge of that?

17 A. Correct.

18 JUDGE NGUYEN:

19 Okay. Thank you. Thank you very much.  
20 Do you have any questions ---

21 MR. PROPATO:

22 Yes.

23 JUDGE NGUYEN:

24 --- of this witness?

25 CROSS EXAMINATION

1 BY MR. PROPATO:

2 Q. Tom?

3 A. Yes.

4 Q. Tom, what is the seal made of?

5 A. The seal is a lead seal. It's a wire --- it's a  
6 lead wire seal.

7 Q. And how do you take that seal off?

8 A. You take it off ---. That would have to have been  
9 cut.

10 Q. Okay. And how do you know it was not registering  
11 all of the electricity? And why did the electric work  
12 if it was tampered with?

13 A. Well, the electric --- no matter what you do to  
14 the meter, it will still allow electric into your  
15 store. With the electric meter gears not being meshed  
16 there's no way for the usage to accumulate 100  
17 percent. Because you're basically looking at dials  
18 --- you're basically looking at gears that have to  
19 mesh together 100 percent to accumulate 100 percent of  
20 the usage.

21 Q. But how do you know that it did not register 100  
22 percent?

23 A. When I took the glass off, that outside seal was  
24 broken. I took that off. The seal that was holding  
25 the glass on itself was broken so I took that off.

1 Q. Right. But my question ---.

2 A. I'm getting there. To inspect the internal gears  
3 of the meter to see what was wrong. The gears weren't  
4 meshing to accumulate 100 percent. The mechanical  
5 --- if the gears were meshing 100 percent, the  
6 mechanical reading at the top of the meter would have  
7 been matching the readings that were transmitting into  
8 the office. The mechanical part of the meter stopped  
9 reading at three. The readings in the office were  
10 still being transmitted without the gears being meshed  
11 altogether, that's not going to accumulate full usage.  
12 So it was still transmitting usage, you were still  
13 getting billed, but it's not going to transmit --- or  
14 accumulate full usage.

15 Q. Okay. How does it get registered? Does somebody  
16 come out and read a meter?

17 A. Your readings every month?

18 Q. Yes. How do I get a bill? How do ---?

19 A. That's an        years ago when your meter got  
20 installed that was an --- it's called an automatic  
21 meter reading. And that meter is actually read daily,  
22 electronically. So there --- no one comes out to your  
23 property to read the meter. That is electronically  
24 read.

25 Q. And what date did that start --- the electronic

1 meter reading?

2 A. I would say back in '02. When your meter was  
3 installed in '02, that was installed as an automatic  
4 meter reading meter.

5 Q. My meter was installed in '02?

6 A. If that's when the meter was installed.

7 Q. No, it wasn't. Why --- well, if it was, nobody  
8 informed me that my meter got installed in '02. Why  
9 didn't nobody inform me that it was getting changed?

10 A. The day that I changed it?

11 Q. When you put the new one in, why did nobody inform  
12 me that there was something wrong with the old one?

13 A. I think --- that's how your letter got sent to  
14 you.

15 Q. Two months after you changed it?

16 A. Correct.

17 Q. Why wasn't I --- I pay for the electric --- I pay  
18 for my rent. Why did nobody tell me something was  
19 wrong with my meter, is my question? I'm not blaming  
20 you; I'm just asking you a question. It's just a  
21 question.

22 A. The day of the field visit when I changed your  
23 meter, the business was not open. If the business was  
24 open you would have noticed the lights go out. The  
25 lights would have went out and came back on. So you

1 weren't at the property when I changed the meter. So  
2 I could not have notified you that day that I changed  
3 the meter.

4 Q. Why didn't your bosses notify me that my meter was  
5 getting changed?

6 A. I have no idea.

7 JUDGE NGUYEN:

8 Can you notify an employee of Mr.  
9 Propoto? Can you do that?

10 A. If he was at the property, I would have notified  
11 him that day that I was changing the meter, but ---.

12 JUDGE NGUYEN:

13 How about someone working in that  
14 property --- on that property?

15 A. When there's a problem found with the meter then  
16 the letter is generated and the customer was sent the  
17 letter.

18 JUDGE NGUYEN:

19 It took two months? Anything else?

20 MR. PROPATO:

21 I'm there from 10:00 a.m. till 10:00 p.m.  
22 I just would have liked somebody to tell me and that's  
23 enough. That's all I have for you, questions.

24 A. Okay.

25 MP. PROPATO:

1 Can you have another question?

2 BY MR. PROPATO:

3 Q. Can somebody get electrocuted by doing what you're  
4 saying --- happen --- meshing?

5 A. Not on the wheels, no. That's on the outside of  
6 the meter. That's not ---.

7 Q. Can you get electrocuted by touching that meter,  
8 at all?

9 A. Not on the outside, no. The back of the meter  
10 where the electric was actually passing through ---.

11 Q. Just a question because I don't know nothing about  
12 meters.

13 A. Sure.

14 MR. PROPATO:

15 Okay. That's all I have.

16 JUDGE NGUYEN:

17 Thank you. Thank you.

18 ATTORNEY LUTZ:

19 Your Honor, at this time, I'd like to  
20 call to testify, Ms. Renee Tarpley.

21 -----  
22 RENEE TARPLEY, HAVING FIRST BEEN DULY SWORN, TESTIFIED  
23 AS FOLLOWS:  
24 -----

25 JUDGE NGUYEN:

1 Thank you. You may begin.

2 ATTORNEY LUTZ:

3 Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY ATTORNEY LUTZ:

6 Q. Ms. Tarpley, would you please state your full name  
7 and spell it for the record.

8 A. Renee Tarpley, R-E-N-E-E, T-A-R-P-L-E-Y.

9 Q. By whom are you employed?

10 A. PECO Energy.

11 Q. And how long have you been employed by PECO?

12 A. Approximately 20 years.

13 Q. What is your business address?

14 A. 2301 Market Street, Philadelphia, Pennsylvania,  
15 19101.

16 Q. And what is your business title?

17 A. Regulatory assessor.

18 Q. Would you please describe your duties as a  
19 regulatory assessor?

20 A. I'm responsible for reviewing informal and formal  
21 complaints filed by the Bureau of Consumer Services.

22 Q. Okay. Part of your job description, does it also  
23 include a custodian of records?

24 A. Yes.

25 Q. Thank you. In the course of your employment, did

1 you have the opportunity to review or become familiar  
2 with the account of Mr. Propato?

3 A. Yes.

4 Q. Can I please refer you to what has been marked as  
5 PECO Exhibit Number One? Before we begin with this  
6 exhibit, Ms. Tarpley, do your records indicate when  
7 was service established in Mr. Propato's name at this  
8 property?

9 (PECO Exhibit One marked for  
10 identification.)

11 A. At 104 West Moreland Avenue the service was  
12 established July 10th, 2002.

13 BY ATTORNEY LUTZ:

14 Q. It was July 10th of 2002?

15 A. Yes.

16 Q. Okay. Would you please describe, generally, what  
17 has been marked as Exhibit Number One?

18 A. Exhibit Number One is a four-page document of the  
19 account history for Mr. Pasquale Propato at 104 West  
20 Moreland Avenue in Hatboro. It covers the billing  
21 period from October 2003, to the most recent bill that  
22 was issued, February 2006.

23 Q. And what service does PECO provide to this  
24 property address?

25 A. We provide commercial measured electric and

1 heating services.

2 Q. Does that mean you provide --- PECO provides  
3 electric and gas service?

4 A. Yes, gas. I'm sorry.

5 Q. Okay. Thank you. Could you tell us on this  
6 exhibit, where is it indicating the meter reading  
7 type? How do we know which is electric and which is  
8 gas?

9 A. In the third column, you have meter reading type.  
10 The top number is usually the electric usage and the  
11 bottom number is for the gas usage.

12 Q. So if I could direct you to the first row, it says  
13 bill period and then there's a column for days and  
14 then there's a column for meter reading type; is that  
15 where you're referring to?

16 A. Yes.

17 Q. So in that first number would mean it is the  
18 electric reading ---

19 A. Yes.

20 Q. --- and the second number means it is the gas  
21 reading?

22 A. That's correct.

23 Q. And could you please describe for us how that  
24 reading is obtained?

25 A. Well, the readings are obtained now through the

1 automatic meter reading devices that are transmitted  
2 electronically.

3 Q. And is the meter --- electric meter that was at  
4 Mr. Propato's property an automatic meter reading  
5 device?

6 A. Yes.

7 Q. And subsequent to it being changed, was it--- is  
8 it an automatic meter reading device?

9 A. Yes, it was.

10 Q. Could you explain to us, does that mean that ---  
11 how does PECO get that reading?

12 A. Well, I don't know the true mechanics of how it  
13 gets that, but I do know it's more --- whatever is  
14 registered is transmitted electrically, I guess,  
15 through the lines or what have you and it logs into  
16 the system. So it's not a physical person doing that  
17 there.

18 Q. You're indicating that there is some kind of  
19 electronic reading that's transmitted over a computer  
20 to PECO's; is that correct?

21 A. I believe so, yes. I believe that's correct.

22 Q. So it's an electronic transmission on what's  
23 referred to as an AMR for an electric meter; correct?

24 A. Yes.

25 Q. So this property had an AMR prior to Mr.

1 Disciullo's changing the meter in August; correct?

2 A. That's correct.

3 Q. So PECO, prior to changing the meter, PECO would  
4 be getting some kind of meter readings electronically  
5 from that property?

6 A. Yes.

7 Q. Could you please explain to us where is it located  
8 when Mr. Disciullo went to the property and changed  
9 the meter?

10 A. If you refer to page three of this document, in  
11 the middle of the page, it indicates August 18th,  
12 2005, a meter changed occurred where meter number  
13 9U600550 was removed and the index reading and another  
14 meter was installed under meter number 9U4356273.

15 Q. Okay. So that's the row that signifies when Mr.  
16 Disciullo was there and actually changed that meter;  
17 correct?

18 A. Yes.

19 Q. And in investigating this account for today's  
20 hearing, did you confirm that the meter was returned  
21 to PECO for refurbishing?

22 A. Yes.

23 Q. And was that meter tested, at any time?

24 A. Our records indicate it was tested.

25 Q. And did it test accurately?

1 A. Yes.

2 Q. So after the meter was refurbished, it did, in  
3 fact, test accurately?

4 A. Yes.

5 Q. So at the time that it was removed from the  
6 property and prior to refurbishing, you're indicating  
7 it would not have been transmitting the readings  
8 correctly; is that correct?

9 A. No, it wasn't.

10 Q. After that meter was replaced, how was the  
11 customer notified that the meter's been changed and it  
12 had not been working properly?

13 A. According to my knowledge, when a condition like  
14 that is discovered, what they usually --- what we  
15 usually do is try to obtain some sort of pattern of  
16 usage. This condition was discovered August the 18th,  
17 2005, and the meter was set at zero so the rebilling  
18 occurred after they got a pattern of usage around  
19 September the 16th, 2005. That's when the actual back  
20 billing was completed. So we got usage from August  
21 18th, up until September the 14th, 2005, and when that  
22 billing was completed, they then issued the letter to  
23 the customer in September

24 Q. Okay. So the letter was actually issued after the  
25 billing was analyzed for the actual usage on the new

1 meter; correct?

2 A. Yes.

3 Q. At that point, what kind of bill adjustment is  
4 performed?

5 A. Well, they look at the daily average usage from  
6 the time period. In this particular case, it was from  
7 August the 18th, 2005, to September the 14th, 2005.  
8 September the 14th, 2005, there was a reading of  
9 07419, which indicates 7,419 kilowatt hours of usage.  
10 If you divide that by the number of ---

11 JUDGE NGUYEN:

12 From 0020799 ---?

13 A. From zero --- from all zeros to 07419.

14 JUDGE NGUYEN:

15 07419.

16 A. Right. For 27 days to get the daily average you  
17 divide the 7419 by 27 and it was 274.8 kilowatts per  
18 day. That's how --- that's the first attempt of it.  
19 Being that that was the summer --- that was the summer  
20 daily average use that was used. And then for the  
21 winter period, they reduced that by 40 percent to get  
22 a daily average use of 164.9. And so then because we  
23 have the right to back bill the customer for  
24 approximately --- for four years, we took it back ---  
25 they suggested to November 2002, up until the date of

1 discovery of August 2005, resulting in a bill of  
2 \$6,601.79, which includes \$373.69 of taxes.

3 JUDGE NGUYEN:

4 How much was for the same period --- for  
5 the same period?

6 A. Well, the daily average use --- we use 274.8.  
7 That's the daily average use that we calculated.

8 JUDGE NGUYEN:

9 Till when? September?

10 A. From August to September.

11 JUDGE NGUYEN:

12 August --- from August to September?

13 A. That's correct.

14 JUDGE NGUYEN:

15 How about 164?

16 A. Well, when you're doing the back billing, you take  
17 the summer daily average use and you reduce it by 40  
18 percent because, more than likely, you're not using  
19 the same cooling devices as you do in the winter time  
20 so you reduce it by 40 percent, which amounts to 164.9  
21 VAU to rebill during the winter periods.

22 JUDGE NGUYEN:

23 Okay.

24 BY ATTORNEY LUTZ:

25 Q. And Ms. Tarpley, could you tell us what is the

1 current account balance indicated on Exhibit One?

2 A. The current balance is \$6,501.68. This amount  
3 includes supplier charges of \$2,450.94.

4 Q. Okay. If I could now direct you to what has been  
5 marked as PECO Exhibit Six and that is a letter.

6 (PECO Exhibit Six marked for  
7 identification.)

8 A. Yes.

9 BY ATTORNEY LUTZ:

10 Q. Ms. Tarpley, in your testimony, you indicated that  
11 when the meter was changed on August 18th, PECO takes  
12 a lock and analysis at the usage on the new meter; is  
13 that correct?

14 A. Yes.

15 Q. And you indicated then that PECO sends a letter to  
16 the customer or business. Is this the letter that was  
17 sent to the customer?

18 A. This is a copy of a letter that was sent to the  
19 customer.

20 Q. And could you briefly review this and explain in  
21 here how the rebilling was done, specifically  
22 paragraphs two and three?

23 A. Okay. Referencing the letter --- it first starts  
24 out letting the customer know the time period in which  
25 the rebilling occurred and how many kilowatts, which

1 in this case is 53,703 kilowatt hours and the revenue  
2 that's being billed for that particular kilowatt. The  
3 next paragraph goes in detail about the daily average  
4 use that was used for the billing periods.

5 Q. Okay. So are you indicating in there that your  
6 prior testimony was --- there is a reduction for the  
7 calculation of the winter period?

8 A. Yes.

9 Q. Okay. And where is the daily average use  
10 indicated for that?

11 A. In the third paragraph, the period of billing for  
12 the winter periods from September to May were billed  
13 based on a daily average usage of 164.9, and the  
14 summer periods from May to September were based on a  
15 daily average usage of 274.8.

16 Q. And was it explained to the customer how the  
17 average bill was taken from the new meter?

18 A. Yes, that's in the next paragraph.

19 Q. And how is that --- would you explain that to us  
20 please?

21 A. The basis use for the average bill was taken from  
22 the new meter and the meter number of 9U4356273 that  
23 was installed on August the 18th. Then index was all  
24 zeros till September the 14th, 2005, with an index of  
25 07419, in which he used 7,419 kilowatt hours in 27

1 days for a daily average usage of 274.8 kilowatt  
2 hours.

3 Q. Okay. And what is the amount of the --- the total  
4 amount of the rebilling?

5 A. The total amount was \$6,601 --- I'm sorry. The  
6 total amount was \$6,228.10.

7 Q. Can I please refer you to what is page two of that  
8 letter?

9 A. Yes.

10 Q. Would you please tell us where you're getting the  
11 total for the rebilling?

12 A. If you look at the bottom, the total for the  
13 actual usage was \$6,228.10, and then you have the  
14 taxes of \$373.69, which produced \$6,601.79.

15 Q. Okay.

16 A. Of the actual revenue, it was \$6,228.10 for the  
17 usage.

18 Q. Okay. Thank you. May I please refer you to what  
19 has been marked as PECO Exhibit Number Three?

20 (PECO Exhibit Three marked for  
21 identification.)

22 A. Yes.

23 BY ATTORNEY LUTZ:

24 Q. Would you please describe this exhibit?

25 A. As part of my responsibilities, when I'm reviewing

1 the customer's formal complaint, I review all  
2 documents and everything pertaining to the customer's  
3 complaint to make sure it is accurate. Upon my  
4 review, I looked at the information and realized there  
5 was a discrepancy with the last column where it  
6 indicates additional charges for each billing period  
7 and apparently there was a problem with calculating  
8 it. And actually, the usage revenue is \$4,676.72,  
9 taxes \$280.60 for a rebilled total of \$4,957.32. With  
10 this discovery, a credit adjustment was issued  
11 November the 7th, 2005, in the amount of \$1,644.47.

12 Q. Okay. So ---.

13 JUDGE NGUYEN:

14 And where is that?

15 A. This information would be on page three of the  
16 first exhibit.

17 BY ATTORNEY LUTZ:

18 Q. That's Exhibit One, Ms. Tarpley?

19 A. Page three of the first exhibit in the payment  
20 column near the bottom.

21 JUDGE NGUYEN:

22 How much?

23 A. \$1,644.47.

24 JUDGE NGUYEN:

25 \$1,644 ---.

1 A. And 47 cents. In the comments area on that same  
2 line you will see that it's indicated as a bill  
3 adjustment.

4 JUDGE NGUYEN:

5 Why did you make this adjustment?

6 A. Excuse me?

7 JUDGE NGUYEN:

8 Why did you make this adjustment?

9 A. As I indicated, when I usually get the complaints,  
10 I make sure that all our records are accurate. And  
11 doing the customer's complaint and what I found was  
12 that on this particular spreadsheet there was an  
13 incorrect formula, same numbers, but incorrect formula  
14 apparently used in the spreadsheet and it calculated  
15 wrong for the initial rebilling.

16 JUDGE NGUYEN:

17 Okay.

18 BY ATTORNEY LUTZ:

19 Q. So Ms. Tarpley, your testimony is you reviewed the  
20 formulas for the rebilling and a further adjustment  
21 was made in the customer's favor and issued as a  
22 credit; is that correct?

23 A. That's correct.

24 Q. So there was a credit posted to the account  
25 reducing the outstanding balance by how much?

1 A. \$1,644.47.

2 Q. Okay. And that's indicated on page three of four  
3 of Exhibit One under the period --- the bill period  
4 noted 11/08/05; correct?

5 A. That's correct.

6 JUDGE NGUYEN:

7 And how did you arrive at this number,  
8 \$1,644.47?

9 A. That is the difference between the initial  
10 information that was supplied to the customer about  
11 the back billing in September, which is the \$6,601 and  
12 some change. The difference between the two.

13 JUDGE NGUYEN:

14 What is the two ---?

15 A. The first number was \$6,000 ---

16 JUDGE NGUYEN:

17 \$6,000 ---

18 A. \$6,601.79.

19 JUDGE NGUYEN:

20 Uh-huh (yes).

21 A. The new figure was \$4,957.32, so the difference is  
22 \$1,644.47.

23 JUDGE NGUYEN:

24 Okay. Thank you.

25 A. You're welcome.

1 BY ATTORNEY LUTZ:

2 Q. Ms. Tarpley, can I now refer you to what has been  
3 marked as PECO Exhibit Number Four?

4 (PECO Exhibit Four marked for  
5 examination.)

6 A. Yes.

7 BY ATTORNEY LUTZ:

8 Q. Would you please describe this exhibit?

9 A. PECO Exhibit Four is a two-page document and is  
10 the closing report for the informal complaint that was  
11 filed by Mr. Propato, September 23rd, 2005, under BCS  
12 Case Number 1985763. The resolution was a verbal  
13 close and a letter had been mailed to the customer  
14 indicating the customer's account balance at that time  
15 was \$8,461.55, and information in order to prevent the  
16 termination of his service, he had to pay this amount  
17 by October 18th, 2005, and then pay future bills when  
18 they are due.

19 Q. Can I please refer you to page two of two of  
20 Exhibit Four? Would you please describe this exhibit?

21 A. Page two of two is a copy of the actual letter  
22 that was sent to the customer via the Bureau of  
23 Consumer Services, dated October 11th, 2005, advising  
24 the customer of the resolution.

25 Q. And could you basically summarize paragraphs two

1 and three of that letter?

2 A. Yes. Paragraph two is informing the customer  
3 about the limited authority when commercial and  
4 general service accounts are involved, and that they  
5 cannot order the company to waive or reduce the bills  
6 that he disputed or force the company to offer payment  
7 terms. It also indicates the findings that were  
8 supplied about our company technician responded to gas  
9 work in the area and the conditions that were found on  
10 August 18th, 2005. And the back billing that occurred  
11 on the account and the time period that it occurred  
12 and on September 22nd, 2005, that the customer had  
13 requested the company to drop the supplier from his  
14 account, and also advised the customer of the balance  
15 at the time and the date that he must pay this amount,  
16 or to avoid termination of services.

17 Q. Thank you. Ms. Tarpley, what is PECO's position  
18 relative to this account?

19 A. Our position is that the bills are correct as  
20 rendered, and the back billing is correct, as well.  
21 And we want the customer to pay the bill of \$6,501.68  
22 by the due date of March 6th, 2006.

23 Q. Thank you.

24 ATTORNEY LUTZ:

25 Your Honor, I have no further questions

1 for Ms. Tarpley.

2 JUDGE NGUYEN:

3 Thank you. You have any questions for  
4 the witness?

5 CROSS EXAMINATION

6 BY MR. PROPATO:

7 Q. Ms. Tarpley, my name is Pat.

8 A. Hi Pat. How are you?

9 A. I don't have nothing against you.

10 A. Sure.

11 Q. This is just questions.

12 A. Right.

13 Q. Who's responsible for the meter?

14 A. It is our meter.

15 Q. Who's responsible for that ---?

16 A. We're responsible for it --- it's our meter.

17 Q. Okay. I'm just --- question.

18 A. Uh-huh (yes).

19 Q. How did you come up with the price of this \$6,601?

20 A. If you look at the ---.

21 A. It's what you were saying --- that's my original  
22 Price, \$6,601.

23 A. Right. That was the original. Right. But  
24 apparently that particular \$6,000, was incorrect  
25 because they did put it on an Excel spreadsheet,

1 apparently there was another number in there. If you  
2 look on that particular document and Exhibit Number  
3 Three, the numbers are --- they are the same. There's  
4 no change in the numbers so more than likely, it was a  
5 miscalculation that was on the spreadsheet. But ---  
6 am I answering your question?

7 Q. Yeah, you answered it already. Like you stated,  
8 that they threatened to terminate my service ---. I  
9 did not get that credit until I went to PUC. They  
10 didn't find it until I went to PUC. Why didn't nobody  
11 inform me of all the phone calls that I had with PECO  
12 that I could have had the choice to use PJC?

13 A. Well, apart --- when I did the investigation, I  
14 had records then with September 23rd, 2005. A  
15 supervisor spoke with you and informed you of the  
16 findings and that the bill was correct. You were  
17 offered payment terms, you declined the payment terms,  
18 and they gave your rights at the time, on September  
19 23rd, 2005.

20 A. They did not give me a credit though.

21 Q. No. The credit occurred on my findings. As part  
22 of my responsibility, I make sure that everything is  
23 correct. On my part, the credit occurred after PUC.

24 A. Right, when I got the complaint.

25 Q. Right.

- 1 A. Yes, it is correct.
- 2 Q. That's when the credit I got --- I got the credit.
- 3 I thought maybe PUC ---
- 4 A. No.
- 5 Q. --- did that for me. I don't know how. This I'm
- 6 talking as a human being, not knowing the business.
- 7 A. That's correct. Right.
- 8 Q. So the original letter was a mistake; right?
- 9 A. The original amount on the letter was a mistake.
- 10 Q. Yes.
- 11 A. But the conditions that were ---.
- 12 Q. I'm sorry.
- 13 A. Yeah.
- 14 Q. The original amount was a mistake?
- 15 A. Yes. That's correct.
- 16 Q. Why would the people on the telephones have the
- 17 right to threaten my termination of service, being my
- 18 credit history with you guys?
- 19 A. Well, we have the right to pursue any delinquent
- 20 account, so the only thing that we're doing is looking
- 21 at your account. And they saw that the account was
- 22 past due, they had to notify you of the possibility
- 23 that your service may be terminated if that amount is
- 24 not paid.
- 25 Q. Because that's exactly what happened. I always

1 paid my bills on time up until I received this letter  
2 that we've read on Exhibit Six. That's the letter I  
3 received. I always paid my bills on time. I felt  
4 threatened by my livelihood that my power could get  
5 shut off.

6 A. But also ---.

7 Q. Is that correct?

8 A. Right. That's correct .

9 Q. Would you put yourself in that position?

10 A. No, but Mr. Propato, with the letter as it's  
11 indicating, we had no intentions of threatening you at  
12 all. As a matter of fact, in the letter also, we're  
13 offering you payment arrangements because of the  
14 hardship that was created from the back bill. You  
15 declined that offer twice.

16 Q. I declined the offer twice because I feel that I'm  
17 being treated unjust. I've never been to Court. This  
18 is my first time, so I'm just trying to learn how ---  
19 you know. That's all I'm just asking.

20 A. Yes.

21 Q. But they also wanted to build a billing  
22 arrangement with me for the \$6,601. What if nobody  
23 ever came up with this? What would have happened with  
24 that? Would you guys have given me the \$1,600 credit?

25 A. I don't think they would have --- we would have

1 revisited it to be honest with you, because they felt  
2 at that time it was correct. But we know mistakes can  
3 be made and when I looked at your complaint, and I  
4 make sure we go over the numbers, and it was  
5 discovered, we acted appropriately.

6 Q. And like you said, your pattern of figuring out my  
7 back billing was to go back by using the papers ---  
8 the numbers; correct?

9 A. Right. We always look at the past usage.

10 Q. And in '05 of August, is a very hot month;  
11 correct? Everybody?

12 A. Probably.

13 Q. In this area.

14 A. I'll say obviously.

15 Q. We use the air conditioner a lot.

16 A. Right.

17 Q. Did you also charge me for air conditioning in  
18 '02, '03 and '04, supposed if I were to use it ---  
19 because you did for '05?

20 A. We look at the seasonal use, and between August  
21 and September, we issue the daily average usage. We  
22 don't - at the time of the back billing, they don't  
23 get into the analysis of your account because they've  
24 summed --- they may not be aware of it. So it's a  
25 formula that is used when they do back billing ---

1 summer and winter. Reduction for the, you know, ---.

2 Q. So it's not an exact amount?

3 A. It's not an exact amount.

4 Q. It's just what maybe I --- as a roundabout amount  
5 that I owe?

6 A. Right, based on the information we receive from  
7 the readings. That's correct.

8 Q. Because I just want to inform you that I had no  
9 air conditioning those three years prior --- that's  
10 why. Maybe I could get more credit if worse comes to  
11 worse, and I do not ---.

12 JUDGE NGUYEN:

13 You have air conditioning?

14 MR. PROPATO:

15 I received an air conditioning unit in  
16 '04 of September.

17 JUDGE NGUYEN:

18 September '04.

19 MR. PROPATO:

20 That's all I have for you.

21 JUDGE NGUYEN:

22 You want to make it on the record ---?

23 MR. PROPATO:

24 Deciding on what you say, Your Honor, I  
25 am going to go to work today. Actually, I have my

1 wife there telling my customers that I --- she's just  
2 making sandwiches. We're sort of not having pizzas.  
3 So I'm going right to work and Your Honor, I got to  
4 pay. Whatever you come up with, I will pay, if that's  
5 what it is. I have to work for a living. I will pay  
6 whatever they want --- I have to. I have to feed a  
7 family.

8 ATTORNEY LUTZ:

9 Your Honor, may I state something off the  
10 record?

11 JUDGE NGUYEN:

12 Yes, please.

13 OFF RECORD DISCUSSION

14 BY ATTORNEY LUTZ:

15 At this time, I would like to call to  
16 testify, Ms. Margaret O'Donnell.

17 -----

18 MARGARET O'DONNELL, HAVING FIRST BEEN DULY SWORN,  
19 TESTIFIED AS FOLLOWS:

20 -----

21 DIRECT EXAMINATION

22 BY ATTORNEY LUTZ:

23 Q. Ms. O'Donnell, would you please state your full  
24 name and spell it for the record?

25 A. Margaret O'Donnell, M-A-R-G-A-R-E-T

1 O-'-D-O-N-N-E-L-L.

2 Q. By whom are you employed?

3 A. PECO Energy.

4 Q. What is your business address?

5 A. 400 Park Avenue, Warminster, Pennsylvania.

6 Q. And how long have you been employed by PECO?

7 A. Over 30 years.

8 Q. What is your business title at PECO?

9 A. I'm a field investigator.

10 Q. Would you please describe first what a field  
11 investigator means?

12 A. I resolve billing issues, meter mix-ups, customer  
13 complaints/concerns.

14 Q. And do you visit the property?

15 A. I do.

16 Q. And do you perform an analysis of the property?

17 A. I do.

18 Q. In the course of your employment, have you had the  
19 opportunity to review and become familiar with the  
20 account of Mr. Propato at Moreland Avenue in Hatboro?

21 A. Yes, I have.

22 Q. Did you have an occasion to visit the property,  
23 Ms. O'Donnell?

24 A. Yes. I was there on the 13th of February.

25 Q. Can I please refer you to what has been marked as

1 PECO Exhibit Number Six (sic)?

2 (PECO Exhibit Five marked for  
3 identification.)

4 BY ATTORNEY LUTZ:

5 Q. Would you please describe this exhibit?

6 A. It's my field report capturing the appliance.

7 JUDGE NGUYEN:

8 Number Five or Number Six?

9 A. It's Number Five, Your Honor.

10 ATTORNEY LUTZ:

11 Excuse me, Your Honor ---

12 A. I'm sorry --- it's Number Five.

13 ATTORNEY LUTZ:

14 --- PECO said that Number Five.

15 BY ATTORNEY LUTZ:

16 Q. Ms. O'Donnell, how many pages are in this report?

17 A. It's two-sided.

18 Q. And did you actually fill this report out  
19 yourself?

20 A. I did.

21 Q. And would you please tell us again, when did you  
22 visit this property?

23 A. February 13th, 2006.

24 Q. And did you meet with the owner of the business,  
25 Mr. Propato?

1 A. Yes, I did.

2 Q. And what did you do on your visit?

3 A. Well, with his help, we --- I took the appliance  
4 load and what I could obtain actual readings for, we  
5 got. And what I couldn't get an actual plate reading  
6 from, I used a generic, just from my experience in  
7 doing this type of work.

8 Q. So did you actually perform an appliance analysis  
9 for the usage of the property?

10 A. Yes. I captured the total load.

11 Q. Did you verify the meter at the property?

12 A. Yes. I read and verified the --- both gas and  
13 electric meters upon arrival.

14 Q. And where is that indicated on this report?

15 A. The bottom section --- the 2/13/06, are the  
16 current readings that I obtained.

17 Q. Which one is electric and which one is gas?

18 A. The top one is electric, with the rate CM.

19 Q. Okay.

20 A. And the rate HC is the gas.

21 Q. Okay. So the top one is the electric; correct?

22 A. Correct.

23 Q. And it indicates watts on meter --- what does that  
24 mean?

25 A. At the time of my visit, that was the amount of

1 wattage going through the meter.

2 Q. And did you verify the meter number when you were  
3 there?

4 A. I did.

5 Q. And was it, in fact, the meter number that was  
6 registered for this property?

7 A. Yes, it was.

8 Q. And where is that indicated --- the meter number?

9 A. The 6273 are the last four digits.

10 Q. Of the electric meter; is that correct?

11 A. Correct.

12 Q. And Ms. O'Donnell, where is this meter located?

13 Can you tell us where is the meter number that you  
14 verified on this exhibit --- for the electric meter?

15 A. It's at the bottom of the page. See my little  
16 number five circled?

17 Q. Okay. And you're on page one --- is that of  
18 Exhibit Five on the front page; correct?

19 A. Yes.

20 Q. Okay.

21 A. It says meter number 6273.

22 JUDGE NGUYEN:

23 6273. Go ahead.

24 BY ATTORNEY LUTZ:

25 Q. Okay. That says 6273; correct?

1 A. Correct.

2 Q. Okay.

3 JUDGE NGUYEN:

4 Did you read electric?

5 A. That is the electric, yes.

6 Q. Okay. The first one is the electric and you're  
7 indicating the next darkened row has the meter number.  
8 And what's that meter number?

9 A. 6670 is the gas meter.

10 Q. That's --- okay. So the information on the bottom  
11 is for the gas meter and the information on the top is  
12 for the electric meter; correct?

13 A. Correct.

14 Q. Now moving across, it has in that darkened row, it  
15 has rate and there's something written in there --- is  
16 that a CM?

17 A. Yes.

18 Q. And what does that mean?

19 A. Commercial measuring meter.

20 Q. And then moving to the right, does it say KH ---  
21 can you tell us what it says there?

22 A. That's the kilowatt hour ratio that's printed on  
23 the meter. It says --- allows us to --- a formula to  
24 take the passing load and determine the wattage.

25 Q. And you did, in fact, do that on this visit?

1 A. I did.

2 Q. So you verified that the meter was accurate;  
3 correct?

4 A. The meter of record is what is physically at the  
5 property, yes.

6 Q. And on the right-hand side, there are a list of  
7 appliances and equipment. Did you fill in these  
8 appliances and equipment?

9 A. I did.

10 Q. And then it says approximate KW load. Can you  
11 tell us what that is; what does that mean?

12 A. That corresponds with the appliance --- what  
13 they're --- the wattage.

14 Q. Okay.

15 A. That they're rated. And what I could physically  
16 get from the appliance, I did, and what I didn't, I  
17 used generics. A lot --- most of it I was able to  
18 capture.

19 Q. And on the left-hand side, it says field report,  
20 hours of operation and gas; what does that mean on the  
21 left-hand side?

22 A. Well, the hours of operation I just wrote from  
23 the store itself --- his sign. And then the gas  
24 appliances, that's the appliance load that I captured.  
25 The BTU ratings from the ovens and the fryer, and I

1 approximated running time to see if the usage was, in  
2 fact, justified.

3 Q. So where you have gas and you have several  
4 appliances listed on the left, that is for your  
5 analysis of the gas usage; correct?

6 A. Correct.

7 Q. And then on the right, under the columns marked  
8 listed appliances and equipment, that's your analysis  
9 of the electric usage; correct?

10 A. Correct.

11 Q. And if I could please refer you to page two of  
12 this exhibit --- or on the back of the one that you  
13 have there?

14 (PECO Exhibit Six marked for  
15 identification.)

16 BY ATTORNEY LUTZ:

17 Q. Could you please describe that page?

18 A. It's just my report stating that I did verify the  
19 current readings, that the usage was aligned with the  
20 previous month's billed usage, and that based on the  
21 appliance load that I captured, they have a potential  
22 to use what they're being billed and that I had that  
23 conversation with Mr. Propato, who understood. And he  
24 didn't want to drop load and individually check the  
25 meters themselves.

1 Q. Okay. And then you have noted formal hearing  
2 2/15/06; is that correct?

3 A. And I made him aware that I would be here today.

4 Q. Okay. Thank you, Ms. O'Donnell.

5 ATTORNEY LUTZ:

6 I have no further questions for her, Your  
7 Honor.

8 JUDGE NGUYEN:

9 Can you tell me how many appliances you  
10 have?

11 A. I'm sorry. I don't know what you're asking me.

12 JUDGE NGUYEN:

13 The appliances.

14 ATTORNEY LUTZ:

15 Could you review the appliances for him?

16 A. Sure. The 28 four foot tubes are the fluorescent  
17 lighting. The two 12 foot tubes, I believe, were a  
18 sign or they were in the back room, maybe even in  
19 the ---.

20 MR. PROPATO:

21 In the back room.

22 A. Then the ceiling fans, the two soda coolers,  
23 television, the other counter refrigerators. He used  
24 the proper terminology from the shop ---I don't know  
25 what they're called.

1                   JUDGE NGUYEN:

2                   Under counter.

3 A.   Chest freezer, the steamer ---.

4                   JUDGE NGUYEN:

5                   What do you use steamer?

6 A.   That's where he had ---.

7                   MR. PROPATO:

8                   It's a steam table, Your Honor. It holds  
9 water. It just makes the water warm.

10                  JUDGE NGUYEN:

11                  Warm?

12                  MR. PROPATO:

13                  Yes.

14 A.   Another freezer, the ice machine, the walk-in, the  
15 chest freezer, microwave, furnace fan, dough machine  
16 we didn't even capture. He uses it minimal, and it  
17 was too old to even --- and I'm not familiar  
18 --- I couldn't even guess. Then the rooftop air  
19 conditioning. So then I totaled it without the air,  
20 which would be this time of year and the potential  
21 with the air.

22                  JUDGE NGUYEN:

23                  9,000 kilowatt hours?

24 A.   Right.

25                  JUDGE NGUYEN:

1 9,000 kilowatt hours?

2 A. 9,000 watts in what a six-ton AC unit is worth.

3 And based on the demand portion, what the demand is,

4 with the air versus what the demand is the rest of the

5 year, I'm guessing he's got a six-ton unit up there.

6 So if you add up the appliance load without the air,

7 I'm coming up with 12,906 watts or 12.9 demand ---

8 with the air, 21.9 demand --- potentially.

9 JUDGE NGUYEN:

10 Thank you.

11 A. You're welcome.

12 JUDGE NGUYEN:

13 And Mr. Propato, do you have questions  
14 for the witness?

15 MR. PROPATO:

16 Yes.

17 CROSS EXAMINATION

18 BY MR. PROPATO:

19 Q. Hello again.

20 A. Hi.

21 Q. Who requested the visit from PECO?

22 A. My visit?

23 Q. Yes.

24 A. It's formality. Whenever there's a PUC case ---.

25 Q. I requested the visit. I set the date. I

1 requested the visit.

2 A. Oh, okay. That's a trick question.

3 Q. No, I just didn't know if you knew that.

4 A. No, I didn't.

5 Q. I wanted the Judge to know who requested it.

6 A. I didn't know. I just visit.

7 Q. I'm not accusing --- I'm just --- I just wanted  
8 the Judge to know I requested for you guys to come  
9 check everything.

10 A. Okay.

11 Q. Would you agree that since you analyze  
12 approximately, would you agree that maybe since the  
13 air conditioning unit was just put in this summer of  
14 '05, for the summer of '05, that maybe there should be  
15 more of a credit for '02, '03 and '04?

16 ATTORNEY LUTZ:

17 Your Honor, I ---.

18 A. That's not my call.

19 ATTORNEY LUTZ:

20 Yeah. I would object. Ms. Tarpley could  
21 actually --- if I could recall her, she could answer  
22 that question.

23 MR. PROPATO:

24 Oh, I'm sorry. I thought she does the  
25 analyst. Okay.

1                   JUDGE NGUYEN:

2                   Do you have a question for her?

3 BY MR. PROPATO:

4 Q.   Would you agree that maybe that there should be  
5 more credit for not having an air conditioner for the  
6 prior three years?

7                   MS. TARPLEY:

8                   Yeah. As I previously stated, we were  
9 --- had knowledge of the appliances and everything at  
10 the property, once you responded to that letter.

11                   MR. PROPATO:

12                   Yes.

13                   MS. TARPLEY:

14                   Something like that could have occurred.

15                   MR. PROPATO:

16                   Okay.

17                   MS. TARPLEY:

18                   Most definitely.

19                   MR. PROPATO:

20                   Okay. That's all. I'm sorry. I just  
21 thought you might have --- .

22                   JUDGE NGUYEN:

23                   How much you granted for that air  
24 conditioning?

25                   MS. TARPLEY:

1 Well, I'm not sure about the approximate  
2 amount, but since he's stating that he didn't have  
3 that particular cooling device, he would then ---  
4 probably he'll get the DAU based on the winter DAU and  
5 make appropriate adjustments. That's the fairest way  
6 to do it.

7 JUDGE NGUYEN:

8 Are you willing to do that?

9 MS. TARPLEY:

10 I most definitely can look at that. Yes,  
11 Your Honor.

12 JUDGE NGUYEN:

13 If they are willing to do that, you want  
14 to make any negotiation with them?

15 MR. PROPATO:

16 Your Honor, like I said, I just thought  
17 that from day one that this was not right. And until  
18 now, whatever you decide ---.

19 JUDGE NGUYEN:

20 You make ---.

21 MR. PROPATO:

22 Whatever you decide is fine with me. I  
23 just feel that on the original letter, which was ---  
24 the amount was originally wrong anyway, by \$1,600,  
25 approximately. And by them estimating what I owe, I

1 wish I could estimate what people owed me, and you  
2 know, I just don't think that it's a right way to  
3 handle business --- considering I am a good client for  
4 them. Meaning, I always pay my bills on time, I don't  
5 have a bad history with them, and I just thought that  
6 there might have been a more professional manner in  
7 handling this charges --- not case. Because everybody  
8 I've met is nice. I don't have a problem with any of  
9 the people. They're all doing their jobs. It's just  
10 --- I'm just --- like I said, an average person trying  
11 to make a living. And I'm just trying to get the man,  
12 I guess --- PECO. I don't know --- you know. I'm  
13 just trying to ---. Nobody else can provide me with  
14 this service except for PECO.

15 ATTORNEY LUTZ:

16 Your Honor, may I have some brief  
17 Redirect from Ms. Tarpley on this last topic?

18 JUDGE NGUYEN:

19 Ms. Tarpley? Yes.

20 REDIRECT EXAMINATION

21 BY ATTORNEY LUTZ:

22 Q. Ms. Tarpley, could you please explain to us when  
23 back billing, a four-year back billing is performed?  
24 Is that re-billing done on a case-by-case basis or is  
25 there a normal practice that has been approved by the

1 PUC for back billing?

2 A. It's a normal practice that has been approved by  
3 the Public Utility Commission and it's within our  
4 tariff that we can back bill for the x amount of  
5 years, what have you. And we do look at --- we use a  
6 basic formula and any additional information is  
7 provided to us, we can consider that, you know, when  
8 we do the back billing.

9 Q. So at this point, when the re-billing was --- the  
10 back billing was performed, it was according to the  
11 normal back billing procedure approved by the PUC and  
12 in the tariff; is that correct?

13 A. That is correct.

14 Q. But in today's hearing, you obtained additional  
15 information that Mr. Propato had a change in  
16 appliances that you were not aware of prior to today's  
17 hearing; correct?

18 A. That's correct.

19 Q. And you're indicating that you would be willing to  
20 go back and adjust that back billing according to when  
21 he got the air conditioning unit?

22 A. Right. We will look at the charges that were  
23 calculated for the summer periods and we'll make the  
24 adjustments on, you know. Just have a copy of the  
25 invoice --- that's fine with me.

1                   ATTORNEY LUTZ:

2                   Your Honor, I would request if we could  
3 have a copy of his air conditioning with the date on  
4 it that Ms. Tarpley would, in fact, review that ---

5                   JUDGE NGUYEN:

6                   Do you have it?

7                   MR. PROPATO:

8                   Yeah, I have that.

9                   ATTORNEY LUTZ:

10                  --- and make that adjustment?

11                  JUDGE NGUYEN:

12                  Let me see --- let me see that.

13                  MR. PROPATO:

14                  This is from the landlord.

15                  JUDGE NGUYEN:

16                  It's not from the landlord.

17                  MR. PROPATO:

18                  They're the people that installed it.

19                  JUDGE NGUYEN:

20                  All right.

21                  MR. PROPATO:

22                  The shopping center is like 35 years old;  
23 it's beat up.

24                  JUDGE NGUYEN:

25                  It's not --- when ---?

1                   MR. PROPATO:

2                   I think it says 8/6/04.

3                   ATTORNEY LUTZ:

4                   Did you have any air conditioning prior  
5 to that time?

6                   MR. PROPATO:

7                   They all have air conditioning; none  
8 work.

9                   ATTORNEY LUTZ:

10                  Okay. So prior to this ---?

11                  MR. PROPATO:

12                  Did we use air conditioning? No. Did we  
13 have one on the roof?

14                  ATTORNEY LUTZ:

15                  Did you have one on the roof prior to  
16 this ---?

17                  MR. PROPATO:

18                  We had one on the roof, but it never  
19 worked. Never turned on.

20                  ATTORNEY LUTZ:

21                  Your Honor, I would like to submit that  
22 Ms. Tarpley can certainly do a review based on this  
23 additional information, and I could submit it to you  
24 in writing, and also to the customer while further  
25 adjustments could be made.

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JUDGE NGUYEN:

Okay.

ATTORNEY LUTZ:

Your Honor, at this time I would like to move to admit PECO Exhibits One through Seven into the record.

JUDGE NGUYEN:

PECO Exhibit One through Seven I'll admit to the record.

ATTORNEY LUTZ:

Thank you, Your Honor.

JUDGE NGUYEN:

Thank you very much. We are adjourned.

\* \* \* \* \*

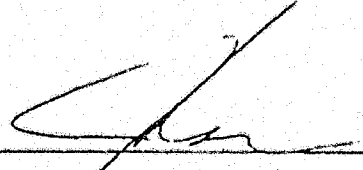
HEARING CONCLUDED AT 11:30 A.M.

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C E R T I F I C A T E

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

  
\_\_\_\_\_  
Court Reporter

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FEB 22 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



**RECEIVED**

FEB 22 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**DOCUMENT FOLDER**

Account Statement  
Customer Name:  
Address:

Pasquale Propato  
104 W Moreland Av St 2  
Halboto Pa 19040-1805

Format PUC CASE  
docket #C-20055474

Account Number: 40-06-16-113090

Rates: Commercial Measured Electric & Heat

Bill Period	D A Y S	Meter Reading -Type	U S A G E	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg	Sales Tax	Amount Reqisd	Due Date	Late Chg	Payment	Date Pymt Rec'd	Balance	Comments
10/06/03	27	43117 - A	3439	127.3	205.39	237.33	26.56	886.77	11/05/03		1,094.97	10/09/03	886.77	BM 50
10/08/03	29	7037 - A	372	12.8	393.85		23.64							
11/06/03	31	46685 - A	3568	115.0	165.50	199.95	21.93	835.15	12/03/03		886.77	11/06/03	835.15	BM 50
11/06/03	29	7437 - A	400	13.7	422.42		25.35							
12/08/03	32	50282 - A	3597	112.4	168.40	203.17	22.30	1,035.68	01/05/04		835.15	12/05/03	1,035.68	BM 50
12/08/03	32	8008 - A	571	17.8	605.48		36.33							
01/08/04	31	53630 A	3348	108.0	162.05	193.71	21.34	1,100.10	02/04/04		1,035.68	01/08/04	1,100.10	BM 50
01/08/04	31	8626 - A	618	19.9	682.07		40.93							
02/09/04	32	57535 - A	3905	122.0	179.31	218.98	23.90	1,543.48	03/08/04		1,100.10	02/06/04	1,543.48	BM 50
02/09/04	32	9592 - A	966	30.1	1,057.82		63.47							
03/09/04	29	61020 - A	3485	120.1	168.86	203.18	22.32	990.20	04/05/04		1,543.48	03/08/04	990.20	BM 50
03/09/04	29	85 - A	493	17.0	562.11		33.73							
04/08/04	30	64611 - A	3591	119.7	173.87	209.50	23.00	1,018.04	05/05/04		990.20	04/02/04	1,018.04	BM 50
04/08/04	30	562 - A	477	15.9	577.04		34.63							
05/10/04	32	69279 - A	4668	145.8	197.72	247.11	26.69	1,011.93	06/07/04		1,018.04	05/05/04	1,011.93	BM 50
05/10/04	32	982 - A	420	13.1	509.81		30.60							
06/09/04	30	74542 - A	5263	175.4	308.76	364.33	40.39	1,223.86	07/06/04		1,011.93	06/10/04	1,223.86	BM 50
06/09/04	30	1378 - A	396	13.2	481.49		28.89							
07/09/04	30	80323 - A	5781	192.7	319.93	382.11	42.12	1,252.05	08/05/04		1,223.86	07/02/04	1,252.05	BM 50
07/09/04	30	1772 - A	394	13.1	479.14		28.75							
08/09/04	31	86285 - A	5962	192.3	304.25	369.02	40.40	1,212.80	09/07/04		1,252.05	08/05/04	1,212.80	BM 50
08/09/04	31	2159 - A	387	12.4	470.88		28.25							

Exhibit #1

Account Statement

Pasquale Propato  
 104 W Moreland Av St 2  
 Hatboro Pa 19040-1805

Formal PJC CASE  
 docket #C-20055474

Account Number: 40-06-16 113090

Rates: Commercial Measured Electric & Heat

Bill Period	DAYS	Meter Reading -Type	U S A G E	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg.	Sales Tax	Amount Reqstd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Comments
09/09/04	31	92536 - A	6251	201.6	329.62	397.79	43.65	1,260.19	10/06/04		1,212.80	09/03/04	1,280.19	BM 50
09/09/04	31	2554 - A	395	12.7	480.31		28.82							
10/08/04	29	97015 - A	4479	154.4	248.95	295.00	32.64	1,078.22	11/08/04		1,280.19	10/07/04	1,078.22	BM 50
10/08/04	29	2943 - A	389	13.4	473.23		28.40							
11/08/04	31	1290 - A	4275	137.9	190.83	235.17	25.56	1,019.47	12/06/04		1,078.22	11/10/04	1,019.47	BM 50
11/08/04	31	3385 - A	442	14.2	535.76		32.15							
12/08/04	30	5245 - A	3955	131.8	183.75	224.00	24.46	1,053.70	01/04/05		1,019.47	12/08/04	1,053.70	BM 50
12/08/04	30	3873 - A	488	16.2	586.31		35.18							
01/10/05	33	9588 - A	4343	131.6	191.82	237.03	25.73	2,320.01	02/07/05	2.97			2,320.01	BM 00
01/10/05	33	4524 - A	651	19.7	762.98		45.78							
02/08/05	29	13629 - A	0	0.0					03/03/05		1,266.31	02/08/05		Bill delayed
02/08/05	29	9948 - A	0	0.0							1,053.70	01/13/05		questionable reading BM 12
02/08/05	29	13629 - A	4041	139.3	181.58	229.13	24.64	1,183.86	03/08/05				1,183.86	Delayed bill issued BM 81
02/08/05	29	5127 - E	603	20.7	706.13		42.38							
03/09/05	29	17819 - A	4190	144.4	186.12	235.73	25.30	1,309.15	04/05/05		1,183.86	03/11/05	1,309.15	BM 50
03/09/05	29	5817 - A	690	23.7	813.20		48.80							
04/08/05	30	22188 - A	4369	145.6	191.07	243.16	26.05	1,096.49	05/05/05		1,309.15	04/08/05	1,096.49	BM 50
04/08/05	30	6313 - E	496	16.5	600.19		36.02							
05/09/05	31	27080 - A	4892	157.8	202.07	261.36	27.80	2,086.92	06/06/05	3.22			2,086.92	

Account Statement

Pasquale Propato  
 104 W Moreland Av St 2  
 Hatboro Pa 19040-1805

Formal PUC CASE  
 docket #C-20055474

Account Number: 40-06-16-113090

Rates: Commercial Measured Electric & Heat

Bill Period	DAYS	Meter Reading -Type	U S A G E	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg.	Sales Tax	Amount Reqstd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Comments
05/09/05	31	6697 - A	384	12.3	467.90		28.08							
06/09/05	31	32245 - A	5165	166.6	297.21	361.96	39.55	1,219.60	07/06/05	0.02	987.21	06/06/05	1,219.60	
06/09/05	31	7090 - A	393	12.6	488.33		29.31				1,096.49	05/13/05		
07/08/05	29	39074 - A	6829	235.4	350.90	443.43	47.66	1,364.89	09/01/05		1,219.60	07/08/05	1,364.89	BM 50
07/11/05	32	7468 - A	378	11.8	493.29		29.61							
08/09/05	32	47391 - A	8317	259.9	360.69	670.31	61.86	1,564.71	09/06/05		1,364.89	08/11/05	1,564.71	BM 50
08/09/05	29	7808 - A	340	11.7	445.14		26.71							
09/09/05	31	6109 - A	0	0.0					10/04/05		1,564.71	09/12/05		Bill delayed questionable reading BM 50
09/09/05	31	8167 - A	0	0.0										
09/09/05	31	6109 - E	8582	276.8	375.29	906.06	76.88	1,859.76	11/02/05		*6,601.79-	09/27/05	8,461.55	*Rebiling 11/2002 to 8/2005 BM 81
09/09/05	31	8167 - A	359	11.5	473.14		28.39							
08/18/05 - Meter Change: Removed Meter #9UJ-600550 : index 47391; Installed Meter #9UJ-4356273 : index 00000														
10/10/05	31	13235 - A	7126	229.8	335.41	819.95	69.32	10,231.15	11/07/05				10,231.15	
10/10/05	31	8550 - A	383	12.3	514.07		30.85							
11/08/05	29	17595 - A	4360	150.3	472.85		28.37	6,015.90	12/05/05		1,769.60	11/08/05	6,015.90	*Bill adjustment
11/08/05	29	8942 - A	392	13.5	525.81		31.55				*1,644.47	11/07/05		
											1,859.76	10/24/05		
12/08/05	30	22018 - A	4423	147.4	466.84		28.01	6,219.91	01/03/06		1,058.58	12/08/05	6,219.91	
12/08/05	30	9450 - A	508	16.9	724.28		43.46							
01/10/06	33	26747 - A	4729	143.3	467.47		28.05	6,675.28	02/02/06		1,262.59	01/10/06	6,675.28	

Account Statement

Customer Name:  
Address:

Pasquale Propato  
104 W Moreland Av Sl 2  
Hatboro Pa 19040-1805

Formal PUC CASE  
docket #C-20055474

Account Number:

40-06-16-113090

Rates:

Commercial Measured Electric & Heat

Bill Period	D A Y S	Meter Reading -Type	U S A G E	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg.	Sales Tax	Amount Reqstd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Comments
01/10/06	33	139 - A	689	20.8	1,153.24		69.20							
02/08/06	29	30920 - A	4173	143.8	468.52		28.11	6,501.68	03/06/06		1,717.96	02/09/06	6,501.68	
02/08/06	29	728 - A	589	20.3	988.42		59.31							

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

DOCUMENT FOLDER

**ELLNET REPORT:**  
**REVENUE PROTECTION THEFT REPORT**

New meter  
Account Number: 40-06-10-113090 Reading Back billing:   
Address: Street: 104 W MORCLAND Modifier: \_\_\_\_\_  
Date the Theft was discovered: 8-18-05 Town: HATBORO  
Customer's Name: PASQUALE PRZUPATO Meter Location: DD

Type of Account: Electric  Gas \_\_\_\_\_ Residential \_\_\_\_\_ Commercial \_\_\_\_\_  
Active  Inactive \_\_\_\_\_ No Account on Tape \_\_\_\_\_

Meter Number: 94-600550 Reading: 00003 AF/AL

Gas Meter Number: \_\_\_\_\_ Reading: \_\_\_\_\_ AF: \_\_\_\_\_ AL: \_\_\_\_\_

Foreign/Lost Meter Number: \_\_\_\_\_ Reading: \_\_\_\_\_ AF: \_\_\_\_\_ AL: \_\_\_\_\_  
How was the Theft discovered: Survey Trip \_\_\_\_\_ Personal Observation \_\_\_\_\_  
Collateral Account \_\_\_\_\_ Other \_\_\_\_\_

**Types Of Theft:**

Open Potlatch \_\_\_\_\_  
Switch On Potlatch   
Pot Latch Missing \_\_\_\_\_

Upside down Meter \_\_\_\_\_

Foreign/Lost Meter \_\_\_\_\_

Shunts on the meter blades:  
240v meters \_\_\_\_\_ 3Phase Meters \_\_\_\_\_  
One Side \_\_\_\_\_ One phase \_\_\_\_\_  
Both Sides \_\_\_\_\_ Two-phases \_\_\_\_\_  
Three-phases \_\_\_\_\_

Unmetered Lines:  
Line to load jumpers \_\_\_\_\_  
UMC on the line side \_\_\_\_\_  
Service cable is splice \_\_\_\_\_  
Tap on the UG \_\_\_\_\_

Defective meter/ Module \_\_\_\_\_

Cut thru \_\_\_\_\_  
Cut Thru Date \_\_\_\_\_

Hole in the meter glass \_\_\_\_\_

Internal:  
AMR Transmitter removed \_\_\_\_\_  
Wedged Disk \_\_\_\_\_  
Blank Display \_\_\_\_\_  
Bent disk shaft \_\_\_\_\_  
Dropped disk \_\_\_\_\_  
Worm wheel not in sync   
Other Theft \_\_\_\_\_

Unauthorized use of service  
CE/CS \_\_\_\_\_  
SO/SX \_\_\_\_\_

Terco Switches:  
Open \_\_\_\_\_  
Switches \_\_\_\_\_

BP Engaged \_\_\_\_\_

RPT Tom DiScullo Date: \_\_\_\_\_  
Referred to: Meter Service \_\_\_\_\_ SLB \_\_\_\_\_ Other RPT \_\_\_\_\_ Bucket Truck \_\_\_\_\_ Billing

*FOUND METER NOT SEALED  
FOUND Z.Y. BROKEN  
FOUND WORM WHEEL NOT IN SYNC AND  
INDEX ROD 00003 NOT MATCHING AMRD.  
CHANGED METER.*

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

RECEIVED  
FEB 22 2006

RECEIVED AUG 25 2006

Exhibit #2  
C-20055474  
February 15, 2006  
Ph: Philadelphia

05/27 76 REV'D 1/83

CHANGE

SET

46 06 16 113070

TUND

8 18-05

S CODE C VOLT SUGG - ROOT AU PE

QUAD NUMBER MAIL OP DIST UCT

RATE BDR SERVICE DESIRED

CONTRACT DATE TEAM VOLTS PHASE WIRES CREDIT

024

12

ADDRESS 104 W. Moreland Ave St 2

13

POST OFFICE Habers

40 285

MAX BILLS TO

IF USED METER MUST BE USED

40

POST OFFICE - MAILER

287

KW LOAD LT/LBS

KVA

EST DEM KW

CERTIFICATE OF RECORD

YES

NO

DO NOT HOLD

REASON FOR REMOVAL

Warm water not metered  
Index Rds. Eccc 3  
not matching FAST READ AMRIS

RECEIVED AUG 25 2005

METER CODES  
0 - NORMAL  
1 - METER REC BYPASS  
2 - DROP FROM MVT  
RM CODES  
8 - NOT DEFECTIVE  
1 - DEFECTIVE

TYPE OF BOARD

NEW SET

RATE

METER NUMBER

READING

CONSTANT

EST DATE

DLE

LOC

BUDGET

OR

MM

CTO

LEFT TURNED ON

14

CM94-14356273

40000

0818

500

14 ADD-APT

TIMER NUMBER

LOCATION

CUT THROUGH DATE

FOUND CUT THROUGH

INSTALLED BY

DATE

070

45 M.C.

RATE

METER NUMBER

READING

RM

REM DATE

CONSTANT

REMOVED BY

DATE

44 REMOVAL

CM94-600550

0818

548

TIMER LEFT BY SERVICE

TIMER NUMBER

TAPS CUT

SERVICE REMOVED

OPERATING

NEW WORK

DATA PROCESSING

*Revised*

**Calculation Of Corrected Charges**

**RECEIVED**

FEB 22 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

ACCOUNT NUMBER RATE	40-06-16-113090 GM
CUSTOMER NAME CUSTOMER ADDRESS	PASQUALE PROPATO 104 W MORELAND RD
CITY, STATE, ZIP CODE	HATBORO, PA

BILLING PERIOD		Previously Billed kwh (Usage)	Previously Billed Revenue	Revised kwh (Usage)	Revised Revenue	Additional Charges For Each Billing Period
<b>FROM</b>	<b>TO</b>					
11/7/02	12/9/02	3342	\$387.21	5278	\$507.72	\$140.51
12/9/02	1/7/03	2837	\$325.95	4782	\$488.64	\$160.69
1/7/03	2/7/03	3424	\$389.85	5112	\$500.07	\$130.42
2/7/03	3/10/03	3388	\$380.72	5112	\$500.04	\$139.32
3/10/03	4/8/03	3078	\$335.89	4782	\$485.94	\$150.25
4/8/03	5/8/03	3513	\$371.47	4782	\$485.94	\$114.47
5/8/03	6/8/03	3702	\$394.77	8518	\$881.96	\$487.19
6/8/03	7/9/03	5508	\$863.62	8518	\$881.96	\$218.34
7/9/03	8/8/03	5528	\$853.85	8244	\$870.28	\$216.41
8/8/03	9/9/03	5357	\$304.40	8793	\$893.70	\$589.30
9/9/03	10/8/03	3439	\$442.72	4452	\$471.85	\$29.13
10/8/03	11/8/03	3588	\$385.45	5112	\$500.04	\$134.59
11/8/03	12/8/03	3597	\$371.57	5276	\$507.04	\$135.47
12/8/03	1/8/04	3348	\$355.78	5112	\$500.04	\$144.28
1/8/04	2/9/04	3905	\$398.29	5276	\$509.24	\$110.85
2/9/04	3/9/04	3485	\$372.04	4782	\$487.97	\$115.93
3/9/04	4/8/04	3591	\$383.37	4947	\$494.95	\$111.58
4/8/04	5/10/04	4888	\$444.83	5276	\$509.24	\$84.41
5/10/04	6/9/04	5283	\$673.09	8244	\$873.64	\$200.55
6/9/04	7/9/04	5781	\$702.04	8244	\$873.64	\$171.80
7/9/04	8/9/04	5962	\$673.27	8518	\$885.44	\$212.17
8/9/04	9/9/04	6251	\$727.41	8518	\$885.44	\$158.03
9/9/04	10/8/04	4479	\$543.95	4479	\$543.95	\$0.00
10/8/04	11/8/04	4275	\$426.00	5112	\$502.17	\$76.17
11/8/04	12/8/04	3955	\$407.75	4947	\$495.08	\$87.31
12/8/04	1/10/05	4343	\$428.85	4452	\$473.77	\$44.92
1/10/05	2/8/05	4041	\$410.71	4782	\$487.39	\$78.68
2/8/05	3/8/05	4190	\$421.85	4782	\$487.39	\$65.54
3/8/05	4/8/05	4369	\$434.23	4947	\$494.51	\$60.28
4/8/05	5/9/05	4892	\$483.43	5112	\$501.83	\$38.20
5/9/05	6/9/05	5165	\$859.17	8519	\$884.64	\$225.47
6/9/05	7/8/05	6829	\$794.33	7969	\$880.89	\$86.56
7/8/05	8/9/05	8317	\$1,031.00	8317	\$1,031.00	\$0.00
		147381		201094		\$4,678.72
						\$280.80
						\$4,957.32

DOCUMENT  
FOLDER

SUB TOTAL  
SALES TAX @8%  
TOTAL

PECO Exhibit #3

C-20055474  
February 15, 2006  
Philadelphia

Date 2/14/06

PA. Public Utility Commission  
Bureau Of Consumer Services  
Inbound Closing Report

Case Number: 1985763  
Customer Name: PASQUALE PROPATC  
Address: 104 MORELAND RC  
HATBORO PA 19040-1805

Opened On: 9/23/05  
Utility Type: Electric Distributor  
Account Number: 400616113090  
Company Name: PECO Energy

Prior Case: Total Balance: \$8,461.55 Balance Date:

Compliance Violation(Alleged, Actual, No): NO Chap 56/64/Other: Section/Rule:

Decision Issued: N Oral Written:   
Investigator: COOK, GLORIA PUC Decision Issued Dt: PUC Case Closed Dt: 10/11/05

Decision Recvd Dt: 10/11/05 03:25PM

Letter Description:

To Restore Service Pay:	\$0.00	To Continue Service Pay:	\$0.00	By:	
Terms:					
Special Budget Amount:	\$0.00	Regular Budget Amount:	\$0.00	Plus Arrears Payment:	\$0.00
Final Bill Monthly Payment:	\$0.00	Current Bill Monthly Payment:	\$0.00		
End Of Month Payment:	\$0.00				

Par Description:

RECEIVED

FEB 22 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

DOCUMENT  
FOLDER

Resolution:

VERBAL CLOSE LETTER MAILED TO CU. YOUR ACCOUNT BALANCE IS \$8,461.55. IN ORDER TO PREVENT THE TERMINATION OF YOUR SERVICE, YOU MUST PAY \$8,461.55 BY 10/18/05 THEN PAY FUTURE BILLS WHEN RENDERED.

C-20055474  
February 15 2006  
Philadelphia

PECO Exhibit #4



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

IN REPLY PLEASE  
REFER TO OUR FILE

October 11, 2005

BCS #1985763

PASQUALE PROPATO  
104 MORELAND RD  
HATBORO PA 19040

DOCUMENT  
FOLDER

Dear Sir:

This is in reference to the recent informal complaint you filed with the Pennsylvania Public Utility Commission against PECO Energy regarding a billing dispute. I have attempted to call you and discuss this case but have been unable to reach you by telephone.

The Bureau of Consumer Services has very limited authority when commercial/general service/industrial accounts are involved. The more comprehensive regulations governing residential accounts do not apply to these classes of service. Therefore we cannot order the company to waive or reduce the bill(s) you have disputed, or force the company to offer you payment terms other than those described below.

A company technician responding to gas work in the area found the seal broken on your meter. It was also determined that the Z/4 was broken and the worm wheel not in sync. Repairs were made and a new meter was installed on 8/18/05. On 9/16/05 you were back billed from 11/7/02 to 8/9/05. A letter was mailed to you from the company along with a calculation of charges. On 9/22/05 you requested the company drop the supplier on your account. Your account balance is \$8,461.55. In order to prevent the termination of your service, you must pay \$8,461.55 by 10/18/05 then pay future bills when rendered.

If you wish to pursue this matter further, you can file a formal complaint with the Public Utility Commission within 20 days of the date of this letter. Formal complaint forms may be obtained by writing to the Secretary of the Commission at the above address or by contacting the Bureau of Consumer Services at 1-800-782-1110. Please be advised that filing a formal complaint does not automatically prohibit the termination of your service if the above payment(s) are not made.

Sincerely,

Gloria A. Cook  
Utility Complaint Investigator

220-7326

Account Number: 400616113090

PECO  
Exh. b. + 4  
Page 2 of 2

Business Name: Pasquale Property  
 Address: 104 W Moreland Ave  
 Row 2  
 Halthora

Account Number: 40-06-16-113090

Complaint: too high

Person Interviewed: Mr Pasquale

Telephone Number: 215-674-0712

FIELD REPORT:

Hours of operation - 7 days  
 Monday-Thursday 11 until 10  
 Friday-Saturday 11 until 11  
 Sunday 12 until 10

LIST OF APPLIANCES AND EQUIPMENT APPROX KW LOAD

28 4 ft tubes 1120  
 2 12 ft tubes 240  
 2 ceiling fans 200  
 coke cooler 8.9 1024  
 coke cooler 8.5 978  
 color TV 200  
 2 under counter refrigerators 4.3 990  
 chest freezer 4.5 518  
 steamer 1200  
 freezer 13.2 1518  
 ice machine 1000  
 walk in freezer 5x6 1500  
 chest freezer 518  
 microwave 1500  
 furnace fan 400  
 dough machine  
 roof top AC (6TON) 9000

gas oven (2) 140,000 BTU 326 monthly eq  
 140,000 BTU at 8 hrs daily  
 fryer 103,000 244 monthly eq  
 grill  
 roof top heater at 100,000 BTU 8 hrs daily = 234 mo eq  
 water heater

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FEB 22 2006

PA PUBLIC UTILITY COMMISSION  
 SECRETARY'S BUREAU

(B)

Rated Meters kWh's = (METER DISPLAY) X (PT RATIO) X (CT RATIO) / METER CONSTANT

Meter Number: 6273	Con: Cm	Rate: Cm	Polyphase:	Kh: 3	Sec: 3
DATE: 2/13/06	READING: 31623	USAGE: 703	DAU: 140.6	EST NEXT BILL: 4218	WATTS ON METER: 8640
DATE: 2/8/06	READING: 30920	USAGE: 4173	DAU: 143.8		

Meter Number: 6670	Con: HC	Rate: HC	Polyphase:	Kh: 1/2 AC	Sec: idle
DATE: 2/13/06	READING: 0849	USAGE: 721	DAU: 242	EST NEXT BILL: 726	WATTS ON METER:
DATE: 2/8/06	READING: 0728	USAGE: 589	DAU: 20.3		

Meter Number:	Con:	Rate:	Polyphase:	Kh:	Sec:
DATE:	READING:	USAGE:	DAU:	EST NEXT BILL:	DEM READING:

DOCUMENT FOLDER

C-20055474  
 February 15, 2006  
 Philadelphia

see other side:

PECO Exhibit #5

NAME Pasquale

Date 2/13/06



PECO Energy Company  
2301 Market Street N3-1  
Philadelphia, PA 19103

www.exeloncorp.com

An Exelon Company

September 20, 2005

Pasquale Propato  
104 W Moreland Rd  
Hatboro, PA 19040

# DOCUMENT FOLDER

Account Number: 40-06-16-113090

Dear Customer:

We checked your electric service and found a problem. Your meter was not registering all the electricity you were using. As a result, you were billed for less service than you actually used. We corrected the problem with the electric service, and are billing you for the additional charges. We based these charges on average and actual use of service.

The new bill is for a longer period of time. The bill will cover the period from 11/07/02 to 8/9/05 for an additional 53,703kWh, in the amount of \$6228.10, plus tax, on Peco Energy rate calculations for all additional electric charges.

The period of billing for the winter periods from September to May were billed based on the daily average usage of 164.9 and the summer periods from May to September were billed on the daily average usage of 274.8kWh. Attached is an accounting statement that shows the charges which will appear on next month's billing statement.

The basis used for the average bill was taken from the new meter #9U-4356273 which was installed 8/18/05 index 00000 to 9/14/05 index 07419 in which you used 7419kwhs in 27 days for a daily average use of 274.8kWhs.

The period of billing from 8/9/05 to 8/18/05 was billed at an average use of 2473kWhs and the period from 8/18/05 to 9/9/05 index 06109 was billed on 6109kWhs for a total of 8582kWhs in the amount of \$375.29, plus tax, for PECO Energy charges. Your supplier will bill you in addition to these charges.

A separate accounting statement has been included. You need more information, or would like to make payment arrangements after you receive the bill, please contact PECO Energy Company at 1-800-494-4000.

Sincerely,

Revenue Protection  
Enclosure (1) -

C-20055474  
February 15, 2006  
Philadelphia

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FEB 22 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

1-800-782-1110

Peco  
Exhibit 6

# Calculation Of Corrected Charges



PECO Energy Company  
2301 Market Street N3-1  
Philadelphia PA 19103

www.exeloncorp.com

An Exelon Company

ACCOUNT NUMBER	40-06-16-113090
RATE	CM
CUSTOMER NAME	PASQUALE PROPATO
CUSTOMER ADDRESS	104 W MORELAND RD
CITY, STATE, ZIP CODE	HATBORO, PA

BILLING PERIOD		Previously Billed	Previously Billed	Revised	Revised	Additional
		kwh (Usage)	Revenue	kwh (Usage)	Revenue	Charges For Each Billing Period
FROM	TO					
11/7/02	12/9/02	3342	\$367.21	5276	\$507.72	\$140.51
12/9/02	1/7/03	2837	\$325.95	4782	\$486.64	\$160.69
1/7/03	2/7/03	3424	\$369.65	5112	\$500.07	\$130.42
2/7/03	3/10/03	3388	\$360.72	5112	\$500.04	\$139.32
3/10/03	4/8/03	3079	\$335.69	4782	\$485.94	\$150.25
4/8/03	5/8/03	3513	\$371.47	4782	\$485.94	\$114.47
5/8/03	6/8/03	3702	\$394.77	8518	\$881.96	\$487.19
6/8/03	7/9/03	5508	\$663.62	8518	\$881.96	\$218.34
7/9/03	8/8/03	5528	\$653.85	8244	\$870.26	\$216.41
8/8/03	9/9/03	5357	\$304.40	8793	\$893.70	\$589.30
9/9/03	10/6/03	3439	\$442.72	4452	\$471.85	\$29.13
10/6/03	11/6/03	3568	\$365.45	5112	\$500.04	\$134.59
11/6/03	12/8/03	3597	\$371.57	5276	\$507.04	\$135.47
12/8/03	1/8/04	3348	\$355.76	5112	\$500.04	\$144.28
1/8/04	2/9/04	3905	\$398.29	5276	\$509.24	\$110.95
2/9/04	3/9/04	3485	\$372.04	4782	\$487.97	\$115.93
3/9/04	4/8/04	3591	\$383.37	4947	\$494.95	\$111.58
4/8/04	5/10/04	4668	\$444.83	5276	\$509.24	\$64.41
5/10/04	6/9/04	5263	\$673.09	8244	\$873.64	\$200.55
6/9/04	7/9/04	5781	\$702.04	8244	\$873.64	\$171.60
7/9/04	8/9/04	5962	\$673.27	8518	\$885.44	\$212.17
8/9/04	9/9/04	6251	\$727.41	8518	\$885.44	\$158.03
9/9/04	10/8/04	4479	\$543.95	4479	\$543.95	\$0.00
10/8/04	11/8/04	4275	\$426.00	5112	\$502.17	\$76.17
11/8/04	12/8/04	3955	\$407.75	4947	\$495.06	\$87.31
12/8/04	1/10/05	4343	\$428.85	4452	\$473.77	\$44.92
1/10/05	2/8/05	4041	\$410.71	4782	\$487.39	\$76.68
2/8/05	3/9/05	4190	\$421.85	4782	\$487.39	\$65.54
3/9/05	4/8/05	4369	\$434.23	4947	\$494.51	\$60.28
4/8/05	5/9/05	4892	\$463.43	5112	\$501.63	\$38.20
5/9/05	6/9/05	5165	\$659.17	8519	\$884.64	\$225.47
6/9/05	7/8/05	6829	\$794.33	7969	\$860.89	\$66.56
7/8/05	8/9/05	8317	\$1,031.00	8317	\$1,031.00	\$0.00
<b>SUB TOTAL</b>		147391		201094		\$6,228.10
<b>SALES TAX @6%</b>						\$373.69
<b>TOTAL</b>						\$6,601.79