

ORIGINAL
COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

- - - - -x
Sheila D. Johnson :
Vs. :
PECO Energy Company :
Initial Hearing - - - - -x :
Pages 1 through 11

DOCUMENT

: Z-01694001
Hearing Room One
State Office Building
Philadelphia, Pennsylvania

Monday, December 13, 2004

Met pursuant to notice at 1:30 p.m.

BEFORE:

KY VAN NGUYEN, Administrative Law Judge

APPEARANCES:

ANTHONY D. KANAGY, Esquire
2301 Market Street
Philadelphia, Pennsylvania 19103
(For PECO Energy Company)

G.M.

DOCKETED
JAN 13 2005

RECORDED
INDEXED
FEB 11 2005
FBI 1:25

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

49
64
55

WITNESS INDEX

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| WITNESS | DIRECT | CROSS | REDIRECT | RECROSS |
|--------------|--------|-------|----------|---------|
| Louis DuBois | 5 | - | -- | - |

FCRM 7

E X H I B I T S

FOR IDENTIFICATION IN EVIDENCE

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NUMBER

PECO

1 Account Statement

6

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2 Agreements

7

10

3 BCS Report

8

10

FORM 2

P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE KY VAN NGUYEN: Good
3 afternoon.

4 We will be hearing the complaint of Sheila
5 Johnson against PECO Energy Company, Docket
6 Number Z-zero-one-six-nine-four-zero-zero-one
7 (Z-01694001).

8 My name is Ky Van Nguyen. I am the
9 Administrative Law Judge presiding at this
10 hearing.

11 I would ask the parties to identify
12 themselves for the record.

13 Mr. Kanagy.

14 MR. KANAGY: Yes, Your Honor. I'm here
15 representing PECO Energy Company.

16 JUDGE VAN NGUYEN: I note for the record
17 that the Complainant is not present at this
18 hearing, so we will conduct the hearing without
19 her.

20 Mr. Kanagy.

21 MR. KANAGY: Yes, Your Honor. I'd like to
22 call Louis DuBois.

23 JUDGE VAN NGUYEN: Take a seat, please.

24 (Witness complying.)

25 JUDGE VAN NGUYEN: Please stand and

1 raise your right hand.

2 Whereupon,

3 LOUIS DU BOIS
4 was called as a witness, duly sworn, and
5 testified as follows:

6 MR. KANAGY: Your Honor, if I may
7 approach and hand out the exhibits.

8 Your Honor, there are three exhibits.
9 They are stapled together.

10 DIRECT EXAMINATION

11 BY MR. KANAGY:

12 Q Mr. DuBois, would you please spell
13 your name for the record?

14 A Yes. It's Louis -- L-o-u-i-s --
15 DuBois -- D-u-Capital B-o-i-s.

16 Q Mr. DuBois, by whom are you employed?

17 A PECO Energy Company.

18 Q What is your current position with
19 PECO?

20 A I'm s regulatory Assessor.

21 Q And, in your duties as a regulatory
22 assessor, have you become familiar with the
23 complaint today?

24 A Yes, I have.

25 Q Do you have before you what's been

2 1000

1 marked as PECO Exhibit No. 1?

2 A Yes, I do.

3 (Whereupon, the document was
4 marked for identification as
5 PECO Exhibit No. 1.)

6 BY MR. KANAGY:

7 Q Please explain what PECO Exhibit No 1
8 is.

9 A PECO Exhibit No. 1 is a two-page is
10 an account statement for Miss Johnson's
11 account. It shows any bills that were rendered
12 on the account or any payments that might have
13 been made.

14 Q What is the current account balance
15 shown on PECO Exhibit No. 1?

16 A Two Thousand, three hundred, sixty-
17 five dollars and three cents (\$2,365.03).

18 Q And could you please explain where
19 that's shown?

20 A Yes. That would be shown in final
21 balance on page 2 on the bottom right.

22 Q When was Miss Johnson's last payment
23 made and for how much?

24 A Last payment was on September 21st,
25 2004 for \$40.00.

1 Q Do you have before you what's been
2 marked as PECO Exhibit No. 2?

3 A Yes, I do.

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

7 Q Would you please explain what PECO
8 Exhibit No. 2 is?

9 A PECO Exhibit No. 2 is a history of
10 any agreements that might have been made with
11 the customer and I labeled them from 1 through
12 4, starting at the bottom.

13 The first agreement was made on 12-20 1999
14 to pay \$15.00 plus the current bill.

15 The second agreement was made on 5-20,
16 2002, whereas the customer was to pay \$100 plus
17 the current charges.

18 And the third agreement was made on 11-8
19 2002, whereas the customer was to pay \$40.00
20 plus current charges.

21 And the final - No 4 -- is the current PUC
22 decision where the customer was to pay \$70.00
23 plus current charges - I believe it was plus
24 budget.

25 Q Were the agreements kept?

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A No, they were not.

Q Do you have before you what's been marked as PECO Exhibit No. 3?

A Yes, I do.

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

BY MR. KANAGY:

Q Would you please explain what PECO Exhibit No. 3 is?

A PECO Exhibit No. 3 is a copy of the Public Utilities BCS decision that was issued on 7-1, 2004, whereas the customer beginning with the August bill, was to pay a \$98.00 budget plus \$70.00 towards the arrears for a total payment of One-sixty-eight (\$168.00).

Q Is Miss Johnson a CAP customer?

A No, she's not.

Q What is Miss Johnson's average bill at this time?

A Seventy-five dollars (\$75.00) a month.

Q And what's her current budget amount?

A Current calculated budget is Eighty-three dollars (\$83.00).

FORM 2

1 Q Would you please explain how you
2 calculate that amount?

3 A Yes. I took the One-ninety-eight
4 (\$198.00) balance and added that up for three
5 months. Five-ninety-four (\$594.00).

6 And, you know, I have to admit that I
7 think I made an error in this calculation, now
8 that I'm re-looking at it.

9 I could correct that.

10 JUDGE VAN NGUYEN: Okay.

11 THE WITNESS: If you would like.
12 (Calculating.) Yes. The catch-up amount would
13 be \$430.00. And I calculated that by adding
14 the months of August, September, October for
15 the \$98.00 budget, which is a total of three-
16 oh-four (\$304.00).

17 And then I recalculated the budget
18 for November-December. That was One-seventy-
19 six (\$176.00) at \$88.00 -

20 BY MR. KANAGY:

21 Q Okay.

22 A And subtracted the \$40.00 payment.

23 Q What is PECO's final position with
24 regard to this Claimant.

25 A The final position is to have the DCS

1 decision affirmed per the budget, which is now
2 \$83.00 plus the \$70.00 payment for One-fifty-
3 three (\$153.00) and pay the catch-up amount of
4 \$430.00.

5 MR. KANAGY: Your Honor, I'd like to move
6 for admission of PECO Exhibits Nos. 1 through
7 3.

8 JUDGE VAN NGUYEN:
9 Okay. PECO Exhibits No. 1, 2; 3: admitted.

10 (Whereupon, the documents
11 previously marked as PECO
12 Exhibits 1 through 3 were
13 received in evidence.)

14 MR. KANAGY: I have no further questions
15 for Mr. DuBois. I would like to make a motion
16 to dismiss for failure to prosecute.

17 JUDGE VAN NGUYEN: You may do that.

18 MR. KANAGY: Okay.

19 JUDGE VAN NGUYEN: I have a few questions
20 for you.

21 The BCS decision was issued. How
22 many payments did she make?

23 THE WITNESS: One payment of \$40.00, Your
24 Honcr.

25 JUDGE VAN NGUYEN: Only one?

FORM 2

1 THE WITNESS: Yes.

2 JUDGE VAN NGUYEN: So the catch-up amount
3 owed by the Claimant at the time of hearing is
4 \$430.00.

5 THE WITNESS: That is correct.

6 JUDGE VAN NGUYEN: Okay. Thank you very
7 much.


8 We are adjourned.

9 (Whereupon, the hearing was concluded
10 at 1:45 p.m.)

11 C E R T I F I C A T E

12 I hereby certify, as the stenographic
13 reporter, that the foregoing proceedings were
14 reported stenographically by me, and thereafter
15 reduced to typewritten form by me or under my
16 direction, and that this transcript is a true
17 and accurate record to the best of my ability.

18 COMMONWEALTH REPORTING COMPANY, INC.

19 
20 _____
N. C. Mahone, CVR-CM

21
22
23
24
25
SECRET BUREAU

9995 111111 1111 1121

FORM 2

Account Statement
 Customer Name
 Address

Sheila D Johnson
 3000 Ford Rd F-40
 Bristol Pa 19007-1429

Account Number

45-06-42-933094

Prepared by Lou Dubois
 Investigator PUC
 Case Number: 1694001

DOCUMENT

Rates Residential Electric

| 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 Recd | Balance | Comments |
|-------------|------|---------------------|-----------|-------------|------------------------------|----------|-----------|---------------|----------|-----------|---------|----------------|----------|----------|
| 12/09/02 | 32 | 6375 - A | 467 | 14.5 | 65.39 + 40.00 | | | 329.96 | 01/02/03 | 2.77 | 50.00 | 12/09/02 | 1,111.08 | BM 02 |
| 01/09/03 | 31 | 6938 - A | 563 | 18.1 | 77.76 + 40.00 | | | 411.34 | 02/03/03 | 3.62 | 40.00 | 01/10/03 | 1,152.46 | BM 03 |
| 02/07/03 | 29 | 7572 - A | 634 | 21.8 | 86.80 + 40.00 | | | 543.24 | 03/04/03 | 5.10 | | | 1,244.36 | BM 04 |
| 03/10/03 | 31 | 8047 - A | 475 | 15.3 | 66.33 + 40.00 | | | 504.49 | 04/02/03 | 4.92 | 50.00 | 03/10/03 | 1,165.61 | BM 07 |
| 04/08/03 | 29 | 8476 - A | 429 | 14.7 | 60.40 + 40.00 | | | 560.57 | 05/01/03 | 5.68 | 50.00 | 03/28/03 | 1,181.69 | BM 07 |
| 05/08/03 | 30 | 8931 - A | 455 | 15.1 | 63.75 + 40.00 | | | 620.70 | 06/02/03 | 6.38 | 50.00 | 05/02/03 | 1,201.82 | BM 04 |
| 06/09/03 | 32 | 9411 - A | 480 | 15.0 | 66.98 + 40.00 | | | 735.36 | 07/02/03 | 7.68 | | | 1,276.48 | BM 04 |
| 07/09/03 | 30 | 10362 - A | 951 | 31.7 | 135.86 + 40.00 | | | 849.54 | 08/04/03 | 8.32 | 30.00 | 06/20/03 | 1,350.66 | BM 04 |
| 08/08/03 | 30 | 11214 - A | 852 | 28.4 | 121.30 + 40.00 | | | 940.46 | 09/02/03 | 9.62 | 40.00 | 06/13/03 | 1,401.58 | BM 04 |
| 09/09/03 | 32 | 12182 - A | 968 | 30.2 | 138.36 + 40.00 | | | 1,130.46 | 10/02/03 | 11.64 | | | 1,551.58 | BM 04 |
| 10/08/03 | 29 | 12693 - A | 511 | 17.6 | 70.96 + 40.00 | | | 1,215.05 | 11/03/03 | 13.63 | 40.00 | 10/03/03 | 1,596.17 | BM 04 |
| 11/06/03 | 29 | 13172 - A | 479 | 16.5 | 66.85 + 40.00 | | | 1,336.92 | 12/02/03 | 15.02 | | | 1,678.04 | BM 04 |
| 12/08/03 | 32 | 13740 - A | 568 | 17.7 | 78.31 + 40.00 | | | 1,471.58 | 12/31/03 | 16.35 | | | 1,772.70 | BM 04 |
| 01/08/04 | 31 | 14329 - A | 589 | 18.0 | 46.02 + 40.00 | 34.46 | | 1,559.83 | 02/03/04 | 17.77 | 50.00 | 01/12/04 | 1,820.95 | BM 07 |

JAN 13 2005

Z-01694001
 PHILA PELO 1
 12/13/04
 MM

Account Statement
 Customer Name:
 Address:

Sheila D Johnson
 3000 Ford Rd F-40
 Bristol Pa 19007-1429

Prepared by: Lou Dubois
 Investigator PJC
 Case Number: 1694001

Account Number: 45-06-42-933094

Rates: Residential Electric

| 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 |
|-------------|------|---------------------|-----------|-------------|------------------------------|-----------|-----------|---------------|----------|-----------|----------------|----------------------|----------|----------|
| 02/09/04 | 32 | 14931 - A | 602 | 18.8 | 47.09 + 40.00 | 35.88 | | 1,640.04 | 03/04/04 | 17.24 | 40.00 20.00 | 02/05/04 01/20/04 | 1,861.16 | BM 04 |
| 03/09/04 | 29 | 15408 - A | 477 | 16.4 | 38.39 + 40.00 | 28.43 | | 1,765.61 | 04/05/04 | 18.75 | | | 1,946.73 | BM 04 |
| 04/08/04 | 30 | 15905 - A | 497 | 16.5 | 39.78 + 40.00 | 28.62 | | 1,814.74 | 05/04/04 | 19.73 | 50.00 30.00 | 04/12/04 03/22/04 | 1,955.86 | BM 04 |
| 05/10/04 | 32 | 16475 - A | 570 | 17.8 | 44.86 + 40.00 | 33.97 | | 1,924.51 | 06/03/04 | 20.94 | 30.00 | 04/19/04 | 2,025.63 | BM 04 |
| 06/09/04 | 30 | 17145 - A | 670 | 22.3 | 53.71 + 40.00 | 41.17 | | 1,990.84 | 07/08/04 | 21.45 | 50.00 40.00 | 06/07/04 06/02/04 | 2,051.96 | BM 07 |
| 07/09/04 | 30 | 17950 - A | 805 | 26.8 | 64.61 /88.00 + 70.00 | 50.20 | | 343.68 | 08/04/04 | | 20.00 40.00 | 06/18/04 06/14/04 | 2,106.77 | BM 92 |
| 08/09/04 | 31 | 18522 - A | 572 | 18.4 | 80.93 /88.00 + 70.00 | | | 511.68 | 09/01/04 | | | | 2,187.70 | BM 92 |
| 09/09/04 | 31 | 19092 - A | 570 | 18.3 | 60.64 /88.00 + 70.00 | | | 678.68 | 10/04/04 | | | | 2,268.34 | BM 52 |
| 10/08/04 | 29 | 19578 - A | 486 | 16.7 | 68.40 + 70.00 | | | 750.46 | 11/03/04 | | 40.00 | 09/21/04 | 2,296.74 | |
| 11/08/04 | 31 | 20063 - A | 485 | 15.6 | 68.29 + 70.00 | | | 898.75 | 12/02/04 | | | | 2,365.03 | |

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

PECO 1
 2 of 2

SHEILA D JOHNSON

45-06-42-933094

12/09 PENDING AGMT 07/01/RMK
PUC/LIT

3000 FORD RD

F-40

SP-AGR

BRISTOL PA

19007

TEL-215-788-1994 MRI KK ZZ KEY-9795

***** CREDIT 3 ***** NEXT FORMAT CRED

| ACTV TYPE | AGMT TYPE | AGMT-PUC | DATE | OPN | AMOUNT | INSTALL | EXT DATE | 1816.28 | INST | 70.00 | DATE CLD | DISPOSITION |
|-----------|-----------|----------|----------|-----|---------|---------|----------|----------|------|-------|----------|----------------|
| LEVEL 2A | 3 | | 11/08/02 | | 861.12 | 40.00 | | | | | 07/02/04 | RENEGOTIATED |
| LEVEL 3 | | | 05/18/04 | | 1520.60 | | | | | | 06/03/04 | UTL- PECO REF |
| LEVEL 3A | | | 12/09/03 | | 1054.39 | | | | | | 12/29/03 | UTL- PECO REF |
| LEVEL??? | | | 12/04/03 | | 1054.39 | | | | | | 12/22/03 | UTL- REF FSMT |
| LEVEL 2A | | | 02/17/03 | | 240.76 | | | | | | 03/05/03 | UTL- PECO REF |
| LEVEL 3A | 2 | | 05/20/02 | | 674.47 | 100.00 | | | | | 11/08/02 | RENEGOTIATED |
| LEVEL 2A | | | 10/15/02 | | 861.12 | 40.00 | | | | | 10/31/02 | VERIF NOT RECD |
| EXTN-CMS | | | 10/04/02 | | 446.20 | | | 10/07/02 | | | 10/07/02 | NOT KEPT |
| LEVEL 1A | | | 09/05/02 | | 946.46 | 15.00 | | | | | 09/23/02 | VERIF NOT RECD |
| LEVEL 3A | | | 08/08/02 | | 74.12 | | | | | | 08/26/02 | UTL- PECO REF |
| LEVEL 3A | | | 05/15/02 | | | | | | | | 05/15/02 | FSMT INFO ONLY |
| LEVEL 3A | | | 04/11/02 | | 38.28 | | | | | | 04/29/02 | UTL- PECO REF |
| LEVEL 1A | 1 | | 12/20/99 | | 523.97 | | | | | | 01/11/02 | KEPT |
| LEVEL 2A | | | 12/17/01 | | 304.23 | | | | | | 01/03/02 | UTL- PECO REF |
| | | | 10/26/01 | | 136.14 | | | | | | 11/24/01 | NOT KEPT |
| LEVEL 1A | | | 09/27/01 | | 143.03 | | | | | | 10/15/01 | UTL- PECO REF |
| LEVEL??? | | | 09/14/01 | | 143.03 | | | | | | 10/02/01 | UTL- NO SUPPLY |
| LEVEL??? | | | 05/24/00 | | 52.78 | | | | | | 06/09/00 | UTL- REF FSMT |
| EXTN | | | 05/01/00 | | 52.13 | | | 05/18/00 | | | 05/18/00 | NOT KEPT |
| | | | 03/28/00 | | 49.28 | | | 04/21/00 | | | 04/21/00 | KEPT |
| LEVEL??? | | | 02/15/00 | | 58.43 | | | | | | 03/02/00 | UTL- REF FSMT |

DOCKETED

JAN 13 2005

DOCUMENT

COLLECTION SYSTEM

Z-01694001

Phila
12/13/04
NM
PECO 2
1 of 1

Date: 8/17/04

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

Case Number: 1694001
Customer Name: SHELIA D JOHNSON
Address: 3000 FORD RD
F-40
BRISTOL PA 19007-1429

Opened On: 6/16/04
Utility Type: Electric Distributor
Account Number: 450642933904
Company Name: PECO Energy

Prior Case:

Total Balance: \$2,011.96 Balance Date: 6/17/04

Compliance

Violation(Alleged, Actual, No): NO

Chap 56/64/Other:

Section/Rule:

Decision Issued: Y

Oral Written: W

Investigator: KWATKOWSKI, JOSHUA

PUC Decision Issued Dt: 7/1/04

PUC Case Closed Dt: 7/1/04

Decision Recvd Dt: 7/1/04 10 25AM

Letter Description: EGW STRAIGHT PAR/NO LPCS/BUDGET +

To Restore Service Pay: \$0.00

To Continue Service Pay: \$0.00 By:

Terms: AUGUST 2004

Special Budget Amount: \$168.00

Regular Budget Amount: \$98.00 Plus Arrears Payment: \$70.00

Final Bill Monthly Payment: \$0.00

Current Bill Monthly Payment: \$0.00

End Of Month Payment: \$0.00

Par Description:

Resolution:

SEE CS17 FOR TERMS OF PAR. WAIVE LPCS

DOCUMENT
DOCKETED

JAN 13 2005

2-01694001

Ph/A

12/13/04 PECO 3

NM 1-4-1