

DOCUMENT

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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 In the Matter of: :  
 Mike Pryor :  
 : Docket No. Z-01693731  
 Versus :  
 :  
 PECO Energy :  
 :  
 Requests payment :  
 arrangements :  
 Initial Hearing. :  
 -----X

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JAN 25 2005

Pages 1 through 11 State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania

Wednesday, January 5, 2005

Met, pursuant to notice, at 9:43 a.m.

BEFORE:

KY VAN NGUYEN, Administrative Law Judge

APPEARANCES:

LISA LUTZ, Esquire  
2301 Market Street  
Philadelphia, Pennsylvania  
(For PECO Energy Company)

*L.L.*

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

31

C O N T E N T S

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Anita Armstead	4	--	--	--

E X H I B I T S

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
PECO		
1 (Account Statement)	10	10
2 (Printout)	10	10
3 (PUC Report)	10	10

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FORM 2

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P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE KY VAN

NGUYEN: We open the record for a hearing on the  
complaint of Mike Pryor against PECO Energy Company.  
At Docket Number Z-01693731.

My name is, Ky Van Nguyen. I am  
Administrative Law Judge presiding at this hearing.

I ask the parties to identify  
themselves for the record.

Ms. Lutz.

MS. LUTZ: Your Honor, I am Lisa Lutz,  
Esquire, counsel for PECO Energy. My business  
address is, 2301 Market Street. Philadelphia,  
Pennsylvania, 19101.

JUDGE NGUYEN: Thank you.

I note for the record that  
Mr. Mike Pryor is not here today. I will conduct the  
hearing without him.

Ms. Lutz, your case.

MS. LUTZ: Thank you, Your Honor.  
May I approach the hearing with the  
exhibits.

JUDGE NGUYEN: Yes.

Thank you.

MS. LUTZ: Thank you, Your Honor.

1 This morning I would like to call to  
2 testify Ms. Anita Armstead.

3 JUDGE NGUYEN: Ms. Armstead, would you  
4 raise your right-hand?

5 Whereupon,

6 ANITA ARMSTEAD

7 having been duly sworn, testified as follows:

8 THE WITNESS: I do.

9 JUDGE NGUYEN: Thank you.

10 Proceed.

11 MS. LUTZ: Thank you.

12 DIRECT EXAMINATION

13 BY MS. LUTZ:

14 Q Ms. Armstead, would you please state your full  
15 name and spell it for the record.

16 A Anita Armstead, "A-n-i-t-a" "A-r-m-s-t-e-a-d".

17 Q Would you please state your business address.

18 A 2301 Market Street, Philadelphia, 19101.

19 Q And by whom are you employed?

20 A PECO Energy.

21 Q What is your position at PECO Energy?

22 A Regulatory assessor.

23 Q And how long have you been employed by PECO  
24 Energy?

25 A For twenty-six years.

1 Q And would you please describe your duties as a  
2 regulatory assessor?

3 A Yes.

4 Primarily I investigate and respond to both  
5 informal and formal complaints for PECO Energy.

6 Q In the course of your employment with PECO have  
7 you had the opportunity to review and become familiar  
8 with the account of Mr. Mike Pryor?

9 A Yes, I have.

10 Q Can you please refer to what has been marked as  
11 Exhibit Number One?

12 A Yes.

13 Q Would you please describe this exhibit?

14 A Yes.

15 PECO Exhibit One, is a billing statement from  
16 Mr. Pryor's account. It runs for the period of  
17 January 24th, 2003, to December 22nd, 2004.

18 Q And what services does Mr. Pryor receive from  
19 PECO?

20 A He receives residential electric and gas  
21 services.

22 Q And is he in the CAP Rate Program?

23 A No, he is not.

24 Q Okay.

25 Would you please give me average monthly bill

1 amount?

2 A Yes.

3 The average monthly bill for this account is  
4 \$318. a month.

5 Q And what is the calculated monthly amount?

6 A \$351.

7 Q And, is Mr. Prior receiving a budget billing?

8 A No, he is not.

9 Q And why is he not receiving the budget billing?

10 A Uh. He was set up on budget billing in July of  
11 2004 at the time that the Bureau of Consumer Services  
12 Decision was received. However, for two consecutive  
13 non-payments of the budget he was removed from budget  
14 billing.

15 Q Would you tell us, when was the last date  
16 Mr. Prior made a payment on his account and in what  
17 amount?

18 A The last payment was March the 22nd, of 2004.  
19 And the payment was \$300.

20 Q And, would you please tell us, what is the  
21 current balance on this account?

22 A The current balance is \$5,910.95.

23 Q Thank you.

24 Can I now refer you to what has been marked as  
25 PECO Exhibit Number Two.

1 A Yes.

2 Q Could you please describe this exhibit?

3 A Yes. PECO Exhibit Number Two, is a computer  
4 printout of the attempts of the attempts of  
5 negotiations of payment arrangements on Mr. Pryor's  
6 account. The numerals I have noted, one, two, three,  
7 and four, represent actual agreements that have been  
8 set up on Mr. Pricor's account.

9 The number one agreement was negotiated on,  
10 April 2nd, 2001. The past due balance at that time  
11 was, \$1,492.85. An agreement was set for the  
12 customer to pay \$20 a month on the past due balance  
13 in addition to current bills.

14 The second agreement, was negotiated  
15 November 6th, of 2001, on a balance of \$1,311.23.  
16 The agreement required the customer to pay \$40 on the  
17 pass due bills in addition to current charges.

18 The third agreement was negotiated on,  
19 May 29th, of 2003. The balance was \$1,561.34. The  
20 customer was required to pay \$100 a month plus  
21 current charges per that agreement.

22 And the agreement that is noted as Number Four,  
23 is with the Bureau of Consumer Services Decision that  
24 was received July 12th, of 2004. The balance was  
25 \$4,524.92. The customer was required to pay \$1,500 a

1 month on that balance in addition to the budget. And  
2 the budget at that time was \$342.

3 Q Thank you.

4 I would now refer you to what has been marked as  
5 PECO Exhibit Number Three.

6 A Yes.

7 Q Would you please describe this exhibit.

8 A Yes.

9 PECO Exhibit Three, is a copy of Bureau of  
10 Consumer Services Decision that was received on  
11 July 12th, 2004. It requires the customer to pay  
12 \$15 in addition to a monthly budge of \$342. The  
13 first payment on that was due, August of 2004. A due  
14 date. The due date was August of 2004.

15 Q And has the customer complied with this  
16 decision?

17 A No.

18 We have received no payments on the account.

19 Q Thank you.

20 Since this decision was rendered did you  
21 calculate the catch up amount on this account?

22 A Yes, I have.

23 Q And what is that amount?

24 A \$2,070.

25 Q And how did you arrive at that figure?

1 A I arrived at the figure by calculating the  
2 monthly budgets the customer would have been charged.  
3 The August 2004 due date to November 2004, due date  
4 the customer would of been billed \$342 on the budget.  
5 So I multiplied that by four months, equals \$1,368.  
6 The December of 2004, through January of 2005, bills  
7 would of been billed at \$351 on the budget. So, I  
8 multiplied that by two which gave me \$702. I added  
9 the two figures, \$1,368 and \$702 for a total of  
10 \$2,070.

11 Q And if I could just review that, Ms. Armstead.  
12 On the first amount the budget billing was \$342.

13 A Uh-huh.

14 Q And you multiplied that by four for the  
15 period -- Could you restate the period on that?

16 A It was the due date of August. It was the  
17 billing for August of 2004. That due date. And that  
18 would of been September, October, November.

19 Q Okay.

20 So that was August through November?

21 A Yes.

22 Q Okay. Thank you.

23 And what is PECO's final position with respect  
24 to this account?

25 A We are requiring the customer to pay \$2,070.

1 Then continue with the Bureau of Consumer Services to  
2 pay the budget of \$351, plus \$15, on the pass due  
3 balance.

4 Q Okay.

5 Thank you.

6 MS. LUTZ: Your Honor, I have no  
7 further questions for this witness.

8 JUDGE NGUYEN: Okay.

9 How much do he owe the company now?

10 THE WITNESS: The total that he owes?

11 JUDGE NGUYEN: Yes.

12 THE WITNESS: \$5,910.95.

13 JUDGE NGUYEN: \$5,910.95.

14 Okay. Thank you very much.

15 MS. LUTZ: Your Honor, I would like to  
16 move to admit PECO Exhibits One through Three into  
17 the record.

18 JUDGE NGUYEN: Okay. PECO Exhibits  
19 Number, One, Two, Three, are admitted into the  
20 record.

21 (Whereupon, the document was marked  
22 as PECO's Exhibit No. 1 through 3  
23 for identification, and was  
24 received into evidence.)

25 MS. LUTZ: And I would like to make a

1 motion to dismiss of lack and failure to prosecute.

2 JUDGE NGUYEN: Okay.

3 I will consider that.

4 MS. LUTZ: Thank you, Your Honor.

5 JUDGE NGUYEN: Thank you, very much.

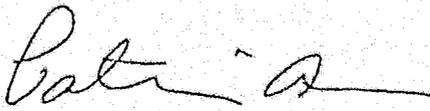
6 (Whereupon, at 9:55 a.m., the hearing  
7 was adjourned.)

8 \* \* \*

9 C E R T I F I C A T E

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

16 COMMONWEALTH REPORTING COMPANY, INC.

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18 PATRICIA ALLEN

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SECRETARY'S BUREAU

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Account Statement

Customer Name: Mike Pryor  
 Address: 214 W 7th St  
 Chester Pa 19013-4220

Prepared by: A Armstead  
 Investigator: Fomal  
 Case Number: 20041347

JAN 25 2005

Account Number: 50-16-16-586530

Rates: Residential Electric and Gas

01/24/03	01/24/03	02/21/03	02/21/03	03/24/03	03/24/03	04/23/03	04/23/03	05/22/03	05/22/03	06/23/03	06/23/03	07/24/03	07/24/03	08/22/03	08/22/03	
D	A	Meter	Reading	S	U	Diy	Peco	Supp	Sales	Amount	Due	Late	Payment	Date	Balance	Comments
Y	S	-Type	-A	A	A	Avg	Bill Amt	Chg.	Tax	Reqd	Date	Chg.		Pymt		
S	S					Use	/Budget							Rec'd		
32	32	20995 - A	2364	73.8	309.91	11.5	+ Agmt			1,630.75	02/18/03	12.00			2,216.04	BM 04
		1350 - A	369		308.94		/0.00									
					+ 40.00											
28	28	23283 - A	2288	81.7	299.71	13.1				2,299.61	03/18/03	10.23			2,844.90	BM 07
		1719 - A	369		308.92		/0.00									
					+ 40.00											
31	31	24574 - A	1291	41.6	171.37	9.4				2,819.55	04/16/03	28.34			3,324.84	BM 07
		2012 - A	293		280.23		/0.00									
					+ 40.00											
30	30	24975 - A	401	13.3	56.80	6.3				1,460.41	05/19/03	14.48			1,925.70	* Miscellaneous
		2202 - A	190		190.56		/0.00									BM 04
					+ 40.00											
29	29	25232 - A	257	8.8	38.26	2.7				1,136.05	06/17/03	12.01			1,561.34	BM 07
		2283 - A	81		85.37		/0.00									
					+ 40.00											
32	32	25590 - A	358	11.1	51.27					215.84	07/16/03	19.37			1,677.18	BM 00
		2321 - A	38		45.20	1.1	/0.00									
					+ 100.00											
31	31	25952 - A	362	11.6	51.78					165.06	08/18/03	15.96			1,362.24	BM 00
		2331 - A	10		17.32	0.3	/0.00									
					+ 100.00											
29	29	26277 - A	325	11.2	47.03					175.80	09/16/03	13.47			1,153.04	BM 00
		2339 - A	8		15.30	0.2	/0.00									
					+ 100.00											

STATEMENT

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 JAN 25 2005

PECO EXHIBIT 1  
 2-0169 3731  
 1/5/05

Account Statement  
 Customer Name: Mike Pryor  
 Address: 214 W 7th St  
 Chester Pa 19013-4220

Prepared by: A Armistead  
 Investigator: Formal  
 Case Number: 20041347

Account Number: 50-16-16-586530 Rates: Residential Electric and Gas

Bill Period	DAYS	Meter Reading -Type	USAGE	DIV Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg.	Sales Tax	Amount Req'd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Comments
09/23/03 - 09/23/03	32	26604 - A 2347 - A	327 8	10.2 0.2	47.28 15.30 /0.00 +100.00			352.62	10/16/03	14.24			1,229.86	BM 03
10/23/03 - 10/23/03	30	26866 - A 2447 - A	262 100	8.7 3.3	38.91 108.53 /0.00 +100.00			615.09	11/17/03	15.03			1,392.33	BM 04
11/20/03 - 11/20/03	28	27491 - A 2646 - A	625 199	22.3 7.1	85.65 208.86 /0.00 +100.00			824.50	12/15/03	14.90	200.00	10/29/03	1,501.74	BM 07
12/22/03 - 12/22/03	32	29830 - A 2956 - A	2339 310	73.0 9.6	306.27 334.21 /0.00 +100.00			1,583.57	01/20/04	18.59			2,160.81	BM 04
01/23/04 - 01/23/04	32	32394 - A 3356 - A	2564 400	80.1 12.5	335.25 436.62 /0.00 +100.00			2,482.03	02/17/04	26.59			2,959.27	BM 07
02/23/04 - 02/23/04	31	34681 - A 3768 - A	2287 412	73.7 13.2	302.79 449.45 /0.00 +100.00			3,370.51	03/17/04	36.24			3,747.75	BM 07
03/24/04 - 03/24/04	30	35672 - A 4058 - A	991 290	33.0 9.6	134.13 341.57 /0.00 +100.00			3,638.68	04/19/04	42.47	300.00 50.00	03/22/04 03/03/04	3,915.92	BM 07
04/23/04 - 04/23/04	30	36273 - A 4243 - A	601 185	20.0 6.1	83.38 224.18 /0.00 +100.00			4,094.66	05/18/04	48.42			4,271.90	BM 00

Peco Exhibit 1

Account Statement

Customer Name: Mike Pryor  
 Address: 214 W 7th St  
 Chester Pa 19013-4220

Prepared by: A Amststead  
 Investigator: Formal  
 Case Number: 20041347

Account Number: 50-16-16-586530

Rates: Residential Electric and Gas

Bill Period	DAYS	Meter Reading -Type	USAGE	Diy Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg.	Sales Tax	Amount Req'd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Comments
05/24/04 05/24/04	31 31	36768 - A 4293 - A	495 50	15.9 1.6	69.58 65.84 /0.00 + 100.00			4,382.34	06/16/04	52.26			4,459.58	BM 04
06/23/04 06/23/04	30 30	37112 - A 4300 - A	344 7	11.4 0.2	49.93 15.41 /0.00 + 77.24			4,524.92	07/19/04				4,524.92	BM 00
07/23/04 07/23/04	30 30	37447 - A 4308 - A	335 8	11.1 0.2	48.76 16.57 /342.00 + 15.00			357.00	08/17/04				4,590.25	BM 00
08/24/04 08/24/04	32 32	37800 - A 4314 - A	353 6	11.0 0.1	51.11 14.23 /342.00 + 15.00			714.00	09/16/04				4,655.59	BM 52
09/23/04 09/23/04	30 30	38142 - A 4321 - A	342 7	11.4 0.2	49.67 15.41 /0.00 + 15.00			240.75	10/18/04				4,720.67	BM 00
10/25/04 10/25/04	32 32	38588 - A 4432 - A	445 111	13.9 3.4	63.20 137.38 /0.00 + 15.00			456.33	11/17/04				4,921.25	BM 00
11/22/04 11/22/04	28 28	39496 - A 4622 - A	908 190	32.4 6.7	123.31 230.03 /0.00 + 15.00			824.67	12/20/04				5,274.59	BM 00
12/22/04 12/22/04	30 30	41777 - A 4906 - A	2281 284	76.0 9.4	302.01 334.35 /0.00 + 15.00			1,476.03	01/18/05				5,910.95	BM 00

Peco Exhibit 1

Account Statement

Customer Name: Mike Pyor  
 Address: 214 W 7th St  
 Chester Pa 19013-4220

Prepared by: A Armstead  
 Investigator: Fomal  
 Case Number: 20041347

Account Number: 50-16-16-586530

Rates: Residential Electric and Gas

Bill Period	D A Y S	Meter Reading -Type	U S A G E	Diy Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg.	Sales Tax	Amount Reqd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Comments

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

*Peco Exhibit 1*

MIKE PRYOR

50-16-16-586530

01/03 PENDING AGMT 07/12/RMK  
OTHER-CR PUC/LIT

214 W 7TH ST

SP-AGR DEP

CHESTER PA

19013

TEL-610-800-9225

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

ACTV AGMT TYPE	AGMT-PUC	④ DATE	OPN	07/12/04	AMOUNT	4524.92	INST	15.00
TYPE	DATE	OPN	AMOUNT	INSTALL	EXT DATE	DATE	CLD	DISPOSITION
LEVEL 3A ③	06/22/04	05/29/03	4146.92	100.00	07/16/04	07/16/04		NOT KEPT
	06/17/04		4146.92		06/27/04	06/22/04		NOT KEPT
	03/31/04		3062.98		04/29/04	04/29/04		NOT KEPT
LEVEL 3	03/02/04		2468.27			03/18/04		UTL- PECO REF
	12/09/03		429.99		12/25/03	12/25/03		NOT KEPT
	11/26/03		429.99		12/06/03	12/06/03		NOT KEPT
LEVEL 1A	10/14/03		190.04			10/29/03		UTL- PECO REF
LEVEL 2A ②	11/06/01		1311.23	40.00		05/29/03		RENEGOTIATED
LEVEL 2A	04/29/03		1173.05			05/15/03		UTL- PECO REF
LEVEL 1I	04/15/03		1106.97			05/02/03		UTL- PECO REF
LEVEL???	04/02/03		676.97			04/18/03		UTL- REF FSMT
LEVEL???	12/13/02		160.93			12/31/02		UTL- REF FSMT
LEVEL 4A	09/10/02		106.16			09/26/02		UTL- PECO REF
LEVEL???	08/09/02		171.26			08/27/02		UTL- REF FSMT
LEVEL 2A	03/26/02		915.49			04/11/02		UTL- PECO REF
LEVEL 2A ①	04/02/01		1492.85	40.00		11/06/01		RENEGOTIATED
LEVEL???	08/01/01		1498.50	40.00		08/16/01		UTL- CUST REF

COLLECTION SYSTEM

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JAN 25 2005

DOCUMENT

PECO Exhibit 1

pg 1 of 1

Date: 1/3/2005 Time: 2:54:22 PM

PECO 2  
2-01693731  
PA  
Phila  
1/5/05

Date: 1/3/05

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

Case Number: 1693731  
Customer Name: MIKE PRYOR  
Address: 214 W 7TH ST  
CHESTER PA 19013-4220

Opened On: 6/16/04  
Utility Type: Electric Distributor  
Account Number: 501616586530  
Company Name: PECO Energy

Prior Case: Total Balance: \$4,459.58 Balance Date: 6/23/04

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

Decision Issued: Y Oral Written: W  
Investigator: GONZALEZ, LIONEI PUC Decision Issued Dt: 7/14/04 PUC Case Closed Dt: 7/12/04

Decision Recvd Dt: 7/12/04 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:	\$357.00	Regular Budget Amount:	\$342.00	Plus Arrears Payment:	\$15.00
Final Bill Monthly Payment:	\$0.00	Current Bill Monthly Payment:	\$0.00		
End Of Month Payment:	\$0.00				

Par Description:

DOCUMENT

Resolution:  
PAR

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JAN 25 2005

PECO Exhibit 3  
pg 1 of 1

2-01693731 1/5/05  
PA File