

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Anna Holbert

v.

PECO Energy Company

Z-01690995

DOCKETED

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PREHEARING ORDER

An Initial Hearing in this case is scheduled for Wednesday, November 17, 2004 at 9.30 a.m. in Hearing Room 1 in the Philadelphia State Office Building. Your case is one of several cases that have been scheduled at this time in Hearing Room 1. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the Hearing Room no later than 9:15 a.m. and wait in the Hearing Room until the Administrative Law Judge calls your case. Your case might not be the first one to be called and you should be prepared to stay in the hearing room all morning, if necessary. If you are not present and prepared to go forward with your case when it is called, your case will be dismissed by the Administrative Law Judge.

The parties are hereby directed to comply with the following requirements:

1. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa.Code §1.15(b). Requests for changes of hearing dates must be sent to me and all parties of record. The correct address is: [ADD ALJ NAME/ADDRESS]. Changes are granted only in rare situations where good cause exists.

2. Commission policy promotes settlements. 52 Pa.Code §5.231(a). The utility will contact you at least one week before the scheduled hearing to talk over a

possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. The customer is required to make regular monthly payments towards their utility bill while their complaint is pending. **FAILURE TO MAKE REGULAR MONTHLY PAYMENTS MAY RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE OR MAY RESULT IN THE UTILITY TERMINATING YOUR SERVICE.**

4. If you intend to present any documents or exhibits for my consideration, you must bring four (4) copies to the hearing.

5. If the Commission's Bureau of Consumer Services (BCS) has directed the customer to make payments and those payments have not been made, the customer must be prepared to explain at the hearing why those payments have not been made. The customer has the burden of proving that the utility violated Pennsylvania public utility law.

6. At the hearing, the customer must be prepared to testify about the total net monthly income of all people living in your home. This included the following:

- (a) the "after taxes take-home pay" from salaries, wages, tips or other compensation;
- (b) pension, retirement or social security benefits;
- (c) Supplemental Security Income (SSI)
- (d) unemployment compensation benefits;
- (e) workers' compensation benefits;
- (f) alimony;
- (g) support;
- (h) public assistance, and
- (i) any other source(s) of income.

7. If the customer or any member of the customer's household is receiving food stamps and/or medical assistance, the customer must be prepared to testify or document the amount of food stamps or the nature of the medical assistance received.

8. At the hearing, the customer must be prepared to testify about the total monthly expenses of your home, which includes:

- (a) rent or mortgage payments;
- (b) utility bills (including electric, gas, telephone, water, sewer, cable television, etc.);
- (c) food, in addition to any food stamp benefits;
- (d) clothing;
- (e) automobile (loan payments, gasoline, maintenance, etc.);
- (f) transportation (bus, taxicabs, jitneys, etc.);
- (g) insurance premiums (homeowners' or renters' insurance, automobile insurance, life insurance, medical insurance, etc.);
- (h) medical bills, (doctors, dentists, hospitals, prescriptions, etc.);
- (i) credit card and charge account payments;
- (j) loan payments; and
- (k) miscellaneous expenses.

When testifying to these expenses, the customer should be prepared to give balances due and missed payments for each item.

9. TO ASSIST THE CUSTOMER IN PROVIDING THE INCOME AND EXPENSE INFORMATION REQUIRED BY THIS ORDER, FOUR (4) COPIES OF A BUDGET INFORMATION FORM ARE ENCLOSED. THE CUSTOMER MUST FILL OUT ALL THE COPIES AND BRING THEM TO THE HEARING. IF YOU INTEND TO PRESENT ANY OTHER DOCUMENTS AT THE HEARING, YOU SHOULD BRING FOUR (4) COPIES TO THE HEARING.

10. The utility must bring the following documents to the hearing:

- (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less;

- (b) a service usage comparison report for the same period as the account statement;
- (c) a copy of the most recent BCS decision, if any; and,
- (d) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission.

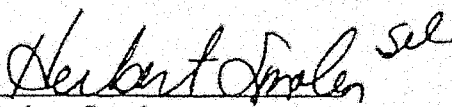
A copy should be served on the Complainant.

11. Pursuant to 52 Pa.Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code §1.24(b).

12. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa.Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

13. This is a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Date: [November 1, 2004]


Herbert Smolen
Administrative Law Judge sitting as
Special Agent

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	Z-01690995		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
Case Name:	Anna Holbert v. PECO Energy Company	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	November 17, 2004			
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Herbert Smolen	DATE:	11-17-04	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	COMPLAINANT FAILED TO APPEAR	

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PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?						
Mary McFall Hopper	2307 Market St. S23-1	PECO Energy						
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 8px;">City</td> <td style="text-align: center; font-size: 8px;">State</td> <td style="text-align: center; font-size: 8px;">Zip</td> </tr> <tr> <td style="font-size: 18px;">Phila</td> <td style="font-size: 18px;">PA</td> <td style="font-size: 18px;">19115</td> </tr> </table>		City	State	Zip	Phila	PA	19115
City	State	Zip						
Phila	PA	19115						
Telephone: 215-841-3544	E-mail Address: mary.hopper@peco-energy.com	Fax Number: 215-368-3359						
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City	State	Zip						
Telephone:	E-mail Address:	Fax Number:						

Check this box if additional parties or attendees appear on back of form.

Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.