

C O N T E N T S

WITNESS

DIRECT CROSS REDIRECT RECROSS

Anita Armstead

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E X H I B I T S

NUMBER

FOR IDENTIFICATION

IN EVIDENCE

Peco's

1 (Statement)

6

13

2 (Report)

6

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3 (BCS Report)

6

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FORM 7

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P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE HERBERT

SMOLEN: The next case to be called, for a hearing this morning is that of Anna Holbert versus Peco Energy Company. Docket Z-01690995.

Let the record show that in this matter an appearance has been entered on behalf of Peco Energy Company, by Mary McFall Hopper, Esquire. And that as yet, no appearance either in person or by counsel has been entered on behalf of the complaint.

Let the record further show that under date of October 27th, a hearing notice was sent to the parties setting Wednesday, November 17, at 9:30 a.m. as the date and time for the hearing in this matter. And that in Hearing Room One, Philadelphia State Office Building, at Broad and Spring Garden Street, Philadelphia, PA, as the place for the hearing.

In addition, under date of November 1, 2004, an order was sent to the parties, again, setting forth the case was scheduled for a hearing, Wednesday, November 17, at 9:30 a.m. in this hearing room.

As aforesaid, the complainant has not yet arrived in person, or in counsel, nor has

FORM 2

1 otherwise contacted the office of the Administrative
2 Law Judge to explain her absence.

3 Counsel, do you have any comments
4 that you want to make at this time?

5 MS. HOPPER: Your Honor, we would move
6 to dismiss for Ms. Holbert's failure to show and
7 appear at this time. Our witness here Anita
8 Armstead, has information to place --

9 JUDGE SMOLEN: Would you call the
10 witness.

11 Ms. Armstead, would you take the
12 witness stand, please?

13 Would you raise your right-hand?
14 Whereupon,

15 ANITA ARMSTEAD
16 having been duly sworn, testified as follows:

17 THE WITNESS: Yes, I do.

18 JUDGE SMOLEN: Please have a seat and
19 state your full name and business address.

20 Anita Armstead. 2301 Market Street,
21 Philadelphia, Pennsylvania 19101.

22 JUDGE SMOLEN: Counsel.

23 MS. HOPPER: Thank you.
24
25

DIRECT EXAMINATION

1
2 BY MS. HOPPER:

3 Q Ms. Armstead, by whom are you employed?

4 A Peco Energy.

5 Q And what is your position at Peco Energy?

6 A Regulatory assessor.

7 Q How long have you been a regulatory assessor?

8 A For approximately, a year.

9 Q And how long have you been employed at Peco
10 Energy?

11 A For twenty-six years.

12 Q And what are your duties as a regulatory
13 assessor?

14 A Yes. Primarily I investigate and response to
15 foreman and informal complaints.

16 Q And, in the course of your employment in your
17 duties as a regulatory assessor have you had the
18 opportunity to review the account and complaint filed
19 by the complainant, Ms. Anna Holbert?

20 A Yes, I have.

21 MS. HOPPER: Okay. Your Honor, at
22 this time I have documents which have been previously
23 marked as Peco Exhibits One through Three. I would
24 like to have marked for the record.

25 JUDGE SMOLEN: All right. We will

1 mark for identification as you have indicated in each
2 of these documents. Peco Exhibit Number One consist
3 of a three page document. Peco Exhibit Number Two,
4 is a one page document. And Peco Exhibit Number
5 Three, is likewise a one page document.

6 Please continue.

7 MS. HOPPER: Okay.

8 (Whereupon, the document was marked
9 as Peco's Exhibit No. 1 through 3
10 for identification.)

11 BY MS. HOPPER:

12 Q Okay, Ms. Armstead, I will call your attention
13 to what has been marked as Peco Exhibit Number One
14 and ask you to describe this exhibit for the record.

15 A Yes.

16 Peco Exhibit Number One is an account statement
17 on Ms. Holbert's account covering the period from
18 November 19th, 2002, through to October 21st, of
19 2004.

20 Q Okay. And, can you state the balance that is
21 due on this account?

22 A Yes.

23 The current balance due is \$969.22.

24 JUDGE SMOLEN: As of what date?

25 THE WITNESS: As of October 21st,

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2004.

BY MS. HOPPER:

Q And when was the last payment that was made on this account?

A The last payment was a \$25 payment on August 19th, 2004.

Q What is the budget bill -- the current amount?

A The current budget amount is \$132.

JUDGE SMOLEN: Is that what you consider the calculated monthly budget?

THE WITNESS: Yes.

JUDGE SMOLEN: What is the average monthly bill?

THE WITNESS: The average monthly bill is, \$119.

BY MS. HOPPER:

Q Okay.

And what kind of service does Ms. Holbert receives?

A She receives residential electric service and she is receiving the benefit of the CAP rate.

Q What kind of the CAP rate is she receiving?

A She is on fifty percent discount. Which means she gets the first 500 kilowatt hours at a fifty percent discounted rate.

1 Q I'm showing you what has been marked as
2 Peco Exhibit Two, and ask if you can describe that
3 please?

4 A Yes.

5 Peco Exhibit Two, is a print out of negotiation
6 attempts of payment arrangements on Ms. Holbert's
7 account. I have noted two actual agreements that we
8 negotiated. The first one was negotiated, September
9 30th, 2003. The agreement was made on the balance of
10 \$498.66. The customer was required to pay \$15 on that
11 past due balance in additional to the current monthly
12 bills. The number two agreement listed is the Bureau
13 of Consumer Services decision which was on August
14 10th, 2004. The balance the agreement was set up on
15 was \$519.41. And she was to pay \$15, plus the budget
16 of \$151 for that agreement.

17 Q Ms. Armstead, I draw your attention to Peco
18 Exhibit Three --

19 JUDGE SMOLEN: Did the customer keep
20 any of those agreements?

21 THE WITNESS: No.

22 BY MS. HOPPER:

23 Q I call your attention to Peco Exhibit Three and
24 ask you if you can identify it, please?

25 A Yes, Peco Exhibit Three is the copy of the

1 decision from the Bureau of Consumer Services that
2 was received July 13th, 2004. It requires that the
3 customer pay \$15 on the pass due balance, plus the
4 budget of \$150 starting with the August 2004, due
5 date.

6 Q And that is the payment arrangements that you
7 refer to in your previous exhibit?

8 A Yes.

9 Number Two.

10 Q And has the customer complied with any of the
11 payment arrangements?

12 A No, she has not.

13 Q Okay.

14 Can you please state what the current catch up
15 amount would be on this account, please?

16 A Yes. The currently catch up amount is \$382.

17 Q And she how did you arrive at that amount?

18 A I arrived at that amount, prior to calculating\
19 what the budget payments would have been for the
20 duration of the Bureau of Consumer Services Decision,
21 August of 2004, the budget payment was \$150.
22 September of 2004, it was \$150. October, of 2004, the
23 budget payment was \$132.

24 JUDGE SMOLEN: Why did it decrease?

25 THE WITNESS: Because the -- obviously

1 there must of been a change with the --

2 JUDGE SMOLEN: -- they periodically
3 review the budget --

4 THE WITNESS: Yeah. We reviewed it,
5 periodically. We take the previous twelve months
6 worth of usage and divide that by eleven.

7 JUDGE SMOLEN: So, this \$132, budget
8 of October 4, is as a result of your review of the
9 monthly calculating --

10 THE WITNESS: Yes.

11 The customers account was taken off
12 of budget because she did not pay. Once you don't
13 pay two budgets it was removed from budget. So, what
14 I did was a calculation as of the October date to see
15 what the budget would be at that time?

16 JUDGE SMOLEN: And there is
17 November --

18 THE WITNESS: No, I don't.

19 That is as of this bill -- This bill
20 is the bill that was due in November.

21 BY MS. HOPPER:

22 Q And what is the due date of the November bill?

23 A 11/15/04.

24 Q And when would another bill be generated?

25 A Uh, another bill will be generated, probably,

1 around the 22nd of November.

2 JUDGE SMOLEN: You have a bill for
3 October 4, September 4, and October 4. Is there not
4 one for November 4?

5 THE WITNESS: No, not yet. It hasn't
6 been because the meter readings over in that part of
7 the corner is the meter readings. And the meter
8 reading has not yet occurred yet for November.

9 JUDGE SMOLEN: What about the usage of
10 the -- since the BCS Decision?

11 THE WITNESS: The usage?

12 MS. HOPPER: Is that the budget
13 amount?

14 THE WITNESS: Oh, the actual revenue?

15 JUDGE SMOLEN: Yes.

16 THE WITNESS: That was -- as of the
17 August meter reading it was \$150.60 --

18 JUDGE SMOLEN: I'm sorry. Maybe I
19 didn't make myself clear.

20 From the date of the BCS Decision to
21 today what are the payments made by --

22 THE WITNESS: I'm sorry. The payments
23 the customer made?

24 JUDGE SMOLEN: Yes.

25 THE WITNESS: Yes.

1 The payments the customer made total
2 \$50.

3 JUDGE SMOLEN: So, how did you
4 calculate this catch up of \$382?

5 THE WITNESS: Okay.

6 So, the \$432 is the total budgets
7 bill. \$50 was the payment so that was subtracted
8 from the \$32. And, that's how I came up with the
9 \$382.

10 JUDGE SMOLEN: Okay.

11 BY MS. HOPPER:

12 Q Ms. Armstead, would you please state Peco's
13 position with respect to payment arrangements?

14 A Yes.

15 Peco is requesting payment of the catch amount
16 of \$382 and the customer to continue with the BCS
17 Agreement of \$15 plus the current budget.

18 JUDGE SMOLEN: And the current budget
19 is?

20 THE WITNESS: \$132.

21 MS. HOPPER: Your Honor, I have no
22 further questions.

23 And I would ask that Peco's Exhibits
24 One through Three be admitted into evidence.

25 JUDGE SMOLEN: They are received into

FORM 2

Account Statement
 Customer Name:
 Address:

Anna Holbert
 4642 N 11th St
 Philadelphia Pa 19140-1226

Prepared by: Regulatory Performance
 Investigator: Formal Puc
 Case Number: Z-01690995



DEC 22 2004

Account Number: 26-14-57-097630 Rates Electric Residential Cap2

Bill Period	DAYS	Meter Reading -Type	U S A G E	Diy Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg.	Sales Tax	Amount Reqstd	Due Date	Late Chg	Payment	Date Pymt Recd	Balance	Commer
11/19/02	29	8706 - A	801	27.6	75.16			75.16	12/12/02				142.97	BM 00
12/19/02	30	9817 - A	1111	37.0	115.11			118.15	01/15/03	0.04	72.16	12/17/02	185.96	BM 00
01/22/03	34	11389 - A	1572	46.2	174.54			172.69	02/18/03		60.00	01/14/03	240.50	BM 50
02/19/03	28	12647 - A	1258	44.9	133.86			247.96	03/17/03	1.41	60.00	02/11/03	315.77	BM 03
03/20/03	29	13681 - A	1034	35.6	105.03			109.70	04/14/03		114.10	03/11/03	109.70	*LIHEAP C Grant BM 00
04/21/03	32	14609 - A	928	29.0	91.38			95.08	05/14/03		50.00	04/23/03	95.08	BM 00
05/20/03	29	15465 - A	856	29.5	82.12			82.20	06/12/03		35.00	05/20/03	82.20	BM 00
06/19/03	30	16382 - A	917	30.5	89.97			131.17	07/14/03		41.00	06/03/03	131.17	BM 00
07/21/03	32	18157 - A	1775	55.4	200.43			231.60	08/13/03		50.00	07/18/03	231.60	BM 00
08/20/03	30	20337 - A	2180	72.6	252.56			411.12	09/15/03	1.86	75.00	08/14/03	411.12	BM 03
09/19/03	30	22139 - A	1802	60.0	203.90			488.66	10/14/03	3.64	50.00	09/12/03	498.66	BM 03
10/21/03	32	23136 - A	997	31.1	100.26			115.26	11/13/03		50.00	10/21/03	488.92	BM 00
					10.00			60.00			60.00	10/08/03		

Z-01690995
 Phila 11/17/04
 PECO Exhibit 1

Account Statement
 Customer Name:
 Address:

Anna Holbert
 4642 N 11th St
 Philadelphia Pa 19140-1226

Prepared by: Regulatory Performance
 Investigator: Formal Puc
 Case Number: Z-01690995

Account Number: 26-14-57-097630

Rates: Electric, Residential Cap2

Bill Period	DAYS	Meter Reading -Type	USAGE	Dly Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg.	Sales Tax	Amount Reqsd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Commer
11/18/03	28	23950 - A	814	29.0	+ 15.00 76.71 /0.00 + 15.00			208.41	12/11/03	1.44			567.07	BM 03
12/18/03	30	24972 - A	1022	34.0	103.49 /0.00 + 15.00			251.54	01/12/04	1.64	77.00	12/17/03	595.20	BM 03
01/21/04	34	26777 - A	1805	53.0	204.28 /0.00 + 15.00			280.82	02/17/04		*190.00	01/08/04	609.48	*LIHEAP C Grant BM 00
02/19/04	29	28992 - A	2215	76.3	259.27 /150.00 + 15.00			308.82	03/15/04		67.00 70.00	02/10/04 01/30/04	731.75	BM 92
03/19/04	29	30229 - A	1237	42.6	132.29 /150.00 + 15.00			413.82	04/13/04		60.00	03/11/04	804.04	BM 52
04/21/04	33	31184 - A	955	28.9	95.68 /150.00 + 15.00			458.82	05/17/04		60.00 60.00	04/21/04 04/08/04	779.72	BM 52
05/20/04	29	31857 - A	673	23.2	58.06 /150.00 + 15.00			323.82	06/14/04		*300.00	05/20/04	538.78	*LIHEAP Crisis Grant BM 52
06/21/04	32	32713 - A	856	26.7	82.81 /0.00 + 15.00			317.93	07/14/04		50.00	06/22/04	571.59	BM 00
07/21/04	30	33800 - A	1087	36.2	112.82 /0.00 + 15.00			445.75	08/16/04				684.41	BM 00

Peco Exhibit 1

Account Statement

Customer Name: Anna Holbert
 Address: 4842 N 11th St
 Philadelphia Pa 19140-1226

Prepared by: Regulatory Performance
 Investigator: Formal Puc
 Case Number: Z-01690895

Account Number: 26-14-57-097630

Rates: Electric, Residential Cap2

Bill Period	DAYS	Meter Reading -Type	USAGE	Diy Avg Use	Peco Bill Amt /Budget + Agmt	Supp Chg.	Sales Tax	Amount Reqstd	Due Date	Late Chg.	Payment	Date Pymt Rec'd	Balance	Commer
08/20/04	30	35178 -A	1378	45.9	150.60 /150.00 + 15.00			280.00	09/14/04		25.00 25.00	08/19/04 07/28/04	765.01	BM 92
09/21/04	32	36261 -A	1083	33.8	112.29 /150.00 + 15.00			445.00	10/14/04				897.30	BM 52
10/21/04	30	37033 -A	772	25.7	71.92 /0.00 + 15.00			494.81	11/15/04				969.22	BM 00

Accounting Type Codes: A - Actual E - Estimated C - Customer A - Aemote

Peco Exh. bit 1

ANNA HOLBERT

26-14-57-097630

11/11 PENDING AGMT 08/10/RMK
CP2-PUC

4642 N 11TH ST

SP-AGR

PHILADELPHIA PA 19140

TEL-215-329-4255

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

ACTV	AGMT	TYPE	AGMT-PUC	DATE	OPN	08/10/04	AMOUNT	519.41	INST	15.00
TYPE	DATE	OPN	AMOUNT	INSTALL	EXT	DATE	DATE	CLD	DISPOSITION	
LEVEL 1A	09/30/03		498.66	15.00			08/11/04		RENEGOTIATED	
LEVEL 1	06/07/04		158.82				06/23/04		UTL- CUST REF	
EXTN-CMS	04/21/04		300.00			06/20/04	06/20/04		KEPT	
AGMT-FSMT	02/09/04						02/09/04		FSMT INFO ONLY	
LEVEL 1A	02/24/03		114.10	15.00			03/12/03		UTL- CUST REF	
LEVEL 1A	10/28/02						10/28/02		FSMT INFO ONLY	

RECEIVED
 DECEMBER 22 2004

COLLECTION SYSTEM

PECO Exhibit 2
pg 1 of 1

Z-01690995
Phila 11/17/04
PA

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

Case Number: 1690995
Customer Name: ANNA HOLBERT
Address: 4642 N 11TH ST
PHILADELPHIA PA 19140-1226

Opened On: 6/14/04
Utility Type: Electric Distributor
Account Number: 261457097630
Company Name: PECO Energy

Prior Case: Total Balance: \$538.78 Balance Date: 6/14/04

Compliance

Violation(Alleged, Actual, No): NO

Chap 56/64/Other:

Section/Rule:

Decision Issued: Y

Oral Written: W

Investigator: KWIATKOWSKI, JOSHUA

PUC Decision Issued Dt: 7/13/04

PUC Case Closed Dt: 7/13/04

Decision Recvd Dt: 7/13/04 01:25PM

Letter Description: CAP STRAIGHT DECISION

To Restore Service Pay: \$0.00

To Continue Service Pay: \$0.00 By:

Terms: AUGUST 2004

Special Budget Amount: \$165.00

Regular Budget Amount: \$150.00 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:

Resolution:

SEE CS17 FOR TERMS OF PAR. WAIVE.

RECEIVED
REGISTERED
DEC 22 2004

PECO Exhibit 3
pg 1 of 1

Z-01690995 Phila

11/17/04 PA