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COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

LINDA FRANCKOWIAK  
v.  
PP&I ELECTRIC UTILITIES  
Telephonic Hearing

Docket No.: C-20054687

Pages: 1-125

DOCUMENT  
FOLDER

Commonwealth Keystone Building  
400 North Street  
Courtroom A  
Harrisburg, PA 17120

Wednesday, November 16, 2005  
Commencing at 10:00 a.m.

BEFORE:

KANDACE F. MELILLO, Administrative Law Judge

APPEARANCES:

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(via telephone)

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For the Respondent  
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JAMES M. POLYAK, Esquire  
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For Dean McCartney, Indispensable Party  
(via telephone)

PA PUBLIC UTILITY COMMISSION  
SECRETARY GENERAL

REPORTER: AMANDA LEWIS

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## APPEARANCES (CONT'):

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For the Commission

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JUDGE KANDACE F. MELILLO:

This is the time and the place for an hearing in the matter of Linda Franckowiak versus PP&L Electric Utilities Corporation, and Mr. Dean McCartney has been joined in this proceeding as an Indispensable Party. So we have three parties on the line. The Docket Number is C-20054687. The case involves alleged foreign wiring related to premises leased to Complainant by an Indispensable Party, Dean McCartney, the landlord. This premises was served with electricity by PP&L Electric Utilities Corporation. The case is also known as an Act 54 case.

The Complainant, Linda Franckowiak, filed a formal complaint with the Commission concerning this matter on April 19, 2005, and Respondent PP&L Electric Utilities Corporation filed an Answer on July 28, 2005. PP&L filed a petition to join the landlord, Dean McCartney, as an Indispensable Party, and also filed for a continuance of the matter. Mr. McCartney was joined as an Indispensable Party and a continuance of 60 days, or at least 60 days, was granted by Interim Order dated August 23rd, 2005. The hearing originally was scheduled for September 8, 2005, but

1 due to the continuance, was changed to November 16,  
2 2005, that being today.

3 I am Administrative Law Judge Kandace F.  
4 Melillo, assigned by the Commission to preside in this  
5 matter and render a decision for the Commission's  
6 consideration. I note the appearance this morning of  
7 John F. Gross, Esquire, on behalf of PP&L Electric  
8 Utilities Corporation, James M. Polyak, Esquire, on  
9 behalf of joined Indispensable Party, Dean McCartney,  
10 and Linda Franckowiak. Ms. Franckowiak, are you  
11 represented by Counsel?

12 MS. FRANCKOWIAK:

13 No. Actually I have my boyfriend here,  
14 which would be a witness. He was in the dwelling of  
15 the property that we had the problems with. Is he  
16 allowed to be on the phone?

17 JUDGE MELILLO:

18 Yes. He's your witness?

19 MS. FRANCKOWIAK:

20 Yes.

21 JUDGE MELILLO:

22 Yes, he is allowed to be on the phone.

23 What is his name?

24 MS. FRANCKOWIAK:

25 His name is Ronald H. Favinger.

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JUDGE MELILLO:

Can you spell that, please?

MS. FRANCKOWIAK:

Yes. It's R-O-N-A-L-D H.

F-A-V-I-N-G-E-R, and that's a Junior.

JUDGE MELILLO:

All right. Ronald, and the last name again, please? H and then what was the last name again?

MS. FRANCKOWIAK:

Favinger. F-A-V-I-N-G-E-R.

JUDGE MELILLO:

F as in Frank, A-V-I-N-G-E-R, and that's a Junior.

MS. FRANCKOWIAK:

Correct.

JUDGE MELILLO:

All right. Good morning everyone.

ATTORNEY GROSS:

Good morning.

ATTORNEY POLYAK:

Good morning.

MR. FAVINGER:

Good morning.

JUDGE MELILLO:

1           This hearing, while being held by  
2 telephone, is being transcribed. There is a court  
3 reporter present in Harrisburg. So I ask all of you  
4 to please speak clearly, slowly and loudly, and as I  
5 stated before, I do have a special agent present in  
6 the hearing room here in Harrisburg. She is an  
7 employee with the Commission and with the Bureau of  
8 Administrative Law Judge.

9           Generally, I like to give the parties an  
10 opportunity to discuss settlement since we have all  
11 three of you on the phone at this time. I understand  
12 there have been some settlement discussions. Do the  
13 parties want to continue with settlement discussions  
14 this morning?

15                   ATTORNEY GROSS:

16           Your Honor, this is Jack Gross. I did  
17 speak to Attorney Polyak last week regarding  
18 settlement. Based on those discussions, I didn't  
19 believe that further discussions were going to be  
20 fruitful. I did not contact Ms. Franckowiak after  
21 that. I am always willing to, if you'd like us to  
22 spend a few minutes, but I perhaps should defer to Mr.  
23 Polyak as well to see what his thoughts are.

24                   JUDGE MELILLO:

25           All right. Mr. Polyak, what are your

1 thoughts about the opportunity at this time to discuss  
2 settlement?

3 ATTORNEY POLYAK:

4 Judge, we're certainly glad to further  
5 discuss any settlement possibilities with regard to  
6 this, but it has been, and it remains Mr. McCartney's  
7 position that the bill that is in dispute, or the  
8 amount that is in dispute, is the responsibility of  
9 the tenant. He has instructed me to go forward with  
10 the hearing, failing the tenant or the Complainant  
11 withdrawing her complaint. I mean, he's not happy to  
12 be here, obviously, but he feels that these are  
13 charges that she incurred and accordingly, they're her  
14 responsibility.

15 JUDGE MELILLO:

16 All right. Ms. Franckowiak, do you want  
17 to discuss settlement at this time with the parties?

18 MS. FRANCKOWIAK:

19 I had tried to discuss settlement with  
20 Mr. McCartney. I had left two messages on his phone  
21 since I had moved into this residence at 694 White Oak  
22 Lane, and he did not call me back.

23 JUDGE MELILLO:

24 All right. Well, how about we take ten  
25 minutes. I'm going to leave the --- and Ms. Lopez-

1 Goldberg, we're going to leave the hearing room right  
2 now. I'm going to have the court reporter here, but  
3 we're going to go off the record at this time. All  
4 right. I'm going to come back in ten minutes and  
5 check on your progress. I think it's important that  
6 the parties all, since you're all three on the phone,  
7 have an opportunity to discuss settlement. You might  
8 get a better result by --- through settlement than  
9 through litigation.

10 ATTORNEY GROSS:

11 All right.

12 JUDGE MELILLO:

13 All right. We're off the record at this  
14 point.

15 OFF RECORD DISCUSSION

16 JUDGE MELILLO:

17 The parties had an off the record  
18 settlement discussion. It was determined that they  
19 could not reach a settlement so we will continue with  
20 the hearing this morning. Ms. Franckowiak, you have  
21 the burden of proof in this matter, so you will go  
22 first in the order of presentation. You will present  
23 your case, and I may be asking you some questions in  
24 this process. Please understand I am not acting as  
25 your attorney. I need certain information in order to

1 write my decision, and my questions will help me to do  
2 that. After you have completed your direct case and I  
3 have asked my questions, the utility attorney and the  
4 landlord's attorney will have the opportunity to ask  
5 you questions. And I believe you said you also had an  
6 additional witness?

7 MS. FRANCKOWIAK:

8 Yes.

9 JUDGE MELILLO:

10 The same would go for your additional  
11 witness. And you can have a Redirect response after  
12 that. Then the utility will put on its witnesses, and  
13 you may question the utility witnesses and I also may  
14 have some questions. The landlord, Dean McCartney,  
15 will then present his evidence, and you and the  
16 utility may question him and his witnesses. After  
17 that, Ms. Franckowiak, since you have the burden of  
18 proof, you will be permitted the opportunity of  
19 rebuttal and can provide further testimony in response  
20 to the testimony of the other parties. And then they  
21 will also have an opportunity to question you on that  
22 rebuttal testimony. Do you have any questions?

23 MS. FRANCKOWIAK:

24 Not at this point.

25 JUDGE MELILLO:

1 Are you ready to proceed?

2 MS. FRANCKOWIAK:

3 Yes, I am.

4 JUDGE MELILLO:

5 All right. Very well. Please raise your  
6 right hand, Ms. Franckowiak.

7 -----  
8 LINDA FRANCKOWIAK, HAVING FIRST BEEN JULY SWORN,  
9 TESTIFIED AS FOLLOWS:

10 -----

11 JUDGE MELILLO:

12 Very well. Please state your name for  
13 the record?

14 A. Linda L. Franckowiak.

15 JUDGE MELILLO:

16 All right. Ms. Franckowiak, I did note  
17 in the Commission records that in the complaint that  
18 you filed, you checked the box that you are a victim  
19 under Protection from Abuse Act, but I don't have a  
20 copy of the Protection from Abuse Order. Did you  
21 check that box in error or is that a correct that you  
22 do have a Protection from Abuse Order?

23 A. I believe that is --- that's incorrect.

24 JUDGE MELILLO:

25 All right. Very well. I wanted to check

1 that because we have some concern about  
2 confidentiality with respect to addresses, phone  
3 numbers, et cetera if there is a Protection from Abuse  
4 Order in effect.

5 A. Okay.

6 JUDGE MELILLO:

7 All right. Very well. Please state your  
8 current address for the record?

9 A. 694 White Oak Lane Road, Leesport, PA, 19533.

10 JUDGE MELILLO:

11 All right. Can you please spell the  
12 address again? Because I don't think I even have your  
13 correct address. I thought you lived in, what was it,  
14 Churchill Road or something?

15 A. I have called three times, August, September and I  
16 also called again this morning after I had gotten  
17 paperwork in regards to having the present address. I  
18 had talked to Dawn, I believe, your secretary.

19 JUDGE MELILLO:

20 Yes, Ms. Wrightenbauch (phonetic), that's  
21 correct.

22 A. And I believe, I'm not really sure why, but she  
23 took the information down once again.

24 JUDGE MELILLO:

25 All right. Well, let's go through it

1 again. It's 694 and what is the street address name?

2 A. White, W-H-I-T-E.

3 JUDGE MELILLO:

4 Right.

5 A. Oak, O-A-K, Lane, L-A-N-E.

6 JUDGE MELILLO:

7 All right.

8 A. Road.

9 JUDGE MELILLO:

10 White Oak Lane Road?

11 A. Yes.

12 JUDGE MELILLO:

13 All right. And where is that?

14 A. That is in Leesport, L-E-E-S-P-O-R-T, PA, 19533.

15 JUDGE MELILLO:

16 All right. Let me have a minute here. I  
17 thought we had --- let me check in my file, but I  
18 thought something had been sent to an address that was  
19 similar to that, and it came back. So I think that's  
20 why we used the Churchill Lane address.

21 A. Church Lane Road?

22 JUDGE MELILLO:

23 Or a Church Lane Road address. Let's see  
24 here. Well, I don't think we kept the envelope. Let  
25 me just check here a minute. No, I don't think we

1 kept the envelop, but I thought something did come  
2 back. So I just wanted to be sure. Now, that is your  
3 address, and how long have you lived there?

4 A. Five months.

5 JUDGE MELILLO:

6 All right. Are you currently a PP&L  
7 customer?

8 A. We are actually with Met Ed as of right now.

9 JUDGE MELILLO:

10 All right. Why don't you continue and  
11 tell us what your complaint is about with respect to  
12 PP&L?

13 A. My concern was that living establishment that we  
14 had at 110 Newkirk Avenue due to high electric bills.  
15 I had filed a complaint with the GPU Energy Source  
16 first, --- with PP&L, I'm sorry. Stating due to high  
17 electric bills, the kilowatt hours that they were  
18 claiming that I used was absolutely, physically  
19 impossible. I had contacted my landlord on numerous  
20 occasions letting him know of the high electric bills.  
21 Also PP&L investigated that the kilowatt hours that I  
22 was using was pretty much impossible.

23 ATTORNEY POLYAK:

24 I'm going to object to that, Judge.  
25 That's hearsay.

1                   JUDGE MELILLO:

2                   Well, is that Mr. Polyak? You're going  
3 to have to tell me who you are so that that appears on  
4 the record and so the court reporter gets that,  
5 because I can't tell on the phone.

6                   ATTORNEY POLYAK:

7                   Mr. Polyak is objecting on hearsay  
8 grounds.

9                   JUDGE MELILLO:

10                  All right. Well, that objection is  
11 overruled. There are exceptions to the hearsay rule  
12 for statements of party's opponent, and your client,  
13 Mr. McCartney is a party. So please continue, Ms.  
14 Franckowiak.

15 A. On several occasions, Judge, I believe that they  
16 actually --- I think we all had gotten a copy of the  
17 account activity as per the kilowatts being used. My  
18 kilowatts has jumped from March of '04 of 900 to the  
19 next month to 1,400 to 500 to 5,625. When I had  
20 talked to representatives from PP&L, they had  
21 questioned me and asked me what type of appliances I  
22 had? What type of things that I was running in the  
23 household. I had explained to them of what we had in  
24 the household. I also had instructed them that pretty  
25 much my hands were tied. They wanted to come out and

1 inspect the property. I didn't feel that I could do  
2 that for the simple fact because I wasn't the owner of  
3 the property.

4 JUDGE MELILLO:

5 Who is they? Who wanted to inspect the  
6 property?

7 A. PP&L wanted to come out to see whether or not if  
8 there was something wrong. So I had been instructed  
9 them my landlord's phone number. I know that they  
10 also had written down here several occasions that they  
11 had tried to get ahold of him, and he did not return  
12 the phone call letting them to come out as far as to  
13 inspect the property.

14 JUDGE MELILLO:

15 What period of time are we talking about  
16 here, that you lived at this New Kirk Avenue address  
17 and where you ---?

18 A. It was January 1st.

19 JUDGE MELILLO:

20 I'm sorry, what was that again?

21 A. I'm sorry, this is February 1st of '03 that we  
22 signed the lease. We resided there until February 1st  
23 of '05.

24 JUDGE MELILLO:

25 So during that two-year period, you're

1 contesting all your bills or your usage at that time?

2 A. The majority of the time, yes, I am.

3 JUDGE MELILLO:

4 All right. As a tenant, you were a PP&L  
5 customer from February 1, 2003 through February 1,  
6 2005 at this 110 New Kirk Avenue address?

7 A. That is correct.

8 JUDGE MELILLO:

9 All right. Who was your landlord?

10 A. My landlord was Dean McCartney.

11 JUDGE MELILLO:

12 And he's a party to this case?

13 A. Yes.

14 JUDGE MELILLO:

15 Now, that New Kirk Avenue address, that's  
16 in Shillington, PA?

17 A. That is correct.

18 JUDGE MELILLO:

19 So when you moved in February 1, 2003,  
20 did you contact PP&L at that time to have the electric  
21 service put in your name?

22 A. Yes, I did. Actually, prior to that, before we  
23 actually moved in.

24 JUDGE MELILLO:

25 All right. And it was in your name

1 during that two-year period ---

2 A. That is correct.

3 JUDGE MELILLO:

4 --- that you discussed. And then  
5 February 1st, 2005 you discontinued service with PP&L?

6 A. That is correct.

7 JUDGE MELILLO:

8 Is it your complaint that you think you  
9 were paying for electricity that was someone else's  
10 usage?

11 A. Yes, I am. There was numerous occasions we  
12 actually --- the residence that we were living in,  
13 there was an apartment that was attached to us. On  
14 numerous occasions, the hot water heater that was for  
15 the apartment that was connected to us was actually in  
16 our dwelling where we lived. There was sometimes  
17 where the hot water heater would kick off. The  
18 neighbor would have to come over. We would have to  
19 reset the breaker because the breaker was actually in  
20 our residence. It was not in her residence. It was  
21 in our residence. Her panel breaker was.

22 JUDGE MELILLO:

23 So you're saying that the electric usage  
24 for a hot water heater in someone else's apartment was  
25 on your meter?

1 A. The hot water --- yes, was in our dwelling. It  
2 was in our basement.

3 ATTORNEY POLYAK:

4 Judge, this is Attorney Polyak. I'm  
5 going to object. I think what she's testified to was  
6 that the person whose electric meter, they were trying  
7 to get access to, came onto the premises. I don't  
8 know that she said that it was on her meter.

9 JUDGE MELILLO:

10 She's just stating --- I think I'll  
11 believe that --- I think probably PP&L can clarify  
12 that. You'll have an opportunity also to present the  
13 landlord of the witness to contest that assertion.  
14 That's what her assertion is to why she thinks that  
15 she was paying for someone else's electricity, so I'll  
16 allow that. I think she stated that there was some  
17 concern that she was paying for someone else's hot  
18 water because of a condition that existed. And we can  
19 get further explanation, I'm sure, from PP&L So that  
20 objection is overruled.

21 All right. Ms. Franckowiak, what do you  
22 want the Commission to do in this case?

23 A. Like I said, in numerous occasions I had contacted  
24 Mr. McCartney. I do not believe that he is  
25 responsible for all of it. I was trying to get in

1 contact with him prior, like I said, within the five  
2 months of my new address. I left him messages to pay  
3 half, no response was --- not from his attorney or  
4 from himself, to settle for half.

5 JUDGE MELILLO:

6 All right. Well, settlement negotiations  
7 are confidential, so please refrain from talking about  
8 the settlement negotiations when you give your  
9 testimony, Ms. Franckowiak.

10 A. Okay.

11 JUDGE MELILLO:

12 I know you wouldn't know that, but those  
13 actually are confidential and public policy to have  
14 that be confidential so the parties can talk freely  
15 with each other during settlement.

16 All right. I'm going to see if I have  
17 any more questions here. I do have, I guess, a  
18 clarifying question. Were you served with copies of  
19 potential or proposed PP&L hearing exhibits in this  
20 case, Ms. Franckowiak?

21 A. I had the hearing from --- yes, I believe, from  
22 Mr. Gross.

23 JUDGE MELILLO:

24 All right. Can you look at PP&L Hearing  
25 Exhibit Number Two right now? I know this is a

1 proposed exhibit.

2 WITNESS COMPLIES

3 JUDGE MELILLO:

4 I think back on about page, let's see, I  
5 think it's page four of that exhibit. It looks to me  
6 and --- by the way, Mr. Gross, I never did get the  
7 original copies. We might get a Fed-Ex delivery today  
8 at one o'clock, but I still don't have a totally  
9 legible copies of these exhibits.

10 ATTORNEY GROSS:

11 This is Attorney Gross. I'm expecting  
12 that I'll get a confirm receipt regarding the delivery  
13 of the Fed-Ex. I'm still trying to get one on the  
14 previous one to see exactly who's signing for it, Your  
15 Honor. Because the previous one was not returned.

16 JUDGE MELILLO:

17 Yes, it had an incorrect ZIP Code. It  
18 has 17105 ZIP Code which can't be used whenever you  
19 send Fed-Ex because that's only known for U.S. Postal  
20 Service purposes. It goes to a P.O. Box.

21 Well, anyway, if you would look on page  
22 four, Ms. Franckowiak, it's hard to see but it looks  
23 to me like it maybe the type of investigation that  
24 PP&L does when they have high bill complaints.

25 A. Correct.

1                   JUDGE MELILLO:

2                   All right. And did you look at that?  
3 Can you verify that when you lived at 110 New Kirk  
4 Avenue that you had those appliances that are listed  
5 there and; is that correct to the best of your  
6 knowledge, information and belief?

7 A. I was on the wrong page, I apologize.

8                   JUDGE MELILLO:

9                   If you look where it says --- I think  
10 it's the third column over, it says number of and it  
11 looks to me like they're saying you had an electric  
12 range; do you see that, microwave oven?

13 A. Yes, the electric range, that was Mr. McCartney's.  
14 The microwave oven was mine.

15                   JUDGE MELILLO:

16                   Well, what I'm saying is, these were  
17 present in your apartment?

18 A. That is correct.

19                   JUDGE MELILLO:

20                   All right. Take a look at that and see  
21 if you have any variance from that.

22 A. The only thing that I can dispute is the side-by-  
23 side auto-defrost. We didn't have a side by side.

24                   JUDGE MELILLO:

25                   What did you have?

1 A. An apartment cube, I'm not, honestly --- to be  
2 honest with you, I don't --- we don't have that  
3 either.

4 JUDGE MELILLO:

5 All right. Well, what type of  
6 refrigerator did you have then? Take a look, there's  
7 some other categories there.

8 A. It was just a small refrigerator. I'm going to  
9 assume --- to be honest with you, I don't know the  
10 dimensions and the measurements of it. It's probably  
11 --- it's a very small one that he had replaced when we  
12 first moved in there, the 14 by eight cubic feet.

13 JUDGE MELILLO:

14 All right. Fourteen (14) by eight feet.  
15 Was it auto-defrost or manual defrost?

16 A. Yes.

17 JUDGE MELILLO:

18 It was auto-defrost?

19 A. Yes.

20 JUDGE MELILLO:

21 All right. You didn't have to defrost  
22 then. All right. Anything else? There's also  
23 another page. If you look back, there's another page  
24 of miscellaneous appliances, there's water heating. I  
25 understand you did not have electric, I believe you

1 had oil and then forced hot air?

2 A. That is correct.

3 JUDGE MELILLO:

4 So you had an oil heat pump?

5 A. Yes.

6 JUDGE MELILLO:

7 All right. Let me know if you see  
8 anything on that appliance survey that you dispute.

9 We'll move on if you don't have anything further.

10 I've noted the change in the ---.

11 A. I believe the rest is correct.

12 JUDGE MELILLO:

13 All right. Very well. So, Ms.

14 Franckowiak, you discontinued service then with PP&L  
15 when you moved out of the 110 New Kirk Avenue address;  
16 is that correct?

17 A. That is correct.

18 JUDGE MELILLO:

19 All right. I'm just checking here. I  
20 believe that's all the clarifying questions that I  
21 had. Mr. Gross --- I'm sorry, did someone say  
22 something?

23 ATTORNEY POLYAK:

24 No.

25 JUDGE MELILLO:

1 All right. Mr. Gross, you may Cross  
2 Examine.

3 ATTORNEY GROSS:

4 Thank you, Your Honor.

5 JUDGE MELILLO:

6 Please keep your voice up.

7 ATTORNEY GROSS:

8 Okay.

9 CROSS EXAMINATION

10 BY ATTORNEY GROSS:

11 Q. Good morning, Ms. Franckowiak. This is John  
12 Gross. I'm an attorney for PP&L. We did speak  
13 previously.

14 A. That is correct.

15 Q. I have several questions for you just following up  
16 on your testimony. Ms. Franckowiak, do you remember  
17 contacting PP&L the end of March of 2004 regarding  
18 your problem?

19 A. I did.

20 Q. And when you contacted them PP&L responded, didn't  
21 they?

22 A. That is correct.

23 Q. And ultimately a representative named Sandy Allen  
24 was in contact with you?

25 A. That is correct.

1 Q. And she responded promptly?

2 A. Yes.

3 Q. And you were satisfied with PP&L's response?

4 A. Yes.

5 Q. Today do you have any complaint or are you saying  
6 that PP&L did anything wrong with respect to your  
7 account?

8 A. No.

9 ATTORNEY GROSS:

10 Your Honor, I have nothing further.

11 JUDGE MELILLO:

12 Very well. Mr. Polyak, you may Cross  
13 Examine.

14 ATTORNEY POLYAK:

15 Thank you, Your Honor.

16 CROSS EXAMINATION

17 BY ATTORNEY POLYAK:

18 Q. Good morning, again, Ms. Franckowiak.

19 A. Good morning.

20 Q. From your testimony I understand that you lived at  
21 the address for a total of two years; is that right?

22 A. That is correct.

23 Q. And you had a one-year lease; correct?

24 A. That is correct.

25 Q. But the expiration of the initial one-year term

1 you decided to stay for an additional one-year term;  
2 is that right?

3 A. At that present time, that is correct.

4 Q. All right. And at some point, you started to have  
5 concerns about your electric bills; correct?

6 A. That is correct.

7 Q. And you've brought those to the attention of Mr.  
8 McCartney?

9 A. Yes, I did.

10 Q. And as a result he had an electrician come out and  
11 check the property?

12 A. Well, a year and a half later, yes.

13 Q. Well, after you brought this to his attention, did  
14 he replace the refrigerator within your dwelling?

15 A. Yes, he did.

16 Q. Did he replace the stove?

17 A. No, he did not.

18 Q. Did he replace the hot water heater?

19 A. Yes, he did.

20 Q. And was he doing this because these items were  
21 broken, or because he was trying to get to the root of  
22 whatever was causing you to believe that you were  
23 having high electric bills?

24 A. He had replaced them before he had the  
25 electrician, so to my knowledge, he was trying to find

1 the problem himself to try to benefit us.

2 Q. And you continued to have high electric bills; is  
3 that right?

4 A. That is correct.

5 Q. Ultimately, who suggested that you contact PP&L  
6 and involve them in trying to find out what was going  
7 on here?

8 A. I actually contacted them myself first, and then  
9 after I had contacted Mr. McCartney, he had it agreed  
10 to he'd go and try to talk to them to try to resolve  
11 the matter. But I originally did myself.

12 Q. But did Mr. McCartney tell you to file a complaint  
13 with PP&L?

14 A. He actually told me to file a complaint against  
15 the Commission as far as to protest the high electric  
16 bills.

17 Q. To file a complaint with the Commission?

18 A. That is correct.

19 Q. And you did that upon his suggestion?

20 A. I did that on behalf --- yes. The matter was not  
21 resolved yet.

22 Q. Was there anything preventing you from giving PP&L  
23 access to the basement of the premise?

24 A. I was not the owner of the property.

25 Q. I understand. But was there anything that

1 physically prevented you? In other words, you told us  
2 previously that there was an occasion when you went  
3 down into the basement with the neighbor; is that  
4 right?

5 A. That is correct.

6 Q. And is the basement where your subpanel was  
7 located?

8 A. No. Actually, it was on the second --- on the  
9 main level, the panel was, not downstairs. The hot  
10 water heater was downstairs.

11 Q. And did you have access to the basement?

12 A. Yes, it was right off of my front bedroom.

13 Q. And obviously you had access to your subpanel; is  
14 that right?

15 A. Yes.

16 Q. So you didn't need Mr. McCartney to be present  
17 other than you thought that he should be present  
18 because he was the owner? You didn't need him to be  
19 present for PP&L to have access to the basement, your  
20 subpanel and your apartment; correct?

21 A. PP&L had asked and requested that he had to give  
22 permission, I was not the owner of the property.

23 Q. I understand. But I'm not asking about  
24 permission. I'm talking about whether you could have  
25 given PP&L access, physical access to all of those

1 areas that I've identified.

2 A. Absolutely I could have, but he did not give  
3 permission.

4 Q. I'm scrry?

5 A. I could have given them permission, but he did not  
6 give them permission.

7 Q. I'm not asking about permission, now, I'm asking  
8 about physical access. In other words, you could have  
9 let them in to those areas; is that right?

10 A. Absolutely.

11 Q. And did you do that?

12 A. No, I did not do that.

13 Q. Was a list of the appliances that you had at the  
14 premise --- what was the original refrigerator that  
15 you had, a side-by-side automatic defrost  
16 refrigerator?

17 A. No.

18 Q. So the refrigerator that Mr. McCartney replaced  
19 you're saying was not originally a side-by-side  
20 automatic defrost refrigerator?

21 A. No.

22 Q. Do you have a hairdryer or did you use a hairdryer  
23 at the location?

24 A. Occasionally, yes.

25 Q. Occasionally yes?

1 A. Yes.

2 Q. What about an iron, did you use an iron there?

3 A. Yes, I did.

4 ATTORNEY POLYAK:

5 Judge, that's all the questions I have  
6 for Ms. Franckowiak.

7 JUDGE MELILLO:

8 All right. Very well. Ms. Franckowiak,  
9 you have the opportunity to respond in a Redirect  
10 fashion to evidence that has come forth at this point  
11 and then you can present your additional witness. Do  
12 you have anything further to add at this point in  
13 response?

14 A. We actually --- the only thing that I can actually  
15 add to it, Judge, is that we actually worked two jobs.  
16 We were rarely ever home. The only thing I can --- I  
17 mean, I worked with PP&L as far as trying to turn off  
18 my breakers to try to reduce my electric everyday.  
19 That's the lifestyle that I had to live with. I don't  
20 believe that I should have done that.

21 JUDGE MELILLO:

22 Who are the residents or who were the  
23 residents that went to the New Kirk Avenue when you  
24 were there?

25 A. That lived at 110 New Kirk Avenue?

1                   JUDGE MELILLO:

2                   Right.

3 A.    It was myself, Linda L. Franckowiak, Ronald H.  
4 Favinger, Jr. and my son, Derrick Michael Franckowiak.

5                   JUDGE MELILLO:

6                   All right. How old's your son?

7 A.    He is eight years old at this present time.

8                   JUDGE MELILLO:

9                   All right. Anything further in response  
10 to my questions, Mr. Gross or Mr. Polyak?

11                  ATTORNEY GROSS:

12                  I have nothing further, this is Attorney  
13 Gross.

14                  JUDGE MELILLO:

15                  All right.

16                  ATTORNEY POLYAK:

17                  Nothing from Attorney Polyak, Your Honor.

18                  JUDGE MELILLO:

19                  All right. Very well. Ms. Franckowiak,  
20 at this point you're excused. Do you have any further  
21 witnesses?

22                  MS. FRANCKOWIAK:

23                  No, my boyfriend doesn't have anything to  
24 say.

25                  JUDGE MELILLO:

1                   Very well. All right. At this point we  
2 will move on. We'll have PP&L's case at this time.  
3 Mr. Gross, you may proceed.

4                   ATTORNEY GROSS:

5                   Thank you, Your Honor. PP&L first calls  
6 William Grooms.

7                   JUDGE MELILLO:

8                   All right. Mr. Grooms, please raise your  
9 right hand.

10 -----

11 WILLIAM GROOMS, HAVING FIRST BEEN DULY SWORN,  
12 TESTIFIED AS FOLLOWS:

13 -----

14                   JUDGE MELILLO:

15                   Mr. Grooms?

16 A. Yes?

17                   JUDGE MELILLO:

18                   All right. Please keep your voice up,  
19 we're having trouble hearing you.

20 A. Is that better?

21                   JUDGE MELILLO:

22                   A little better. Are you at a remote  
23 location by chance?

24 A. Yes, I am.

25                   JUDGE MELILLO:

1 All right. You're going to need to speak  
2 as clearly and as loudly as you can and try to speak  
3 into the receiver.

4 A. I'll sure try.

5 JUDGE MELILLO:

6 All right. I appreciate that. Please  
7 continue, Mr. Gross.

8 ATTORNEY GROSS:

9 Thank you, Your Honor. If I may just say  
10 one thing to my witness since he's at a remote  
11 location. Mr. Grooms, if you can just please make  
12 sure that I absolutely finish my question before you  
13 answer because I do think there's a short lag time  
14 where sometimes you're speaking is cut off.

15 A. Okay. I will.

16 ATTORNEY GROSS:

17 Thank you.

18 DIRECT EXAMINATION

19 BY ATTORNEY GROSS:

20 Q. Mr. Grooms, will you state and spell your name for  
21 the record?

22 A. William N. Grooms, W-I-L-L-I-A-M N, Grooms,  
23 G-R-O-O-M-S.

24 Q. And Mr. Grooms, what is your business address?

25 A. 1801 Brookwood Street in Harrisburg, PA, 17104.

1 Q. And by whom are you employed and in what capacity?

2 A. With PP&L Electric Utilities as a supervisor of  
3 customer support.

4 Q. And how long have you been in that position with  
5 PP&L?

6 A. One year and ten months.

7 Q. Can you just very briefly for the record describe  
8 your duties in that position, particularly as they may  
9 relate to this case?

10 A. I'm actually the supervisor over the customer  
11 contact reps who would do these type of high bill  
12 investigations. And I also look at and would write  
13 these informal BCS cases that pertain to foreign  
14 wiring and high bills.

15 Q. Thank you. Mr. Grooms, at this time I'm going to  
16 ask you to look at what I had pre-marked PP&L Hearing  
17 Exhibit Number One.

18 ATTORNEY GROSS:

19 Your Honor, I do intend to use that  
20 exhibit now.

21 JUDGE MELILLO:

22 All right. Very well. Would you like  
23 that identified then for the record?

24 ATTORNEY GROSS:

25 I would, Your Honor.

1                   JUDGE MELILLO:

2                   All right. Can you please describe it?

3                   ATTORNEY GROSS:

4                   I was going to ask Mr. Grooms to but I  
5 will. It is an account activity statement for Ms.  
6 Franckowiak. It is marked on the corner, pre-marked,  
7 typed PP&L Hearing Exhibit Number One.

8                   JUDGE MELILLO:

9                   Yes, I just wanted you to very briefly  
10 provide what it is. For authentication purposes, but,  
11 yes, your witness should certainly go further than you  
12 can go.

13                   ATTORNEY GROSS:

14                   Thanks, Your Honor.

15                   JUDGE MELILLO:

16                   All right. We're going to have that  
17 marked as PP&L Hearing Exhibit Number One. I am going  
18 to be providing two copies to the court reporter at  
19 this point. It is a faxed copy. I would ask you, Mr.  
20 Gross, when this hearing is concluded to please  
21 provide two better copies directly to the court  
22 reporter and she'll give you her address.

23                   (PP&L Hearing Exhibit Number One marked  
24 for identification.)

25                   ATTORNEY GROSS:

1 Thank you, I can get that at the end of  
2 the hearing.

3 JUDGE MELILLO:

4 Yes, you can. All right. Very well,  
5 please continue. PP&L Hearing Exhibit One is  
6 identified for the record.

7 ATTORNEY GROSS:

8 Thank you.

9 BY ATTORNEY GROSS:

10 Q. Mr. Grooms, do you have that in front of you?

11 A. Yes, I do.

12 Q. Would you please describe that document for the  
13 record?

14 A. This is our activity statement. What it does is  
15 it's basically the information on this customer. And  
16 this one is run from the time that the first bill was  
17 generated on 03/01 to the time that the customer had  
18 moved out and stopped the bill. It has her name,  
19 Linda Franckowiak, and it has the address 351 Church  
20 Lane Road, Reading, PA, 19606 and her account number,  
21 which is in the left corner, 43361.

22 Q. Mr. Grooms, let me just stop you there.

23 A. Sure.

24 ATTORNEY GROSS:

25 Ms. Franckowiak, that address that's

1 listed for her there, is that a mailing address or is  
2 that the service address?

3 MS. FRANCKOWIAK:

4 That's the mailing address.

5 ATTORNEY GROSS:

6 Thank you, Ms. Franckowiak.

7 BY ATTORNEY GROSS:

8 Q. Mr. Grooms, is that the mailing where she is  
9 currently?

10 A. Yes, it says --- well, no --- yes, it mailed to,  
11 so it would be the mailing address to her.

12 Q. Thank you. Now, Mr. Grooms, is the data contained  
13 on this three-page document, is it true and correct to  
14 the best of your knowledge, information and belief?

15 A. Yes, it is.

16 Q. You've reviewed it?

17 A. Yes, I have.

18 Q. And is the information contained on this document  
19 kept by PP&L in the ordinary course of business?

20 A. Yes, it is.

21 Q. Have all charges that are shown on here been made  
22 in accordance with PP&L's tariff and PUC regulations?

23 A. Yes, they have.

24 Q. Now, looking at it, Mr. Grooms, can you please  
25 tell us what the current arrearage on Ms.

1 Franckowiak's account is?

2 A. That would be on the very last page of it at the  
3 bottom. It would be \$666.86.

4 Q. Is that a final balance?

5 A. Yes, it is.

6 Q. Now, Mr. Grooms, in the last two entries on there  
7 dated July 18 and July 22, can you please just  
8 describe what they mean?

9 A. The way they have it written is basically for  
10 accounting purposes. On February 1st when it was  
11 final bill, that was the amount. What with the  
12 proceedings and all and for accounting purposes, we  
13 mark a charge off so there'd be --- nothing else would  
14 happen and no collections or anything would go on, and  
15 then it's put back as debit uncollectable. So we have  
16 that amount there, but there won't be any movement on  
17 it. It will wait until these proceedings are over and  
18 then we'll go from there.

19 Q. And that amount is still owed?

20 A. Yes, it is.

21 Q. And among other things does this statement also  
22 show kilowatt hours used during each billing period?

23 A. Yes, it does.

24 Q. As well as the number of days in each billing  
25 period?

1 A. Yes, it does.

2 Q. And where's that information located?

3 A. About three quarters a way across the page. If  
4 you look it says read type. And there's what the  
5 actual read it. And then beside that to the right is  
6 days used, and that's the number of days that that  
7 read was.

8 Q. Now, are you aware that Ms. Franckowiak contacted  
9 PP&L regarding a potential foreign load or high bill  
10 at her apartment?

11 A. Yes, I was.

12 Q. And when did she make that contact?

13 A. March 23rd of '04.

14 Q. March 23rd of 2004?

15 A. Yes.

16 Q. And what happened when she made that contact?

17 A. Well, at that time a bill would be issued to the  
18 field to go out and actually do the investigation.

19 Q. And that occurred?

20 A. Yes, it did.

21 Q. And who was assigned to this case?

22 A. Sandy Allen was assigned to that case.

23 Q. I'm sorry, can you speak up there a little bit?

24 I'm not sure --- I assume you got cut off.

25 A. Sandy Allen was assigned to that case.

1 Q. And is Ms. Alien here today?

2 A. Yes, she is.

3 Q. And she's available to testify regarding that  
4 investigation?

5 A. Yes, she is.

6 Q. Now, ultimately are you aware if a field or on  
7 site investigation for a foreign load was completed?

8 A. Yes, one was completed.

9 Q. And when did that happen?

10 A. September 1st of this year.

11 Q. September 1, 2005?

12 A. Yes.

13 Q. Are you aware what the results of the September 1,  
14 2005 investigation were?

15 A. Yes, I am.

16 Q. Can you explain what your understanding is?

17 A. At that time when Sandy actually did the  
18 investigation she reported that no foreign wiring or  
19 mixed wiring was found at that time.

20 Q. So as a result of that, did PP&I take any action  
21 with respect to the Complainants account?

22 ATTORNEY POLYAK:

23 I'm sorry, Judge, this is Attorney  
24 Polyak.

25 JUDGE MELILLO:

1 I'm sorry, two people are speaking at the  
2 same time. Was there an objection raised?

3 ATTORNEY POLYAK:

4 Judge, this is Attorney Polyak. There  
5 was not an objection, but I'm having a difficult time  
6 hearing the witness.

7 JUDGE MELILLO:

8 All right. Very well, I understand. Mr.  
9 Grooms, your voice is quite lower than the other  
10 voices, and now I'm getting a phone call. Can someone  
11 please make sure that there aren't any interruptions  
12 on this call? Hello?

13 ATTORNEY POLYAK:

14 Yes.

15 ATTORNEY GROSS:

16 Yes, Your Honor, I'm not sure where that  
17 was.

18 JUDGE MELILLO:

19 All right. Mr. Grooms, are you still  
20 there?

21 A. Yes, I am.

22 JUDGE MELILLO:

23 All right. Mr. Grooms, you sound a  
24 little better. Please keep your voice up and speak as  
25 --- if you have a receiver, speak as close to the

1 receiver as you can. Mr. Polyak, are you able to hear  
2 Mr. Grooms at all?

3 ATTORNEY POLYAK:

4 I am, but it's difficult, Judge.

5 JUDGE MELILLO:

6 All right. We have to do the best we  
7 can. I don't know what else to do. Unless Mr. Gross,  
8 you can initiate another connection that might be  
9 clearer.

10 ATTORNEY GROSS:

11 Your Honor, as I think you know, you've  
12 called me on a conference call line that was set up.  
13 If I try and initiate another connection, I'm going to  
14 lose my witnesses.

15 JUDGE MELILLO:

16 Yes, I understand. All right. We'll do  
17 the best we can. Mr. Polyak, please note if you  
18 cannot hear, please let us know; all right?

19 ATTORNEY POLYAK:

20 Thank you, Your Honor, I will.

21 JUDGE MELILLO:

22 All right. Very well, let's continue. I  
23 think, Mr. Gross, you were in the midst of asking a  
24 question.

25 ATTORNEY GROSS:

1                   And, Your Honor, for Mr. Polyak's benefit  
2 I'll try --- and so that the record is completely  
3 clear, I will back up and ask Mr. Grooms to once again  
4 explain what his understanding of Ms. Allen's Sept  
5 1, 2005 investigation was.

6                   JUDGE MELILLO:

7                   All right. Now, let me ask you this, Mr.  
8 Gross, are you intending to put Ms. Allen on the stand  
9 since she would be the best witness to describe  
10 her ---.

11                   ATTORNEY GROSS:

12                   Your Honor, she's here and she will  
13 testify to that as well. Well, I know Mr. Grooms has  
14 knowledge regarding it and I believe it would be  
15 helpful to lay a foundation as to the next question  
16 I'm going to ask him.

17                   JUDGE MELILLO:

18                   All right. Very well, please continue.

19 BY ATTORNEY GROSS:

20 Q. Mr. Grooms, did you hear the question?

21 A. Yes.

22 Q. Can you please answer again?

23 A. Yes. On September 1st when Sandy Allen went to  
24 that premise, she did not find any foreign wiring or  
25 mixed wiring at that time at that apartment.

1 Q. As a result of that September 1, 2005  
2 investigation, did PP&L take any further steps with  
3 respect to Mr. Franckowiak's account?

4 A. No, we didn't.

5 ATTORNEY GROSS:

6 Now, Your Honor, at this point I'm  
7 actually going to show Mr. Grooms the document that  
8 was pre-marked as PP&L Hearing Exhibit Number Three.  
9 If it would assist, I'm willing to have that marked as  
10 Exhibit Two for the case if you'd like to remark it.

11 JUDGE MELILLO:

12 Well, are you planning to use Hearing  
13 Exhibit Two at any point?

14 ATTORNEY GROSS:

15 I am, Your Honor. Ms. Allen will testify  
16 regarding it.

17 JUDGE MELILLO:

18 Then please go ahead and identify the  
19 exhibit as PP&L Hearing Exhibit Number Three since  
20 it's been pre-marked.

21 ATTORNEY GROSS:

22 Okay. Thank you, Your Honor. And this  
23 is an Informal Case View and Decision from the Bureau  
24 of Consumer Services.

25 (PP&L Hearing Exhibit Number Three marked

1                   for identification.)

2 BY ATTORNEY GROSS:

3 Q. Mr. Grooms, do you have that in front of you?

4 A. Yes, I do.

5 Q. Let me just make sure we're looking at the same  
6 thing. Is it a six-page document?

7 A. Yes, it is.

8 Q. What is that document?

9 A. That's the case that we would answer when an  
10 informal complaint is made by a customer to the BCS.  
11 And that was the one that had the complaint we  
12 received. And then we filled it out and sent it back  
13 to them, and the decision that they made on it.

14 Q. So the first four pages are the case --- the  
15 informal case view is PP&L's response; is that  
16 correct?

17 A. That's correct.

18 Q. And the last few pages is the decision of the  
19 Bureau of Consumer Services?

20 A. That's correct.

21 Q. Did you prepare the informal case response?

22 A. Yes, I did.

23 Q. And did you prepare that response from PP&L  
24 records?

25 A. Yes, I did.

1 Q. And from discussions you had with Ms. Allen?

2 A. Yes.

3 Q. And is that the information that's contained on  
4 the second half of page two through the end of page  
5 three?

6 A. That's correct.

7 Q. Mr. Grooms, what is your understanding of the BCS  
8 decision with respect to this case?

9 A. My understanding of the decision is basically the  
10 company did try to perform at an Act 54 investigation,  
11 but wasn't able to. And that the customer has, was or  
12 had worked with the landlord, and that the customer is  
13 responsible for the balance due of \$666.86.

14 Q. Mr. Grooms, what is PP&L's final position with  
15 respect to this proceeding?

16 A. PP&L's position is that the customer would owe  
17 \$666.86 unless the PUC would decide that --- would  
18 change that and determine that there was foreign, at  
19 which time we would transfer that whole balance to the  
20 owner, landlord, tenant --- I'm sorry, the owner.

21 ATTORNEY GROSS:

22 Thank you. Your Honor, I have nothing  
23 further for Mr. Grooms. I would move the admission of  
24 my Exhibits One and Three, PP&L Hearing Exhibits One  
25 and Three.

1                   JUDGE MELILLO:

2                   All right. Generally I move exhibits  
3 after Cross Examination. Let's wait until after  
4 everyone's done with their Cross Examination and then  
5 we'll move those exhibits, Mr. Gross.

6                   ATTORNEY GROSS:

7                   Very well, Your Honor.

8                   JUDGE MELILLO:

9                   All right. Let me see if I have any  
10 questions first and then everyone else can follow on  
11 to that. Mr. Grooms, can you look at PP&L Hearing  
12 Exhibit One? I just had a couple questions to clarify  
13 that exhibit. And first of all, you discussed the  
14 reading type on that exhibit under the column reading  
15 type.

16 A. Yes, Your Honor.

17                   JUDGE MELILLO:

18                   All right. Now, when we see an A after  
19 that, does that designate an actual meter read?

20 A. Yes, it does.

21                   JUDGE MELILLO:

22                   And an E would designate and estimated  
23 meter read?

24 A. That's correct.

25                   JUDGE MELILLO:

1 All right. If you would look, oh, I  
2 guess, it's about half way down page one of PP&L  
3 Hearing Exhibit One. You see where it says in big  
4 type, cancelled electric service 06/23/2003, what does  
5 that mean?

6 A. When we had the --- if you see the month before  
7 there was an estimate read, and that estimate read was  
8 --- when we saw 5,625 kilowatt hours of use in that  
9 read, we knew that was wrong. So we basically  
10 cancelled it and redid, reread it which would be  
11 07/01. And that, as you see on the 07/01/2003, if you  
12 look across you'll see where we got an actual read.  
13 And over a 60 due date period which included that  
14 estimated time frame, it comes out to 3,625 kilowatt  
15 hours. And if you divide that by two, that brings it  
16 more in line. So that for accounting --- that's why  
17 all of that was cancelled and then redone.

18 JUDGE MELILLO:

19 All right. Very well. So Ms. Allen is  
20 going to be testifying about PP&L Hearing Exhibit Two;  
21 is that correct?

22 A. Yes, that's correct.

23 JUDGE MELILLO:

24 All right. Was there any foreign wiring  
25 investigation done with respect to Ms. Franckowiak

1 prior to September 1 of 2005?

2 A. The foreign wiring investigation, my understanding  
3 at that time, we initiated it and talked to both the  
4 landlord --- I mean, both the tenant and the landlord.  
5 But we were never at the premise.

6 JUDGE MELILLO:

7 Is there a reason why you didn't go out  
8 to the premise while Ms. Franckowiak lived there?  
9 Because she had already moved out by September 1,  
10 2005.

11 A. Yes, the reason we didn't was, and I believe Sandy  
12 will testify to what, you know, her conversations, but  
13 she was not able to meet with the landlord out there  
14 to get in all of the building.

15 JUDGE MELILLO:

16 Let me see if I have any further  
17 questions on the exhibit. All right. Ms. Franckowiak  
18 --- I guess we'll take Mr. Polyak first. Mr. Polyak,  
19 you can Cross Examine at this point, and then we'll  
20 have Ms. Franckowiak going last in the order  
21 presentation.

22 ATTORNEY POLYAK:

23 Thank you, Your Honor.

24 CROSS EXAMINATION

25 BY ATTORNEY POLYAK:

1 Q. Mr. Grooms, my name is James Polyak, I'm an  
2 attorney, I represent Mr. McCartney who is the  
3 property owner. He was also the Complainant's  
4 landlord during the period of time that is in  
5 question. Exhibit Number One that we have in front of  
6 us includes several notations of late payment charges.  
7 Is that your understanding of the document?

8 A. Yes, that's correct.

9 Q. And what generates a late payment charge?

10 A. If the payment is not made by the due date. If  
11 the current bill, whatever that would happen to be, is  
12 not paid by the due date, a late payment charge is  
13 assessed.

14 Q. And just so I'm clear, the amount that remains  
15 unpaid to PP&L is \$666.86; is that correct?

16 A. That's correct.

17 Q. And that represents the final payment for the  
18 final bill and a little bit of the previous month's  
19 bill; is that correct?

20 A. That would be correct, yes. That would be all of  
21 any balances and the final is the total of everything.

22 Q. Is this a situation where the tenant, I guess in  
23 effect, moved out, stopped charges with PP&L and just  
24 has not paid their last bill; is that a fair  
25 characterization?

1 A. Well, it's their settled bill. Their last bill,  
2 if you look on that, was actually \$25.11, and that was  
3 only for a ten-day period. But when you settle and  
4 add everything, that's what it comes out to the  
5 \$666.86.

6 Q. Now, I'm looking at the Exhibit Number One again.  
7 in the far right-hand column there's a column titled  
8 KWH, which is assume is kilowatt hours; is that  
9 correct?

10 A. That's correct.

11 Q. And there's some large variations from month to  
12 month, do you agree with me?

13 A. In some of them, yes.

14 Q. Are they significant to you for any reason?

15 A. If you look at the time frames, they seem to be up  
16 during the winter months. Well, I shouldn't say that  
17 either because of them go, but they do fluctuate. I  
18 can't say for sure what caused each of the  
19 fluctuations other than when I explained earlier where  
20 there was an estimate and that was wrong.

21 Q. But let's just focus on your comment about the  
22 winter months. Is it your interpretation of this bill  
23 that the usage was higher during the winter months?

24 A. In the winter of 2004 it went up.

25 Q. And does PP&L have any way to determine whether

1 electric space heaters were used within the premise?

2 A. No.

3 Q. Hello?

4 A. Oh, I'm sorry, I said no.

5 Q. No, okay.

6 ATTORNEY GROSS:

7 Mr. Grooms, your voice is fading a little  
8 again, so if you can try to get back. I can tell it  
9 on my line, this is Attorney Gross. I apologize to  
10 interrupt.

11 ATTORNEY POLYAK:

12 Thank you, Attorney Gross.

13 BY ATTORNEY POLYAK:

14 Q. Is there anything that strikes you as unusual  
15 about this account activity statement as when you  
16 reviewed it initially or as you review today, or is  
17 this a typical, what you would expect to see as a  
18 typical account activity statement?

19 A. It would be typical.

20 ATTORNEY POLYAK:

21 Thank you, sir. I have no further  
22 questions.

23 JUDGE MELILLO:

24 All right. Ms. Franckowiak, this is your  
25 opportunity to ask questions of Mr. Grooms.

1 MS. FRANCKOWIAK:

2 Okay.

3 CROSS EXAMINATION

4 BY MS. FRANCKOWIAK:

5 Q. My question for when they actually came out to  
6 inspect the property, did they whether or not any of  
7 the wires outside were active throughout the property?

8 A. I would have to defer the actual test to Sandy.  
9 She was the one that actually performed it.

10 MS. FRANCKOWIAK:

11 So is that something that I should ask at  
12 a later time when ---?

13 JUDGE MELILLO:

14 Yes, you may ask that whenever Ms. Allen  
15 is presented. She's going to be testifying about the  
16 investigation.

17 MS. FRANCKOWIAK:

18 Then I have no further questions.

19 JUDGE MELILLO:

20 All right. Mr. Gross, do you have any  
21 Redirect?

22 ATTORNEY GROSS:

23 I have no Redirect, Your Honor.

24 JUDGE MELILLO:

25 All right. Very well. Mr. Grooms,

1 you're excused, and Mr. Gross, you may move your  
2 exhibits at this time.

3 ATTORNEY GROSS:

4 Thank you, Your Honor. I'll move PP&L  
5 Hearing Exhibits One and Three.

6 JUDGE MELILLO:

7 Is there any objection?

8 ATTORNEY POLYAK:

9 This is Mr. Polyak, Your Honor. There is  
10 not.

11 JUDGE MELILLO:

12 All right. Do you have any objection,  
13 Ms. Franckowiak?

14 MS. FRANCKOWIAK:

15 No.

16 JUDGE MELILLO:

17 All right. Hearing no objection, those  
18 documents so identified will be admitted. All right.  
19 Mr. Gross, do you have an additional witness?

20 ATTORNEY GROSS:

21 I do, Your Honor, thank you. PP&L calls  
22 Sandra Allen.

23 JUDGE MELILLO:

24 All right. Ms. Allen, please raise your  
25 right hand.

1 -----  
2 SANDRA ALLEN, HAVING FIRST BEEN DULY SWORN, TESTIFIED  
3 AS FOLLOWS:  
4 -----

5 JUDGE MELILLO:

6 Very well. Please continue, Mr. Gross.

7 ATTORNEY GROSS:

8 Thank you, Your Honor. And Ms. Allen,  
9 I'll once again, as I mentioned to Mr. Grooms and as  
10 we learned, if you can please try and speak as loudly  
11 into the phone as possible, and please try and wait  
12 until I finish the sentence because I still do notice  
13 that some things get cut off if two people are  
14 speaking at once.

15 A. Okay.

16 DIRECT EXAMINATION

17 BY ATTORNEY GROSS:

18 Q. Ms. Allen, will you please state and spell your  
19 name for the record?

20 A. Sandra J. Allen, S-A-N-D-R-A, Allen, A-L-I-E-N.

21 Q. And Ms. Allen, what is your business address?

22 A. 651 Delp, D-E-L-P, Road, Lancaster, Pennsylvania,  
23 17601.

24 Q. And by whom are you employed and in what capacity?

25 A. PP&L Electric Utilities as a customer contact

1 representative.

2 Q. And how long have you been with PP&L?

3 A. Close to 33 years.

4 Q. And how long have you been in your current  
5 position?

6 A. Approximately 15.

7 Q. Can you briefly describe your duties in that  
8 position, particularly as it would relate to this  
9 case?

10 A. We investigate or try to address and give  
11 projection on kilowatt hours relating to a high bill  
12 complaint, and to address possible mixed wiring  
13 related to the Act 54 law.

14 Q. Now, Ms. Allen, I'm going to now show you a  
15 document I pre-marked as PP&L Hearing Exhibit Number  
16 Two, which is portions of PP&L records. Do you have  
17 that in front of you?

18 A. Yes, I do.

19 ATTORNEY GROSS:

20 Your Honor, may I proceed with that  
21 exhibit?

22 JUDGE MELILLO:

23 Yes, you may.

24 ATTORNEY GROSS:

25 Thank you.

1 BY ATTORNEY GROSS:

2 Q. Ms. Allen, can you please just describe what this  
3 is? It's six pages, can you please describe what it  
4 is generally?

5 A. It's what they call a high bill complaint form.  
6 It gives customer's address, name, billing history of  
7 approximately two years had the tenant been there for  
8 a two-year period, give the kilowatt hour breakdown,  
9 the dollars issued for that billing.

10 Q. And attached to it is also a form called a High  
11 Bill Cost Estimate Worksheet?

12 A. That's correct.

13 JUDGE MELILLO:

14 All right. We're going to identify that  
15 for the record as PP&L Hearing Exhibit Two. Please  
16 continue, Mr. Gross.

17 ATTORNEY GROSS:

18 Thank you, Your Honor.

19 (PP&L Hearing Exhibit Number Two marked  
20 for identification.)

21 BY ATTORNEY GROSS:

22 Q. Ms. Allen, is the information contained on this  
23 document kept by PP&L in the ordinary course of  
24 business?

25 A. Yes.

1 Q. And I notice there are a number of handwritten  
2 notations on it, some of which I know from Judge  
3 Melillo may or may not be particularly legible. But  
4 are you familiar with the handwritten notations on  
5 this?

6 A. These are my notes, yes.

7 Q. So all these notes were ones that you made?

8 A. Yes.

9 Q. Let's go back and can you explain how and when you  
10 became aware that Ms. Franckowiak had a problem?

11 A. I believe she had called our main office in  
12 Allentown on March 23rd. The actual document printed  
13 to us here in the Lancaster office on the 24th of  
14 March.

15 Q. Is that date reflected on Exhibit Two?

16 A. Yes, it is, in the upper right-hand corner.

17 Q. And I do notice there, Mr. Guiliano's name is on  
18 there. Was this case, in fact, assigned to you?

19 A. Yes, it was.

20 Q. And why is his name on there?

21 A. It's just within our system all the orders come  
22 through assigned to him and then are redistributed  
23 based on area.

24 Q. Thank you. Now, can you please explain what you  
25 did when this order was printed, and it was assigned

1 to you?

2 A. On March the 24th, I believe it was, I attempted  
3 to contact --- may I call her Linda because of the  
4 pronunciation?

5 ATTORNEY GROSS:

6 Ms. Franckowiak, is that okay with you?

7 MS. FRANCKOWIAK:

8 That is absolutely fine.

9 A. I had attempted to reach her and left a message on  
10 an answering machine to contact me.

11 BY ATTORNEY GROSS:

12 Q. And when did you first speak to Ms. Franckowiak?

13 A. On March 26th.

14 Q. And what occurred during that conversation?

15 A. We basically reviewed the cost estimate that  
16 already had been created by our main office in  
17 Allentown, and some the information that she had given  
18 and confirming that she had, what is called, an oil  
19 hot air furnace, and based on the projection that I  
20 had given related to, what we call, heating kilowatt  
21 hours, it appeared as though her use was higher than  
22 what we would normally expect for that type heat  
23 system.

24 Q. Now, Ms. Allen, you mentioned the worksheet. Is  
25 that the second three pages?

1 A. Yes.

2 Q. If that makes any sense. Is that the second three  
3 pages of this exhibit?

4 A. Yes.

5 Q. So you reviewed those three pages with her?

6 A. Yes.

7 Q. And what did you do when you reviewed that with  
8 her?

9 A. As you will see, I guess it's on page two of  
10 three, there was --- where it says 30-day kilowatt  
11 hours, 1,295. We generally use a 30-day billing as  
12 the average. Our billings can vary anywhere from 27  
13 to 35 days, we use an average of 30 days. So the  
14 handwritten 43 represents 43 kilowatt hours a day that  
15 we were projecting to see for, what we call, base use,  
16 no heat, no air-conditioning.

17 JUDGE MELILLO:

18 I'm sorry to interrupt, I guess I can't  
19 follow this on this hearing exhibit. Mr. Gross, can  
20 you help out here?

21 ATTORNEY GROSS:

22 Sure, I'll try again.

23 BY ATTORNEY GROSS:

24 Q. Ms. Allen, are you now looking at the document  
25 that on the first page is titled high bill cost

1 estimate worksheet?

2 A. Yes, I am.

3 Q. And it's the fourth page of Exhibit Two?

4 A. Yes, I'm sorry.

5 Q. That's fine. And are you looking at the second  
6 page of that worksheet, which would be the fifth page  
7 of Exhibit Two?

8 A. Yes, I'm sorry.

9 Q. And where are you looking on that page?

10 A. About halfway down where it says 30-day KWH.

11 Q. With the number 1,295 next to it?

12 A. Yes.

13 Q. And then appears to be a handwritten note, 43?

14 A. Yes.

15 Q. That's your note?

16 A. That's my note.

17 Q. And why don't you explain again what that means?

18 A. That is what we initially try to establish what is  
19 base kilowatt hours where there is no heating or  
20 cooling kilowatt hours involved. And then generally  
21 look at, say, in the spring and a fall month and then  
22 bill from that related to the time frame that a  
23 customer may be questioning their bill.

24 Q. After you reviewed the cost estimate worksheet  
25 with Ms. Franckowiak and performed these calculations,

1 what did you determine?

2 A. Well, based on the type heating system that she  
3 had and based on the degree day calculation that we  
4 used, generally a higher system will use approximately  
5 15 kilowatt hours a day on top of the base use. And  
6 when we were looking at a billing period of 88  
7 kilowatt hours a day, that was well beyond our  
8 projection.

9 Q. So what did that lead you to do next?

10 A. It lead me to believe that there might be a  
11 possible mixed wiring situation, and I had an  
12 obligation to try to attempt to arrive at a conclusion  
13 related to the billing.

14 Q. And did that involve an on-site investigation as  
15 well?

16 A. It would have, but not at that particular time.

17 Q. Did you attempt to perform an on-site  
18 investigation?

19 A. Yes.

20 Q. Ms. Allen, I think at this point it might be best  
21 if you go back ---?

22 ATTORNEY GROSS:

23 Your Honor, I'll try and be clear here.

24 JUDGE MELILLO:

25 Okay.

1 BY ATTORNEY GROSS:

2 Q. Go back to the second page of Exhibit Two, the  
3 page that contains almost entirely your handwritten  
4 notes. Do you have that in front of you?

5 A. Yes.

6 Q. And I think because there's some legibility  
7 problems and simply to go through this  
8 chronologically, can you please explain each of the  
9 entries that you made on there and read what they say?

10 A. On March the 25th I left a message on Linda's  
11 phone at 11:05 in the morning to give me a call.

12 Q. And the next --- what happened next?

13 A. On March 26th is when I talked to Linda. Then  
14 trying to get some background information. I  
15 understood that she rented at the property. When it  
16 says no supplemental, I was asking if she was using  
17 any other heating source other than the oil hot air  
18 furnace, and she said no. The property was described  
19 to me as a ranch-style home in an L shape, and there  
20 was another property, like, an in-law quarters at that  
21 same location. She had indicated to me that the water  
22 heater was replaced several months ago. At that point  
23 I explained the Act 54 law and the procedure that we  
24 would need to follow in order to try and address  
25 whether or not there was mixed wiring. At that point,

1 I asked, and if you look to the right of that section  
2 there, owner, I was given the name of Dean McCartney  
3 and his phone number to call to try and set something  
4 up.

5 Q. And did you call him?

6 A. I left a message on that same day, March 26th on  
7 an answering machine or his voice cell phone to give  
8 me a call.

9 Q. And does your note there also say explain Act 54  
10 to him?

11 A. That's my note to myself that that's what I was  
12 going to be doing.

13 Q. Moving down that to the note that begins 03/29,  
14 can you please explain that?

15 A. It came out of my suspense again for follow up.  
16 No response from the owner, so I left another message  
17 at 8:55 in the morning on March 29th, again, asking  
18 him to call me.

19 Q. And please continue.

20 A. Below that message from the owner that I was to  
21 try to call again because I believe he got my  
22 voicemail. So I left another message for him on the  
23 same day, the 29th, at 3:15 in the afternoon. We did  
24 speak. Apparently they were doing some what of their  
25 own investigation where they were going to be pulling

1 breakers to the water heater, the lights and the  
2 fridge and try to monitor use in some way to see if  
3 there was anything that would jump out at us, if you  
4 will. We have the capability with our new electronic  
5 meters to track daily kilowatt hour use, and that was  
6 going to be our way to try and monitor things and see  
7 if they changed any.

8 Q. And did you assist Mr. McCartney and the tenant in  
9 doing that?

10 A. I guess they were going to do that on March 31st  
11 and if you look then where it says 04/02, April  
12 2nd ---.

13 Q. All right. Well, if you're going to talk about  
14 that, I'm sorry, I'm going to ask you to go back up  
15 and just finish the note from 03/29. There are two  
16 other notations there and then we'll talk about 04/02.

17 A. All right. The 33099125 is the meter number of  
18 the other tenant in the other part of the property,  
19 and also there was indication there is a garage there  
20 with electric in it supposedly wired to the house  
21 where Linda resided but only used by Linda. Which  
22 would be both those areas would have been part of the  
23 investigation and, of course, needing access to.

24 Q. And then on the right-hand side there there's an  
25 asterisk and then something about March 31.

1 A. That was one of the dates that we were going to be  
2 looking at as a per day based on them turning breakers  
3 to certain areas. And that was the day that I was  
4 going to look at once I had another contact with the  
5 owner, which leads me to the April 2nd date.

6 Q. And can you please explain that one then?

7 A. I left a message, again, for the owner to call to  
8 review those readings. And, again, in that  
9 conversation when we talked later in the day of April  
10 2nd, they were continuing to do this flip the breakers  
11 off and on experiment here. And they were going to  
12 keep a journal of what they were doing so that --- and  
13 I could pull up those readings and see how it may have  
14 changed.

15 Q. And when did you next speak to Mr. McCartney?

16 A. He was going to call me on April the 6th, which  
17 was my designation there on April 2nd, to keep  
18 journal, will call me 04/06. I didn't get a call  
19 04/06, so I, again, on April 7th left a message for  
20 Mr. McCartney to call me so I could review those  
21 readings.

22 Q. And why don't you just continue now?

23 A. Did not get a response, it came out of my suspense  
24 again. April 12th, left another message for Mr.  
25 McCartney, again, to try and go over some of these

1 readings, did not get a response. Tried again on  
2 April 16th and I called Linda at this point.

3 Q. Let me stop you before you get to that. Ms.  
4 Allen, did you discuss with Mr. McCartney coming out  
5 to the property?

6 A. Yes.

7 Q. And what did you tell him that you wanted to do?

8 A. That we would need access to the property, the  
9 complete property, to do the investigation.

10 Q. And did he agree to that?

11 A. He wanted to continue to work with Linda, and do  
12 their own thing with this breaker situation.

13 Q. So then after the April 16 call that you  
14 discussed, you said you spoke to Ms. Franckowiak?

15 A. I did and indicated to her that I was not getting  
16 calls back from the owner, but at least letting her  
17 know that we were still trying to pursue this.

18 Q. And do your notes then continue on to the next  
19 page?

20 A. Well, actually on that same page on April 20th,  
21 called Linda again for follow up, and she at that  
22 point said she had made some kind of payment  
23 arrangements with Allentown on the balance. And also  
24 indicating, now if you flip to the next page, she had  
25 indicated also that the owner was not returning her

1 calls.

2 Q. What is the rest of your note on --- the first  
3 note on the second page then describe?

4 A. I gave her her PUC rights at that point because  
5 the order was getting dated. She was satisfied at  
6 least with what our attempts were trying to pursue  
7 this. I had indicated to her that another avenue  
8 might be if we were able to get the other tenant to  
9 work with her and get access, that we would be able to  
10 pursue it that way. And as I had said or as it  
11 appears here, cold weather seems --- or would lead me  
12 to believe that it was heat related in some way, but  
13 until we had access to the complete building, I would  
14 not be able to determine if there was mixed wiring.

15 Q. Then there's one more note regarding Mr.  
16 McCartney?

17 A. He had mentioned something about a ground fault,  
18 which I really didn't understand what that meant. I  
19 just made it part of my notes.

20 Q. Now, Ms. Allen, did --- at this point, prior to  
21 September of '05, ever able to gain permission to have  
22 access to the property?

23 A. No.

24 Q. And did you ask people for that permission?

25 A. Yes.

1 Q. Who did you ask?

2 A. I asked Mr. McCartney. I asked Linda to maybe try  
3 and get with the other tenant that we could work  
4 between tenants which is not unusual.

5 Q. Now, ultimately did you gain access to the  
6 property?

7 A. September of 2005.

8 Q. I'm sorry, did you say September of 2005?

9 A. Yes.

10 Q. Do you know the exact date?

11 A. September 1st.

12 Q. And do you know what happened that allowed you to  
13 gain access?

14 A. We met with Mr. McCartney and at that point there  
15 was a new tenant where Linda had lived. So we had  
16 access with her unit as well.

17 Q. And what did you do during that investigation?

18 A. We turned everything on in both apartments, and we  
19 threw the main disconnect for what had been Linda's  
20 unit. I walked through her apartment completely,  
21 found everything to be off, and then we walked through  
22 the other unit and found everything to remain on,  
23 which would mean that there is no mixed wiring.

24 Q. Now, did you hear Ms. Franckowiak's question to  
25 Mr. Grooms regarding checking outside, I think, was

1 the phrase she used. Did that mean anything to you?

2 A. The only thing that I did initially prior to doing  
3 the mixed wiring investigation was to confirm that she  
4 ultimately was on the correct meter. But as far as  
5 checking wires outside, no.

6 Q. The investigation that you did, are you  
7 comfortable that it gave you an accurate impression as  
8 to whether there was foreign wiring at that apartment?

9 A. Yes.

10 Q. Did your investigation uncover anything else?

11 A. No.

12 Q. Did you report the results of that investigation  
13 to Mr. Grooms?

14 A. Yes, I did.

15 Q. And as a result of the investigation, were any  
16 further steps taken with respect to Ms. Allen's  
17 account?

18 A. No.

19 Q. I'm sorry, Ms. Franckowiak's account. Excuse me,  
20 Ms. Allen.

21 A. I'm sorry, no, there wasn't.

22 Q. Thank you.

23 ATTORNEY GROSS:

24 Your Honor, I have nothing further for  
25 Ms. Allen at this time.

1                   JUDGE MELILLO:

2                   All right. Very well, thank you. I had  
3 a few clarifying questions. Ms. Allen, if you would  
4 look at, I guess, beginning on page four of identified  
5 PP&L Hearing Exhibit Two, there's a list of various  
6 appliances and I think it continues on to the second  
7 page and also talks about the heating system and the  
8 hot water system. Do you see that?

9 A. Yes.

10                   JUDGE MELILLO:

11                   All right. Now, am I correct that you  
12 were the person that filled out this form?

13 A. Not initially, no.

14                   JUDGE MELILLO:

15                   All right. Who initially filled it out?

16 A. It would have been through our main office in  
17 Allentown.

18                   JUDGE MELILLO:

19                   Do you know now that was done?

20 A. Over the phone, computerized.

21                   JUDGE MELILLO:

22                   All right. So it's your understanding  
23 that someone in Allentown would have contacted Ms.  
24 Franckowiak and ask her questions about what was in  
25 her home?

1 A. This would have been generated when Linda  
2 contacted us.

3 JUDGE MELILLO:

4 Oh, all right.

5 A. That's standard procedure.

6 JUDGE MELILLO:

7 All right. And someone would have asked  
8 Ms. Franckowiak what she had in her home?

9 A. Yes.

10 JUDGE MELILLO:

11 All right. I guess I'm having a little  
12 difficulty in particular with this exhibit because we  
13 have some shaded areas. I take it that those were  
14 perhaps a coloration on the original?

15 A. Yes.

16 JUDGE MELILLO:

17 All right. Mr. Gross, you are going to  
18 be providing us with originals for the record and for  
19 the parties?

20 ATTORNEY GROSS:

21 Your Honor, this is a computer generated  
22 exhibit, so I'm providing what I believe are screen  
23 prints, and they will be as good as can be.

24 JUDGE MELILLO:

25 All right.

1                    ATTORNEY GROSS:

2                    The ones that I have, Your Honor, are  
3 legible.

4                    JUDGE MELILLO:

5                    All right. Very well. I'm having  
6 trouble with some of the numbers on here. Some, in  
7 fact, some of the numbers on my faxed copy,  
8 particularly, I guess, it's page two of the high bill  
9 worksheet, the last two numbers are illegible. Where  
10 it has 30-day kilowatt hour, I believe, and total  
11 something kilowatt hour. There's a line, I guess, of  
12 some kind or a blank space. So hopefully that will be  
13 corrected. What's the number --- the 30-day kilowatt  
14 hour number is what, 1,295?

15 A. Yes.

16                    JUDGE MELILLO:

17                    All right. And the 43 beside that that  
18 you wrote in there, that's the kilowatt hour per day  
19 base load?

20 A. Yes.

21                    JUDGE MELILLO:

22                    All right. And I think you testified  
23 that you thought based on her oil hot air system that  
24 that would be an additional 15 KWH per day on top of  
25 base use?

1 A. Yes.

2 JUDGE MELILLO:

3 So that's a total of about 58 KWH?

4 A. Yes.

5 JUDGE MELILLO:

6 What's the number there at the bottom?

7 Total something KWH, and it's 1,300 something. What's  
8 that number? Do you see that on page two of ---?

9 A. If you look at page three of three, on the right  
10 side about half way down, is it clear? It's in a  
11 shaded area again where it says total heating kilowatt  
12 hours, 223. Do you see that?

13 JUDGE MELILLO:

14 Yes, I do. The total heating KWH though  
15 is almost totally obliterated, but I see the 223. So  
16 that's 223 total heating. And is that on a --- what  
17 is that, a 30-day basis?

18 A. Well, this bill was actually 31 days. And I think  
19 I had mentioned before that our --- depending on the  
20 billing frame, they can range anywhere from 27 to 35  
21 days. So I generally use 30 as the average, which is  
22 where that 43 per day came. The 1,338 would represent  
23 31 days.

24 JUDGE MELILLO:

25 All right. Well, what's the number

1 that's obliterated on page two? Is that 1,338 that on  
2 the bottom of the ---

3 A. Yes.

4 JUDGE MELILLO:

5 --- the very last number on page two of  
6 three on that high bill complaint ---.

7 A. That's right, 1,338.

8 JUDGE MELILLO:

9 All right. We're off the record for a  
10 moment, the court reporter needs to change something.

11 BRIEF INTERRUPTION

12 JUDGE MELILLO:

13 All right. We're going to go back on the  
14 record. If you would look at page three of three, Ms.  
15 Allen, on this high bill investigation which you said,  
16 I think you said, that was computer generated based on  
17 information Ms. Franckowiak provided; is that correct?

18 A. Yes.

19 JUDGE MELILLO:

20 All right. At the very bottom of that it  
21 says HB --- I think it says HBID, is that high bill?

22 A. Yes.

23 JUDGE MELILLO:

24 And it says, caller Linda Franckowiak and  
25 it says heat KWH 223, base KWH 1,338, total estimated

1 KWH 1,561. Do you see that?

2 A. Yes.

3 JUDGE MELILLO:

4 All right. So that's --- the 1,561,  
5 that's the total of the 1,338 base plus the heating  
6 KWH?

7 A. Right.

8 JUDGE MELILLO:

9 And is that on a 30-day or 31-day?

10 A. That would have been on the 31, which was the  
11 billing period of February 20th, 2004 to March 22nd,  
12 2004.

13 JUDGE MELILLO:

14 All right. And then continuing on it  
15 says percent of KWH billed 57 percent. What does that  
16 mean?

17 A. The system is designed where when these totals or  
18 these figures are totaled on a computer, it will  
19 automatically calculate percentage justified or not  
20 justified. And they're saying based on the  
21 information supplied, we can only justify 57 percent  
22 of that load.

23 JUDGE MELILLO:

24 All right. So, of course, that will  
25 leave 43 percent not explained?

1 A. Right. Which would generate then, quote, a high  
2 bill complaint.

3 JUDGE MELILLO:

4 And what do you mean by that, generating  
5 a high bill? Does that mean that that generates  
6 something which triggers an investigation by PP&L?

7 A. Yes, which is this order, now, I guess, Exhibit  
8 Three, the first page. Marked as residential high  
9 bill order.

10 ATTORNEY GROSS:

11 Ms. Allen, do you mean Exhibit Two?

12 A. Oh, I'm sorry, I thought we changed numbers on  
13 that, I'm sorry. Yes, Exhibit Two.

14 ATTORNEY GROSS:

15 That's probably my confusion.

16 A. Exhibit Two.

17 JUDGE MELILLO:

18 Was there ever a meter accuracy test  
19 performed on Ms. Franckowiak's meter?

20 A. No, there wasn't.

21 JUDGE MELILLO:

22 All right. So I believe I asked Mr.  
23 Grooms that, but am I correct then that PP&L was  
24 unable to get access to Ms. Franckowiak's apartment to  
25 do a full mixed wiring investigation until after she

1 had vacated the apartment?

2 A. That's correct.

3 JUDGE MELILLO:

4 All right. And so the first PP&L was  
5 able to do the investigation was September 1 of 2005;  
6 is that correct?

7 A. Yes.

8 JUDGE MELILLO:

9 All right. Mr. Polyak, do you have any  
10 questions of this witness?

11 ATTORNEY POLYAK:

12 Yes, briefly. Thank you, Your Honor.

13 JUDGE MELILLO:

14 Please continue.

15 CROSS EXAMINATION

16 BY ATTORNEY POLYAK:

17 Q. Thank you, Ms. Allen. My name is James Polyak, I  
18 represent Dean McCartney who is the property owner and  
19 the landlord of the Complainant. Referring to PP&L  
20 Exhibit Number Two, and specifically the high bill  
21 cost estimate worksheet, do you have that in front of  
22 you?

23 A. Yes.

24 Q. And am I correct that that contains a series of  
25 categories that the Complainant or the customer is

1 asked about when they make the initial call; is that  
2 right?

3 A. Yes.

4 Q. So in other words, they would make a call to PP&L  
5 and in order to initiate the investigation, the first  
6 thing they would do is ask the customer what various  
7 appliances or items they have in their house that  
8 would use electricity; correct?

9 A. Yes.

10 Q. And if we look in the third shaded column at the  
11 top, it says number of, which is the title of that  
12 column category; is that right?

13 A. Yes.

14 Q. And the information that was gained from Ms.  
15 Franckowiak was --- if we go down the list and we come  
16 to kitchen appliances, she was asked if she had an  
17 electric range, and then we see a number one in that  
18 third column?

19 A. Yes.

20 Q. What does that number one reflect, her response to  
21 that question?

22 A. Yes.

23 Q. Now, if the cell, if you will, of this spreadsheet  
24 is blank, does that mean that it's a zero?

25 A. Yes.

1 Q. So from your analysis of this, was she asked  
2 whether she used an iron at the property?

3 A. Let me look here.

4 Q. I'm sorry, if you answered I didn't hear you.

5 A. Well, I'm looking at the sheet. I can't answer  
6 that. Generally, when I review a cost estimate sheet,  
7 I try and touch on the higher wattage items when I do  
8 the cross analysis, just to get somewhat of a general  
9 projection.

10 Q. Well, if you'll see on page two she was asked if  
11 she uses a vacuum cleaner; is that right?

12 A. Yes.

13 Q. And she indicated that she does?

14 A. Yes.

15 Q. But if we go back to page one under the laundry  
16 category, there's nothing in the category to indicate  
17 that she uses an iron; is that right?

18 A. It would appear that that question was not asked,  
19 yes.

20 Q. How do we know that that question was not asked?

21 A. I would not know that.

22 Q. We don't know whether it was asked or it wasn't  
23 asked?

24 A. Right.

25 Q. We don't know if it was asked what Ms.

1 Franckowiak's response was; correct?

2 A. Correct.

3 Q. Same with regard to a hairdryer. There's no  
4 indication that she uses a hairdryer at the premises;  
5 is that right?

6 A. That's correct.

7 Q. Now, the average that you came to of 43 kilowatt  
8 hours per day, that average, that average number, is  
9 only good as the information that is collected from  
10 the Complainant; is that right?

11 A. Yes.

12 Q. So if there's no mention of using an hairdryer, or  
13 an iron or a space heaters, the calculation that you  
14 do will necessarily be incorrect; is that right?

15 A. Yes.

16 Q. Did you ever visit the --- and I believe you  
17 answered this, but I'll ask it again just to make  
18 sure, you never visited Ms. Franckowiak's house while  
19 she was a tenant there; is that right?

20 A. That's correct.

21 Q. When you did finally go there on September 1st,  
22 2005, did you find anything suspicious about the  
23 wiring?

24 A. Could you clarify that, please?

25 Q. Well, you told us that you found no mixed wiring;

1 correct?

2 A. That's correct.

3 Q. And you found no foreign load situation; is that  
4 right?

5 A. That's right.

6 Q. Did it look like the wiring had been tampered  
7 with?

8 A. I would have no way of knowing that.

9 Q. Well, did you do an inspection?

10 A. I'm not an electrician.

11 Q. Did you do a visible inspection?

12 A. I did not do a physical inspection in the sense  
13 that I'm interpreting your question.

14 Q. And I believe the Judge asked you if you --- when  
15 asked did you check to see whether the meter was  
16 accurate or not and you told her that you did not?

17 A. That's correct.

18 Q. What type of things are you looking for when  
19 you're determining whether there's a foreign load  
20 situation or a mixed wiring situation?

21 A. As I had mentioned before, our determination is to  
22 turn the complete building, turn her main disconnect  
23 off, and then verify the areas not or should not be  
24 associated with her panel box and if those --- if  
25 something from another area goes off with her panel,

1 that indicates mixed wiring.

2 Q. And you found none of that?

3 A. I didn't.

4 ATTORNEY POLYAK:

5 That's all the questions I have for Ms.  
6 Allen.

7 JUDGE MELILLO:

8 All right. Ms. Franckowiak, do you have  
9 any questions for Ms. Allen?

10 MS. FRANCKOWIAK:

11 Not at this point and time, Judge.

12 JUDGE MELILLO:

13 Very well. Mr. Gross, do you have any  
14 Redirect?

15 ATTORNEY GROSS:

16 Your Honor, I have a few briefly.

17 JUDGE MELILLO:

18 All right.

19 REDIRECT EXAMINATION

20 BY ATTORNEY GROSS:

21 Q. Ms. Allen, Attorney Polyak asked you a few  
22 questions regarding the high bill cost estimate  
23 worksheet. First of all, did you review this  
24 worksheet with Ms. Franckowiak?

25 A. My review would have been based on the information

1 that the Allentown, the main office, had generated to  
2 me. Which, as you see in my handwriting, 43 kilowatt  
3 hours per day. And my next step would have been to,  
4 as I said, that 43 kilowatt hours a day represents  
5 base load. I then would look at, say, a spring or  
6 fall month when a customer generically would not have  
7 heat or air-conditioning on, to see if her projected  
8 base is what she's actually using. And, in fact, if  
9 you look on Exhibit Two, page one, her fall bills, for  
10 example, she was averaging about 20 kilowatt hours per  
11 day, well below our projection for base use. And then  
12 we bill from that. So if I were to actually use the  
13 customer's base use of 20 kilowatt hours a day and add  
14 15 kilowatt hours a day for the furnace, then her  
15 winter use was well beyond what we would have  
16 expected.

17 Q. Now, you were asked about this iron and vacuum ---  
18 sorry, hairdryer category.

19 A. Uh-huh (yes).

20 Q. Can you briefly describe how if those --- if a one  
21 appeared in the column next to those, how that would  
22 affect the 30-day base or the average per day usage?

23 A. If it would have been checked, it would have  
24 increased it.

25 Q. Right. By how much?

1 A. You're looking at 18 kilowatt hours a month,  
2 divided by 30 days, approximately .6 kilowatt hours.

3 Q. And that's for the iron?

4 A. Yes.

5 ATTORNEY POLYAK:

6 Your Honor, this is Attorney Polyak. Can  
7 we ask her based on how much usage of the iron?

8 ATTORNEY GROSS:

9 Your Honor, I'd like to finish my  
10 questioning.

11 JUDGE MELILLO:

12 Yes, that is appropriate. You can  
13 Recross and Redirect, so please continue, Mr. Gross.

14 BY ATTORNEY GROSS:

15 Q. So, Ms. Allen, if there was a one in the box next  
16 to iron that would have --- am I right that I heard  
17 you, that would increase it about .6 kilowatt hours  
18 per day?

19 A. Yes.

20 Q. And if there was a one next to the hairdryer, what  
21 would that increase it?

22 A. The hairdryer is .5 per day.

23 Q. So if both of those had been checked, it would  
24 have increased the 43 by 1.1 kilowatt hours?

25 A. That's correct.

1                    ATTORNEY GROSS:

2                    I have nothing further, Your Honor.

3                    JUDGE MELILLO:

4                    All right. If I could just have a  
5 minute, I wanted to check something here. On PP&L  
6 Hearing Exhibit Two, I saw something else that I ---  
7 that peaked my interest. I want to make sure I have  
8 the one that was e-mailed. Just hold on a minute so I  
9 can see it. Ms. Allen, if you look at PP&L Hearing  
10 Exhibit Two, page one, the very bottom, there's a date  
11 of 03/26/03 kilowatt hour usage, days of usage and  
12 then daily kilowatt hour. Do you see that?

13 A. I'm sorry, we're on page one?

14                    JUDGE MELILLO:

15                    One, yeah. Page one.

16 A. Okay.

17                    JUDGE MELILLO:

18                    At the very last series of data.

19 A. Yes.

20                    JUDGE MELILLO:

21                    At 03/26/03 you see the KWH usage.

22 A. Yes.

23                    JUDGE MELILLO:

24                    Days and daily KWH average and you see 51  
25 for March of '03, I guess.

1 A. Yes.

2 JUDGE MELILLO:

3 And then if you look up in the very next  
4 year, the corresponding month is --- what is that  
5 number? Is that 80, 88 or ---?

6 A. Eighty-eight (88).

7 JUDGE MELILLO:

8 All right. So we saw a jump there from  
9 '03 to '04. Was that jump --- do you feel that was  
10 explained at all in your investigation?

11 A. The March 22nd of 2004?

12 JUDGE MELILLO:

13 Right, the increase from the previous  
14 year.

15 A. Not in my opinion because I was not able to do an  
16 investigation because as our paperwork as indicated,  
17 it was beyond what we had projected.

18 JUDGE MELILLO:

19 All right. And the reason you weren't  
20 able to get into the property prior to September 1,  
21 2005 was what again? I want to make sure that's  
22 clear.

23 A. I need access to all parts of the property, not  
24 just a panel box. I can't tell anything by looking at  
25 a panel box if there's mixed wiring. So I have to do

1 the very simple procedure that I explained before by  
2 turning everything on in the whole building and then  
3 during her main disconnect off and then going around  
4 and checking every receptacle, overhead lights. And  
5 in doing that, as I said before, her service was all  
6 off and all electric was on in the other unit.

7 JUDGE MELILLO:

8 Now, when you say her, this was all done  
9 after she had vacated; right?

10 A. Yes, yes.

11 JUDGE MELILLO:

12 All right. So I guess, I want to be  
13 clear. What was the reason that PP&L didn't get in to  
14 do that type of investigation prior to September 1,  
15 2005; what did they need that they didn't get?

16 A. I didn't have access to the second unit.

17 JUDGE MELILLO:

18 And why not?

19 A. As I had indicated, the landlord and tenant were  
20 trying to do their own investigation, if you will.  
21 And I had also suggested to Linda to try and get the  
22 other tenant to allow us access that if we were not  
23 able to meet with the landlord, we could still do the  
24 investigation with the other tenant because she would  
25 be giving us access and that was not attainable. I

1 don't know the reason or if she would even pursue  
2 that.

3 JUDGE MELILLO:

4 All right. Very well. All right. Is  
5 there any follow up to my question from any party?

6 ATTORNEY GROSS:

7 I have nothing further, Your Honor.

8 ATTORNEY POLYAK:

9 I have some follow up questions.

10 JUDGE MELILLO:

11 Yes, is this Mr. Polyak, yes, please  
12 continue.

13 RECROSS EXAMINATION

14 BY ATTORNEY POLYAK:

15 Q. Ma'am, Attorney Gross asked you about the iron and  
16 the hair dryer category. If an iron were left on  
17 during the day, would that number that you used as an  
18 average number be reflective of the actual kilowatt  
19 hours used?

20 A. I'm sorry, would you repeat that?

21 Q. Sure. When Attorney Gross asked you about the  
22 category of iron --- the iron and the hair dryer, the  
23 conclusion was that even if those items were counted  
24 as ones in those categories that it would be a  
25 relatively minor increase in the over kilowatt hours

1 used; was that the import of your testimony?

2 A. Yes.

3 Q. But you don't know over what period of time an  
4 iron might've been left on. It could be higher or it  
5 could be lower; is that right?

6 A. That's correct.

7 Q. And if you weren't told and I when I say you, I  
8 mean you or anyone at PP&L that filled out this  
9 questionnaire with the Complainant that there were  
10 either items on the premises that were being used ---  
11 electrical items, appliances, space heaters, whatever,  
12 then again, your calculation is only as good as the  
13 information that you're provided; is that right?

14 A. That's true.

15 Q. Now, for example, if you were told that there were  
16 three or four space heaters being used, then your  
17 average number would've been higher than what you've  
18 indicated?

19 A. Yes.

20 ATTORNEY POLYAK:

21 That's all the questions I have.

22 JUDGE MELILLO:

23 All right. Anything further for this  
24 witness?

25 ATTORNEY GROSS:

1           Your Honor, I have nothing further for  
2 this witness, but I would move the admission of PP&L  
3 Hearing Two as Number Two.

4           JUDGE MELILLO:

5           All right. Any objection to the  
6 admission of PP&L Hearing Exhibit Two?

7           ATTORNEY POLYAK:

8           Not from Attorney Polyak.

9           JUDGE MELILLO:

10          And Ms. Franckowiak?

11          MS. FRANCKOWIAK:

12          No.

13          JUDGE MELILLO:

14          All right. Hearing no objection, PP&L  
15 Hearing Exhibit Two is admitted.

16          JUDGE MELILLO:

17          All right. I didn't hear anything  
18 further from you, Ms. Franckowiak, did you have  
19 anything further for Ms. Allen?

20          MS. FRANCKOWIAK:

21          Not at this time, no.

22          JUDGE MELILLO:

23          All right. Very well. Ms. Allen, you  
24 are excused. Thank you very much.

25          MS. ALLEN:

1 Okay. Thank you.

2 JUDGE MELILLO:

3 Mr. Gross, do you have any additional  
4 witnesses?

5 ATTORNEY GROSS:

6 I have nothing further from PP&L.

7 JUDGE MELILLO:

8 All right. Let's turn now then to Mr.  
9 McCartney, the landlord.

10 ATTORNEY POLYAK:

11 Thank you, Judge. Mr. McCartney will be  
12 testifying if you want to have him sworn at this time.

13 JUDGE MELILLO:

14 Yes, I do. Mr. McCartney, are you  
15 present there at your attorney's office?

16 MR. MCCARTNEY:

17 I've been quite.

18 JUDGE MELILLO:

19 You've been waiting.

20 MR. MCCARTNEY:

21 Yes, patiently.

22 JUDGE MELILLO:

23 Yes, patiently.

24 -----

25 DEAN MCCARTNEY, HAVING FIRST BEEN DULY SWORN,

1 TESTIFIED AS FOLLOWS:

2 -----

3 JUDGE MELILLO:

4 Please continue, Mr. Polyak.

5 ATTORNEY POLYAK:

6 Thank you, Your Honor. And I'll try and  
7 keep things moving here.

8 JUDGE MELILLO:

9 That's all right. We're going to take a  
10 break here pretty soon.

11 DIRECT EXAMINATION

12 BY ATTORNEY POLYAK:

13 Q. Mr. McCartney, are you the owner of the property  
14 that we've been discussing?

15 A. Yes.

16 Q. Okay. And did rent to Ms. Franckowiak during the  
17 time period that she identified?

18 A. Yes.

19 Q. About a year or so in to her tenancy, did she come  
20 to you with a complaint about high electric bills?

21 A. Yes.

22 Q. And in response to her complaint about high  
23 electric bills, what steps did you undertake in order  
24 to figure out whether there was a problem that could  
25 be corrected?

1 A. It's pretty common. I own several properties and  
2 usually --- we had just dealt with the same problem.  
3 Initially, I thought it might just be one of the  
4 appliances. So I apologized to her, and I said why  
5 don't we replace the refrigerator. It was an old  
6 double door refrigerator. You know, obviously some of  
7 the old appliances can be high used items. So I  
8 bought her a brand new refrigerator, and then I said  
9 why don't we monitor it and tell me if next month it's  
10 high. And it continued to be high, and so we  
11 continued to replace a couple other appliances. I  
12 replaced the stove, the hot water heater, and she  
13 actually had a new oil furnace installed. And so in  
14 the interim of trying to replace that and pinpoint  
15 what I thought it was, obviously something more  
16 simple, I told her I felt bad for the bills being  
17 high. I actually took some off her rent and just to  
18 make amends with her. I felt bad that it could be one  
19 of my items that was creating the problem.

20 Q. At some point, did you have an electrician come to  
21 the property and see if there was any problems with  
22 the electric wiring?

23 A. Yes, actually on two occasions I had my  
24 electrician, Keith, I guess guide me the first time.  
25 We tested all the breakers to decide which ones were

1 higher load. We replaced --- she had a dryer that  
2 kept blowing one of the breakers, so we replaced one  
3 of the breakers. And he came back through and tried  
4 to pinpoint any problem that he foresaw, but we didn't  
5 find anything.

6 Q. At some point, were you contacted by PP&L  
7 concerning this matter?

8 A. Yes, and unfortunately, I couldn't return the call  
9 sooner. I apologized actually to Sandy. I'm a busy  
10 guy. I've got two offices, and I'm out of state doing  
11 real estate quite a bit. But I couldn't return it,  
12 but yes, I did contact --- and was contacted by FP&L.

13 Q. At any point, did you refuse to grant PP&L access  
14 to the property so that they could conduct whatever  
15 necessary investigation they thought was appropriate?

16 A. No, I've never said that they couldn't come out to  
17 the property.

18 Q. At some point, did you have the electrician make  
19 any changes to the wiring or did you make any changes  
20 to the wiring in order to hide a problem concerning  
21 mixed wiring or foreign wiring?

22 A. Absolutely not.

23 ATTORNEY POLYAK:

24 Judge, I don't have any other questions  
25 for Mr. McCartney.

1                   JUDGE MELILLO:

2                   All right, Mr. McCartney, let me see if I  
3 have any questions.

4                   ATTORNEY POLYAK:

5                   Judge ---.

6                   JUDGE MELILLO:

7                   Oh, please, go ahead.

8                   ATTORNEY POLYAK:

9                   If you're speaking, we can't hear you.

10                  JUDGE MELILLO:

11                  No, no, I'm not. I'm reading through  
12 notes that I've taken.

13                  ATTORNEY POLYAK:

14                  Okay.

15                  JUDGE MELILLO:

16                  I think what I'm going to do. After I've  
17 asked some questions, we're going to take a very short  
18 break, a five minute break and then we'll be back on  
19 the record.

20                  ATTORNEY POLYAK:

21                  All right.

22                  JUDGE MELILLO:

23                  Because we have been going for, you know,  
24 close to two hours now. My recollection, Mr.  
25 McCartney, is that there was some testimony today

1 about an attempts to contact you were endeavors to  
2 contact you about getting access to the property. Do  
3 you recall getting contacted by PP&L or having  
4 conversations with your tenant, Ms. Franckowiak about  
5 that?

6 A. I mean, she might've left me messages that she was  
7 trying to get ahold of me. But specifically --- and  
8 it's been awhile now, I don't specifically ever  
9 remember anybody asking me that they wanted to gain  
10 access to the property. The tenant had access to the  
11 property. To tell you my naivety was, that I was  
12 expecting the tenant to let them in and do what they  
13 needed to do.

14 JUDGE MELILLO:

15 All right. Someone is buzzing through on  
16 the line. I don't know what that is, but hopefully  
17 --- I'm still getting a buzz.

18 ATTORNEY GROSS:

19 I hear it as well. This is Attorney  
20 Gross. I hear it as well. I don't believe it's on my  
21 line.

22 JUDGE MELILLO:

23 All right. Is it possible that we only  
24 had say a two hour limit on a conference. Oh, wait,  
25 it looks like somebody --- I'm not going to answer it

1 unless somebody --- did someone drop off the call?

2 ATTORNEY POLYAK:

3 Attorney Polyak is still here.

4 JUDGE MELILLO:

5 Ms. Franckowiak?

6 MS. FRANCKOWIAK:

7 I am still here.

8 JUDGE MELILLO:

9 All right. We're just going --- I don't  
10 know why I'm getting a call through, but I don't want  
11 to take it because I'm afraid I will break the  
12 connection. So maybe it'll go to voicemail. I don't  
13 know why I'm getting --- let's go off the record.

14 SHORT BREAK TAKEN

15 JUDGE MELILLO:

16 Back on the record. All right. Mr.  
17 Gross, did you have any questions for the witness, Mr.  
18 McCartney?

19 ATTORNEY GROSS:

20 I just have a few, Your Honor, if you're  
21 finished.

22 JUDGE MELILLO:

23 Yes, I'm finished for now unless  
24 something else pops up that I need to clarify. Yes,  
25 please continue.

1                   ATTORNEY GROSS:

2                   Thank you.

3 CROSS EXAMINATION

4 BY ATTORNEY GROSS:

5 Q.    Good afternoon, Mr. McCartney, this is John Gross,  
6 you may recall. I think we did speak once in the  
7 past, also. I just have a few questions following up  
8 regarding your attorney's questions?

9 A.    Sure.

10 Q.   Mr. McCartney, your attorney asked you if you ever  
11 refused to grant access, and I believe your answer to  
12 that was no; is that right?

13 A.   That's correct.

14 Q.   But Mr. McCartney, you never actually allowed or  
15 agreed to permit PP&L to have access either, did you?

16 A.   And again, it might've been my naivety, but I left  
17 it up to the tenant to sort of deal with PP&L. I  
18 mean, I have so many other things to do.

19 Q.   So because you're busy and you described that  
20 you're naivety, you didn't always get back to PP&L  
21 right away?

22 A.   That's correct.

23 Q.   And ultimately, you simply thought that Ms.  
24 Franckowiak should deal with the problem?

25 A.   Well, not the problem more so, but obviously

1 letting PP&L do what they needed to do. I had guided  
2 Ms. Franckowiak that I obviously thought it was a  
3 problem that wasn't with my property that it was a  
4 problem dealing with PP&L.

5 Q. Did you ever contact the other tenant at that time  
6 and request that they allow access as well?

7 A. Again, I mean I thought it was specific just to  
8 her property. I mean, I replaced everything I thought  
9 I should've replaced. You know, had my electrician  
10 come out, check it over, and didn't find anything.  
11 And at that point, I thought this is something that  
12 PP&L needs to come in. I gave her --- I took some off  
13 her rent. I tried to make amends as much as I could,  
14 but then at a certain point, it's obviously not my  
15 property --- it's not my equipment or my appliances  
16 that are creating the problem. It's obviously  
17 something that is not my fault. And that's obviously  
18 when I thought that the bill's in the tenant's name,  
19 Linda's going to have deal with that, call and get the  
20 monthly report of the 24-hour readings and she was  
21 obviously filling out a log, etcetera, but usage  
22 dropped drastically after that.

23 Q. Mr. McCartney, thank you for all of that. My  
24 question was, did you ever contact the other tenant  
25 about allowing PP&L to have access to both parts of

1 the property at the same time?

2 A. They never asked me to contact the other tenant.  
3 I was never --- the other tenant being an issue in  
4 this conversation whatsoever was never brought up to  
5 me.

6 ATTORNEY GROSS:

7 I have nothing further, Your Honor.

8 JUDGE MELILLO:

9 All right. Thank you. Ms. Franckowiak,  
10 do you have questions of Mr. McCartney?

11 MS. FRANCKOWIAK:

12 Yes, I do.

13 JUDGE MELILLO:

14 Please keep your voice up, Ms.  
15 Franckowiak.

16 CROSS EXAMINATION

17 BY MS. FRANCKOWIAK:

18 Q. Okay. Mr. McCartney, do you recall on what month  
19 and year the stove be replaced in 110 New Kirk Avenue?

20 A. The what, I'm sorry?

21 Q. What month and year the stove was replaced --- I  
22 believe that you had said the stove was replaced?

23 A. I don't. I mean, I've replaced so many --- I  
24 mean, obviously when you were a tenant, I replaced  
25 five different appliances. I couldn't tell you. I

1 have no idea.

2 MS. FRANCKOWIAK:

3 Okay. Could I make a note that residence  
4 of February 1st of '03 to February 1st of '05, me  
5 residing there, the hot water heater and the stove was  
6 replaced --- excuse me. The hot water heater and the  
7 refrigerator was replaced. I believe he had said the  
8 stove was replaced. But the stove was not replaced.

9 JUDGE MELILLO:

10 All right. You'll have an opportunity  
11 during your rebuttal to rebut any statements, which  
12 you find to be incorrect. At this point though,  
13 you're supposed to be asking questions that can be  
14 answered by Mr. McCartney based on Mr. McCartney's  
15 testimony.

16 MS. FRANCKOWIAK:

17 Okay.

18 BY MS. FRANCKOWIAK:

19 Q. Another question, Mr. McCartney, that I have for  
20 you is several occasions that I had talked to you  
21 verbally on the phone, I believe I had asked you that  
22 PP&L had said that being as though you were the owner  
23 of the property that you needed to be there. Do you  
24 recall on the conversation that we had?

25 A. I don't. And you know, I want to go back. I

1 absolutely replaced the stove. I don't know if you  
2 didn't notice. It was obviously the same type of  
3 stove. It was a used stove that was replaced. And we  
4 replaced the heater, but as far as the question that  
5 you're asking me, this was your electric bill. I had  
6 done pretty much everything I possibly could.

7 Obviously, PP&L needs to get in to the property, I  
8 wouldn't have said no. It was sort of in your court.  
9 I said to you, do you what you need to do to get this  
10 fixed. That's why I recommend that you call PP&L.

11 Q. That is correct. But they also needed permission  
12 for you to be there since you were the owner of the  
13 property.

14 A. I mean the permission is --- and listen, Linda, I  
15 don't live there. I don't have the time to go and let  
16 them in to walk around the property. It wasn't an  
17 issue of whether I needed to be there or not, it was  
18 an issue of letting them, I guess, in to the property,  
19 which was something you could've done.

20 MS. FRANCKOWIAK:

21 Okay. I have no further questions.

22 JUDGE MELILLO:

23 All right. Is there any Redirect?

24 ATTORNEY POLYAK:

25 No, Your Honor.

1                   JUDGE MELILLO:

2                   All right. Very well. Thank you very  
3 much, Mr. McCartney. You are excused.

4                   MR. MCCARTNEY:

5                   Thank you very much, Your Honor.

6                   JUDGE MELILLO:

7                   All right. Now, we're going to have the  
8 phase of the case, which is the rebuttal of the  
9 Complainant. Ms. Franckowiak, you've heard the  
10 testimony here today, and do you have anything further  
11 to add in response?

12                   MS. FRANCKOWIAK:

13                   No, I do not.

14                   JUDGE MELILLO:

15                   Okay. I have --- I do have a few follow  
16 up questions based on some evidence that has come out.  
17 You said something in your questioning of Mr.  
18 McCartney about PP&L saying that the owner had to be  
19 present; is that correct? Is that what PP&L told you?

20                   MS. FRANCKOWIAK:

21                   That is correct.

22                   JUDGE MELILLO:

23                   So it's your understanding PP&L told you  
24 that they could not do the foreign wiring inspection  
25 unless the landlord was physically present?

1                   MS. FRANCKOWIAK:

2                   That is correct.

3                   JUDGE MELILLO:

4                   And I take it that the landlord was not  
5 available while you were living in the property for  
6 this foreign wiring inspection; is that your  
7 testimony?

8                   MS. FRANCKOWIAK:

9                   Yes, it is.

10                  JUDGE MELILLO:

11                  Is it your understanding that the  
12 landlord was contacted and asked to be present by PP&L  
13 or by you?

14                  MS. FRANCKOWIAK:

15                  Yes, Sandy had actually contacted me and  
16 had spoke with me in regards to they had talked to him  
17 in regards to trying to set up a time of coming out  
18 there.

19                  JUDGE MELILLO:

20                  All right. By Sandy, you mean Sandy  
21 Allen, the PP&L witness that we heard from today?

22                  MS. FRANCKOWIAK:

23                  That is correct.

24                  JUDGE MELILLO:

25                  All right. And did you ever hear back

1 from PP&L that they were unable to get together with  
2 the landlord to do the inspection or what happened  
3 because there's so much time that went by ---

4 MS. FRANCKOWIAK:

5 Yes.

6 JUDGE MELILLO:

7 --- that you moved out.

8 MS. FRANCKOWIAK:

9 She did actually instruct me and she  
10 actually did call me at work on numerous occasions to  
11 let me know that he did not return her phone call or  
12 they could not set up a time that was convenient for  
13 both of them to come out to inspect the property.

14 JUDGE MELILLO:

15 Now, by she you mean Sandy Allen?

16 MS. FRANCKOWIAK:

17 That is correct.

18 JUDGE MELILLO:

19 All right. I just have a few questions,  
20 too. It looks like based on in examination of PP&L  
21 Hearing Exhibit Two that you did have an increase in  
22 your daily KWH average usage from March of '03 to  
23 March of '04, so I wanted to ask you just a few  
24 questions. Did the number of residents in your  
25 apartment change during the two years that you were at

1 110 Newkirk Avenue?

2 MS. FRANCKOWIAK:

3 No, they did not.

4 JUDGE MELILLO:

5 All right. So you had three people that  
6 whole time?

7 MS. FRANCKOWIAK:

8 Three people full time that lived in the  
9 household. Mr. McCartney was aware and I believe it  
10 was on my lease that my boyfriend's children were  
11 there every other weekend for a couple of hours  
12 throughout the weekend.

13 JUDGE MELILLO:

14 All right. How many children would we be  
15 talking about?

16 MS. FRANCKOWIAK:

17 Two.

18 JUDGE MELILLO:

19 Two. Was there any change in your  
20 appliance usage during the time that you were in that  
21 apartment?

22 MS. FRANCKOWIAK:

23 No.

24 JUDGE MELILLO:

25 The 110 New Kirk Avenue?

1                   MS. FRANCKOWIAK:

2                   No.

3                   JUDGE MELILLO:

4                   Okay. There was some discussion about  
5 the possibility of use of space heaters. Did you have  
6 a space heater in use during that period of time?

7                   MS. FRANCKOWIAK:

8                   No, I did not.

9                   JUDGE MELILLO:

10                  All right. Are there any questions to  
11 follow up on my questions, Mr. Gross?

12                  ATTORNEY GROSS:

13                  Your Honor, I have nothing further for  
14 Ms. Franckowiak, Your Honor.

15                  JUDGE MELILLO:

16                  All right. Mr. Polyak?

17                  ATTORNEY POLYAK:

18                  No, Your Honor, thank you.

19                  JUDGE MELILLO:

20                  All right. Are there anything further,  
21 Ms. Franckowiak?

22                  MS. FRANCKOWIAK:

23                  No.

24                  ATTORNEY GROSS:

25                  Your Honor?

1                   JUDGE MELILLO:

2                   Yes, hello, and I'm sorry, is this  
3 Mr. ---.

4                   ATTORNEY GROSS:

5                   This is Attorney Gross.

6                   JUDGE MELILLO:

7                   This is Mr. Gross. Very well.

8                   ATTORNEY GROSS:

9                   Your Honor, and I apologize to do this.  
10 But in both Mr. McCartney's testimony and then Mr.  
11 Franckowiak's rebuttal, statements that were not  
12 previously discussed that were attributed to Ms. Allen  
13 were --- there was testimony regarding them. And I  
14 would like to recall her very briefly. I believe  
15 she's still available to discuss those statements  
16 only.

17                   JUDGE MELILLO:

18                   Yes, and I did ask the questions because  
19 I was unclear based on some testimony I wanted to make  
20 sure that I was clear. So, yes, you may have that  
21 opportunity.

22                   ATTORNEY GROSS:

23                   Ms. Allen, are you still available?

24                   MS. ALLEN:

25                   Yes, I am.

1                   ATTORNEY GROSS:

2                   You can retestify regarding this. Your  
3 Honor, Ms. Allen's still under oath?

4                   JUDGE MELILLO:

5                   Yes, she is. Ms. Allen, I remind you,  
6 you are still under oath.

7 -----  
8 SANDRA ALLEN, HAVING BEEN RECALLED TO TESTIFY:

9 -----  
10 A. Yes.

11                   JUDGE MELILLO:

12                   All right, please continue.

13 REDIRECT EXAMINATION

14 BY ATTORNEY GROSS:

15 Q. I believe you heard and let's talk first about Ms.  
16 Franckowiak's testimony that as I understood it, she  
17 said you told her that the landlord had to be present  
18 --- physically present for the inspection; did you  
19 tell her that?

20 A. Present in the sense that we would need access to  
21 the other apartment. There would be no way to get  
22 into that other apartment if the other tenant would  
23 not allow us or wasn't available. So obviously, yes,  
24 the landlord would have to be present to give us  
25 access.

1 Q. So you had a discussion with Ms. Franckowiak  
2 regarding what you needed to do?

3 A. Yes.

4 Q. And that involved having access to both her  
5 apartment and the other apartment?

6 A. Yes.

7 Q. And you told her you needed some way to get in  
8 there?

9 A. Yes.

10 Q. Now, did you have similar discussions with Mr.  
11 McCartney?

12 A. Yes.

13 Q. So during any of the number of calls that are  
14 listed in your notes, did you tell them what you  
15 needed to do in an Act 54 investigation?

16 A. Looking at my notes, and again, as she had  
17 mentioned so long ago. I don't have anything specific  
18 as far as a date, when this may have been brought up.  
19 So I can not answer that question.

20 A. Well, would you have talked to him about what you  
21 needed to do?

22 A. Oh, yes, yes.

23 Q. And would that have involved access to both  
24 properties?

25 A. Yes.

1 Q. And you asked him to help you obtain access to the  
2 other property?

3 A. I believe this was in the very beginning of the  
4 conversation when it was explained how the access  
5 before procedure --- how it applied and that's when he  
6 and the tenant were doing their own investigation if  
7 you will, so I believe at that point, he had a sense  
8 of what we needed to do, but we never got to that  
9 point.

10 Q. And did he ever arrange with you a time, so that  
11 you could have access to the whole property?

12 A. No.

13 Q. Not until September of '05?

14 A. Yes.

15 ATTORNEY GROSS:

16 I have nothing further, Your Honor.

17 JUDGE MELILLO:

18 All right. Would there be any questions  
19 of Ms. Allen by first of all Mr. Polyak?

20 ATTORNEY POLYAK:

21 Yes, Your Honor.

22 JUDGE MELILLO:

23 Yes.

24 CROSS EXAMINATION

25 BY ATTORNEY POLYAK:

1 Q. Ms. Allen, I realize this has happened a long time  
2 ago, but I guess the issue that we're trying to get to  
3 is did Mr. McCartney deny PP&L access to Ms.  
4 Franckowiak's property or anyone else's property?

5 A. Not in those exact words, no.

6 Q. But he could've been more cooperative; is that  
7 what you're getting at?

8 A. Yes, exactly.

9 Q. And in the end when you were able to finally  
10 complete the inspection, you found nothing out of the  
11 ordinary?

12 A. Nothing on Linda's panel, no.

13 ATTORNEY POLYAK:

14 All right. Thank you.

15 JUDGE MELILLO:

16 All right. Ms. Franckowiak, do you have  
17 any further questions for Ms. Allen based on her  
18 additional testimony?

19 MS. FRANCKOWIAK:

20 No, I do not, Your Honor.

21 JUDGE MELILLO:

22 Any Redirect?

23 ATTORNEY GROSS:

24 No, I have nothing further, Your Honor.

25 JUDGE MELILLO:

1 Do you have any additional witness you  
2 wanted to put on in response to some conversations  
3 that came up in questions that of I or any other party  
4 asked, Mr. Gross?

5 ATTORNEY GROSS:

6 No, that's all, Your Honor.

7 JUDGE MELILLO:

8 All right. Very well. Is there anything  
9 further today for any party?

10 ATTORNEY GROSS:

11 Your Honor, this is Attorney Gross, I  
12 have nothing further.

13 ATTORNEY POLYAK:

14 Attorney Polyak with nothing further on  
15 behalf of Mr. McCartney.

16 JUDGE MELILLO:

17 All right. Complainant, did you have  
18 anything further?

19 MS. FRANCKOWIAK:

20 No, I do not.

21 JUDGE MELILLO:

22 All right. Very well. The evidentiary  
23 record will close on upon receipt of the transcript  
24 unless the party's wish to file a briefs. Does anyone  
25 wish to file a brief in this case?

1                   ATTORNEY GROSS:

2                   Attorney Gross, I'm not inclined to file  
3 a brief unless you are. Your Honor, I don't believe  
4 they would necessarily --- I don't see any reason why  
5 they would be particularly helpful, but I'm always  
6 happy to if you would like one.

7                   JUDGE MELILLO:

8                   All right. Who was speaking, I'm sorry?

9                   ATTORNEY GROSS:

10                  Attorney Gross, I'm sorry.

11                  JUDGE MELILLO:

12                  How about Attorney Polyak; did you want  
13 to file a brief?

14                  ATTORNEY POLYAK:

15                  Judge, I'm going to say, no, because I  
16 don't know that the legal issues here are really at  
17 the crux of this. I think it's more --- I'm going  
18 say, no, Your Honor.

19                  JUDGE MELILLO:

20                  All right. I'm not going to require them  
21 at this point. Also Ms. Franckowiak, I know you're  
22 not an attorney, did you want to file a statement of  
23 some type or are you satisfied with the record as it  
24 stands?

25                  MS. FRANCKOWIAK:

1 I'm fine.

2 JUDGE MELILLO:

3 All right. Very well. All right.

4 Here's what's going to happen. The transcript of this  
5 proceeding is going to be due within 21 days. I have  
6 not heard that anyone wants to file a brief; so  
7 therefore, I'm not going to require them. The record  
8 will then close upon receipt of the transcript, and I  
9 will set out an order to everyone indicating that the  
10 record has closed. From that point on, I would have  
11 90 days to issue what's called an initial decision. I  
12 hope to get it done sooner than that. When that  
13 initial decision is issued, every party will get a  
14 copy.

15 And I want to clarify something right  
16 now. The Complainant, I want to know exactly what  
17 your address is because it also came up today about  
18 the 351 Church Lane Road address as being a mailing  
19 address. What is your mailing address?

20 MS. FRANCKOWIAK:

21 It is 694 White Oak Lane, Leesport, PA  
22 19533.

23 JUDGE MELILLO:

24 All right. And it's not White Oak Lane  
25 Road then, just White Oak Lane?

1                   MS. FRANCKOWIAK:

2                   White Oak Lane, that is correct, Your  
3 Honor.

4                   JUDGE MELILLO:

5                   All right. I have e-mail addresses for  
6 Attorney Polyak representing Mr. McCartney and also  
7 Attorney Gross representing PP&L; do you have an email  
8 address Ms. Franckowiak?

9                   MS. FRANCKOWIAK:

10                  Yes, I do.

11                  JUDGE MELILLO:

12                  What is that?

13                  MS. FRANCKOWIAK:

14                  It is fran, F-R-A-N, 73 at aol.com.

15                  JUDGE MELILLO:

16                  That's fran, F-R-A-N, 73 ---

17                  MS. FRANCKOWIAK:

18                  Correct.

19                  JUDGE MELILLO:

20                  --- at aol.com?

21                  MS. FRANCKOWIAK:

22                  Correct.

23                  JUDGE MELILLO:

24                  Fax numbers. I know I have a fax number  
25 for you, Mr. Gross. Do you have a fax number, Mr.

1 Polyak?

2 ATTORNEY POLYAK:

3 Yes, I do, Your Honor. It's  
4 (610)376-5255.

5 JUDGE MELILLO:

6 5255. All right. Very well. Do you  
7 have a fax number, Ms. Franckowiak?

8 MS. FRANCKOWIAK:

9 I do not.

10 JUDGE MELILLO:

11 All right. It's helpful to have contact  
12 numbers in case we need a quick turn around. All  
13 right. When my decision comes out, everyone will get  
14 a copy. There will be instructions attached to that  
15 as to the filing of exceptions if party's wish to file  
16 exceptions. And usually, there's an opportunity also  
17 for reply exceptions. Then the decision with the  
18 exceptions will go to the Commission. If no  
19 exceptions are filed and the Commission does not  
20 request review, then my initial can and will, I  
21 believe, become final by operation of law. You'll be  
22 notified if that occurs. If there's exceptions filed,  
23 the Commission will certainly take a look at it. And  
24 the Commission can also request review even without  
25 exceptions. Does anyone have any questions about that

1 procedure?

2 MS. FRANCKOWIAK:

3 No.

4 JUDGE MELILLO:

5 Okay. My decision, remember, is  
6 appealable to the Commission. Anything further from  
7 anyone?

8 MS. FRANCKOWIAK:

9 Your Honor, the only thing that I do  
10 have, my prior mailing address that you have on file,  
11 the 351 Church Lane Road?

12 JUDGE MELILLO:

13 Right.

14 MS. FRANCKOWIAK:

15 That was a prior address.

16 JUDGE MELILLO:

17 That was a prior address?

18 MS. FRANCKOWIAK:

19 That is correct.

20 JUDGE MELILLO:

21 And when did you move into the White Oak  
22 Lane address?

23 MS. FRANCKOWIAK:

24 July 1st.

25 JUDGE MELILLO:

1           Now, look the party's are going to have  
2 an obligation to inform me of any changes in their  
3 addresses and their contact information; otherwise,  
4 it's going to be sent --- I'm going to ask for this  
5 change to be made and the decision then will be sent  
6 to the White Oak Lane address.

7           MS. FRANCKOWIAK:

8           That is fine.

9           JUDGE MELILLO:

10           All right. And Mr. McCartney, as you're  
11 represented by Counsel, the decision will come to your  
12 Counsel; do you understand?

13           MR. MCCARTNEY:

14           Yes, thank you.

15           JUDGE MELILLO:

16           I don't know. You may also be included.  
17 I'm just not sure at this point.

18           MR. MCCARTNEY:

19           That's fine. Either way.

20           JUDGE MELILLO:

21           Mr. Gross, of course, you represent PP&L.  
22 All right. Anything further for today?

23           ATTORNEY GROSS:

24           Your Honor, the only thing I have is that  
25 you had requested that I send the exhibits directly to

1 the court reporter, so perhaps after we go off the  
2 record, if she could just stay there, so I can get her  
3 address.

4 JUDGE MELILLO:

5 That's right. I would like those  
6 submitted within --- what's your time frame, court  
7 reporter on exhibits --- if he gets them to you within  
8 ten days; would that be sufficient?

9 COURT REPORTER:

10 Yes, that's fine.

11 All right. Ten days, and I would like a copy as  
12 well. Would anybody like another copy of the  
13 exhibits?

14 ATTORNEY POLYAK:

15 Your Honor, Attorney Gross was kind  
16 enough to send me copies, and mine are legible, so I'm  
17 going to say no, at this point.

18 JUDGE MELILLO:

19 How about you, Ms. Franckowiak?

20 MS. FRANCKOWIAK:

21 Mine are legible, but mine's fine.

22 JUDGE MELILLO:

23 All right. Very well. Yeah, Mr. Gross,  
24 yes, we'll go off the record and you can get that  
25 information and send it right to the court reporter.

1 I want to get as legible copies as possible for the  
2 Commission's review.

3 ATTORNEY GROSS:

4 I'll do my best, Your Honor.

5 JUDGE MELILLO:

6 All right. Thank you very much. I thank  
7 everyone for your participation today and we are off  
8 the record.

9

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\* \* \* \* \*

11

HEARING CONCLUDED AT 12:00 P.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.

*Amanda Lewis*

Court Reporter

RECEIVED

DEC 04 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Account Activity Statement

\*\*\* Current Account Status \*\*\*

Payment Agreement Installment: \$0.00 Balance: \$0.00  
 Budget Bill Amortization Installment: \$0.00 Balance: \$0.00  
 Current Rate: RS

\*\*\* Account Information \*\*\*

Account Number: 43361-02048  
 Mail To: LINDA FRANKOWIAK  
 351 CHURCH LANE RD  
 READING PA 19606

Requested By: LINDA FRANKOWIAK  
 (610)775-1790 Extension:

DATE	TRANSACTION TYPE	DUE DATE	TRANSACTION AMOUNT	BALANCE FORWARD	ACTUAL BILLED	DEFERRED BALANCE	DEG DAY H/C	RDG/TYPE	KWH	BILLED KW
03/04/2003	ELECTRIC SERVICE		\$80.89							
03/04/2003	DEPOSIT		\$27.75							
03/04/2003	Regular Bill	03/25	\$108.64				1016/0000	49841A	26	937
03/26/2003	ELECTRIC SERVICE		\$117.40							
03/26/2003	Regular Bill	04/16	\$226.04	\$108.64			0799/0000	51284A	28	1443
04/01/2003	Late Payment Charge		\$1.01							
04/14/2003	Payment		\$-100.00							
04/22/2003	Late Payment Charge		\$1.58							
04/28/2003	ELECTRIC SERVICE		\$50.24							
04/28/2003	DEPOSIT		\$27.75							
04/28/2003	Regular Bill	05/19	\$206.62	\$126.04			0508/0002	51818E	30	534
05/28/2003	Late Payment Charge		\$2.21							
05/28/2003	Late Payment Charge		\$0.03							
06/23/2003	CANCELED ELECTRIC SERVICE		\$432.42							
06/23/2003	DEPOSIT		\$27.75							
06/23/2003	Cancelled Bill	07/14	\$669.03	\$206.62			0305/0071	01626A	59	5625
06/27/2003	Adjustment		\$-432.42							
07/01/2003	ELECTRIC SERVICE		\$288.12							
07/01/2003	Regular Bill	07/22	\$524.73	\$206.62			0305/0110	01626A	62	3625
07/23/2003	BUDGET BILLING		\$89.00							
07/23/2003	Regular Bill	08/13	\$613.73	\$524.73	\$152.32	\$63.32	000C/0298	03553A	27	1927
07/29/2003	Late Payment Charge		\$5.81							
07/29/2003	Late Payment Charge		\$0.06							
08/15/2003	Payment		\$-150.00							
08/21/2003	DEPOSIT		\$27.75							
08/21/2003	BUDGET BILLING		\$89.00							
08/21/2003	Regular Bill	09/11	\$586.35	\$463.73	\$80.10	\$54.42	0000/0319	04479A	29	926
08/22/2003	Late Payment Charge		\$4.23							
08/22/2003	Late Payment Charge		\$1.11							
08/22/2003	Late Payment Charge		\$0.03							
09/10/2003	Payment		\$-189.00							
09/22/2003	BUDGET BILLING		\$89.00							

DOCUMENT FOLDER

RECEIVED

DEC 08 2005

PA PUBLIC UTILITY COMMISSION  
 SECRETARY'S BUREAU









\* 26 Owner must not call her bank - > give her P.O. receipts - she do not returning the  
money & if you can get a new bank to. 3rd way - > give us with those from  
> appears to be another bank to. 3rd way, but can't get that for the 1st 54  
Chy I sometimes.

Reached Queen. He thinks there may be a grand theft

8:50 - Received formal PVC from Bill Creams - last order requiring owner 610-312-3250 to  
copy & allow future use. - I am 2:15 for owner to call for apt - 'mud many apts

High Bill Cost Estimate Worksheet  
 (For Internal Use Only)

High Bill ID: 125291  
 Start Date: 03/23/2004 10:09:12 AM  
 Complete: 03/23/2004 10:15:03 AM  
 Done by: Anthony P. [unclear]  
 Bill Account: 1130-1704  
 Customer Name: LINDA FRANKOWIAK  
 Primary Address: 119 HENRIKAVE, STE 100  
 Caller's Name: LINDA FRANKOWIAK  
 Cost Estimate Type: Heating

Basic Cost Estimate

	Water	KWH	Gas	Usage
<b>Lighting</b>				
How many rooms in your house?				
8-8 rooms	735	90	N/A	90
Outdoor lights	200	70		0
<b>Kitchen Appliances</b>				
Electric Range	12200	150	1	150
Microwave Oven	1000	40	1	40
Drip Coffee Maker	1200	38	1	38
Dishwasher (1 load per day)	1200	25		0
<b>Laundry</b>				
Washer	510	8	1	8
Electric Dryer	5500	75	1	75
Iron	1100	18		0
<b>Refrigeration</b>				
How many refrigerators do you have?				
What kind?				
<b>Refrigerators</b>				
14-18 cu. ft. manual defrost	350	100		0
14-18 cu. ft. auto defrost	650	150		0
19-24 cu. ft. manual defrost	550	125		0
19-24 cu. ft. auto defrost	750	190		0
Side-by-side, auto defrost	800	225	1	225
Apartment "cube"	150	40	1	40
Water cooler (hot and cold)	660	80		0
<b>Freezers</b>				
15-20 cu. ft. manual defrost	350	90		0
15-20 cu. ft. auto defrost	450	120		0

	Watts	KWH	# of	KWH Usage
<b>Water Heating</b>				
<input checked="" type="checkbox"/> Electric (Stand-by heat loss)	4500	175	1	175
- Number of adults (average use)	N/A	75	2	150
- Infants or teenagers (high use)	N/A	125	1	125
<input type="checkbox"/> Oil-fired, free-standing water heater tank	240	60		0
<b>Miscellaneous</b>				
TV up to 27-inch	130	45	2	90
TV over 27-inch	200	75		0
VCR/DVD player	24	9	3	27
Satellite dish	170	51		0
Computer	300	50	1	50
Hair dryer	1000	15		0
Vacuum cleaner	100	12	1	12
Radon fan	100	70		0
Outdoor Hot-tub or spa	6000	450		0
Indoor Hot-tub or spa	1000	120		0
Well pump	1400	45		0
Sump pump	825	79		0
Aquarium	100	12		0
Water bed	360	100		0
Humidifier	180	35		0
Dehumidifier	900	300		0
<b>Other KWH</b>				
Other KWH Item 1				
Other KWH Item 2				
				to Day KWH 1295
Enter the Billing Date Range				
Bill From Date (MM/DD/YY)	2/20/2004			
Bill To Date (MM/DD/YY)	3/22/2004			
(Number of Billing Days)	31	Total Base KWH		1338

**Heating & Cooling Cost Estimate**      Estimating Heating

Degree Days (Used in Heating and/or Cooling Cost Estimates)

Operating Center for Account >>

Airport Location

HAR - Harrisburg	
Bill From Date	2/7/2004
Bill To Date	3/22/2004

DD Information for Date Range

Heating DD	789	>>
Cooling DD	0	>>
Average Temp	40.3	

% Changes from Previous Year  
17.1% LOWER

Previous Year's DD Information

Heating DD	932
Cooling DD	0
Average Temp	34.3

**Promise Information**

When was the house built?

**Heating Estimate**

**Energy Usage (Based on indoor temp setting)**

What is the average temperature in the house? 65 to 70 (Average)			
How is the house heated? Oil - Forced Air	H Factor is	0.000202	
How many square feet of the house is heated? 1400 Avg Ranch	Square-Ft.	1400	
	Heating DD	789	Total Heating KWH
			223
			Total Base KWH
			1336

How many KWH was the customer billed for? Billed KWH	2738	Total Estimated KWH	1561
Customer Satisfied? Utility Report Provided?	<input type="radio"/> Yes <input type="radio"/> No Not Required	% of Billed KWH	57%

HEATING ESTIMATE NOT JUSTIFIED

HE ID 17529, Caller LINDA FRANCKOWIAK, Heat KWH: 223, Base KWH 1336, Total Est KWH: 1561, % of KWH Based 57%, NOT JUSTIFIED, Bill From/To: 2/20/2004-3/22/2004, Satisfied? YES, Util Rpt: Not Required

# DOCUMENT FOLDER

Hearing Exhibit No. 3

C-20054687  
Nov. 16, 2005  
Harrisburg

Home

Informal Case View

Case Search

General

BCS Case No.	1695352	Case Notes	Count : 3 <b>beta</b>
CSS Account No.	4336102048	Received Date	06/18/2004
CSS Name	LINDA FRANCKOWIAK	Due Date	07/17/2004
Name	LINDA FRANCKOWIAK	Investigator Name	CLEA, JOHN
Service Address 1	110 NEWKIRK AVE	Mailing Address 1	<b>RECEIVED</b> DEC 06 2005
Service Address 2		Mailing Address 2	
Service City, State Zip	SHILLINGTON, PA 19607-1024	Mailing City, State Zip	PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU
PUC Address			
Service Class	RESIDENTIAL	Case Origin	TELEPHONE
Phone Number	(610) 775-3790	Prior Case Number	
Income Level	4	On Track	No
Reason For Contact	ON - PAR WITH DISPUTE		
Customer Position			
Company Position	06/16/2004 PPL ELECTRIC WANTS 466 TO STOP TERM		
Related Information	PAR W/DISPUTE LINDA SAYS THAT SHE HAS OPENED A CLAIM WITH PPL ELECTRIC AS SHE COULD NOT BE USING THE KILOWATT HOURS THAT CO SAYS SHE IS USING. THE CLAIM WAS CLOSED ABOUT TWO WEEKS AGO BECAUSE CO IS UNABLE TO FIND OUT WHAT THE PROBLEM IS. LINDA'S LANDLORD HAS NOT BEEN VERY COOPERATIVE IN HELPING TO LOCATE THE PROBLEM. LINDA IS DISPUTING HER ARREARS AS THE AMOUNT IS MUCH HIGHER THAN THE USAGE. LINDA WANTED TO ADD THAT HER BOYFRIEND PAYS CHILD SUPPORT OF 155/MONTH LINDA HAS NO NATURAL GAS, USES OIL HEAT		
Misc Info			
Heating	No	Service	On
Acct Bal Due Date	06/10/2004	Total Account Balance	533.44
Budget Bill Amount	116.00		
Arrearage	526.85	Reported Income Amount	4632.00
Date of Last Customer Contact prior to Complaint	06/16/2004		

Type Assignment

**Category and Section**

Primary Category High Bill  
Secondary Category  
Tertiary Category  
Assign To Section Support Field Services-West-

**Ownership**

Contact Person E31300 - Grooms II, William N  
Written By Grooms II, William N  
Written By Date 07/16/2004

**Other Information**

Adults 2 Children 1  
Amount Needed to Update Most Recent Payment Arrangement Universal Service Program No.

**Informal Final Report**

Details of the Company's Original Investigation

3/23/04 Customer called company regarding a high bill. Customer Service Rep (CSR) reviewed usage and could not justify use. Customer said another apartment is connected to the garage. High bill investigation will be issued to field. Customer asked for and the company mailed a statement of account. Customer was satisfied.  
3/24/04 High bill issued and the account was disputed.  
3/25/04 Customer Contact Rep (CCR) called customer and left a voice message on customers recorder.  
3/26/04 CCR reviewed cost estimate with customer. Customer basic use is about 1300 kWh per month or 43 kWh per day. The customer has oil hot air heat which would increase the per day use by 7 kWh, time frame ending 3/22/04. Projection for the month is 50 kWh per day. The customer used 88 kWh per day for the Feburary-March time frame and 82 kWh per day the month before. Customer claims no supplemental heat was used. The company's daily AMR reads were reviewed from 2/9/04 to 3/24/04. They ran from 80 kWh to 106 kWh per day. CCR explained one of the reasons the usage does not match projected usage could be foreign wiring and explained Act 54 procedures. CCR called owner and left a message to call regarding ACT 54 procedure.  
3/29/04 CCR talked to the owner. The owner said the tenant was going to close all breakers except water heater, lights and refrigerator and they will monitor the per day use. Owner did not want to meet in the field but would discuss usage.  
4/2/04 CCR talked to owner. Owner said tenant is turning all breakers off when she leaves in the morning and back on when she returns. CCR looked at the daily AMR reads and ever since she started turning off the breakers the use is in line. The Owner said the tenant was going to keep a journal over the next week and monitor use.  
4/7/04 and 4/12/04 CCR called the owner and left messages for owner to call to monitor use.  
6/10/04 - 10-day STN was sent to the customer for termination of service scheduled for on or after 6/22/04 for \$526.85.

6/16/04 - The customer contacted the company for a payment arrangement. The company representative updated the customer's financial information (Level 4) and offered the customer a payment arrangement of \$466 by 6/22/04 in order to avoid termination of service scheduled for 6/23/04 then the current bill + \$60.85 (balance) beginning with the next bill. The customer did not agree and had no offer. The account was disputed and a utility report was provided.

4/16/04 CCR called the customer and informed her the owner was not returning her calls could she contact him.

This was the last contact with the customer prior to receiving the informal complaint.

Company's Final Position to the Customer

Based on the customer's financial information (Level 4) the customer was offered a payment arrangement of \$466 by 6/22/04 in order to avoid termination of service scheduled for 6/23/04 then the current bill + \$60.85 (balance) beginning with the next bill.

The customer did not agree and had no offer.

A utility report was provided.

No position was given regarding the high bill complaint. The investigation was not completed.

Details of Company's Investigation after BCS Contact

4/20/04 CCR called customer. CCR reviewed AMR daily reads and explained her usage dropped more than 1/2 other than the days when she uses her dryer. Since the owner will not cooperate with us to do a field act 54 investigation could she get the neighbor to let us in so we could check between them. Customer said no and the owner gave her \$200.00 towards her bill and she made a deal on the balance. CCR explained there is nothing we can do without us being able to physically inspect the property. The customer said she understands and is satisfied with PPL but is frustrated with the owner.

CCR called owner again and reached him. CCR explained our need to field investigate for foreign wiring. He would not meet to give us access but said he now believes there could be a grounding problem and was working with the tenant.

CCR called the customer and told her what the owner said.

Company's Final Position to BCS

The customer has defaulted her past 3 payment arrangements with the company.

This exhibits a poor payment history; only 3 payments have been made in 2004.

Company could not perform a thorough Act 54 investigation without access to the property. It does appear the customer was able to bring her usage inline by turning off the breakers. Customer was satisfied with PPL but not with the owner.

7/14/04 Current balance due \$526.85 due 7/12/04.

Analysis Information

Justified          No

**No Analysis Items Found**

Decision Change State Dismiss

Home

## Decision Detail

Case Search:

### General

BCS Case No.	1695352	CSS Account No.	4336102048
Customer Name	LINDA FRANCKOWIAK	Investigator Name	CLEA, JOHN
Address 1	110 NEWKIRK AVE	Service Class	RESIDENTIAL
Address 2		Case Origin	TELEPHONE
City, State Zip	SHILLINGTON, PA 19607	Head Date	
Service Restore Amount		Current Monthly Payment	
Service Continue Amount		Service Continue Date	
Decision Issue	Yes	Ending Monthly Payment	
Chapter		Oral/Written	Written
Section Rule		Violation	NO
Total Balance	666.86	Closed Date	02/19/2005
Reconnect Amount		Balance Date	
Special Budget Amount		Regular Budget Amount	
Arrears Payment Plus		Final Monthly Payment	

Resolution

BASED ON THESE FINDINGS, THE BUREAU OF CONSUMER SERVICES CONCLUDES THAT: 1. THE COMPANY COULD NOT PERFORM A THOROUGH ACT 54 INVESTIGATION WITHOUT ACCESS TO THE PROPERTY TO CONFIRM FOREIGN WIRING ON THE CUSTOMER'S ACCOUNT. 2. THE CUSTOMER ENTERED INTO AN ARRANGEMENT WITH THE LANDLORD REGARDING HER BILL. 3. THE CUSTOMER IS RESPONSIBLE FOR PAYMENT OF THE OUTSTANDING FINAL BILL IN THE AMOUNT OF \$666.86 FOR SERVICES RENDERED IN HER NAME FOR SERVICE AT 110 NEWKIRK AVENUE, SHILLINGTON PA 19607. IT IS DECIDED THAT: 1. THE INFORMAL COMPLAINT OF LINDA FRANCKOWIAK IS HEREBY DISMISSED. 2. THE CUSTOMER MUST PAY THE FINAL BILL IN THE AMOUNT OF \$666.86 WITHIN TWENTY-DAYS FROM THE DATE OF THIS DECISION.

Terms  
Letter  
Description

### Action Required Options

Action Required  Yes  No

WorkQ Category

Sub Category

Up Front Amount  Up Front Due Date

Bill Type

Plus Amount

Beginning Date

Write-Off Amount

Comments

Processed By KMWENN Processed Date 2/25/2005 8:03:29 AM

Return to Cas